

DOL COURT MANUAL OCTOBER 2020



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TABLE OF CONTENTS

Table of Contents	Page 1-3
Administration	Page 4
Forms and Supplies	Page 4
Citations	Page 4-8
Reporting & Recording of Convictions	Page 4-6
Drivers Licensed in Other States/Counties/No Driving Record	Page 6
Criminal Traffic Charges Amended to “Reckless Endangerment Minor With Alcohol/Driving	Page 6
Prior Offenses	Page 7
Military Convictions/Tribal Courts/Federal Courts	Page 7
Traffic Infractions/Deferrals	Page 7-8
Deferred Prosecution	Page 8
Failure to Appear, Respond, Pay, Comply & Adjudications	Page 9-11
Driver Information and Adjudication System (DIAS)	Page 9
Access to DIAS	Page 10
How to Apply For DIAS	Page 10
Removal of FTA Withdrawal and Reissue Fees	Page 10
Bankruptcy on FTAs	Page 10-11
Out-of-State Residents & the Non-Resident Violator Compact	Page 11
Record Keeping	Page 11-16
Abstract of Driving Record (ACR)	Page 11-13
Confidential Usage of the Driving Records	Page 13-14
Record Corrections	Page 14
Address of Record	Page 15
Address Confidentiality Program	Page 15
Reporting Person Changes and Identification Problems	Page 15
Custodian of Record	Page 16

Reporting of Criminal/Felony Convictions	Page 16-18
Criminal/Felony Convictions	Page 16
Citation Filed Electronically	Page 16
Citations Filed via Paper	Page 16
Non-Extension Recommendations	Page 16-17
Violation of Mandatory Condition of Probation	Page 17
Deferred Prosecution	Page 17
Pre-Trial Ignition Interlock Device Requirements	Page 18
DUI with Children Present	Page 18
Administrative Withdrawals	Page 18-20
Record Keeping	Page 18
MIP/Minor in Possession	Page 18
Fraudulent Licenses/Id Cards	Page 18
Continuing Offenses	Page 19
Habitual Traffic Offender	Page 19
Unsatisfied Judgment	Page 19
Bankruptcy - Unsatisfied Judgment	Page 20
Medical & Vision Program/Driver Evaluation Request	Page 20
Violation of Medical Restrictions	Page 20
Miscellaneous Information	Page 21-22
Commercial Driver License	Page 21
Commercial License Disqualification	Page 21
SR22 Insurance/Financial Responsibility	Page 21-22
Alcohol Requirements	Page 22
Restricted Driver License	Page 22
Ignition Interlock Device Requirements	Page 22

Business and Professions Division/Public Protection Unit	Page 23-24
Reporting of crimes for Ineligibility to Possess a Firearm	Page 23-24
Parking Tickets	Page 24-25
Outstanding Parking Tickets	Page 24
Satisfaction of Parking Tickets	Page 24
Removal of Parking Hold from Active File	Page 24-25
Contracted Plate Search	Page 25
Seller's Report of Sale	Page 25

ADMINISTRATION

Contact Law and Justice Support to get access to FORMSITE for new staff and to remove access for staff that have left the court.

Contact the Department of Licensing (DOL) Contracts for DIAS and DAPS access or to remove access for staff.

FORMS AND SUPPLIES

FORMSITE: https://fs11.FORMSITE.com/ihill/form21/form_login.html

DOL no longer has paper forms, all submission and data must be sent using the FORMSITE application.

CITATIONS

Reporting & Recording of Convictions

Send convictions and findings that a traffic infraction was committed shall be reported to DOL using the "Abstract of Court Record" (ACR) form in FORMSITE or the DOL copy of a paper citation or infraction. If this was an E-Citation, AOC/JIS transmits the data electronically to DOL except for the following, the court must complete the FORMSITE ACR for all DUI/Physical control, vehicle homicide or assault and negligent driving vulnerable user citations.

Example – E-citation for reckless amended from DUI will be transmitted from JIS to DOL and not FORMSITE submission is required.

[RCW 46.52.101](#)

- Immediately upon conviction or finding that a traffic infraction was committed, the abstract shall be reported to DOL. Note: Local Ordinances that are traffic related (i.e., Inattentive Driving) must be reported.
- All convictions for felony involving a motor vehicle.
- The following infractions DO NOT need to be reported, possession of tobacco and any non-traffic violations (i.e., dog at large, code violations). Prior to July 23, 2017, cell phone, texting.
- Abstracts of traffic infractions which are dismissed, including those dismissed after a deferred finding or other deferral, do not need to be submitted to DOL.
- Findings involving illegal parking or standing of a vehicle do not need to be reported.

Convictions and committed findings are placed on driving records no matter the individual's age. DOL processes convictions based on records retention rules.

Permanent retention

- Driving under the influence - DUI
- Physical control – PC
- Reckless and negligent driving where original charges was filed as DUI or PC
- Vehicular homicide
- Vehicular assault
- Deferred prosecution
- Commercial Major Offenses

10 year retention

- FTA suspensions
 - Date of submission
 - Released by notice of adjudication

5 year retention

- Any other traffic related infraction or criminal citation not listed in permanent retention

For PDL convictions:

For the purpose of Title [46.20.270 RCW](#) the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which offer on federal installations in the state, an unacted forfeiture of bail or collateral deposited to secure a defendant's appearance in court, **the payment of fine or court cost, a plea of guilty or nolo contendere,** or a findings of guilt of a traffic violation charge, **regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended,** not including entry into a deferred prosecution agreement under chapter. [10.5 RCW](#)

Charges reported to DOL 3 year or more after conviction date:

[46.61.5055.9.c.iii](#) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW [46.20.270](#) has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For CDL convictions:

For the purpose of Title [46.25.010](#). Stipulated Order of Continuance (SOC's) entered on a case and the person has a CDL/CLP, it MUST be sent to DOL when the SOC is granted to be listed as a conviction, per Federal reporting requirements (otherwise it is considered "masking").

