
SUBSTITUTE HOUSE BILL 1741

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Orr)

Read first time 03/03/93.

1 AN ACT Relating to enforcement of traffic laws; amending RCW
2 46.20.031, 46.20.207, 46.20.291, 46.20.311, 46.20.342, 46.61.515,
3 46.63.020, 46.63.060, 46.63.070, 46.63.110, and 46.52.120; adding a new
4 section to chapter 46.20 RCW; repealing RCW 46.64.020 and 46.64.027;
5 and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW
8 to read as follows:

9 The department shall suspend all driving privileges of a person
10 when the department receives notice from a court under RCW 46.63.070(5)
11 or 46.64.025 that the person has failed to respond to a notice of
12 traffic infraction, failed to appear at a requested hearing, violated
13 a written promise to appear in court, or has failed to comply with the
14 terms of a notice of traffic infraction or citation, other than for a
15 notice of a standing, stopping, or parking violation. A suspension
16 under this section takes effect thirty days after the date the
17 department mails notice of the suspension, and remains in effect until
18 the department has received a certificate from the court showing that
19 the case has been adjudicated, and until the person meets the

1 requirements of RCW 46.20.311. A suspension under this section does
2 not take effect if, prior to the effective date of the suspension, the
3 department receives a certificate from the court showing that the case
4 has been adjudicated.

5 **Sec. 2.** RCW 46.20.031 and 1985 c 101 s 1 are each amended to read
6 as follows:

7 The department shall not issue a driver's license hereunder:

8 (1) To any person who is under the age of sixteen years;

9 (2) To any person whose license has been suspended during such
10 suspension, nor to any person whose license has been revoked, except as
11 provided in RCW 46.20.311;

12 ~~(3) ((To any person when the department has been notified by a
13 court that such person has violated his written promise to appear in
14 court, unless the department has received a certificate from the court
15 in which such person promised to appear, showing that the case has been
16 adjudicated. The deposit of bail by a person charged with a violation
17 of any law regulating the operation of motor vehicles on highways shall
18 be deemed an appearance in court for the purpose of this section;~~

19 ~~(4))~~ (4) To any person who has been evaluated by a program approved by
20 the department of social and health services as being an alcoholic,
21 drug addict, alcohol abuser and/or drug abuser: PROVIDED, That a
22 license may be issued if the department determines that such person has
23 been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or
24 is satisfactorily participating in or has successfully completed an
25 alcohol or drug abuse treatment program approved by the department of
26 social and health services and has established control of his or her
27 alcohol and/or drug abuse problem;

28 ~~((+5))~~ (4) To any person who has previously been adjudged to be
29 mentally ill or insane, or to be incompetent due to any mental
30 disability or disease, and who has not at the time of application been
31 restored to competency by the methods provided by law: PROVIDED,
32 HOWEVER, That no person so adjudged shall be denied a license for such
33 cause if the superior court should find him able to operate a motor
34 vehicle with safety upon the highways during such incompetency;

35 ~~((+6))~~ (5) To any person who is required by this chapter to take
36 an examination, unless such person shall have successfully passed such
37 examination;

1 (~~(7)~~) (6) To any person who is required under the laws of this
2 state to deposit proof of financial responsibility and who has not
3 deposited such proof;

4 (~~(8)~~) (7) To any person when the department has good and
5 substantial evidence to reasonably conclude that such person by reason
6 of physical or mental disability would not be able to operate a motor
7 vehicle with safety upon the highways; subject to review by a court of
8 competent jurisdiction.

9 **Sec. 3.** RCW 46.20.207 and 1991 c 293 s 4 are each amended to read
10 as follows:

11 (1) The department is authorized to cancel any driver's license
12 upon determining that the licensee was not entitled to the issuance of
13 the license, or that the licensee failed to give the required or
14 correct information in his or her application, or that the licensee is
15 incompetent to drive a motor vehicle for any of the reasons under RCW
16 46.20.031 (~~(5) and (8)~~) (4) and (7).

17 (2) Upon such cancellation, the licensee must surrender the license
18 so canceled to the department.

