
SENATE BILL 6687

State of Washington 57th Legislature

2002 Regular Session

By Senators Sheahan, Long, T. Sheldon, Kohl-Welles, Oke, Keiser, Shin and Johnson

Read first time 01/26/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.285, 46.20.311, and 46.61.024; reenacting and
3 amending RCW 9.94A.515; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.285 and 2001 c 64 s 6 are each amended to read
6 as follows:

7 The department shall forthwith revoke the license of any driver for
8 the period of one calendar year unless otherwise provided in this
9 section, upon receiving a record of the driver's conviction of any of
10 the following offenses, when the conviction has become final:

11 (1) For vehicular homicide the period of revocation shall be two
12 years. The revocation period shall be tolled during any period of
13 total confinement for the offense;

14 (2) Vehicular assault. The revocation period shall be tolled
15 during any period of total confinement for the offense;

16 (3) Driving a motor vehicle while under the influence of
17 intoxicating liquor or a narcotic drug, or under the influence of any
18 other drug to a degree which renders the driver incapable of safely
19 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

1 (4) For attempting to elude a pursuing police vehicle the period of
2 revocation shall be two years;

3 (5) Any other felony in the commission of which a motor vehicle is
4 used;

5 (~~(5)~~) (6) Failure to stop and give information or render aid as
6 required under the laws of this state in the event of a motor vehicle
7 accident resulting in the death or personal injury of another or
8 resulting in damage to a vehicle that is driven or attended by another;

9 (~~(6)~~) (7) Perjury or the making of a false affidavit or statement
10 under oath to the department under Title 46 RCW or under any other law
11 relating to the ownership or operation of motor vehicles;

12 (~~(7)~~) (8) Reckless driving upon a showing by the department's
13 records that the conviction is the third such conviction for the driver
14 within a period of two years.

15 **Sec. 2.** RCW 46.20.311 and 2001 c 325 s 2 are each amended to read
16 as follows:

17 (1)(a) The department shall not suspend a driver's license or
18 privilege to drive a motor vehicle on the public highways for a fixed
19 period of more than one year, except as specifically permitted under
20 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
21 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
22 74.20A.320, whenever the license or driving privilege of any person is
23 suspended by reason of a conviction, a finding that a traffic
24 infraction has been committed, pursuant to chapter 46.29 RCW, or
25 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
26 effect until the person gives and thereafter maintains proof of
27 financial responsibility for the future as provided in chapter 46.29
28 RCW. If the suspension is the result of a violation of RCW 46.61.502
29 or 46.61.504, the department shall determine the person's eligibility
30 for licensing based upon the reports provided by the alcoholism agency
31 or probation department designated under RCW 46.61.5056 and shall deny
32 reinstatement until enrollment and participation in an approved program
33 has been established and the person is otherwise qualified. Whenever
34 the license or driving privilege of any person is suspended as a result
35 of certification of noncompliance with a child support order under
36 chapter 74.20A RCW or a residential or visitation order, the suspension
37 shall remain in effect until the person provides a release issued by

1 the department of social and health services stating that the person is
2 in compliance with the order.

3 (b)(i) The department shall not issue to the person a new,
4 duplicate, or renewal license until the person pays a reissue fee of
5 twenty dollars.

6 (ii) If the suspension is the result of a violation of RCW
7 46.61.502 or 46.61.504, or is the result of administrative action under
8 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

9 (2)(a) Any person whose license or privilege to drive a motor
10 vehicle on the public highways has been revoked, unless the revocation
11 was for a cause which has been removed, is not entitled to have the
12 license or privilege renewed or restored until: (i) After the
13 expiration of one year from the date the license or privilege to drive
14 was revoked; or (ii) after the expiration of the applicable revocation
15 period provided by RCW 46.20.265, 46.20.285, 46.20.3101, or
16 46.61.5055~~((; (iii) after the expiration of two years for persons~~
17 ~~convicted of vehicular homicide; or (iv) after the expiration of the~~
18 ~~applicable revocation period provided by RCW 46.20.265)).~~

19 (b)(i) After the expiration of the appropriate period, the person
20 may make application for a new license as provided by law together with
21 a reissue fee in the amount of twenty dollars.