DOL is to be notified at the beginning of a deferred sentence or when a guilty plea is entered and the case is awaiting sentence. The Court of Appeals ruled in the case of Jacks v. Nelson (1975) and the case of Keyes v. Department of Motor Vehicles (1974) that a deferred imposition

of sentence is a conviction under Title 46 RCW. Based on the appellate court decision, as Abstract of Court Record should be forwarded to DOL at the beginning of the deferred sentence. If the charge requires a statutory withdrawal, it will be taken.

If, at the end of the deferred sentence or other deferral;

- The charge is being dismissed, all fines or monetary penalty, **must be refunded** in order to have the charge and withdrawal removed from the driving record.
- If the charge is amended to a lesser charge, the request must indicate that the charge was amended and the **fine was transferred** to the lesser charge.
- A records correction must be submitted using the Record Correction form in FORMSITE or a replacement disposition sent via JIS.

Drivers Licensed in Other States/Countries/No Driving Record

If the driver has an out-of-state driver license and no Washington record exists; DOL will build a driver record for Washington and notify the other state of any DOL actions. The citation is forwarded to the driver's state of record. The out of state driver license number on the citation must be reported to DOL even if there is a Washington record.

Criminal Traffic Charge Amended to “Reckless Endangerment”

Based on advice from the Attorney General's Office it is DOL's interpretation that a conviction under [RCW 9A.36.050](#), where the offense occurs on a highway, is a traffic offense and will be placed on the driving record. **No** withdrawal action is taken. If the court amends the charge to a “non-traffic” offense, the conviction will be recorded on the driving record.

Minor With Alcohol/Driving

There is no withdrawal action taken on convictions for “Minor Driving/Alcohol” charged under RCW [46.61.503](#). These convictions count as prior offenses determining sentencing and/or DOL withdrawal actions on subsequent DUI/Physical Control convictions.

- DOL is required to report these convictions to insurance companies.
- Convictions/deferred sentences/diversions can be reported on either the ACR or the paper citation.

Prior Offenses

[RCW 46.61.5055.14](#)

- DUI under 46.61.502
- Physical Control under 46.61.504
- Driving a commercial motor vehicle while under the influence 46.25.120
- Operating a snowmobile while under the influence 46.37.490
- Operating a ORV while under the influence 46.37.470
- Vehicular homicide while under the influence under 46.61.520
- Vehicular homicide committed in a reckless manner or disregard for the safety of others if the original charge was Vehicular homicide while under the influence under 46.61.520
- Vehicular assault while under the influence under 46.61.522
- Vehicular assault committed in a reckless manner or disregard for the safety of others if the original charge was Vehicular assault while under the influence under 46.61.522
- Reckless Driving reduced from DUI or Physical Control under 46.61.500
- Negligent Driving reduced from DUI or Physical Control under 46.61.5249
- Negligent Endangerment reduced from DUI or Physical Control under 9A.36.050
- Out of state conviction for any of the incidents listed above
- Deferred prosecution for DUI or Physical Control under 10.05

Military/Tribal Courts/Federal Courts Conviction

Traffic offenses which occur within this state, whether the incident occurs on Federal or Tribal land, will be added to the driver record for purposes of Title 46 [RCW 46.20.270](#).

Traffic Infractions/Deferrals

[RCW 46.63.070](#)

The court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year, and impose conditions upon the defendant that the court deems appropriate. Upon deferring findings, the court may assess costs for administrative processing. Using free-form text (E-services 728) create a docket entry on the court docket (JIS network) to document that the monies paid is for the administrative costs. Otherwise, if not clear, DOL would assume that a fine was paid,. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another traffic infraction:

- The court may dismiss the infraction;
- DOL *does not* need to be notified if the court defers the findings, or the finding is dismissed.
- DOL *does* need to be notified if the court finds the person to have committed the traffic infraction.

A person may **not receive a deferred finding if:**

- More than one deferral within a seven-year period for traffic infractions for moving violations;

- More than one deferral within a seven-year period for traffic infractions for non-moving violations; and
- The person holds a commercial driver's license, commercial learner's permit or was operating a commercial motor vehicle. [RCW 46.63.070 \(5\)\(c\)](#).

Deferred Prosecution

[Chapter 10.05 RCW](#)

The deferred prosecution law allows defendants with an alcohol, drug or mental disorder to participate in a five-year deferred prosecution program. A defendant is not eligible for a deferred prosecution program more than once during his/her lifetime. **Separate offenses committed more than seven days apart may not be considered in a single deferred prosecution program.** [RCW 10.05.010](#)

Once the charge is approved for deferred prosecution:

- An ACR needs to be completed and submitted to DOL for recording
- The citation abstract is to remain in the court files,
- If the charge being accepted for deferred prosecution has a degree (DWLS/R 1st, 2nd or 3rd degree, or Negligent Driving 1st or 2nd degree) the degree and RCW needs to be included on the docket to properly record the deferred prosecution.
- Upon receipt, DOL will authorize the issuance of a probationary license in accordance with RCW 46.20.355 and the petitioner's driver's license shall be in probationary status for five years from the date of violation.
- Deferred Prosecutions are maintained on record for life. [RCW 46.01.260](#)
- CDL/CLP holder- is a conviction and disqualification action will still be administered

Deferred Prosecution is not used in the selection criteria for Habitual Traffic Offender of Continuing Offenses. However, deferred prosecution is used in the criteria for determining prior offenses when calculating withdrawal timeframes on DUI or Physical Control convictions and for violation of Habitual Traffic Offender probation.