19 **Sec. 4.** RCW 46.20.291 and 1991 c 293 s 5 are each amended to read
20 as follows:

21 The department is authorized to suspend the license of a driver
22 upon a showing by its records or other sufficient evidence that the
23 licensee:

24 (1) Has committed an offense for which mandatory revocation or
25 suspension of license is provided by law;

26 (2) Has, by reckless or unlawful operation of a motor vehicle,
27 caused or contributed to an accident resulting in death or injury to
28 any person or serious property damage;

29 (3) Has been convicted of offenses against traffic regulations
30 governing the movement of vehicles, or found to have committed traffic
31 infractions, with such frequency as to indicate a disrespect for
32 traffic laws or a disregard for the safety of other persons on the
33 highways;

34 (4) Is incompetent to drive a motor vehicle (~~for any of the~~
35 ~~reasons enumerated in subsection (4) of~~) under RCW 46.20.031(3); or

36 (5) Has failed to respond to a notice of traffic infraction, failed
37 to appear at a requested hearing, violated a written promise to appear

1 in court, or has failed to comply with the terms of a notice of traffic
2 infraction or citation, as provided in section 1 of this act; or
3 (6) Has committed one of the prohibited practices relating to
4 drivers' licenses defined in RCW 46.20.336.

5 **Sec. 5.** RCW 46.20.311 and 1990 c 250 s 45 are each amended to read
6 as follows:

7 (1) The department shall not suspend a driver's license or
8 privilege to drive a motor vehicle on the public highways for a fixed
9 period of more than one year, except as permitted under RCW 46.20.342
10 or 46.61.515. Except for a suspension under section 1 of this act and
11 RCW 46.20.291(5), whenever the license or driving privilege of any
12 person is suspended by reason of a conviction, a finding that a traffic
13 infraction has been committed, pursuant to chapter 46.29 RCW, or
14 pursuant to RCW 46.20.291, the suspension shall remain in effect until
15 the person gives and thereafter maintains proof of financial
16 responsibility for the future as provided in chapter 46.29 RCW. The
17 department shall not issue to the person a new, duplicate, or renewal
18 license until the person pays a reissue fee of twenty dollars. If the
19 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
20 the reissue fee shall be fifty dollars.

21 (2) Any person whose license or privilege to drive a motor vehicle
22 on the public highways has been revoked, unless the revocation was for
23 a cause which has been removed, is not entitled to have the license or
24 privilege renewed or restored until: (a) After the expiration of one
25 year from the date the license or privilege to drive was revoked; (b)
26 after the expiration of the applicable revocation period provided by
27 RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for
28 persons convicted of vehicular homicide; (d) after the expiration of
29 one year in cases of revocation for the first refusal within five years
30 to submit to a chemical test under RCW 46.20.308; (e) after the
31 expiration of two years in cases of revocation for the second or
32 subsequent refusal within five years to submit to a chemical test under
33 RCW 46.20.308; or (f) after the expiration of the applicable revocation
34 period provided by RCW 46.20.265. After the expiration of the
35 appropriate period, the person may make application for a new license
36 as provided by law together with a reissue fee in the amount of twenty
37 dollars, but if the revocation is the result of a violation of RCW
38 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty

1 dollars. Except for a revocation under RCW 46.20.265, the department
2 shall not then issue a new license unless it is satisfied after
3 investigation of the driving ability of the person that it will be safe
4 to grant the privilege of driving a motor vehicle on the public
5 highways, and until the person gives and thereafter maintains proof of
6 financial responsibility for the future as provided in chapter 46.29
7 RCW. For a revocation under RCW 46.20.265, the department shall not
8 issue a new license unless it is satisfied after investigation of the
9 driving ability of the person that it will be safe to grant that person
10 the privilege of driving a motor vehicle on the public highways.

11 (3) Whenever the driver's license of any person is suspended
12 pursuant to Article IV of the nonresident violators compact or RCW
13 46.23.020 or section 1 of this act or RCW 46.20.291(5), the department
14 shall not issue to the person any new or renewal license until the
15 person pays a reissue fee of twenty dollars. If the suspension is the
16 result of a violation of the laws of (~~another~~) this or any other
17 state, province, or other jurisdiction involving (a) the operation or
18 physical control of a motor vehicle upon the public highways while
19 under the influence of intoxicating liquor or drugs, or (b) the refusal
20 to submit to a chemical test of the driver's blood alcohol content, the
21 reissue fee shall be fifty dollars.

22 **Sec. 6.** RCW 46.20.342 and 1992 c 130 s 1 are each amended to read
23 as follows:

24 (1) It is unlawful for any person to drive a motor vehicle in this
25 state while that person is in a suspended or revoked status or when his
26 or her privilege to drive is suspended or revoked in this or any other
27 state. Any person who has a valid Washington driver's license is not
28 guilty of a violation of this section.

