

FINAL BILL REPORT

SSB 5644

C 269 L 05

Synopsis as Enacted

Brief Description: Extending the stay on driver's license suspensions pending entry of a deferred prosecution.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Roach, Benton, Esser, Prentice, Shin, McAuliffe, Haugen, Fairley, Hargrove and Rasmussen).

Senate Committee on Judiciary
House Committee on Judiciary

Background: Any person who operates a motor vehicle within this state is deemed to have given consent to a test of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood. This provision is applicable if the person is arrested for any offense where the arresting officer has reasonable grounds to believe the person had been driving while under the influence of liquor or any drug (DUI). The provision is referred to as "implied consent". If the test is administered and the alcohol concentration of the driver's breath or blood is .08 or more, the driver's license of the person will be suspended or revoked.

If a person whose driver's license has been or will be suspended or revoked due to an implied consent violation, petitions a court for a deferred prosecution on criminal charges arising out of a DUI arrest, the court may direct the department to stay any actual or proposed suspension or revocation for at least 45 days but not more than 90 days. There is concern that, in some counties, criminal charges are not filed for a long period of time. Consequently, there is no court to which a defendant can provide notice of a deferred prosecution and no court to direct the department to stay the license suspension action.

Summary: When license suspension is required due to an implied consent violation, the Department of Licensing will stay the suspension of a person's driver's license if he or she notifies the department of the intent to seek a deferred prosecution. The duration of the stay is not longer than 150 days after the date charges are filed or two years after the date of the arrest for driving under the influence of alcohol or any drug, whichever time period is shorter.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 24, 2005