Upon notification that a driver is subsequently convicted of a similar offense while in a deferred prosecution program, the court shall submit the ACR form and enter judgment at a criminal hearing held subsequent to the revocation of the order granting deferred prosecution, the court shall enter judgment pursuant to RCW [10.05.020](#)

If a driver fails or neglects to carry out and fulfill any term or condition of the treatment program, the court will either order the driver to continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW [10.05.020](#). If the court revokes the deferred prosecution and finds the driver guilty, submit a FORMSITE ACR – Deferred Prosecution Revoked.

NOTE: If the driver completes the program, there is no need to send a dismissal or completion to Department of Licensing as the deferred prosecution remains permanently on record.

FAILURE TO APPEAR, RESPOND, PAY, COMPLY, & ADJUDICATIONS

RCW [46.20.031](#), [46.20.289](#), [46.63.070](#), and [46.64.025](#)

For driving record purpose, Failure to Appear, Failure to Respond, Failure to Pay and Failure to Comply are generally referred to as Failure to Appear (FTA). No distinction is made between “infraction” and “criminal” FTA’s for purposes of inclusion on or building of driving records.

Effective June 1, 2013, DOL may withdrawal the driving privilege of a driver who has failed to respond to a notice of traffic infraction, failed to appear at the requested hearing, violated a written promise to appear in court or has failed to comply with the terms of a notice of traffic infraction of citation on a moving violation [WAC 308.104.160](#), other than for a notice of a standing, stopping, toll, photo infraction, or parking violation. A withdrawal takes effect 45 days from the date the notice of withdrawal is mailed. The withdrawal remains in effect until DOL receives notice from the court that the case has been adjudicated, or the requirements set by the court were satisfied **or for ten years**. If the courts choose to resubmit a notice of FTA after the original ten years is over, DOL will put it on record and take withdrawal action if the offense date is after 7/1/2005. The courts are not sent notice by DOL when a FTA is dropped after ten years. A withdrawal will not go into effect if the department **receives** notification from the court, prior to the effective date that the case had been adjudicated.

NOTE: Re-submitting the FTA for a second suspension is a DOL policy based on court jurisdiction of 10-years.

In addition to moving violations, DOL will suspend for [RCW 46.55.105](#) – littering- abandoned vehicle.

Following are three ways for courts to notify DOL of FTAs and Adjudications:

- Electronic transfer of FTAs and adjudications through the JIS system.
- Non-JIS Courts can mail the FTA and adjudication notices – FTAs and adjudications received through the mail are manually processed on a daily basis.
- On-line access through DIAS Adjudications are live adjudications for your court and will update instantly.

Driver Information and Adjudication System (DIAS)

The DIAS system allows courts to electronically view and update DOL records.

- The ability to adjudicate FTAs for your court only
- A list of all FTAs per driver. Including court contact information
- The ability to view and print a certificated copy of the Abstract of Driving Record (ADR)

NOTE: If the FTA Adjudication is submitted via DIAS, you still need to clear the FTA in JIS, BUT you must make the “Notify DOL” flag to N or it will create an exception at DOL.

Access to DIAS

The DRIVER Information and Adjudication System (DIAS) required a digital certificate through Transact Washington or registration through Secure Access Washington (SAW). It can be used **only** by:

- Local, state, tribal and federal government agencies
- Municipal, District and Superior Courts
- Prosecuting Attorneys
- Probation staff

How to apply for DIAS

- Contact the DATA Management Program at DRIVESeService@dol.wa.gov or 360-664-9690 to request DIAS Application.

Removal of FTA Withdrawal and Reissue Fees

[RCW 46.20.289](#) indicates the withdrawal will be released on the date DOL receives the adjudication from the court. DOL will not automatically remove a FTA withdrawal from the record because it was paid before the withdrawal became effective. The driver may be responsible for the reissue fee when DOL does not receive the adjudication before the 46th day. DOL may remove FTA withdrawals and/or reissue fee if:

- Wrong person charged
- Departmental error
- Court error

Note: Requests to remove an FTA withdrawal and/or reissue fee must be submitted on a Record Correction Form through FORMSITE and are reviewed on a case-by-case basis.

Bankruptcy on FTAs

A Bankruptcy filing can release a driver from a FTA withdrawal in the following circumstances:

Criminal Citations

- A criminal FTA will be removed from the driving record if the driver is filing for bankruptcy under Chapter 11 or 13 and the criminal fine is included with the petition for bankruptcy.
- A criminal fine **cannot** be discharged with a filing under Chapter 7 and a FTA filed under Chapter 7 will not be removed from the record.
- A criminal FTA may be returned to the driving record if the defendant originally files under Chapter 11 or 13 and then later converts to Chapter 7.

Traffic Infractions

- A FTA on a civil infraction will be removed from the driving record if the driver is filing for bankruptcy under Chapter 11 or 13 and the fine is included with the petition for bankruptcy.
- A fine owed to a governmental agency cannot be discharged with a filing under Chapter 7 and a FTA under this chapter will not be removed from the record.

