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HOUSE BILL 2306

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Long, Morris, L. Johnson, Johanson, Van Luven, Hansen, Campbell, Brough, Quall, Roland, Springer, J. Kohl and Talcott

Read first time 01/12/94. Referred to Committee on Judiciary.

1            AN ACT Relating to revocation of juvenile driving privileges;  
2 amending RCW 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, and  
3 69.52.070; adding a new section to chapter 9.41 RCW; and prescribing  
4 penalties.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 9.41 RCW  
7 to read as follows:

8            In addition to any other penalty provided for by law, the driver's  
9 license shall be revoked of, or the age of eligibility for a driver's  
10 license shall be postponed for, any person thirteen years of age or  
11 older and under the age of eighteen found by a court to have committed  
12 an offense while armed with a firearm. The person's driving privileges  
13 shall be postponed or revoked and reinstated in accordance with the  
14 procedures established in RCW 13.40.265 and 46.20.265.

15            **Sec. 2.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to  
16 read as follows:

17            (1)(a) If a juvenile thirteen years of age or older is found by  
18 juvenile court to have committed an offense while armed with a firearm,

1 or an offense that is a violation of chapter 66.44, 69.41, 69.50, or  
2 69.52 RCW, the court shall notify the department of licensing within  
3 twenty-four hours after entry of the judgment.

4 (b) Except as otherwise provided in (c) of this subsection, upon  
5 petition of a juvenile who has been found by the court to have  
6 committed an offense that is a violation of chapter 66.44, 69.41,  
7 69.50, or 69.52 RCW, the court may at any time the court deems  
8 appropriate notify the department of licensing that the juvenile's  
9 driving privileges should be reinstated.

10 (c) If the offense is the juvenile's first violation of chapter  
11 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the  
12 court for reinstatement of the juvenile's privilege to drive revoked  
13 pursuant to RCW 46.20.265 until ninety days after the date the juvenile  
14 turns sixteen or ninety days after the judgment was entered, whichever  
15 is later. If the offense is the juvenile's second or subsequent  
16 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile  
17 may not petition the court for reinstatement of the juvenile's  
18 privilege to drive revoked pursuant to RCW 46.20.265 until the date the  
19 juvenile turns seventeen or one year after the date judgment was  
20 entered, whichever is later.

21 (d) If the juvenile's violation of chapter 66.44, 69.41, 69.50, or  
22 69.52 RCW was committed in conjunction with an offense committed by the  
23 juvenile while armed with a firearm, the juvenile may not petition the  
24 court for reinstatement of the juvenile's privilege to drive and the  
25 privilege to drive shall be revoked for a time period established in  
26 RCW 46.20.265(2)(c)(iii) through (vi).

27 (2)(a) If a juvenile enters into a diversion agreement with a  
28 diversion unit pursuant to RCW 13.40.080 concerning an offense that is  
29 a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion  
30 unit shall notify the department of licensing within twenty-four hours  
31 after the diversion agreement is signed. A juvenile is ineligible for  
32 a diversion agreement if one or more of the offenses was committed  
33 while armed with a firearm.

34 (b) If a diversion unit has notified the department pursuant to (a)  
35 of this subsection, the diversion unit shall notify the department of  
36 licensing when the juvenile has completed the agreement.

37 **Sec. 3.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to read  
38 as follows:

1 (1) In addition to any other authority to revoke driving privileges  
2 under this chapter, the department shall revoke all driving privileges  
3 of a juvenile when the department receives notice from a court pursuant  
4 to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a  
5 substantially similar municipal ordinance adopted by a local  
6 legislative authority, or from a diversion unit pursuant to RCW  
7 13.40.265. The revocation shall be imposed without hearing.

8 (2) The driving privileges of the juvenile revoked under subsection  
9 (1) of this section shall be revoked in the following manner:

10 (a) Except as provided in (c) of this subsection, upon receipt of  
11 the first notice, the department shall impose a revocation for one  
12 year, or until the juvenile reaches seventeen years of age, whichever  
13 is longer.

14 (b) Except as provided in (c) of this subsection, upon receipt of  
15 a second or subsequent notice, the department shall impose a revocation  
16 for two years or until the juvenile reaches eighteen years of age,  
17 whichever is longer.