29 (a) A person found to be an habitual offender under chapter 46.65
30 RCW, who violates this section while an order of revocation issued
31 under chapter 46.65 RCW prohibiting such operation is in effect, is
32 guilty of driving while license suspended or revoked in the first
33 degree, a gross misdemeanor. Upon the first such conviction, the
34 person shall be punished by imprisonment for not less than ten days.
35 Upon the second conviction, the person shall be punished by
36 imprisonment for not less than ninety days. Upon the third or
37 subsequent conviction, the person shall be punished by imprisonment for
38 not less than one (~~year~~) hundred eighty days. If the person is also

1 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
2 both convictions arise from the same event, the minimum sentence of
3 confinement shall be not less than ninety days. The minimum sentence
4 of confinement required shall not be suspended or deferred. A
5 conviction under this subsection does not prevent a person from
6 petitioning for reinstatement as provided by RCW 46.65.080.

7 (b) A person who violates this section while an order of suspension
8 or revocation prohibiting such operation is in effect and while the
9 person is not eligible to reinstate his or her driver's license or
10 driving privilege, other than for a suspension for the reasons
11 described in (c) of this subsection, is guilty of driving while license
12 suspended or revoked in the second degree, a gross misdemeanor. This
13 subsection applies when a person's driver's license or driving
14 privilege has been suspended or revoked by reason of:

15 (i) A conviction of a felony in the commission of which a motor
16 vehicle was used;

17 (ii) A previous conviction under this section;

18 (iii) A notice received by the department from a court or diversion
19 unit as provided by RCW 46.20.265, relating to a minor who has
20 committed, or who has entered a diversion unit concerning an offense
21 relating to alcohol, legend drugs, controlled substances, or imitation
22 controlled substances;

23 (iv) A conviction of RCW 46.20.410, relating to the violation of
24 restrictions of an occupational driver's license;

25 (v) A conviction of RCW 46.20.420, relating to the operation of a
26 motor vehicle with a suspended or revoked license;

27 (vi) A conviction of RCW 46.52.020, relating to duty in case of
28 injury to or death of a person or damage to an attended vehicle;

29 (vii) A conviction of RCW 46.61.024, relating to attempting to
30 elude pursuing police vehicles;

31 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

32 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
33 person under the influence of intoxicating liquor or drugs;

34 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

35 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

36 (xii) A conviction of RCW 46.61.530, relating to racing of vehicles
37 on highways;

38 (xiii) A conviction of RCW 46.61.685, relating to leaving children
39 in an unattended vehicle with motor running;

1 (xiv) A conviction of RCW 46.64.048, relating to attempting,
2 aiding, abetting, coercing, and committing crimes; or

3 (xv) An administrative action taken by the department under chapter
4 46.20 RCW.

5 (c) A person who violates this section when his or her driver's
6 license or driving privilege is, at the time of the violation,
7 suspended or revoked solely because (i) the person must furnish proof
8 of satisfactory progress in a required alcoholism or drug treatment
9 program, (ii) the person must furnish proof of financial responsibility
10 for the future as provided by chapter 46.29 RCW, (iii) the person has
11 failed to comply with the provisions of chapter 46.29 RCW relating to
12 uninsured accidents, (iv) the person has failed to respond to a notice
13 of traffic infraction, failed to appear at a requested hearing,
14 violated a written promise to appear in court, or has failed to comply
15 with the terms of a notice of traffic infraction or citation, as
16 provided in section 1 of this act, (v) the person has committed an
17 offense in another state that, if committed in this state, would not be
18 grounds for the suspension or revocation of the person's driver's
19 license, or ((+v)) (vi) the person has been suspended or revoked by
20 reason of one or more of the items listed in (b) of this subsection,
21 but was eligible to reinstate his or her driver's license or driving
22 privilege at the time of the violation, or any combination of (i)
23 through ((+v)) (vi), is guilty of driving while license suspended or
24 revoked in the third degree, a misdemeanor.

