

June 17, 2021

To Washington State Driver Record Customers:

A court recently ruled that drivers with “failure to appear” suspensions for non-criminal moving violations must be rescinded. Below is information on the ruling and how to obtain more information.

On April 30, 2021, Thurston County Superior Court ruled that [the state law](#) authorizing the Washington State Department of Licensing (DOL) to suspend driver licenses of individuals who fail to respond to or pay tickets for non-criminal moving violations violates our state Constitution because it does not require courts to offer individuals the opportunity to have a hearing to present evidence of their inability to pay the fine.

On June 8, 2021, DOL stopped adding new failure to appear suspensions, also known as FTA suspensions, for non-criminal moving violations. On June 16, 2021, DOL began removing existing FTA suspensions for non-criminal moving violations and associated state driver license reissuance fees. In July 2021, DOL will send notification letters to individuals who had one or more FTA suspensions removed from their records.

Below are questions about how the ruling may affect you.

**What is a failure to appear (FTA) suspension?**

The term “failure to appear,” or FTA, is a generic term commonly used to describe situations in which individuals fail to respond to traffic infractions, fail to pay fines associated with traffic infractions, or fail to appear at court hearings related to traffic infractions.

**What type of suspensions does this court case affect?**

These actions will affect **only** FTA suspensions for non-criminal moving violations. DOL will continue to add FTA suspensions for criminal traffic offenses to individuals’ driving records.

**What are examples of non-criminal moving violations?**

Non-criminal moving violations are typically those where a court appearance is not required. Some examples are speeding, failure to stop, using an electronic device while driving, disobeying a road sign, and failure to signal.

**What are some examples of criminal moving violations?**

Criminal moving violations are typically those requiring a mandatory court appearance to resolve. Some examples are violations related to driving under the influence of alcohol or drugs, vehicular homicide, reckless driving, racing, and driving with license suspended or revoked.

### **Will I have to pay the \$75 state reissuance fee?**

Reissuance fees related to **non-criminal moving violation** FTA suspensions are waived per the Court's ruling.

### **Am I still responsible for paying court fines and fees related to my FTA(s)?**

Yes. This court decision only affects suspensions for failure to appear for **non-criminal moving violations**. It does **not** eliminate the failure to appear findings by courts or the underlying moving violations. Individuals are still responsible for resolving those issues with the issuing courts.

### **What will be taken off peoples' driving records?**

Suspensions related to **non-criminal FTAs** will be removed from individuals' records. The requirement to pay a \$75 state reissuance fee is also waived. However, the non-criminal offenses the FTAs were based on will not be removed. For example, if an individual's license was suspended for failure to pay a speeding ticket, the suspension will be removed, but the speeding ticket will not.

### **Can people start driving immediately?**

**Maybe.** People who only have **non-criminal moving violation FTA suspensions** on their records, have a non-expired driver license in their possession, and have been suspended for six years or less can likely start driving again with no further action. Individuals whose licenses have been expired for more than six years or have other types of suspensions or issues with their records will have to take additional steps. Before driving you should check the status of your license using the Check the Status of a License/ID Card service on the DOL website ([dol.wa.gov](http://dol.wa.gov)).

### **How can I find out the status of my license?**

The easiest way to see the status of your license is to use the Check the Status of a License/ID Card service on the DOL website ([dol.wa.gov](http://dol.wa.gov)).

### **How can I learn what I need to do to get my license back?**

The easiest way to learn what you need to do to reinstate your license is to use the Learn How to Reinstate Your Driver License service on the DOL website ([dol.wa.gov](http://dol.wa.gov)). After signing up or logging into DOL's License Express service, you can get a personalized report of exactly what you need to do to get your license back.

### **When will DOL again start applying FTA suspensions to individuals' records?**

The court order will **terminate on January 1, 2023**, when a new law takes effect (SB 5226). At that time, DOL will begin suspending driver licenses consistent with the new law.