Reform DWLS3 (Driving While License Suspended — Third Degree)

DWLS3 is the most commonly charged crime in Washington State. Typically, a DWLS3 charge occurs when a driver receives a ticket for a moving violation (such as speeding or rolling through a stop sign) and does not comply with deadlines to pay the ticket or appear in court to contest it. The failure to pay or appear leads to license suspension, and if the person is later stopped while driving, a DWLS3 charge may be filed. Suspending licenses for failing to comply with moving violations and then charging drivers with the crime of DWLS3 is counterproductive.

**DWLS3 Cases Waste Scarce Criminal Justice and Taxpayer Resources**

A conservative estimate for the costs of enforcing DWLS3 in Washington for the years 1994-2015 is more than $1.3 billion. Since the current version of DWLS3 went into effect, at least 1.5 million criminal charges for DWLS3 have been filed—more than any other type of crime—resulting in nearly 900,000 convictions. Police, prosecutors, and courts should not be wasting scarce public resources enforcing DWLS3. Resources could be better invested in reducing real public safety risks like distracted and impaired driving.

**Keep Drivers Licensed and Insured**

If someone has their license suspended for failing to comply with the terms of a moving violation, they are likely to lose insurance. Because most of these drivers are impoverished, the occupational restricted license is also too expensive for them, which is why it is so infrequently used.

**DWLS3 Is Not a Public Safety Threat**

The biggest threats to roadway safety are impaired driving, speeding, and distracted driving. Law enforcement has other tools available to respond to drivers who present risks to others. These tools include criminal charges for negligent or reckless driving, DUI, or license suspension for too many moving violations.

**Hold Drivers Accountable for Their Actions**

Many people charged with DWLS3 have, due to poverty, simply struggled to pay tickets and associated late charges which quickly escalate. These people typically need to keep driving to get to work, pick up kids, attend medical appointments, etc., especially in areas with limited public transportation options. Rather than suspend their license and saddle them with criminal charges that can impact employment and housing, civil enforcement mechanisms provide accountability at lower cost to taxpayers.

**DWLS3 Disproportionately Impacts People of Color and Young Adults**

DWLS3 enforcement varies greatly from city to city and county to county. Unequal and unfair enforcement especially impacts poor people and young people. People of color are more likely to be charged with DWLS3 than white people, which worsens the racial disparities in our state’s criminal justice system.

**Treating DWLS3 as a Civil Infraction Works**

Several states do not criminalize DWLS3. Many local jurisdictions in Washington, including the cities of Yakima and Seattle, primarily treat it as a civil infraction. In fact, DWLS3 was not a criminal offense in Washington State until 1993. Reform will keep more drivers insured and free up scarce criminal justice system resources for more pressing roadway safety priorities and hold drivers accountable in a way that is fair and just.

For more information, see


Alison Holcomb, Political Director | aholcomb@aclu-wa.org | www.aclu-wa.org