25 (2) Upon receiving a record of conviction of any person or upon
26 receiving an order by any juvenile court or any duly authorized court
27 officer of the conviction of any juvenile under this section, the
28 department shall:

29 (a) For a conviction of driving while suspended or revoked in the
30 first degree, as provided by subsection (1)(a) of this section, extend
31 the period of administrative revocation imposed under chapter 46.65 RCW
32 for an additional period of one year from and after the date the person
33 would otherwise have been entitled to apply for a new license or have
34 his or her driving privilege restored; or

35 (b) For a conviction of driving while suspended or revoked in the
36 second degree, as provided by subsection (1)(b) of this section, not
37 issue a new license or restore the driving privilege for an additional
38 period of one year from and after the date the person would otherwise

1 have been entitled to apply for a new license or have his or her
2 driving privilege restored; or

3 (c) Not extend the period of suspension or revocation if the
4 conviction was under subsection (1)(c) of this section. If the
5 conviction was under subsection (1) (a) or (b) of this section and the
6 court recommends against the extension and the convicted person has
7 obtained a valid driver's license, the period of suspension or
8 revocation shall not be extended.

9 **Sec. 7.** RCW 46.61.515 and 1985 c 352 s 1 are each amended to read
10 as follows:

11 (1) Every person who is convicted of a violation of RCW 46.61.502
12 or 46.61.504 shall be punished by imprisonment for not less than
13 twenty-four consecutive hours nor more than one year, and by a fine of
14 not less than two hundred fifty dollars and not more than one thousand
15 dollars. Unless the judge finds the person to be indigent, two hundred
16 fifty dollars of the fine shall not be suspended or deferred. Twenty-
17 four consecutive hours of the jail sentence shall not be suspended or
18 deferred unless the judge finds that the imposition of the jail
19 sentence will pose a substantial risk to the defendant's physical or
20 mental well-being. Whenever the mandatory jail sentence is suspended
21 or deferred, the judge must state, in writing, the reason for granting
22 the suspension or deferral and the facts upon which the suspension or
23 deferral is based. The court may impose conditions of probation that
24 may include nonrepetition, alcohol or drug treatment, supervised
25 probation, or other conditions that may be appropriate. The convicted
26 person shall, in addition, be required to complete a course in an
27 alcohol information school approved by the department of social and
28 health services or more intensive treatment in a program approved by
29 the department of social and health services, as determined by the
30 court. A diagnostic evaluation and treatment recommendation shall be
31 prepared under the direction of the court by an alcoholism agency
32 approved by the department of social and health services or a qualified
33 probation department approved by the department of social and health
34 services. A copy of the report shall be forwarded to the department of
35 licensing. Based on the diagnostic evaluation, the court shall
36 determine whether the convicted person shall be required to complete a
37 course in an alcohol information school approved by the department of
38 social and health services or more intensive treatment in a program

1 approved by the department of social and health services. Standards
2 for approval for alcohol treatment programs shall be prescribed by rule
3 under the administrative procedure act, chapter 34.05 RCW. The
4 ~~((courts))~~ department of social and health services shall periodically
5 review the costs of alcohol information schools and treatment programs
6 ~~((within their jurisdictions))~~ as part of the approval process.

7 (2) On a second or subsequent conviction for driving or being in
8 physical control of a motor vehicle while under the influence of
9 intoxicating liquor or drugs within a five-year period a person shall
10 be punished by imprisonment for not less than seven days nor more than
11 one year and by a fine of not less than five hundred dollars and not
12 more than two thousand dollars. District courts and courts organized
13 under chapter 35.20 RCW are authorized to impose such fine. Unless the
14 judge finds the person to be indigent, five hundred dollars of the fine
15 shall not be suspended or deferred. The minimum jail sentence shall
16 not be suspended or deferred unless the judge finds that the imposition
17 of the jail sentence will pose a substantial risk to the defendant's
18 physical or mental well-being. Whenever the mandatory jail sentence is
19 suspended or deferred, the judge must state, in writing, the reason for
20 granting the suspension or deferral and the facts upon which the
21 suspension or deferral is based. If, at the time of the arrest on a
22 second or subsequent ~~((conviction))~~ offense, the driver is without a
23 license or permit because of a previous suspension or revocation for a
24 reason listed in RCW 46.20.342(1) (a) or (b), or because of a previous
25 suspension or revocation for a reason listed in RCW 46.20.342(1)(c) if
26 the original suspension or revocation was the result of a conviction of
27 RCW 46.61.502 or 46.61.504, the minimum mandatory sentence shall be
28 ninety days in jail and a ~~((two))~~ five hundred dollar fine. The
29 penalty so imposed shall not be suspended or deferred. The person
30 shall, in addition, be required to complete a diagnostic evaluation by
31 an alcoholism agency approved by the department of social and health
32 services or a qualified probation department approved by the department
33 of social and health services. The report shall be forwarded to the
34 department of licensing. If the person is found to have an alcohol or
35 drug problem requiring treatment, the person shall complete treatment
36 at an approved alcoholism treatment ~~((facility))~~ program or approved
37 drug treatment center.