22 (ii) If the revocation is the result of a violation of RCW
23 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
24 hundred fifty dollars. If the revocation is the result of a violation
25 of RCW 46.61.502 or 46.61.504, the department shall determine the
26 person's eligibility for licensing based upon the reports provided by
27 the alcoholism agency or probation department designated under RCW
28 46.61.5056 and shall deny reissuance of a license, permit, or privilege
29 to drive until enrollment and participation in an approved program has
30 been established and the person is otherwise qualified.

31 (c) Except for a revocation under RCW 46.20.265, the department
32 shall not then issue a new license unless it is satisfied after
33 investigation of the driving ability of the person that it will be safe
34 to grant the privilege of driving a motor vehicle on the public
35 highways, and until the person gives and thereafter maintains proof of
36 financial responsibility for the future as provided in chapter 46.29
37 RCW. For a revocation under RCW 46.20.265, the department shall not
38 issue a new license unless it is satisfied after investigation of the

1 driving ability of the person that it will be safe to grant that person
2 the privilege of driving a motor vehicle on the public highways.

3 (3)(a) Whenever the driver's license of any person is suspended
4 pursuant to Article IV of the nonresident violators compact or RCW
5 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
6 to the person any new or renewal license until the person pays a
7 reissue fee of twenty dollars.

8 (b) If the suspension is the result of a violation of the laws of
9 this or any other state, province, or other jurisdiction involving (i)
10 the operation or physical control of a motor vehicle upon the public
11 highways while under the influence of intoxicating liquor or drugs, or
12 (ii) the refusal to submit to a chemical test of the driver's blood
13 alcohol content, the reissue fee shall be one hundred fifty dollars.

14 **Sec. 3.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
15 as follows:

16 Any driver of a motor vehicle who willfully fails or refuses to
17 immediately bring his vehicle to a stop and who drives his vehicle in
18 a manner indicating a wanton or willful disregard for the lives or
19 property of others while attempting to elude a pursuing police vehicle,
20 after being given a visual or audible signal to bring the vehicle to a
21 stop, shall be guilty of a class ((C)) B felony. The signal given by
22 the police officer may be by hand, voice, emergency light, or siren.
23 The officer giving such a signal shall be in uniform and ((his
24 vehicle)) shall be ((appropriately marked showing it to be)) driving an
25 official police vehicle. An official police vehicle means any
26 municipal, county, or state police vehicle appropriately equipped with
27 emergency lights and siren.

28 The license or permit to drive or any nonresident driving privilege
29 of a person convicted of a violation of this section shall be revoked
30 for two years by the department of licensing.

31 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
32 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
33 read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XVI	Aggravated Murder 1 (RCW 10.95.020)
4	XV	Homicide by abuse (RCW 9A.32.055)
5		Malicious explosion 1 (RCW 70.74.280(1))
6		Murder 1 (RCW 9A.32.030)
7	XIV	Murder 2 (RCW 9A.32.050)
8	XIII	Malicious explosion 2 (RCW 70.74.280(2))
9		Malicious placement of an explosive 1 (RCW
10		70.74.270(1))
11	XII	Assault 1 (RCW 9A.36.011)
12		Assault of a Child 1 (RCW 9A.36.120)
13		Malicious placement of an imitation device
14		1 (RCW 70.74.272(1)(a))
15		Rape 1 (RCW 9A.44.040)
16		Rape of a Child 1 (RCW 9A.44.073)
17	XI	Manslaughter 1 (RCW 9A.32.060)
18		Rape 2 (RCW 9A.44.050)
19		Rape of a Child 2 (RCW 9A.44.076)
20	X	Child Molestation 1 (RCW 9A.44.083)
21		Indecent Liberties (with forcible
22		compulsion) (RCW 9A.44.100(1)(a))
23		Kidnapping 1 (RCW 9A.40.020)
24		Leading Organized Crime (RCW
25		9A.82.060(1)(a))
26		Malicious explosion 3 (RCW 70.74.280(3))
27		Manufacture of methamphetamine (RCW
28		69.50.401(a)(1)(ii))
29		Over 18 and deliver heroin,
30		methamphetamine, a narcotic from
31		Schedule I or II, or flunitrazepam
32		from Schedule IV to someone under 18
33		(RCW 69.50.406)
34		Sexually Violent Predator Escape (RCW
35		9A.76.115)