18 (c) If the department receives notice of an offense committed while  
19 armed with a firearm, the driving privileges of the juvenile revoked  
20 under subsection (1) of this section shall be revoked in the following  
21 manner:

22 (i) Except as provided in (c)(iii) of this subsection, upon receipt  
23 of the first notice of an offense committed while armed with a firearm,  
24 the department shall impose a revocation for one year, or until the  
25 juvenile reaches seventeen years of age, whichever is longer.

26 (ii) Except as provided in (c)(iv) of this subsection, upon receipt  
27 of a second or subsequent notice of an offense committed while armed  
28 with a firearm, the department shall impose a revocation for two years,  
29 or until the juvenile reaches eighteen years of age, whichever is  
30 longer.

31 (iii) Upon receipt of a first notice of an offense committed while  
32 armed with a firearm and a first notice under subsection (1) of this  
33 section of a violation other than an offense committed while armed with  
34 a firearm, the department shall impose a revocation for one year and  
35 ninety days, or until ninety days after the date the juvenile reaches  
36 seventeen years of age, whichever is longer.

37 (iv) Upon receipt of a first notice of an offense committed while  
38 armed with a firearm and a second or subsequent notice under subsection  
39 (1) of this section of a violation other than an offense committed

1 while armed with a firearm, the department shall impose a revocation  
2 for two years, or until the juvenile reaches eighteen years of age,  
3 whichever is longer.

4 (v) Upon receipt of second or subsequent notice of an offense  
5 committed while armed with a firearm and a first notice under  
6 subsection (1) of this section of a violation other than an offense  
7 committed while armed with a firearm, the department shall impose a  
8 revocation for two years and ninety days, or until ninety days after  
9 the date the juvenile reaches eighteen years of age, whichever is  
10 longer.

11 (vi) Upon receipt of a second or subsequent notice of an offense  
12 committed while armed with a firearm and a second or subsequent notice  
13 under subsection (1) of this section of a violation other than an  
14 offense committed while armed with a firearm, the department shall  
15 impose a revocation for three years, or until the juvenile reaches  
16 nineteen years of age, whichever is longer.

17 (3) If the department receives notice from a court that the  
18 juvenile's privilege to drive should be reinstated, the department  
19 shall immediately reinstate any driving privileges that have been  
20 revoked under this section.

21 (4)(a) If the department receives notice pursuant to RCW  
22 13.40.265(2)(b) from a diversion unit that a juvenile has completed a  
23 diversion agreement for which the juvenile's driving privileges were  
24 revoked, the department shall reinstate any driving privileges revoked  
25 under this section as provided in (b) of this subsection.

26 (b) If the diversion agreement was for the juvenile's first  
27 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
28 shall not reinstate the juvenile's privilege to drive until the later  
29 of ninety days after the date the juvenile turns sixteen or ninety days  
30 after the juvenile entered into a diversion agreement for the offense.  
31 If the diversion agreement was for the juvenile's second or subsequent  
32 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
33 shall not reinstate the juvenile's privilege to drive until the later  
34 of the date the juvenile turns seventeen or one year after the juvenile  
35 entered into the second or subsequent diversion agreement.

36 **Sec. 4.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to  
37 read as follows:

1 (1) If a juvenile thirteen years of age or older and under the age  
2 of eighteen is found by a court to have committed any offense that is  
3 a violation of this chapter, the court shall notify the department of  
4 licensing within twenty-four hours after entry of the judgment.

5 (2) Except as otherwise provided in subsections (3) and (4) of this  
6 section, upon petition of a juvenile whose privilege to drive has been  
7 revoked pursuant to RCW 46.20.265, the court may notify the department  
8 of licensing that the juvenile's privilege to drive should be  
9 reinstated.

10 (3) Except as otherwise provided in subsection (4) of this section,  
11 if the ((conviction is for)) offense was the juvenile's first violation  
12 of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may  
13 not petition the court for reinstatement of the juvenile's privilege to  
14 drive revoked pursuant to RCW 46.20.265 until the later of ninety days  
15 after the date the juvenile turns sixteen or ninety days after the  
16 judgment was entered. If the ((conviction)) offense was ((for)) the  
17 juvenile's second or subsequent violation of this chapter or chapter  
18 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for  
19 reinstatement of the juvenile's privilege to drive revoked pursuant to  
20 RCW 46.20.265 until the later of the date the juvenile turns seventeen  
21 or one year after the date judgment was entered.