38 In addition to any nonsuspendable and nondeferrable jail sentence
39 required by this subsection, whenever the court imposes less than one

1 year in jail, the court shall (~~sentence a person to a term of~~
2 ~~imprisonment not exceeding one hundred eighty days and shall~~) also
3 suspend but shall not defer (~~the sentence~~) a period of confinement
4 for a period not exceeding two years. The suspension of the sentence
5 may be conditioned upon nonrepetition, alcohol or drug treatment,
6 supervised probation, or other conditions that may be appropriate. The
7 sentence may be imposed in whole or in part upon violation of a
8 condition of suspension during the suspension period.

9 (3) The license or permit to drive or any nonresident privilege of
10 any person convicted of driving or being in physical control of a motor
11 vehicle while under the influence of intoxicating liquor or drugs
12 shall:

13 (a) On the first conviction under either offense, be suspended by
14 the department until the person reaches age nineteen or for ninety
15 days, whichever is longer. The department of licensing shall determine
16 the person's eligibility for licensing based upon the reports provided
17 by the designated alcoholism agency or probation department and shall
18 deny reinstatement until enrollment and participation in an approved
19 program has been established and the person is otherwise qualified;

20 (b) On a second conviction under either offense within a five-year
21 period, be revoked by the department for one year. The department of
22 licensing shall determine the person's eligibility for licensing based
23 upon the reports provided by the designated alcoholism agency or
24 probation department and shall deny reinstatement until satisfactory
25 progress in an approved program has been established and the person is
26 otherwise qualified;

27 (c) On a third or subsequent conviction of driving or being in
28 physical control of a motor vehicle while under the influence of
29 intoxicating liquor or drugs, vehicular homicide, or vehicular assault,
30 or any combination thereof within a five-year period, be revoked by the
31 department for two years.

32 (4) In any case provided for in this section, where a driver's
33 license is to be revoked or suspended, the revocation or suspension
34 shall be stayed and shall not take effect until after the determination
35 of any appeal from the conviction which may lawfully be taken, but in
36 case the conviction is sustained on appeal the revocation or suspension
37 takes effect as of the date that the conviction becomes effective for
38 other purposes.

1 **Sec. 8.** RCW 46.63.020 and 1992 c 32 s 4 are each amended to read
2 as follows:

3 Failure to perform any act required or the performance of any act
4 prohibited by this title or an equivalent administrative regulation or
5 local law, ordinance, regulation, or resolution relating to traffic
6 including parking, standing, stopping, and pedestrian offenses, is
7 designated as a traffic infraction and may not be classified as a
8 criminal offense, except for an offense contained in the following
9 provisions of this title or a violation of an equivalent administrative
10 regulation or local law, ordinance, regulation, or resolution:

11 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
12 vehicle while under the influence of intoxicating liquor or a
13 controlled substance;

14 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

15 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
16 while under the influence of intoxicating liquor or narcotics or habit-
17 forming drugs or in a manner endangering the person of another;

18 (4) RCW 46.10.130 relating to the operation of snowmobiles;

19 (5) Chapter 46.12 RCW relating to certificates of ownership and
20 registration;

21 (6) RCW 46.16.010 relating to initial registration of motor
22 vehicles;

23 (7) RCW 46.16.011 relating to permitting unauthorized persons to
24 drive;

25 (8) RCW 46.16.160 relating to vehicle trip permits;

26 (9) RCW 46.16.381 (6) or (8) relating to unauthorized use or
27 acquisition of a special placard or license plate for disabled persons'
28 parking;

29 (10) RCW 46.20.021 relating to driving without a valid driver's
30 license;

31 (11) RCW 46.20.336 relating to the unlawful possession and use of
32 a driver's license;

33 (12) RCW 46.20.342 relating to driving with a suspended or revoked
34 license or status;

35 (13) RCW 46.20.410 relating to the violation of restrictions of an
36 occupational driver's license;

37 (14) RCW 46.20.420 relating to the operation of a motor vehicle
38 with a suspended or revoked license;

