
HOUSE BILL 1935

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Stevens, Sheahan, Schoesler, Tate, Padden and Ballasiotes

Read first time 02/17/93. Referred to Committee on Judiciary.

1 AN ACT Relating to alcohol; amending RCW 46.20.117, 46.20.120,
2 46.20.311, and 46.20.391; adding a new section to chapter 66.28 RCW;
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.117 and 1986 c 15 s 1 are each amended to read
6 as follows:

7 (1) The department shall issue "identicards," containing a picture,
8 to individuals for a fee of four dollars. However, the fee shall be
9 the actual cost of production to recipients of continuing public
10 assistance grants under Title 74 RCW who are referred in writing to the
11 department by the secretary of social and health services. The fee
12 shall be deposited in the highway safety fund. To be eligible, each
13 applicant shall produce evidence as required by the rules adopted by
14 the director that positively proves identity. The "identocard" shall
15 be distinctly designed so that it will not be confused with the
16 official driver's license. The identocard shall expire on the fifth
17 anniversary of the applicant's birthdate after issuance.

18 (2) The department may cancel an "identocard" upon a showing by its
19 records or other evidence that the holder of such "identocard" has

1 committed a violation relating to "identicards" defined in RCW
2 46.20.336.

3 (3) The department shall cancel an "identicard" upon a showing by
4 its records or other evidence that the holder of the identicard has
5 been convicted of a violation of RCW 46.61.502 or 46.61.504. To obtain
6 an identicard within five years of the conviction, the person must
7 reapply, pay the normal fee, and pay the following additional fee:

8 (a) One hundred dollars if the conviction is the person's first for
9 a violation of RCW 46.61.502 or 46.61.504;

10 (b) Two hundred fifty dollars upon the person's second such
11 conviction; and

12 (c) Five hundred dollars upon the person's third or subsequent such
13 conviction.

14 The department shall clearly mark an identicard issued under this
15 subsection to indicate that the person has been convicted of driving
16 under the influence of alcohol or drugs within the last five years.

17 **Sec. 2.** RCW 46.20.120 and 1990 c 9 s 1 are each amended to read as
18 follows:

19 No new driver's license may be issued and no previously issued
20 license may be renewed until the applicant therefor has successfully
21 passed a driver licensing examination. However, the department may
22 waive all or any part of the examination of any person applying for the
23 renewal of a driver's license except when the department determines
24 that an applicant for a driver's license is not qualified to hold a
25 driver's license under this title. The department may also waive the
26 actual demonstration of the ability to operate a motor vehicle by a
27 person who surrenders a valid driver's license issued by the person's
28 previous home state and who is otherwise qualified to be licensed. The
29 department may not waive any part of the examination for a person whose
30 license has been suspended or revoked within the last five years for
31 conviction of a violation of RCW 46.61.502 or 46.61.504, but shall
32 require the person to successfully complete all parts of the
33 examination. For a new license examination a fee of seven dollars
34 shall be paid by each applicant, in addition to the fee charged for
35 issuance of the license. A new license is one issued to a driver who
36 has not been previously licensed in this state or to a driver whose
37 last previous Washington license has been expired for more than four
38 years.

1 Any person renewing his or her driver's license more than sixty
2 days after the license has expired shall pay a penalty fee of ten
3 dollars in addition to the renewal fee under RCW 46.20.181. The
4 penalty fee shall be deposited in the highway safety fund.

5 Any person who is outside the state at the time his or her driver's
6 license expires or who is unable to renew the license due to any
7 incapacity may renew the license within sixty days after returning to
8 this state or within sixty days after the termination of any such
9 incapacity without the payment of the penalty fee.

10 The department shall provide for giving examinations at places and
11 times reasonably available to the people of this state.

12 **Sec. 3.** RCW 46.20.311 and 1990 c 250 s 45 are each amended to read
13 as follows:

14 (1) The department shall not suspend a driver's license or
15 privilege to drive a motor vehicle on the public highways for a fixed
16 period of more than one year, except as permitted under RCW 46.20.342
17 or 46.61.515. Whenever the license or driving privilege of any person
18 is suspended by reason of a conviction, a finding that a traffic
19 infraction has been committed, pursuant to chapter 46.29 RCW, or
20 pursuant to RCW 46.20.291, the suspension shall remain in effect until
21 the person gives and thereafter maintains proof of financial
22 responsibility for the future as provided in chapter 46.29 RCW. The
23 department shall not issue to the person a new, duplicate, or renewal
24 license until the person pays a reissue fee of twenty dollars. If the
25 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
26 the reissue fee shall be ((fifty dollars)) the normal driver's license
27 fee plus the following amount:

28 (a) One hundred dollars upon the person's first such conviction;
29 (b) Two hundred fifty dollars upon the person's second such
30 conviction; and

31 (c) Five hundred dollars upon the person's third or subsequent such
32 conviction.

