



## Open Forum – Questions for DOL & AOC

Wednesday, October 18, 2023

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

### Q & A NOTES

#### 1. DOL Records

Q: “How do we process the form for 1-year revocation on cases where the person is doing competency restoration treatment, on a serious traffic offense, and the 1-year revocation was ordered by the judge?”

A: With the passing of the [E2SSB 5440](#), competency evaluations on a serious traffic offense or felony serious traffic offense under [RCW 10.77](#), the courts are required to report to DOL when a driver was found not competent to stand trial, was ordered to complete competency restoration, and the charges were a “serious traffic offense”, the prosecutor can request the court order a 1 year license revocation for the defendant. When those revocations are ordered, DOL is required to take action against the driver’s driving privileges, meaning the DOL will revoke them for that 1 year, and after 1 year the driver will need to take steps before they can get their license back. Steps like retake the written and driving tests, provide a doctors approval to drive, and pay relicensing fees in order to get their license back. This is not an actual conviction, so there is no way for AOC to send the data electronically to DOL, instead all of this has to be done through DIAS. Court users will need to go to DIAS to the submit court forms section, and use the option for Competency Evaluation. Use the Driver’s License number if one exists, add the citation number, add the citation date (It does not have to be a date after 10/1/2023) and competency evaluation date (it has to be equal or greater than 10/01/2023), and then click on submit the form. The driver will get a notification with all the requirements for the revocation and go to court. If the revocation is lifted prior to the end of the 1 year time period, report the change using a Records Correction. Depending on how much time is left on the original 1 year revocation can determine which of the original conditions to get their license back, so please submit the information as soon as ordered.

Q:” Why can’t a Deferred Prosecution that is completed and now Dismissed be removed from the Driving Record?”

A: If it has not been revoked a Deferred Prosecution remains on the DOL record for life, please do not remove them from the DOL record. Additionally, removing it will affect the person’s ability to drive as it will remove the hold on the Administrative Suspension action from the DUI stop, resulting in the person getting suspended when they had successfully completed the Deferred Prosecution.

#### 2. Additional Questions

Q: “Are ‘Over weight’ and other semi related tickets issued to a company rather than a driver considered masking?”

A: We know there are some instances where the law enforcement will issue a ticket to the company instead of the driver if it something like defective equipment or issues related to the vehicle; charges written for a company that are driving offenses are considered masking. For AOC we have noted to courts and WSP that the Court rules actually requires a person info to issue a ticket, for example the person's name and date of birth, so SECTOR was built to follow the court rules. However there are RCW's that allow businesses to be cited in lieu of the driver. In cases like that it is going to be a local judicial decision to determine how the court will handle these cases. As a reminder, DOL does not create drive records for business.

Q: "What is the recommended process to report a Recommendation Against Resuspension on a DWLS case?"

A: It can be added to the case and placed in the Plea/Sentence screen on the same day you entered the guilty finding in the case using Case Condition Code RAR. If was in the same day, the RAR will go to DOL over night with the disposition. It has to be done on the same day to be sent automatically to DOL. if you forget to do it on a later date, you will have to manually report it through DIAS.

Q: "If a driving charge has an FTA for unpaid fines, then fails to appear for a hearing, does the system pick that up and add it automatically or does it need adjudicated and reordered?"

A: In both JIS and the new program, Enterprise Justice, the system won't automatically change the FTA reason or send it to DOL. You have to adjudicate the original FTA that had the reason of unpaid fines, and then reorder it the next day with the new reason of the FTA fail of appearing for the hearing.

Q:" An eTicket came in with accident flag of No but a higher total fine amount than normal and it appears to be the amount you would see if there was an accident fee, but there is no accident fee on the Accounts Receivable (CAR) screen."

A: When the ticket is issued and the officer indicated in the accident field as "unknown", the SECTOR program was treatit it as a "yes" and adding the accident fee, but JIS treated it as a "no" so the accident fee was not added to the Accounts Receivable screen. We are working with the SECTOR team to change the "unknown" option to work the same as an entry of "no".

Q:" We noticed eTickets are getting cut off on one side when we print them. We have to reduce them to 97 or 95 percent to get them to fit on the paper. Has something changed?"

A: Nothing has changed by AOC to either the ETP or JABS sites and no changes were made to the actual tickets in SECTOR. Please check the web browser used when accessing an eTicket as we have found that the issue seeps to appear only when using Microsoft Edge. The best option for accessing eTickets via ETP or JABS is Google Chrome.

### **3. Chat Questions**

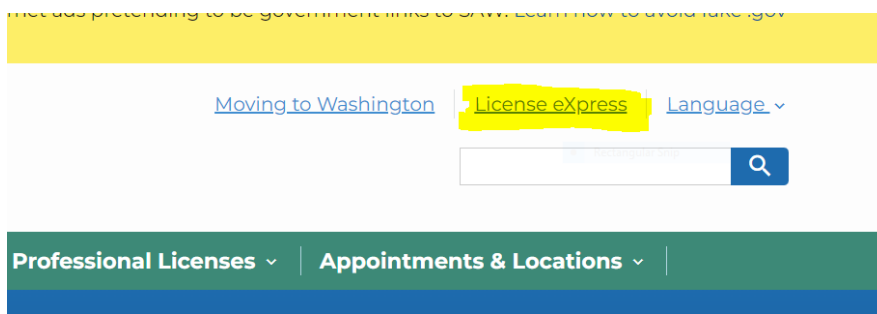
Q: What violations are considered a "serious traffic offense"?

A: The bill, 5440, calls out [RCW 9.94A.030](#) for the definition of “serious traffic offense”. In subsection 45 of that statute you will see the following laws called out:

- DUI
- Physical Control
- Reckless Driving
- Hit and Run – Attended Vehicle

Q: Where would we gain access to the License Express for Partners?

A: At the DOL website – top right hand corner.



Q: Does the RCW state which traffic offenses are considered serious traffic offenses?

A: It does not. It is considered serious traffic offense what is under the 10.77 Law.