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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR COUNTY OF THURSTON

9 DANIELLE PIERCE, AMANDA  
10 GLADSTONE, JANIE COMACK, and  
LACY SPICER,

11 Plaintiff,

12 v.

13 DEPARTMENT OF LICENSING, a  
14 Washington state agency, and TERESA  
BERNTSEN, in her official capacity as  
15 Director of the Department of Licensing,

16 Defendants.

NO. 20-2-02149-34

~~PROPOSED~~

**ORDER ENJOINING DEFENDANTS  
FROM SUSPENDING CERTAIN  
DRIVERS LICENSES AND  
REQUIRING RESCISSION OF  
CERTAIN DRIVERS LICENSES  
SUSPENSIONS**

17 This matter came before the Court on Ex Parte pursuant to, the Parties' Joint Motion for  
18 Entry of Proposed Order following this Court's Order Granting Plaintiff's Motion for Summary  
19 Judgment on grounds that driver license suspensions imposed under RCW 46.20.289 for non-  
20 criminal moving violations violated procedural due process as applied to indigent drivers, and  
21 Denying Defendants' Cross-Motion for Summary Judgment. *msw*

22 The parties agree that the Court's order applies to those indigent individuals who  
23 committed non-criminal moving violations and who failed to pay their monetary obligations  
24 related to those violations, as well as those who failed to appear at their hearing to adjudicate  
25 their violations, because these individuals did not have available a mandatory process to  
26 determine their ability to pay that was clearly communicated to them. The Department of

ORDER ENJOINING SUSPENSION  
OF CERTAIN DRIVER'S LICENSES - 1

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1 Licensing and Director Teresa Berntsen (DOL) cannot determine from existing DOL records  
2 who among these individuals failed to pay or failed to appear due to indigency. Therefore, it is  
3 necessary to rescind all suspensions, imposed under RCW 46.20.289 for failure to pay and failure  
4 to appear (collectively "FTA suspensions"), for non-criminal moving violations, in order to  
5 ensure that those who were indigent do not experience a continuing suspension that violates their  
6 due process rights.

7 The parties further agree that the FTA suspensions that DOL will rescind do not include  
8 suspensions for habitual offenders or any other kind of suspensions besides those exclusively in  
9 place under RCW 46.20.289.

10 The parties further agree that DOL will inform municipal and district courts and  
11 prosecutors that DOL will not process notices of suspension for FTA suspensions going forward  
12 during the term of this injunction as provided below.

13 Accordingly, after fully considering the pleadings and declarations on file herein, this  
14 Court hereby

15 **ORDERS** that beginning June 8 2021, DOL is enjoined from suspending driver's licenses  
16 resulting from an individual's failure to pay or failure to appear for non-criminal moving  
17 violations. Beginning on June 8 2021, if DOL receives a notice of FTA from the courts, DOL  
18 will not suspend licenses based upon the notices during the term of this injunction;

19 **ORDERS** that DOL will rescind all existing FTA suspensions, including those of the  
20 Plaintiffs, for non-criminal moving violations imposed pursuant to RCW 46.20.289; waive RCW  
21 46.20.311(3)(a)'s \$75 reissue fee; and reinstate drivers licenses upon rescission of the suspension  
22 if the driver is otherwise eligible for reinstatement and has paid any generally applicable DOL  
23 licensing fees, other than the reissue fee. DOL will rescind existing suspensions for Plaintiffs on  
24 May 27, 2021, and for the remaining drivers on or before June 16, 2021, and provide written  
25 notice to drivers at their address on file with DOL of the rescissions on or before August 1, 2021.  
26 DOL will publish on its website starting June 17, 2021, a notice informing drivers that had a FTA

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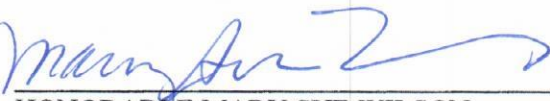
1 suspension for a non-criminal moving violation that those suspensions have been rescinded and  
2 information for how to contact DOL if an individual wants more information regarding their  
3 current license status.

4 **ORDERS** that Defendants shall: 1) make written reports in August 2021, November  
5 2021, May 2022, and November 2022, to the Court regarding DOL's compliance with the  
6 deadlines and other provisions of this Order, as well as all efforts to plan and prepare for the  
7 implementation of SB 5226 regarding ability to pay determinations; 2) upon request, confer with  
8 Plaintiffs in good faith regarding any comments, concerns, questions, and suggestions Plaintiffs  
9 present based on any of these reports; and 3) make a report to the Court three months after the  
10 effective date of SB 5226 regarding how ability to pay determinations have been implemented  
11 and the type, number, and originating jurisdiction of license suspensions pursuant to that statute;  
12 and further

13 **ORDERS** that enforcement of this injunction shall terminate and be lifted as of the  
14 effective date of SB 5226, except that the Court retains jurisdiction to accept the implementation  
15 report referenced in the previous paragraph. Nothing in this order represents a ruling by this Court  
16 or a concession by Plaintiffs that SB 5226 as written or as implemented complies with procedural  
17 due process or any other protections afforded by the federal or Washington Constitutions. Each  
18 party reserves its right to seek modification of this order as appropriate should future  
19 circumstances change.

20 The parties bear their own attorney's fees and costs associated with this action.

21 SIGNED this 1 day of June, 2021.

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23   
24 HONORABLE MARY SUE WILSON  
25 THURSTON COUNTY SUPERIOR COURT JUDGE  
26

ORDER ENJOINING SUSPENSION  
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25 ORDER ENJOINING SUSPENSION  
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