- A civil FTA may be returned to the driving record if the defendant originally files under Chapter 11 or 13 and later converts to Chapter 7.

As proof of bankruptcy filing, the DOL can accept the following:

- A copy of the petition cover sheet showing the court’s date stamp;
- A receipts from the court showing the petition was filed;
- A letter from the defendant’s attorney stating the petition was filed; or
- The schedule of debts with fine listed.

Note: DOL will only be adjudicating FTAs for those cases listed on the paperwork they received, though courts may be adjudicating additional FTAs when preparing the paperwork to submit to Bankruptcy court. When the court received the Bankruptcy notice, if the FTA is adjudicated in JIS, make the “Notify DOL” flag to **N**. However, if the Bankruptcy is dismissed, you must re-order the FTA which will resubmit the FTA to DOL.

Out-of-State Residents & the Non-Resident Violator Compact

[Chapter 46.23 RCW](#)

DOL will process violations and FTAs for out-of-state drivers in the same manner as Washington residents. These violations will also be reported to the resident state.

RECORD KEEPING

Abstract of Driving Record (ADR)

[RCW 46.52.120](#) and [46.52.130](#)

The ADR is a history of violations and conviction, accidents, withdrawals and departmental actions incurred by the driver over a period of time. The driving record also contains identifying information, such as eye color, height/weight, date of birth, gender, driver license number, the type of license/privilege (personal and/or commercial) and the overall status of the driving privilege.

What types of driving records are available?		
Type of driving record	Who can get a copy	What the record includes
Full	<ul style="list-style-type: none"> • The person named on the driving record • Attorneys • Law and justice agencies • Governmental agencies 	<ul style="list-style-type: none"> • Convictions • Violations • Collisions • Withdrawals (Suspensions, revocations, and disqualifications)

What types of driving records are available?

Type of driving record	Who can get a copy	What the record includes
<p>Insurance* Used to create and renew commercial, noncommercial motor vehicle insurance, and life insurance policies.</p>	<ul style="list-style-type: none"> The person named on the driving record Insurance companies and their agents 	<ul style="list-style-type: none"> Deferred prosecutions Failures to appear (FTA) <p>3 year history of:</p> <ul style="list-style-type: none"> Convictions Violations Collisions Failures to appear (FTA)
<p>Employment Used to determine if a driver should be employed.</p>	<ul style="list-style-type: none"> The person named on the driving record Employers and their agents Prospective employers and their agents Volunteer organizations Transit authorities School districts 	<ul style="list-style-type: none"> Convictions Violations Collisions Withdrawals (Suspensions, revocations, and disqualifications) Deferred prosecutions Failures to appear (FTA)
<p>Alcohol and Drug Treatment Used for referrals to drug and alcohol treatment facilities.</p>	<ul style="list-style-type: none"> Alcohol/drug assessment or treatment agencies 	<p>A 5-year driving history</p>

Washington law prohibits the release of information contained in ADRs to any third party except as provided in [RCW 46.52.130 \(2\)\(a\)\(ii\)](#), and the information may not be further sold, supplied assigned or otherwise transferred.

NOTE: The RCW allows for the court to provide a copy of the driving record to the named individual or individual's attorney, as long as there is an open case in that court. Courts may charge a reasonable fee for the production and copying of the abstract. **Courts cannot provide the driving record to any other agency or individual.**

Unauthorized release of a driver's record is a gross misdemeanor. Any intentional violation of this section is a class C felony. [RCW 46.52.130\(5\)](#)

Confidential Usage of the Driving Records

Driving records can be shared with County or City Prosecutors, and Misdemeanant Probations, **but may not be shared with public defenders or non-represented private defense attorneys, family members or friends without a Writ of Discovery unless authorized by [46.52.130\(2\)\(a\)\(ii\)](#).**

- Upon payment of a DOL fee, an attorney can submit a request to DOL for a driving record for their client.
- An individual may purchase a copy of their driving record at any Licensing Services Office, through their License Express Account at <http://www.dol.wa.gov> or in writing.

The Request for Abstract of Driving Record forms to be used by the individual, employers, and agents for employers are available from DOL's internet website.

<https://www.dol.wa.gov/forms/500009.pdf>

Type of information kept	How long kept
Convictions and violations—Most convictions, forfeitures of bail, or court findings stating an infraction was committed	5 years from conviction or adjudication date
Alcohol-related convictions	Life
Vehicular Assault and Vehicular Homicide convictions	Life
Deferred Prosecutions	Life
Commercial motor vehicle convictions and violations	Life
Major offenses defined in RCW 46.25.090	
Failure to appear or respond to a traffic citation or notice of infraction (FTA)	Until the FTA is resolved, or 10 years from the date the court notifies DOL, whichever is earlier
	(Note: The court may resubmit an unresolved FTA after the 10-year

Type of information kept	How long kept
<p>Collisions—Shows involvement, not fault, number of vehicles involved, whether they were legally parked or moving, whether the vehicles were occupied at the time of the collision, and whether the collision resulted in any injury or fatality</p>	<p>period. When the FTA is resolved, only the original ticket remains on the driving record.)</p> <ul style="list-style-type: none"> • Non-commercial vehicles: 5 years from collision date • Commercial vehicles: 10 years from collision date
<p>Departmental actions (withdrawals), such as suspensions, revocations, or disqualifications</p>	<p>May remain on record for life</p>

Record Corrections

Record corrections must be electronically submitted on the Record Correction Form through FORMSITE.