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Controlled Substance Homicide (RCW
3 69.50.415)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Hit and Run--Death (RCW 46.52.020(4)(a))
7 Homicide by Watercraft, by being under the
8 influence of intoxicating liquor or
9 any drug (RCW 79A.60.050)
10 Inciting Criminal Profiteering (RCW
11 9A.82.060(1)(b))
12 Malicious placement of an explosive 2 (RCW
13 70.74.270(2))
14 Over 18 and deliver narcotic from Schedule
15 III, IV, or V or a nonnarcotic, except
16 flunitrazepam or methamphetamine, from
17 Schedule I-V to someone under 18 and 3
18 years junior (RCW 69.50.406)
19 Robbery 1 (RCW 9A.56.200)
20 Sexual Exploitation (RCW 9.68A.040)
21 Vehicular Homicide, by being under the
22 influence of intoxicating liquor or
23 any drug (RCW 46.61.520)
24 VIII Arson 1 (RCW 9A.48.020)
25 Deliver or possess with intent to deliver
26 m e t h a m p h e t a m i n e (R C W
27 69.50.401(a)(1)(ii))
28 Homicide by Watercraft, by the operation of
29 any vessel in a reckless manner (RCW
30 79A.60.050)
31 Manslaughter 2 (RCW 9A.32.070)
32 Manufacture, deliver, or possess with
33 intent to deliver amphetamine (RCW
34 69.50.401(a)(1)(ii))
35 Manufacture, deliver, or possess with
36 intent to deliver heroin or cocaine
37 (RCW 69.50.401(a)(1)(i))
38 Possession of Ephedrine, Pseudoephedrine,
39 or Anhydrous Ammonia with intent to

1 manufacture methamphetamine (RCW
2 69.50.440)
3 Promoting Prostitution 1 (RCW 9A.88.070)
4 Selling for profit (controlled or
5 counterfeit) any controlled substance
6 (RCW 69.50.410)
7 Theft of Anhydrous Ammonia (RCW 69.55.010)
8 Vehicular Homicide, by the operation of any
9 vehicle in a reckless manner (RCW
10 46.61.520)

11 VII Burglary 1 (RCW 9A.52.020)
12 Child Molestation 2 (RCW 9A.44.086)
13 Dealing in depictions of minor engaged in
14 sexually explicit conduct (RCW
15 9.68A.050)
16 Drive-by Shooting (RCW 9A.36.045)
17 Homicide by Watercraft, by disregard for
18 the safety of others (RCW 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1) (b) and
21 (c))
22 Introducing Contraband 1 (RCW 9A.76.140)
23 Involving a minor in drug dealing (RCW
24 69.50.401(f))
25 Malicious placement of an explosive 3 (RCW
26 70.74.270(3))
27 Sending, bringing into state depictions of
28 minor engaged in sexually explicit
29 conduct (RCW 9.68A.060)
30 Unlawful Possession of a Firearm in the
31 first degree (RCW 9.41.040(1)(a))
32 Use of a Machine Gun in Commission of a
33 Felony (RCW 9.41.225)
34 Vehicular Homicide, by disregard for the
35 safety of others (RCW 46.61.520)

36 VI Bail Jumping with Murder 1 (RCW
37 9A.76.170(3)(a))
38 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation device
6 2 (RCW 70.74.272(1)(b))
7 Manufacture, deliver, or possess with
8 intent to deliver narcotics from
9 Schedule I or II (except heroin or
10 cocaine) or flunitrazepam from
11 Schedule IV (RCW 69.50.401(a)(1)(i))
12 Rape of a Child 3 (RCW 9A.44.079)
13 Theft of a Firearm (RCW 9A.56.300)
14 Unlawful Storage of Anhydrous Ammonia (RCW
15 69.55.020)