- 1 (15) RCW 46.20.750 relating to assisting another person to start a
2 vehicle equipped with an ignition interlock device;
- 3 (16) RCW 46.25.170 relating to commercial driver's licenses;
- 4 (17) Chapter 46.29 RCW relating to financial responsibility;
- 5 (18) RCW 46.30.040 relating to providing false evidence of
6 financial responsibility;
- 7 (19) RCW 46.37.435 relating to wrongful installation of
8 sunscreening material;
- 9 (20) RCW 46.44.180 relating to operation of mobile home pilot
10 vehicles;
- 11 (21) RCW 46.48.175 relating to the transportation of dangerous
12 articles;
- 13 (22) RCW 46.52.010 relating to duty on striking an unattended car
14 or other property;
- 15 (23) RCW 46.52.020 relating to duty in case of injury to or death
16 of a person or damage to an attended vehicle;
- 17 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
18 and appraisers;
- 19 (25) RCW 46.52.100 relating to driving under the influence of
20 liquor or drugs;
- 21 (26) RCW 46.52.130 relating to confidentiality of the driving
22 record to be furnished to an insurance company, an employer, and an
23 alcohol/drug assessment or treatment agency;
- 24 (27) RCW 46.55.020 relating to engaging in the activities of a
25 registered tow truck operator without a registration certificate;
- 26 (28) RCW 46.55.035 relating to prohibited practices by tow truck
27 operators;
- 28 (29) RCW 46.61.015 relating to obedience to police officers,
29 flagmen, or fire fighters;
- 30 (30) RCW 46.61.020 relating to refusal to give information to or
31 cooperate with an officer;
- 32 (31) RCW 46.61.022 relating to failure to stop and give
33 identification to an officer;
- 34 (32) RCW 46.61.024 relating to attempting to elude pursuing police
35 vehicles;
- 36 (33) RCW 46.61.500 relating to reckless driving;
- 37 (34) RCW 46.61.502 and 46.61.504 relating to persons under the
38 influence of intoxicating liquor or drugs;
- 39 (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

1 (36) RCW 46.61.522 relating to vehicular assault;
2 (37) RCW 46.61.525 relating to negligent driving;
3 (38) RCW 46.61.530 relating to racing of vehicles on highways;
4 (39) RCW 46.61.685 relating to leaving children in an unattended
5 vehicle with the motor running;
6 (40) RCW 46.64.010 relating to unlawful cancellation of or attempt
7 to cancel a traffic citation;
8 (41) ~~((RCW 46.64.020 relating to nonappearance after a written~~
9 ~~promise;~~
10 ~~(42) RCW 46.64.027 relating to failure to comply;~~
11 ~~(43))~~) RCW 46.64.048 relating to attempting, aiding, abetting,
12 coercing, and committing crimes;
13 ~~((44))~~ (42) Chapter 46.65 RCW relating to habitual traffic
14 offenders;
15 ~~((45))~~ (43) Chapter 46.70 RCW relating to unfair motor vehicle
16 business practices, except where that chapter provides for the
17 assessment of monetary penalties of a civil nature;
18 ~~((46))~~ (44) Chapter 46.72 RCW relating to the transportation of
19 passengers in for hire vehicles;
20 ~~((47))~~ (45) Chapter 46.80 RCW relating to motor vehicle wreckers;
21 ~~((48))~~ (46) Chapter 46.82 RCW relating to driver's training
22 schools;
23 ~~((49))~~ (47) RCW 46.87.260 relating to alteration or forgery of a
24 cab card, letter of authority, or other temporary authority issued
25 under chapter 46.87 RCW;
26 ~~((50))~~ (48) RCW 46.87.290 relating to operation of an
27 unregistered or unlicensed vehicle under chapter 46.87 RCW.

28 **Sec. 9.** RCW 46.63.060 and 1984 c 224 s 2 are each amended to read
29 as follows:

30 (1) A notice of traffic infraction represents a determination that
31 an infraction has been committed. The determination will be final
32 unless contested as provided in this chapter.

33 (2) The form for the notice of traffic infraction shall be
34 prescribed by rule of the supreme court and shall include the
35 following:

36 (a) A statement that the notice represents a determination that a
37 traffic infraction has been committed by the person named in the notice

1 and that the determination shall be final unless contested as provided
2 in this chapter;

3 (b) A statement that a traffic infraction is a noncriminal offense
4 for which imprisonment may not be imposed as a sanction; that the
5 penalty for a traffic infraction may include sanctions against the
6 person's driver's license including suspension, revocation, or denial;
7 that the penalty for a traffic infraction related to standing,
8 stopping, or parking may include nonrenewal of the vehicle license;

9 (c) A statement of the specific traffic infraction for which the
10 notice was issued;

11 (d) A statement of the monetary penalty established for the traffic
12 infraction;