The following rules apply when DOL staff makes determinations on record corrections:

- If money was paid (shown on the record correction form, citation, or docket as a fine, penalty, cost, etc.) by the defendant on a violation, DOL will **not** remove the violation, unless the court refunds the money. [RCW 46.20.270](#) and [10.01.160](#)

NOTE: On a deferred finding, to prevent any administrative court costs from appearing to be a fine, please indicate on the docket that it is an administrative court costs.

- If a wrong person is charged, please indicate such on the record correction form. All money must be refunded and the action, along with any corresponding withdrawal, fee(s) or comment(s) will be removed from the record.
- If a defendant is found guilty and there is a hearing at a later date where the charge is dismissed, the conviction and corresponding withdrawal will be removed from the driving record. If there was a fine or monetary penalty assessed, the money must be refunded. [RCW 46.20.270](#) and [10.01.160](#)
- If a defendant is awaiting sentence or placed on a deferred sentenced, stipulated order of continuance, the guilty finding is required to be reported to DOL when the finding occurs [RCW 46.20.270](#). DOL is required to take the mandated withdrawal action.

Address of Record

[RCW 46.20.205](#)

The address of record, as established by the licensee upon application for a driver license or identi-card, or as established for an unlicensed or nonresident driver when a record is built based on documentation from law enforcement agencies, courts, etc., will be updated. The individual must notify DOL within 10 days of an address change.

- Change of Address - <https://www.dol.wa.gov/forms/500039.pdf>

Address Confidentiality Program

[RCW 40.24](#)

The Address Confidentiality Program (ACP) is administered by the Secretary of State. The program is to assist victims of domestic violence, who have permanently relocated to avoid further victimization, in keeping their actual location confidential.

Release of program participant information is made in response only to a court order or a request from law enforcement agency. Rules regarding the form and procedure for a law enforcement agency's request for program participant information are contained in [WAC 434-840-060](#).

ACP participants may have their Washington driver license changed to show the substitute, confidential address. Following the person's name on the driver licenses will be the participant's ACP authorization number, which is up to six digits. If a moving citation is to be issued to a driver who indicates they are part of the ACP and wants to have the confidential address shown on the citation rather than the residence address, the officer should ask to see the authorization card.

Questions may be directed to the Address Confidentiality Program manager at (360) 753-2972 or 1-800-822-1065 or by email at acp@sos.wa.gov. Additional information is available at <https://www.sos.wa.gov/acp/>

Reporting Person Changes and Identification Problems

Notify DOL if there is evidence that an individual uses different names and/or driver license numbers, or is using another person's driver license. DOL will accept the information via an e-mail sent to the Driver and Vehicle Investigations Unit at fraud@dol.wa.gov. Please provide as much detail as possible in addition to the licensee's full name, date of birth, Washington driver's license number(s), court name, the name of the person notifying DOL and phone number where they can be reached.

NOTE: If you identify two or more records you believe are the same person please notify DOL for additional review.

Custodian of Record

[WAC 308-104-155](#) provides that criminal justice personnel can become DOL custodians of record for purposes of printing driving record from DIAS or JABS and certifying them for usage in court as needed. To become a DOL Custodian of Record:

- Send a letter, using your agency letterhead, to Department of Licensing, Driver Records Administration, PO Box 9030, Olympia, WA 98507-9030, fax to (360) 570-7827 or email lawandjusticesupport@dol.wa.gov.
- The letter should be signed by a court representative, prosecutor, or probation management,
- Should include the names and job titles of individuals you would like as DOL custodians of record for purposes of certifying driving records.

Notify DOL of any custodial changes:

- When an individual is no longer a custodian
- Any new employee and job title that requires the functions of a custodian.

REPORTING OF CRIMINAL/FELONY CONVICTIONS

Criminal/Felony Convictions

Immediately upon conviction (daily) of one of the offenses listed on the DOL website, the Court shall report the conviction to DOL.

Citations Filed Electronically

For criminal traffic convictions except DUI and Physical Control filed on eTickets, the conviction is automatically transmitted to DOL after entry in JIS.

For DUI, Physical Control, Vehicular Homicide, Vehicular Assault and Negligent Driving-Vulnerable User convictions filed on eTickets, the Court must complete the FORMSITE-ACR. This does not include minor operates vehicle with alcohol. [RCW 46.61.503](#)

Citations Filed via Paper

For criminal traffic convictions except DUI, Physical Control, Vehicular Homicide, Vehicular Assault, Minor in Possession and Negligent Driving-Vulnerable filed via paper, the Court must complete the ACR or the DOL copy of the criminal citation.

Non-Extension Recommendations

RCW 46.20.342

Under [RCW 46.20.342 \(2\)\(c\)](#), there is a provision to non-extend the withdrawal for a conviction of Driving While License Suspended/Revoked (DWLS/R) 1st or 2nd degree. If the conviction was under subsection (1) (a) DWLS/R 1st degree or (b) DWLS/R 2nd degree, and the court recommends against the extension and the convicted person has obtained a valid driver

license, the period of suspension or revocation shall not be extended. DOL handles these in the following manner.

