



Open Forum – Questions for DOL & AOC

Wednesday, February 21, 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 Records

Q: “Why aren’t vehicle holds done in DIAS removed automatically?”

A: These get worked the day after receipt at DOL via DIAS. It was never meant to be automated/automatic because limited funding resulted in this work being prioritized as non-urgent for automation. There is a request to automate the releases on vehicle holds, but it’s going to be a future change.

If you are using the JIS system for parking and photo enforced tickets and you process the release there, you don’t also need to do these in DIAS. The JIS overnight job is faster because they’re processed as the batch is processed nightly and are cleared by morning. If you’re submitting it via DIAS it creates a work item for the law and justice team to work as they can the next morning. Doing it in both JIS and DIAS is a waste of time for both court staff and DOL staff. If you’re wanting a hold removed immediately please contact the law and justice team at lawandjusticesupport@dol.wa.gov.

Q: “If an FTA/UTC is issued for Failure to Respond, and the person pays the fine, except for the FTA fee, does the FTA/UTC for Failure to Respond remain or get replaced with an FTA/UTC for Failure to Pay?”

A: AOC’s recommendation is that the FTA should stay until the full amount is paid in full as the FTA fee was added due to the failure to respond, per statute. Even if you’re receipting the partial amount (amount of the fine) in JIS, it’s proportionally paying the fine and fees, including partially applying the amount to FTA fee, so the amount they paid may be for only the original fine total, it’s not applied that way. If your judge says it’s okay to waive the FTA, then you can adjudicate the FTA [Note: this may require reversing the original receipt, removing the FTA fee, and reapplying the payment to properly apply the payment to only the ticket codes.].

If the judge orders to be adjudicated, though the total amount wasn’t paid, those you can also clear the FTA and later reissue one if it remains unpaid, and at that time it would be resubmitted as a Failure to Pay. Remember, FTAs for Failure to Pay don’t do have any action taken at DOL.

Q: “Why are cases that were vacated due to Blake (VU Finding/Judgment Code) still showing on the DOL record for the person?”

A: This was a new disposition code created by AOC, but it was not created as a dismissal code to process at DOL. All of them need to go through the DIAS system to be removed from the

record, it's not an automatic system/process. Use the "remove conviction" option to get it removed; put Dismissed and indicate Blake in the reason. Hopefully there aren't too many that have driving record related convictions that need to be removed from DOL's records. Most of these would have been persons under 21 possession type charges that had to be manually reported originally.

Q: "If a DUI or Physical Control has a passenger/passengers under 16 years old in the vehicle at the time of the violation, how do we indicate that when reporting the conviction to DOL in DIAS?"

A: DOL did update the DIAS form for this item, to match the field that was added to the citations. However, there is some confusion about which field to use and the wrong condition being used on the dispositions being reported. Please be aware that the "16 passenger vehicle" field, in the vehicle section, is about vehicles that can carry more than 16 + passengers, like a bus (citations now say "Bus" in this field). To report the number of passengers under age 16, go down to the DUIs section (below Veh) and select the "under 16 passengers in the car". If you indicate "yes" it will require the number of passengers that were in the car.

Angie will re-share the document shared on screen by Carla to show where the fields mentioned are, and will attach it to these meeting notes.

Q: "If a person has a CDL listed on the driving record, with one of the types listed below, would the person be eligible for a deferred finding on an infraction, since the person does not actually have an active CDL license?"

- Revoked
- Disqualified
- Not Licensed Eligible
- None
- Surrendered

A: Unfortunately, you can't just go by the current driving record, you have to go by what applied at the time of the citation. There is no blanket answer for this – it's dependent on the time of the ticket issuance and whether they were a CDL holder at that time. Remember, someone with a Commercial Learner's Permit and CDL are the same category. Once a CDL holder, always a CDL holder until they **surrender** their license. If they are disqualified or not eligible, that is a different category, they are still considered a CDL holder. DOL never revokes the CDL, they only revoke a PDL, so you won't see that status on the CDL line. ONLY the status of "None" is good to proceed without verifying with DOL as that means they never had a CDL or Commercial Learner's Permit. If the officer didn't mark the box or you have a question, reach out to DOL at lawandjusticesupport@dol.wa.gov, give them the person's information and the date of the citation to confirm if they are eligible or not.

2. Questions from Chat

Q: "Can you confirm the answer to question #1? We should just be removing the FTA through JIS? And that is actually faster through JIS instead of using DIAS?"