33 (2) Any person whose license or privilege to drive a motor vehicle
34 on the public highways has been revoked, unless the revocation was for
35 a cause which has been removed, is not entitled to have the license or
36 privilege renewed or restored until: (a) After the expiration of one
37 year from the date the license or privilege to drive was revoked; (b)
38 after the expiration of the applicable revocation period provided by

1 RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for
2 persons convicted of vehicular homicide; (d) after the expiration of
3 one year in cases of revocation for the first refusal within five years
4 to submit to a chemical test under RCW 46.20.308; (e) after the
5 expiration of two years in cases of revocation for the second refusal
6 within five years to submit to a chemical test under RCW 46.20.308; or
7 (f) after the expiration of the applicable revocation period provided
8 by RCW 46.20.265. After the expiration of the appropriate period, the
9 person may make application for a new license as provided by law
10 together with a reissue fee in the amount of twenty dollars, but if the
11 revocation is the result of a violation of RCW 46.20.308, 46.61.502, or
12 46.61.504, the reissue fee shall be ~~((fifty dollars))~~ the normal
13 driver's license fee plus the following amount:

14 (a) One hundred dollars upon the person's first such conviction;

15 (b) Two hundred fifty dollars upon the person's second such
16 conviction; and

17 (c) Five hundred dollars upon the person's third or subsequent such
18 conviction. Except for a revocation under RCW 46.20.265, the
19 department shall not then issue a new license unless it is satisfied
20 after investigation of the driving ability of the person that it will
21 be safe to grant the privilege of driving a motor vehicle on the public
22 highways, and until the person gives and thereafter maintains proof of
23 financial responsibility for the future as provided in chapter 46.29
24 RCW. For a revocation under RCW 46.20.265, the department shall not
25 issue a new license unless it is satisfied after investigation of the
26 driving ability of the person that it will be safe to grant that person
27 the privilege of driving a motor vehicle on the public highways.

28 (3) Whenever the driver's license of any person is suspended
29 pursuant to Article IV of the nonresident violators compact or RCW
30 46.23.020, the department shall not issue to the person any new or
31 renewal license until the person pays a reissue fee of twenty dollars.
32 If the suspension is the result of a violation of the laws of another
33 state, province, or other jurisdiction involving (a) the operation or
34 physical control of a motor vehicle upon the public highways while
35 under the influence of intoxicating liquor or drugs, or (b) the refusal
36 to submit to a chemical test of the driver's blood alcohol content, the
37 reissue fee shall be ~~((fifty dollars))~~ the normal driver's license fee
38 plus the following amount:

39 (a) One hundred dollars upon the person's first such conviction;

1 (b) Two hundred fifty dollars upon the person's second such
2 conviction; and

3 (c) Five hundred dollars upon the person's third or subsequent such
4 conviction.

5 (4) The department shall clearly mark a driver's license reissued
6 under this section that had been revoked for a violation of RCW
7 46.20.308, 46.20.502, or 46.20.504 or an equivalent violation under the
8 laws of another state, province, or other jurisdiction to indicate that
9 the person has been convicted of such a violation within the last five
10 years. A driver's license so marked under this subsection expires five
11 years after its issuance.

12 **Sec. 4.** RCW 46.20.391 and 1985 c 407 s 5 are each amended to read
13 as follows:

14 (1) Any person licensed under this chapter who is convicted of an
15 offense relating to motor vehicles for which suspension or revocation
16 of the driver's license is mandatory, other than vehicular homicide or
17 vehicular assault, may submit to the department an application for an
18 occupational driver's license. The department, upon receipt of the
19 prescribed fee and upon determining that the petitioner is engaged in
20 an occupation or trade that makes it essential that the petitioner
21 operate a motor vehicle, may issue an occupational driver's license and
22 may set definite restrictions as provided in RCW 46.20.394. No person
23 may petition for, and the department shall not issue, an occupational
24 driver's license that is effective during the first thirty days of any
25 suspension or revocation imposed under RCW 46.61.515. A person
26 aggrieved by the decision of the department on the application for an
27 occupational driver's license may request a hearing as provided by rule
28 of the department.

29 (2) An applicant for an occupational driver's license is eligible
30 to receive such license only if:

31 (a) Within one year immediately preceding the present conviction,
32 the applicant has not been convicted of any offense relating to motor
33 vehicles for which suspension or revocation of a driver's license is
34 mandatory; and

35 (b) Within five years immediately preceding the present conviction,
36 the applicant has not been convicted of driving or being in actual
37 physical control of a motor vehicle while under the influence of
38 intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular

1 homicide under RCW 46.61.520, or of vehicular assault under RCW
2 46.61.522; and

3 (c) The applicant is engaged in an occupation or trade that makes
4 it essential that he or she operate a motor vehicle; and

5 (d) The applicant files satisfactory proof of financial
6 responsibility pursuant to chapter 46.29 RCW.

7 (3) The director shall cancel an occupational driver's license upon
8 receipt of notice that the holder thereof has been convicted of
9 operating a motor vehicle in violation of its restrictions, or of an
10 offense that pursuant to chapter 46.20 RCW would warrant suspension or
11 revocation of a regular driver's license. The cancellation is
12 effective as of the date of the conviction, and continues with the same
13 force and effect as any suspension or revocation under this title.

14 (4) The department may issue an occupational driver's license to a
15 person convicted of a violation of RCW 46.61.502 or 46.61.504 only if
16 the person has successfully completed all parts of the driver's license
17 examination in accordance with RCW 46.20.120 and has paid the following
18 fee in addition to any fee required elsewhere:

19 (a) One hundred dollars upon the person's first such conviction;

20 (b) Two hundred fifty dollars upon the person's second such
21 conviction; and

22 (c) Five hundred dollars upon the person's third or subsequent such
23 conviction.

24 The department shall clearly mark an occupational driver's license
25 issued under this subsection to indicate that the nature of the offense
26 for which the person's regular license was revoked. The department
27 shall continue to so mark any driver's license it issues to that person
28 for five years after a conviction under RCW 46.61.502 or 46.61.504.

29 NEW SECTION. Sec. 5. A new section is added to chapter 66.28 RCW
30 to read as follows:

31 It is unlawful to sell at retail an alcoholic beverage in any form
32 without the purchaser first showing and the seller observing a valid
33 Washington driver's license or identicard or a valid equivalent issued
34 by another jurisdiction.

--- END ---