16 V Abandonment of dependent person 1 (RCW
17 9A.42.060)
18 Advancing money or property for
19 extortionate extension of credit (RCW
20 9A.82.030)
21 Bail Jumping with class A Felony (RCW
22 9A.76.170(3)(b))
23 Child Molestation 3 (RCW 9A.44.089)
24 Criminal Mistreatment 1 (RCW 9A.42.020)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Domestic Violence Court Order Violation
31 (RCW 10.99.040, 10.99.050, 26.09.300,
32 26.10.220, 26.26.138, 26.50.110,
33 26.52.070, or 74.34.145)
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)
37 Extortionate Means to Collect Extensions of
38 Credit (RCW 9A.82.040)
39 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)
2 Perjury 1 (RCW 9A.72.020)
3 Persistent prison misbehavior (RCW
4 9.94.070)
5 Possession of a Stolen Firearm (RCW
6 9A.56.310)
7 Rape 3 (RCW 9A.44.060)
8 Rendering Criminal Assistance 1 (RCW
9 9A.76.070)
10 Sexual Misconduct with a Minor 1 (RCW
11 9A.44.093)
12 Sexually Violating Human Remains (RCW
13 9A.44.105)
14 Stalking (RCW 9A.46.110)
15 IV Arson 2 (RCW 9A.48.030)
16 Assault 2 (RCW 9A.36.021)
17 Assault by Watercraft (RCW 79A.60.060)
18 Attempting to Elude a Pursuing Police
19 Vehicle (RCW 46.61.024)
20 Bribing a Witness/Bribe Received by Witness
21 (RCW 9A.72.090, 9A.72.100)
22 Commercial Bribery (RCW 9A.68.060)
23 Counterfeiting (RCW 9.16.035(4))
24 Escape 1 (RCW 9A.76.110)
25 Hit and Run--Injury (RCW 46.52.020(4)(b))
26 Hit and Run with Vessel--Injury Accident
27 (RCW 79A.60.200(3))
28 Identity Theft 1 (RCW 9.35.020(2)(a))
29 Indecent Exposure to Person Under Age
30 Fourteen (subsequent sex offense) (RCW
31 9A.88.010)
32 Influencing Outcome of Sporting Event (RCW
33 9A.82.070)
34 Knowingly Trafficking in Stolen Property
35 (RCW 9A.82.050(2))
36 Malicious Harassment (RCW 9A.36.080)
37 Manufacture, deliver, or possess with
38 intent to deliver narcotics from
39 Schedule III, IV, or V or nonnarcotics

1 from Schedule I-V (except marijuana,
2 amphetamine, methamphetamines, or
3 flunitrazepam) (RCW 69.50.401(a)(1)
4 (iii) through (v))
5 Residential Burglary (RCW 9A.52.025)
6 Robbery 2 (RCW 9A.56.210)
7 Theft of Livestock 1 (RCW 9A.56.080)
8 Threats to Bomb (RCW 9.61.160)
9 Use of Proceeds of Criminal Profiteering
10 (RCW 9A.82.080 (1) and (2))
11 Vehicular Assault, by being under the
12 influence of intoxicating liquor or
13 any drug, or by the operation or
14 driving of a vehicle in a reckless
15 manner (RCW 46.61.522)
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)

18 III Abandonment of dependent person 2 (RCW
19 9A.42.070)
20 Assault 3 (RCW 9A.36.031)
21 Assault of a Child 3 (RCW 9A.36.140)
22 Bail Jumping with class B or C Felony (RCW
23 9A.76.170(3)(c))
24 Burglary 2 (RCW 9A.52.030)
25 Communication with a Minor for Immoral
26 Purposes (RCW 9.68A.090)
27 Criminal Gang Intimidation (RCW 9A.46.120)
28 Criminal Mistreatment 2 (RCW 9A.42.030)
29 Custodial Assault (RCW 9A.36.100)
30 Delivery of a material in lieu of a
31 controlled substance (RCW
32 69.50.401(c))
33 Escape 2 (RCW 9A.76.120)
34 Extortion 2 (RCW 9A.56.130)
35 Harassment (RCW 9A.46.020)
36 Intimidating a Public Servant (RCW
37 9A.76.180)
38 Introducing Contraband 2 (RCW 9A.76.150)