A: Yes – that is correct, for Vehicle Violation releases (parking and photo enforced tickets). If you're using the JIS parking sub-systems for parking and photo enforced tickets, the releases get processed faster as they get removed overnight. DIAS submissions get worked the next day. If both have been done, DOL staff have to research why the release requested from DIAS doesn't show as a hold on that case anylonger before they can close out that request item.

Remember: Driver side UTC's that are adjudicated via DIAS are instantaneous, the vehicle holds released in DIAS are not automatic.

Q: "Is the passenger under 16 a field on the citation?"

A: There is a spot on the ticket that officers should fill out for this. If the officer completed it, it's likely to be on the front of the ticket, but if it was added with or filed by prosecutor complaint, you may need to look in the body of the complaint.

Q: "So a deffered finding is allowed if they were in one of the listed statuses at the time of the citation?"

A: NO, they are not allowed to have a deferred finding if they had a CDL or Commercial Learner's permit, so really only the status of "none" is one you can automatically allow the deferred finding. Any other status on CDL or Commercial Learner's permit should be verified with lawandjusticesupport@dol.wa.gov first.

It has come to our attention that some courts are using the wrong description when reporting DUI/Physical Controls to DOL using the new DIAS System.

When you are reporting a DUI under 46.61.502, Physical Control (PC) under 46.61.504 or any state, county, or city ordinance you **must** follow the directions below. After entering the RCW, when selecting a description from the drop-down menu in DIAS do not use A04, A08, A10 or A11.

1. **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
2. A12 for refusals only
 - a. no check box in conditions for refusal required anymore
3. A20 for all alcohol/drugs related Deferred Prosecutions
 - a. no conditions are required
4. A21 for all alcohol only DUI/PC
 - a. Either “no test” or “BAC” is required
5. A22 for all drugs or THC related only DUI/PC
 - a. Either “drugs related” or “THC level” is required
6. A23 for both alcohol and drug related DUI/PC
 - a. Must select either “no test” or “BAC” **AND** either “drugs related” or “THC level”

Select RCW or Statute ×

Select an RCW from the list below.
You can search by typing in the “filter” area above the list.

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46.61.502

RCW/Statute	Description	Commence	Cease
46.61.502	A04 - DUI with BAC \geq .04		
46.61.502	A08 - DUI with BAC \geq .08		
46.61.502	A10 - DUI with BAC \geq .10		
46.61.502	A11 - DUI with BAC \geq .		
46.61.502	A12 - Refused test		
46.61.502	A20 - DUI of alcohol or drugs		
46.61.502	A21 - DUI of alcohol		
46.61.502	A22 - DUI of drugs		
46.61.502	A23 - DUI of alcohol and drugs		

Cancel

Reporting DUI/PC Details

1. Vehicle section on the citation
 - a. CMV – enter yes, if the driver was driving a commercial motor vehicle at time of offense.
 - b. 16 Pass – enter yes, if the vehicle was a Bus (16 or more passengers including driver)
 - c. Hazmat – enter yes if the vehicle was carrying hazardous material and placarded.
 - d. Fatality – enter yes if there was a fatality at the time of citation.
 - e. Exempt – this will default to no but if citation was a fire or police vehicle at time of citation and driver was on duty, change to yes
2. DUI conditions
 - a. No Test – enter yes, if the DUI/PC was plea bargained down to no test
 - b. BAC – enter the convicted BAC.
 - c. Drug related – enter yes, if conviction was drug related other than THC
 - d. THC – enter convicted THC level.
 - e. Mental Health – enter yes, if mental health deferred prosecution
 - f. Pass under 16 – enter yes, if there were children under the age of 16 at time of citation.
 - g. Number under 16 – enter the number of children under the age of 16
 - h. 24/7 program – ONLY mark yes if your court has a 24/7 monitoring program and the driver has been accepted into the program.
3. Discretionary
 - a. Add discretionary period – enter yes if the court is adding additional IID time other than what DOL will impose.
 - b. Years – number of year(s) the court is adding
 - c. Months – number of month(s) the court is adding
 - d. Days – number of days the court is adding

Details					
Vehicle	CMV *	16 Pass. *	HazMat *	Fatality *	Exempt
	Required	Required	Required	Required	No
DUI	No Test *	BAC *			
	Required	Required			
	Drug Related *	THC *			
	Required	Required			
	Mental Health	Pass. Under 16	Num. Under 16	24/7 Prog	
			0		
Discretionary	Add discretionary period?	Year(s)	Month(s)	Days	
	Discretionary	Period to add:	0	0	0

If you have any questions regarding this or any other reporting requirements, please contact law and justice staff at lawandjusticesupport@dol.wa.gov