1. If the person has obtained a valid license after conviction date the citation will be added to the driving record and no withdrawal action will be taken based on the conviction; or
2. If the person has NOT obtained a valid license after conviction date, DOL will send notice giving the driver 45 days to meet the requirement or 1-yr revocation will go into effect: or
3. If the person is currently withdrawn and unable to obtain a valid license, the revocation order will be issued indicating they have 45 days from the eligible reinstatement date to obtain a valid license in order for DOL to honor the court's recommendation. The withdrawal notice/order will become effective 45 days after the eligible reinstatement date, and if a valid license is not obtained, the suspension/revocation action will be added to the driving records effective the date the previous action ended.

NOTE: On eTicket dispositions, the recommendation must be added as a Case Condition Code (RAR) on the date the conviction is added to JIS to have it sent to DOL with the disposition. On manual dispositions you must select "Mandatory Conviction" in FORMSITE to generate the conditions box to record the recommendations.

Violation of Mandatory Condition of Probation

For each incident involving a violation of a mandatory condition of probation imposed under [RCW 46.61.5055](#), the license, permit or privilege to drive of the person shall be suspended for 30 days upon the Court filing the ACR Form. The mandatory conditions of probation are:

1. *Refusing to submit to breath or blood test;*
2. *Driving with a BAC of 0.08 greater; or*
3. *Driving without valid license*
4. *Driving without mandatory liability insurance*
5. *Driving without ignition interlock as required by law*

Only notify DOL when the person violates the condition of probation, not when convicted of a new offense for the violation. The violation date is the date the violation is found in the originating court.

Example: Defendant convicted in court A with mandatory probation condition of IID. Defendant violated the condition in another jurisdiction and is charged with a new offense for the violation. Defendant is convicted in court B for the violation. The conviction in court B is reported to DOL. The Probation Violation must be reported to DOL by court A, using the date court A found them in violation of probation, not the new offense violation date.

Probation Violations reported by a court will only be a 30 day withdrawal per incident, regardless of the number of mandatory conditions were violated in that incident.

Deferred Prosecution

Immediately upon granting a deferred prosecution (daily) under [RCW 10.05](#), the Court shall complete and submit the FORMSITE ACR to DOL.

Pre-Trial Ignition Interlock Device Requirements

[46.20.720.1.a](#) Courts are required to enter and report the IID as a condition of pre-trial release. Courts must use the Pre-trial Ignition Interlock form in FORMSITE to report and remove pre-trial IID.

DUI with Children Present

[46.20.720.3.c.iii](#) Courts are required to impose IID restrictions on drivers who are convicted of DUI or Physical Control when the offense was committed with a passenger under the age of sixteen in the vehicle. When reporting the DUI/Physical Control conviction to DOL on the FORMSITE ACR, check the child in vehicle box in the conditions field and DOL will impose and additional 6 month IID restriction.

Administrative Withdrawals

Record Keeping

Convictions for MIP of alcohol, drug and firearms are not placed on driving records as violations. However, the withdrawal action is recorded and remains on the complete history driving record for five years from the ending release date of the withdrawal. The complete history driving record is provided in JABS and DIAS. The 2015 legislative session passed [E2SHB5564](#). Effective July 1, 2019, the law allows for DOL to seal juvenile and minor records.

MIP – Minor in Possession

Reporting MIP's to DOL by age at time of incident

- Alcohol age 13 to 18th birthday
- Firearms age 13 to 18th birthday
- Drugs or drug paraphernalia age 13 to 21st birthday

1st offense is not reported to DOL (if received by DOL we will assume it is a 2nd or subsequent offense as we do not verify criminal history).

2nd and subsequent will be report to DOL based on the age at time of incident not time of conviction.

Fraudulent Licenses/ID Cards

Unlawful Application and/or Use of the Driver's License/Identification card)

[RCW 46.20.0921](#) and [46.20.291\(7\)](#)

Information is received from the public, law enforcement, courts, other state agencies, DOL staff and other licensing jurisdictions regarding possible fraudulent applications for single and multiple purposes.

If you need to report fraudulent activity, please contact the Driver and Vehicle Investigations Unit at 360-902-3915 or email wadolinvestigate@dol.wa.gov

Continuing Offenses

[RCW 46.20.291\(3\)](#) gives DOL the authority to withdrawal a driving privilege when, upon, a showing of its record or other sufficient evidence that the licensee: “(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways”.

As provided in [WAC 308-104-025](#), whenever the official records of the department show that a person has committed four or more traffic offenses within a one-year period, or five or more traffic offenses within a two-year period, the department may provide notice to the driver warning them of the risk of crash involvement and the possible consequences of further action against the person's license under this section or chapter [46.65](#) RCW.

6 moving violations in a 12 month period or 7 moving violations in a 24 month period will result in a 60 day suspension and a 1 year probation.

<https://www.dol.wa.gov/driverslicense/suspendtickets.html>

Habitual Traffic Offender

[Chapter 46.65 RCW](#)

The Washington Habitual Traffic Offenders Act defines a Habitual Traffic Offender (HTO) as any person who accumulates convictions for three mandatory violations, or twenty or more moving violations, within a five-year period. When a person's record reaches this status, a notice of revocation is mailed. The revocation period is for life or until reinstated.

Unsatisfied Judgment

Chapter [46.29 RCW](#)

Courts are required to report nonpayment of judgments arising from an uninsured collision [RCW 46.29.310](#) when:

- The debtor or debtors have failed to pay a judgment arising out of ownership or use of a vehicle of a type subject to registration; or
- The judgment has remained unpaid for a period of at least 30 days.