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(a)(6))
4 Malicious Injury to Railroad Property (RCW
5 81.60.070)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Manufacture, distribute, or possess with
10 intent to distribute an imitation
11 controlled substance (RCW
12 69.52.030(1))
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-Barreled
19 Shotgun or Rifle (RCW 9.41.190)
20 Promoting Prostitution 2 (RCW 9A.88.080)
21 Recklessly Trafficking in Stolen Property
22 (RCW 9A.82.050(1))
23 Securities Act violation (RCW 21.20.400)
24 Tampering with a Witness (RCW 9A.72.120)
25 Telephone Harassment (subsequent conviction
26 or threat of death) (RCW 9.61.230)
27 Theft of Livestock 2 (RCW 9A.56.080)
28 Unlawful Imprisonment (RCW 9A.40.040)
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(1)(b))
31 Unlawful Use of Building for Drug Purposes
32 (RCW 69.53.010)
33 Vehicular Assault, by the operation or
34 driving of a vehicle with disregard
35 for the safety of others (RCW
36 46.61.522)
37 Willful Failure to Return from Work Release
38 (RCW 72.65.070)
39 II Computer Trespass 1 (RCW 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Create, deliver, or possess a counterfeit
3 controlled substance (RCW
4 69.50.401(b))
5 Escape from Community Custody (RCW
6 72.09.310)
7 Health Care False Claims (RCW 48.80.030)
8 Identity Theft 2 (RCW 9.35.020(2)(b))
9 Improperly Obtaining Financial Information
10 (RCW 9.35.010)
11 Malicious Mischief 1 (RCW 9A.48.070)
12 Possession of controlled substance that is
13 either heroin or narcotics from
14 Schedule I or II or flunitrazepam from
15 Schedule IV (RCW 69.50.401(d))
16 Possession of phencyclidine (PCP) (RCW
17 69.50.401(d))
18 Possession of Stolen Property 1 (RCW
19 9A.56.150)
20 Theft 1 (RCW 9A.56.030)
21 Theft of Rental, Leased, or Lease-purchased
22 Property (valued at one thousand five
23 hundred dollars or more) (RCW
24 9A.56.096(4))
25 Trafficking in Insurance Claims (RCW
26 48.30A.015)
27 Unlawful Practice of Law (RCW 2.48.180)
28 Unlicensed Practice of a Profession or
29 Business (RCW 18.130.190(7))
30 I (~~(Attempting to Elude a Pursuing Police~~
31 ~~Vehicle (RCW 46.61.024))~~)
32 False Verification for Welfare (RCW
33 74.08.055)
34 Forged Prescription (RCW 69.41.020)
35 Forged Prescription for a Controlled
36 Substance (RCW 69.50.403)
37 Forgery (RCW 9A.60.020)
38 Malicious Mischief 2 (RCW 9A.48.080)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or V
3 or Non-narcotic from Schedule I-V
4 (except phencyclidine or
5 flunitrazepam) (RCW 69.50.401(d))
6 Possession of Stolen Property 2 (RCW
7 9A.56.160)
8 Reckless Burning 1 (RCW 9A.48.040)
9 Taking Motor Vehicle Without Permission
10 (RCW 9A.56.070)
11 Theft 2 (RCW 9A.56.040)
12 Theft of Rental, Leased, or Lease-purchased
13 Property (valued at two hundred fifty
14 dollars or more but less than one
15 thousand five hundred dollars) (RCW
16 9A.56.096(4))
17 Unlawful Issuance of Checks or Drafts (RCW
18 9A.56.060)
19 Unlawful Use of Food Stamps (RCW 9.91.140
20 (2) and (3))
21 Vehicle Prowl 1 (RCW 9A.52.095)

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