13 (e) A statement of the options provided in this chapter for
14 responding to the notice and the procedures necessary to exercise these
15 options;

16 (f) A statement that at any hearing to contest the determination
17 the state has the burden of proving, by a preponderance of the
18 evidence, that the infraction was committed; and that the person may
19 subpoena witnesses including the officer who issued the notice of
20 infraction;

21 (g) A statement that at any hearing requested for the purpose of
22 explaining mitigating circumstances surrounding the commission of the
23 infraction the person will be deemed to have committed the infraction
24 and may not subpoena witnesses;

25 (h) A statement that the person must respond to the notice as
26 provided in this chapter within fifteen days or the person's driver's
27 license or driving privilege will ~~((not))~~ be ~~((renewed))~~ suspended by
28 the department until any penalties imposed pursuant to this chapter
29 have been satisfied;

30 (i) A statement that failure to appear at a hearing requested for
31 the purpose of contesting the determination or for the purpose of
32 explaining mitigating circumstances will result in the ~~((refusal of the
33 department to renew))~~ suspension of the person's driver's license or
34 driving privilege, or in the case of a standing, stopping, or parking
35 violation, refusal of the department to renew the vehicle license,
36 until any penalties imposed pursuant to this chapter have been
37 satisfied;

1 (j) A statement, which the person shall sign, that the person
2 promises to respond to the notice of infraction in one of the ways
3 provided in this chapter((÷

4 ~~(k) A statement that failure to respond to a notice of infraction~~
5 ~~as promised is a misdemeanor and may be punished by a fine or~~
6 ~~imprisonment in jail)).~~

7 **Sec. 10.** RCW 46.63.070 and 1984 c 224 s 3 are each amended to read
8 as follows:

9 (1) Any person who receives a notice of traffic infraction shall
10 respond to such notice as provided in this section within fifteen days
11 of the date of the notice.

12 (2) If the person determined to have committed the infraction does
13 not contest the determination the person shall respond by completing
14 the appropriate portion of the notice of infraction and submitting it,
15 either by mail or in person, to the court specified on the notice. A
16 check or money order in the amount of the penalty prescribed for the
17 infraction must be submitted with the response. When a response which
18 does not contest the determination is received, an appropriate order
19 shall be entered in the court's records, and a record of the response
20 and order shall be furnished to the department in accordance with RCW
21 46.20.270.

22 (3) If the person determined to have committed the infraction
23 wishes to contest the determination the person shall respond by
24 completing the portion of the notice of infraction requesting a hearing
25 and submitting it, either by mail or in person, to the court specified
26 on the notice. The court shall notify the person in writing of the
27 time, place, and date of the hearing, and that date shall not be sooner
28 than seven days from the date of the notice, except by agreement.

29 (4) If the person determined to have committed the infraction does
30 not contest the determination but wishes to explain mitigating
31 circumstances surrounding the infraction the person shall respond by
32 completing the portion of the notice of infraction requesting a hearing
33 for that purpose and submitting it, either by mail or in person, to the
34 court specified on the notice. The court shall notify the person in
35 writing of the time, place, and date of the hearing.

36 (5) ~~((a))~~ If any person issued a notice of traffic infraction:

37 ~~((i))~~ (a) Fails to respond to the notice of traffic infraction as
38 provided in subsection (2) of this section; or

1 (~~(ii)~~) (b) Fails to appear at a hearing requested pursuant to
2 subsection (3) or (4) of this section;
3 the court shall enter an appropriate order assessing the monetary
4 penalty prescribed for the traffic infraction and any other penalty
5 authorized by this chapter and shall notify the department in
6 accordance with RCW 46.20.270, of the failure to respond to the notice
7 of infraction or to appear at a requested hearing.

8 (~~(b) The department may not renew the driver's license, or in the~~
9 ~~case of a standing, stopping, or parking violation the vehicle license,~~
10 ~~of any person for whom the court has entered an order pursuant to (a)~~
11 ~~of this subsection until any penalties imposed pursuant to this chapter~~
12 ~~have been satisfied. For purposes of driver's license nonrenewal only,~~
13 ~~the lessee of a vehicle shall be considered to be the person to whom a~~
14 ~~notice of a standing, stopping, or parking violation has been issued~~
15 ~~for such violations of the vehicle incurred while the vehicle was~~
16 ~~leased or rented under a bona fide commercial lease or rental agreement~~
17 ~~between a lessor engaged in the business of leasing vehicles and a~~
18 ~~lessee who is not the vehicle's registered owner, if the lease~~
19 ~~agreement contains a provision prohibiting anyone other than the lessee~~
20 ~~from operating the vehicle. Such a lessor shall, upon the request of~~
21 ~~the municipality issuing the notice of infraction, supply the~~
22 ~~municipality with the name and driver's license number of the person~~
23 ~~leasing the vehicle at the time of the infraction.))~~