DOL will issue an order of withdrawal to the debtor(s) if we receive the following via FORMSITE:

[RCW 46.29.330](#)

- Certified copy or abstract of such unpaid judgment. ; and
- Complete name, date of birth and/or driver's license number and current address of debtor.

NOTE: Use the Add Attachment button to submit certified documents or orders filed with the court.

Bankruptcy – Unsatisfied Judgment

The filing of bankruptcy for an unsatisfied judgment can release a driver from driving privilege sanctions in the following way:

A judgement against a driver due to an uninsured accident is dischargeable under Chapter 7, 11 or 13, if the party suffering damage is listed as a creditor on the bankruptcy list of creditors. However, the judgment is not dischargeable if the court notified DOL that a death or physical injury resulted from the debtor's unlawful operation of a motor vehicle while under the influence of intoxicating liquor or drugs. The filing of bankruptcy should be treated the same as any other method of satisfying a judgment.

Medical & Visual Program/Driver Evaluation Request

[RCW 46.20.031](#), [46.20.041](#), [46.20.130](#), [46.20.207](#) and [46.20.305](#)

DOL has the responsibility of determining eligibility of drivers who may have a medical and/or visual condition/problem that could impair the ability to drive safely. To assist in making these determinations, DOL may require medical and/or visual examinations, satisfactory completion of knowledge and driving skills testing, and in some instances, all four may be required.

Information can be received from law enforcement, courts, doctors, attorneys, family and the public. If the information provided gives the department good cause to believe the individual has a condition/problem, which could cause a loss of consciousness of control, or the driving ability is otherwise impaired, certification and/or testing can be required.

The Driver Evaluation request form is <https://www.dol.wa.gov/forms/500008.pdf> most commonly used to request that an individual be given a reexamination of their driving abilities.

Following a reexamination of the driving abilities, an individual may be required to have specific equipment or location restrictions to ensure safe operation of a motor vehicle.

Violation of Medical Restrictions

[RCW 46.20.041](#)

Driving in violation of the medical restrictions imposed on the driving privilege can lead to withdrawal of the driving privilege. Other than for violations of corrective lenses restrictions, receipt of satisfactory evidence of a violation of medical restrictions will result in a withdrawal of the driving privilege for 30 days. Receipt of satisfactory evidence of a second or subsequent violation of medical restrictions within five years, including corrective lenses restrictions, will result in a withdrawal of the individual's driving privilege for 120 days. "Satisfactory evidence" is defined as a finding that a traffic infraction for a violation of restrictions has been committed.

MISCELLANEOUS INFORMATION

Commercial Driver Licenses

[RCW 46.25](#)

A Commercial Driver License/Permit (CDL/CLP) is needed to legally operate any vehicle that meets the definitions as listed below. Occasional drivers are also required to obtain for a CDL/CLP and all appropriate endorsements. For example: Mechanics or truck sales people who test drive on a public roadway.

The CDL is required to operate the following types of vehicles:

- All single axle vehicles with a manufacture's gross weight rating of 26,001 pounds or more;
- All trailers with a manufacture's gross weight rating of 10,001 pounds or more, if the gross weight rating of the combined vehicles(s) is 26,001 pounds or more;
- All vehicles designed to transport 16 or more persons, including the driver, private, church, buses and (school bus as defined by RCW 46.04.521, regardless of weight or size);
- All vehicles used to transport hazardous materials and are required to be identified by a placard (in accordance with 49 C.F.R. part 172, subpart F).

Commercial License Disqualification

Disqualification of a person's CDL/CLP will not affect the status of the personal driver license (PDL) unless the offense/conviction requires mandatory withdrawal of the driving privilege.

Withdrawal of a person's PDL, however, **will** affect the person's CDL/CLP operating privilege. If the PDL is withdrawn, canceled or denied, the CDL/CLP operating privilege is invalidated until the PDL is in a licensed status.

Serious Traffic Offenses

[RCW 46.25.090](#) and [WAC 308-100-130](#)

Person is disqualified from operating a commercial motor vehicle for convictions of being in violation of an out-of-service order, while operating a CMV.

Violation of Railroad-Highway Grade Crossing

[RCW 46.25.090](#)

A driver of a commercial vehicle is disqualified when he/she is found to have been convicted of or to have committed one of six railroad-highway grade crossing violations.

SR22 Insurance/Financial Responsibility

Chapter [46.29](#) RCW

Operators of all motor vehicles subject to registration by the laws of this state are required to be insured under a motor vehicle liability policy with limits of at least the amounts specified in RCW [46.29.090](#). These limits currently are \$25,000 of bodily injury or death of one person in any one

accident, \$50,000 of bodily injury or death of any two persons in any one accident and \$10,000 of injury or destruction of property of others in any one accident.

In lieu of such liability insurance, the operator may be self-insured as provided in RCW [46.29.630](#); covered by a certificate of deposit in conformance with RCW [46.29.550](#); or covered by a liability bond in at least the amounts indicated above.

Provided by RCW [46.30.020](#), Operators of vehicles registered as antique vehicles, collector vehicles older than 30 years, state or publicly owned vehicles, motor driven vehicles, mopeds, All-terrain vehicles or vehicles registered with the Washington Utilities and Transportation commission as common or contract carriers are exempted from this requirement.

Operating a vehicle without the required coverage, other than exempt vehicles, is a traffic infraction punishable by a fine.

Alcohol Requirements [RCW 46.20.031](#) and [46.61.5056](#)

All DUI and Physical Control convictions require an alcohol assessment and recommended treatment through a state-approved agency as a condition of reinstatement. If DOL receives a non-compliance report from a certified treatment agency, court or probation department, the driving privilege will be withdrawn. The driving privilege will not be reinstated until a report is received showing the client to be in compliance or have completed treatment.

