



## Open Forum – Questions for DOL & AOC

Wednesday, June 26, 2024

Zoom Link: <https://wacourts.zoom.us/j/95550229687>

Reminder: Display your name to get Continuing Education Credit for this session.

### Q & A NOTES

#### 1. DOL Reporting Questions

Q: “How do we report a DUI/Physical Control conviction, a Deferred Prosecution, or a Deferred Prosecution Revocation to DOL using DIAS?”

- Inputting the hour and minute the offense occurs helps DOL keep better data. Some convictions are dependent upon this time.
- Do not mark CDL/CLP unless the defendant holds a commercial driver, or commercial learners permit at the time of offense.
- Aiding and abetting are important because DOL keeps track of this data.
- **Do not use A04, A08, A10 or A11** – these are only used by DOL for out of state conviction, on the drop-down list so out of state courts can submit convictions as well
  - **A12** for refusals only
    - no check box in conditions for refusal required anymore
  - **A20 for all alcohol/drugs related Deferred Prosecutions**
    - no conditions are required
  - **A21** for all alcohol only DUI/PC
    - Either “no test” or “BAC” is required
  - **A22** for all drugs or THC related only DUI/PC
    - Either “drugs related” or “THC level” is required
  - **A23** for both alcohol and drug related DUI/PC
    - Must select either “no test” or “BAC” AND either “drugs related” or “THC level”
- The first row of fields in the Details section are only used to describe the type of vehicle used in the offense. Please be careful not to select 16 Pass. in the vehicle section, unless the vehicle was a 16+ passenger bus.
- The remaining fields below the first row of fields for vehicle details, are related to the driver. The field named “Num. Under 16” is where you can enter information for passengers under the age of 16 in the vehicle during time of offense.
- Deferred prosecutions have their own form, named deferred prosecutions, and must be submitted through that form type.
  - The conviction code will always be A20.
  - The driver fields in the Details section won’t be required.
  - Deferred prosecution revoked need to be sent using the deferred prosecution revoked form. Adding a DP revoked form is like adding any other form.
- DP compilation isn’t sent to DOL, as they stay on record for life.

Q: “Do we submit Reckless Driving, Reckless Endangerment, and Negligent Driving convictions via DIAS?”

- Any of these charges are automatically sent through JIS, when the ticket is electronic.
- If there is an issue with the ticket and the officer has manually entered the ticket, it won’t electronically send, and you’ll need to manually submit it through DIAS.

- Typically, you'll see manually reported ticket when a customer comes into the court and there isn't a ticket. The officer then sends a ticket via email, fax, mail, etc. and you manually add the ticket.
- If the ticket is linked through ETP, it will be an electronic disposition and will be sent out to DOL electronically.

Q: "What is an Incompetency Evaluation and how do we report it?"

- DOL doesn't determine incompetency, this is a responsibility of the court.
- DOL acts on what was reported to DOL by the court. DOL will revoke their driving privilege for one-year.
- [RCW 10.77.084\(1\)\(a\)](#) Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.
- [RCW 9.94A.030\(45\)](#) "Serious traffic offense" means:
  - (a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or
  - (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.
- There is a separate form for reporting incompetence for firearm, bill 6246.
  - You can send these reports to [firearms@dol.wa.gov](mailto:firearms@dol.wa.gov).

Q: "How is an Out-of-State jurisdiction notified of a cleared UTC?"

- DOL system (DRIVES) only talks to other states electronically for commercial driver and commercial learner's permit. All other forms of driving privilege are notified via USPS mail and shipped ground mailing.
- Negating manes removing, which isn't what DOL needs to send to clear UTCs.
- DOL does send updates to other states regarding convictions, withdrawals, adjudications and negates.

Q: "How long does an Out-of-State UTC take to clear?"

- Dependent on the other state.
- WA DOL post our driver information on the national database, which other states can use to verify what was done on WA DOL driver record.

Q: "How do we report the need to remove a UTC versus an Adjudication of a UTC?"

- Adjudicate is for when the driver either responds, appears or complies with their UTC.
- Removal is when there was a court error or the UTC and committed finding were pulled back into court.

Q: "Does DOL automatically remove the re-issue fee on a removal of a UTC?"

- No, DOL doesn't automatically remove re-issue fees. As there could be other things on record causing a reissue fee.
- Reach out to [lawandjusticesupport@dol.wa.gov](mailto:lawandjusticesupport@dol.wa.gov) if you have any questions or need support.

## 2. Other Topics

Q: "Will the Department of Health really be issuing infractions?"

- Hoping to use Sector, though they aren't right now.
- These tickets will be going to the district courts.
- There is one officer that will be reviewing these citations.
- DOH is in preparation currently. AOC doesn't know where they'll be citing from, currently.
- Angie will be talking about this again at the DMCMA board meeting as well.
- Communications about this will be sent out as they get closer to issuing infractions.

Q: "Why are we seeing more eTickets not being received?"

- Has seen an increase with eTickets not coming through to the court. More at the local level than with WSP. Believe is less of an issue with WSP, as they don't swap vehicle and WSP doesn't load their data onto a thumb drive.
- Believe the issue is with the thumb drive not downloading all the data and then not ejecting the thumb drive correctly.
- This issue is causing eTickets to go missing or not being received by the court.
- AOC has shared this information with WASPC representative, during e-trip committee meeting.
- WSP recommends that officers save eTickets as draft and not utilize the thumb drive option.

Q: "Our Photo Enforced ticket language was re-approved by AOC, when should the vendor start using it?"

- Make sure that everyone has their information re-approved, regarding their photo enforced ticket language, and sent onto the vendors to use.

- \* **Please only reach out to DOL Law and Justice Support and not other areas of DOL. Our back-office department aren't setup to support Courts, which can cause additional confusing. Below is their contact information.**

### **Law and Justice Support**

- Phone: (360) 902-3669
- Email: [LAWANDJUSTICESUPPORT@DOL.WA.GOV](mailto:LAWANDJUSTICESUPPORT@DOL.WA.GOV)