24 **Sec. 11.** RCW 46.63.110 and 1986 c 213 s 2 are each amended to read
25 as follows:

26 (1) A person found to have committed a traffic infraction shall be
27 assessed a monetary penalty. No penalty may exceed two hundred and
28 fifty dollars for each offense unless authorized by this chapter or
29 title.

30 (2) The supreme court shall prescribe by rule a schedule of
31 monetary penalties for designated traffic infractions. This rule shall
32 also specify the conditions under which local courts may exercise
33 discretion in assessing fines and penalties for traffic infractions.
34 The legislature respectfully requests the supreme court to adjust this
35 schedule every two years for inflation.

36 (3) There shall be a penalty of twenty-five dollars for failure to
37 respond to a notice of traffic infraction except where the infraction
38 relates to parking as defined by local law, ordinance, regulation, or

1 resolution or failure to pay a monetary penalty imposed pursuant to
2 this chapter. A local legislative body may set a monetary penalty not
3 to exceed twenty-five dollars for failure to respond to a notice of
4 traffic infraction relating to parking as defined by local law,
5 ordinance, regulation, or resolution. The local court, whether a
6 municipal, police, or district court, shall impose the monetary penalty
7 set by the local legislative body.

8 (4) Monetary penalties provided for in chapter 46.70 RCW which are
9 civil in nature and penalties which may be assessed for violations of
10 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
11 are not subject to the limitation on the amount of monetary penalties
12 which may be imposed pursuant to this chapter.

13 (5) Whenever a monetary penalty is imposed by a court under this
14 chapter it is immediately payable. If the person is unable to pay at
15 that time the court may, in its discretion, grant an extension of the
16 period in which the penalty may be paid. If the penalty is not paid on
17 or before the time established for payment the court shall notify the
18 department of the failure to pay the penalty, and the department (~~may~~
19 ~~not renew~~) shall suspend the person's driver's license or driving
20 privilege until the penalty has been paid and the penalty provided in
21 subsection (3) of this section has been paid.

22 **Sec. 12.** RCW 46.52.120 and 1992 c 32 s 3 are each amended to read
23 as follows:

24 (1) The director shall keep a case record on every motor vehicle
25 driver licensed under the laws of this state, together with information
26 on each driver, showing all the convictions and findings of traffic
27 infractions certified by the courts, together with an index cross-
28 reference record of each accident reported relating to such individual
29 with a brief statement of the cause of the accident. The chief of the
30 Washington state patrol shall furnish the index cross-reference record
31 to the director, with reference to each driver involved in the reported
32 accidents.

33 (2) The records shall be for the confidential use of the director,
34 the chief of the Washington state patrol, the director of the
35 Washington traffic safety commission, and for such police officers or
36 other cognizant public officials as may be designated by law. Such
37 case records shall not be offered as evidence in any court except in
38 case appeal is taken from the order of the director, suspending,

1 revoking, canceling, or refusing a vehicle driver's license ((~~or to~~
2 ~~provide proof of a person's failure to appear under RCW 46.64.020 or~~
3 ~~failure to comply under RCW 46.64.027)~~)).

4 (3) The director shall tabulate and analyze vehicle driver's case
5 records and suspend, revoke, cancel, or refuse a vehicle driver's
6 license to a person when it is deemed from facts contained in the case
7 record of such person that it is for the best interest of public safety
8 that such person be denied the privilege of operating a motor vehicle.
9 Whenever the director orders the vehicle driver's license of any such
10 person suspended, revoked, or canceled, or refuses the issuance of a
11 vehicle driver's license, such suspension, revocation, cancellation, or
12 refusal is final and effective unless appeal from the decision of the
13 director is taken as provided by law.

14 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 46.64.020 and 1992 c 32 s 1, 1990 c 250 s 61, 1990 c 210 s
17 1, 1988 c 38 s 1, 1987 c 345 s 1, 1986 c 213 s 1, 1980 c 128 s 8, &
18 1961 c 12 s 46.64.020; and

19 (2) RCW 46.64.027 and 1992 c 32 s 2.

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