Restricted Driver Licenses [RCW 46.20.380](#), [46.20.385](#), [46.20.391](#), [46.20.400](#), and [46.20.410](#)

Direct drivers to the following DOL website for any questions regarding Restricted Driver License. <https://www.dol.wa.gov/driverslicense/restricted.html>

Ignition Interlock Device Requirements [RCW 46.20.710](#) and [46.20.750](#)

DOL has responsibility for imposing mandatory Ignition Interlock Device (IID) restrictions following conviction for DUI or Physical Control, or upon granting of a deferred prosecution, from the courts to DOL.

Drivers who seek reinstatement following:

- A withdrawal for DUI, Physical Control,
- Or a Reckless Driving and Negligent Driving amended from a DUI/Physical Control that did not receive a withdrawal for the conviction

Must provide written certification to DOL that an IID has been installed on a vehicle owner or operated by the driver if an IID restriction has been imposed under [RCW 46.20.720](#).

BUSINESS & PROFESSIONS DIVISION/PUBLIC PROTECTION UNIT

Reporting of crimes for Ineligibility to Possess a Firearm

[RCW 9.41.047](#) requires the court, upon convicting a person of a crime making the person ineligible to possess a firearm, to notify the person both orally and in writing, that the person must immediately surrender any concealed pistol license, and that the person may not possess a firearm until his or her right to do so is restored by a court of record.

Convictions that are reportable to the Firearms Unit are:

- **All Felonies**
- **Gross Misdemeanor Domestic Violence Convictions**
 - Assault in the fourth degree
 - Coercion
 - Stalking
 - Reckless Endangerment in the second degree
 - Criminal Trespass in the first degree
 - Violation of the provision of a protection order or no-contact order restraining the person or excluding the person from a residence.
- **Misdemeanor:**
 - Third violation within a five-year period of Washington State's firearms laws.

The statute further required that Municipal, District and Superior Courts report this information to the Department of Licensing's (DOL) Firearms Unit. Each notification to the DOL Firearms Unit must have enough information to distinguish the individual, i.e., date of birth, full name, Washington driver license number, residence address and physical description. Also required is the conviction information including date of conviction, 9-digit court ORI number, citation number, and any known alias?

The courts can report to DOL using several different forms:

- Notice on ineligibility to possess a firearm.
- Copy of the PER screen from the JIS.
- Copy of notification form provided to defendant **if** it incorporates all of the information in the paragraph above

This information is to be sent to:

firearms@dol.wa.gov

Department of Licensing

Business and Professions Division

Public Protection Unit, Firearms Section,

PO BOX 9649

Olympia, WA 98507-9649

When DOL receives the information from the court, a determination is made if the person has a concealed pistol license. If yes, DOL must immediately notify the issuing authority (law enforcement) that shall revoke the license.

Other

- A court of record is defined as a Superior Court. A person applying for restoration of possession of rights must apply to a Superior Court.
- [RCW 9.41.040\(3\)](#) states: "Notwithstanding [RCW 9.41.047](#) or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. *Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington State....*"

PARKING TICKETS

[RCW 46.16A.120](#) and [WAC 308-96a-350](#), [WAC 308-96A-355](#) and [WAC 308-96A-365](#):

The parking ticket program is a system where the district and municipal courts throughout the state submit parking violations against a vehicle to DOL. DOL places a flag on the motor vehicle record when two or more parking violations from the same jurisdiction are received. This prevents license renewal of that vehicle until parking infraction fines are paid, allowing the courts a centralized mechanism to recover fines of repeat offenders who neglect to pay their parking fines.

To place a hold on a vehicle registration, DOL must receive notification from a court 120 days or more prior to the vehicle registration expiration date. **Notifications received closer to the expiration date will only apply to applications for renewal in the subsequent year(s).**

Outstanding Parking Tickets

For courts not using JIS, submit parking violation form in FORMSITE.

Satisfaction of Parking Tickets

For courts not using JIS, when the fines and/or penalties have been satisfied, the collecting court needs to submit notification to DOL upon payment in full via the form in FORMSITE.

Removal of Parking Ticket Hold from Active File

Parking tickets incurred for a given vehicle will remain on the vehicle record until one of the following occurs:

- Proof of payment is submitted to DOL.
- DOL is notified by the issuing jurisdiction that the ticket has been cleared.
- There is a change (such as addition or deletion of another owner) in registered ownership from that shown on record at the time the ticket was issued.
- Receipt of notification that the vehicle was reported stolen prior to issuance of the ticket(s).

- If 60 months have elapsed with no renewal activity against the vehicle, the account for both the vehicle and parking violation records will be placed in an inactive file.

Contracted Plate Search

Government agencies may set up an account with DOL to make record inquiries from DOL's Contracted Plate Search System (Formerly IVIPS), by submitting the [Contracted Plate Search Account Request](#). Government agencies need to submit only the first page of the appropriate request form.

SELLER'S REPORT OF SALE

[RCW 46.12.650, 46.63.140](#) and [Chapter 46.55 RCW](#)

When an owner sells/transfers ownership in a vehicle, they must notify DOL in writing within 5 days of sale. When an owner/seller properly completes the Sellers Report of Sale, they are protected from liability arising from the buyer not transferring title (i.e., impound charges, parking tickets, etc.)