

Randle Man Continues Long Legal Battle Over Suspended Licenses

Argument: Suspended Driver Argues Bill's Intent Was to Get Certain Drivers Their Licenses Reinstated

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A Randle man is continuing his battle with the Washington State Department of Licensing about the legality of maintaining certain license suspensions due to unpaid fines in Washington Supreme Court.

Stephen C. Johnson filed his notice of appeal on Aug. 8, 2014, after Thurston County Superior Court accepted a summary judgment on the issue on July 11, 2014. Johnson is looking to the Supreme Court to reverse that decision.

Johnson argues that "all prior non-moving violation failure to pay suspensions" should have ended on June 1, 2013, the effective date after passage of a legislative bill.

Johnson is scheduled to file an appellant's reply brief by Monday. He last filed documents in the case on Dec. 22, 2014.

"Suspension takes a terrible toll on these drivers, who are invariably poor," Johnson's brief states. "Without a license, they are often left with no way to legally commute to their places of employment, particularly in rural and other areas where public transportation is insufficient or nonexistent. Many lose their jobs."

The amendments removed "some or all" of the department's authority to suspend a driver's license for failing to pay a fine, according to Johnson.

"The purpose of the act was to end non-moving violation suspensions and get people their licenses back," his brief states.

The most recent filing was a respondent's brief from the Department of Licensing filed on Feb. 20. The brief states that the Legislature has not directed the department to reinstate pre-existing non-moving suspensions.

The department's brief states that the superior court determined that the amendments did not intend to get suspended drivers their licenses back and there is no indication the act was to be applied retroactively.

According to the department's brief, the intent was to reduce the number of new suspensions, but still require moving violations to require suspensions.

Johnson's license was suspended in 2007 for failure to pay a fine for not having a valid license. He was cited and convicted in 2009 for third-degree driving while license suspended. He did not pay a court-imposed fine.

The department refused to reinstate Johnson's license following the amendments and stated it would not release suspensions issued before the effective date, according to his brief.

Johnson's brief states that while the department has acknowledged that it cannot impose new suspensions for non-moving violations, it doesn't recognize that all previous nonmoving infractions were invalid when the act went into effect on June 1, 2013.

The department has argued, according to Johnson's brief, that releasing all prior nonmoving suspensions would be retroactive and improper.

According to Johnson, the department is acting in excess of its jurisdiction because the legislative act affects all suspensions. The department denies this, stating his argument deals with the department's interpretation of the law, not jurisdiction.

The department states in its brief that the amendments wouldn't apply to Johnson's 2007 suspension because the amendments require that no new suspensions be initiated against people who fail to pay fines for non-moving violations.

The amendments did not change the process for releasing existing suspensions for failure to pay for non-moving citations; it limited issuing suspensions to only moving traffic offenses, the department's brief states.

However, Johnson argues that his suspension isn't based on the fact that he didn't pay his fine in 2007; it is based on that the suspension is renewed each day he fails to pay. If he paid his fine, the suspension would be over the following day.

“In aid of this argument, Johnson relies on the fiction that his suspension is continually renewing,” the department’s brief states.

The statute only allows for the department to reinstate a license if it receives a notice from a court that the case has been resolved. In Johnson’s case, it has not received a notice, according to its brief.

The department requests the Supreme Court to affirm the superior court’s decision.