22 (4) If the offense was committed in conjunction with an offense  
23 committed by the juvenile while armed with a firearm, the juvenile may  
24 not petition the court for reinstatement of the juvenile's privilege to  
25 drive, and the privilege to drive shall be revoked for a time period  
26 established in RCW 46.20.265(2)(c) (iii) through (vi).

27 **Sec. 5.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to  
28 read as follows:

29 (1) If a juvenile thirteen years of age or older and under the age  
30 of twenty-one is found by a court to have committed any offense that is  
31 a violation of this chapter, the court shall notify the department of  
32 licensing within twenty-four hours after entry of the judgment.

33 (2) Except as otherwise provided in subsections (3) and (4) of this  
34 section, upon petition of a juvenile whose privilege to drive has been  
35 revoked pursuant to RCW 46.20.265, the court may notify the department  
36 of licensing that the juvenile's privilege to drive should be  
37 reinstated.

1       (3) Except as otherwise provided in subsection (4) of this section,  
2 if the ((conviction is for)) offense was the juvenile's first violation  
3 of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may  
4 not petition the court for reinstatement of the juvenile's privilege to  
5 drive revoked pursuant to RCW 46.20.265 until the later of ninety days  
6 after the date the juvenile turns sixteen or ninety days after the  
7 judgment was entered. If the ((conviction)) offense was ((for)) the  
8 juvenile's second or subsequent violation of this chapter or chapter  
9 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for  
10 reinstatement of the juvenile's privilege to drive revoked pursuant to  
11 RCW 46.20.265 until the later of the date the juvenile turns seventeen  
12 or one year after the date judgment was entered.

13       (4) If the offense was committed in conjunction with an offense  
14 committed by the juvenile while armed with a firearm, the juvenile may  
15 not petition the court for reinstatement of the juvenile's privilege to  
16 drive, and the privilege to drive shall be revoked for a time period  
17 established in RCW 46.20.265(2)(c) (iii) through (vi).

18       **Sec. 6.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to  
19 read as follows:

20       (1) If a juvenile thirteen years of age or older and under the age  
21 of twenty-one is found by a court to have committed any offense that is  
22 a violation of this chapter, the court shall notify the department of  
23 licensing within twenty-four hours after entry of the judgment.

24       (2) Except as otherwise provided in subsections (3) and (4) of this  
25 section, upon petition of a juvenile whose privilege to drive has been  
26 revoked pursuant to RCW 46.20.265, the court may at any time the court  
27 deems appropriate notify the department of licensing to reinstate the  
28 juvenile's privilege to drive.

29       (3) Except as otherwise provided in subsection (4) of this section,  
30 if the ((conviction is for)) offense was the juvenile's first violation  
31 of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may  
32 not petition the court for reinstatement of the juvenile's privilege to  
33 drive revoked pursuant to RCW 46.20.265 until the later of ninety days  
34 after the date the juvenile turns sixteen or ninety days after the  
35 judgment was entered. If the ((conviction)) offense was ((for)) the  
36 juvenile's second or subsequent violation of this chapter or chapter  
37 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for  
38 reinstatement of the juvenile's privilege to drive revoked pursuant to

1 RCW 46.20.265 until the later of the date the juvenile turns seventeen  
2 or one year after the date judgment was entered.

3 (4) If the offense was committed in conjunction with an offense  
4 committed by the juvenile while armed with a firearm, the juvenile may  
5 not petition the court for reinstatement of the juvenile's privilege to  
6 drive, and the privilege to drive shall be revoked for a time period  
7 established in RCW 46.20.265(2)(c) (iii) through (vi).

8 **Sec. 7.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to  
9 read as follows:

10 (1) If a juvenile thirteen years of age or older and under the age  
11 of twenty-one is found by a court to have committed any offense that is  
12 a violation of this chapter, the court shall notify the department of  
13 licensing within twenty-four hours after entry of the judgment.

14 (2) Except as otherwise provided in subsections (3) and (4) of this  
15 section, upon petition of a juvenile whose privilege to drive has been  
16 revoked pursuant to RCW 46.20.265, the court may at any time the court  
17 deems appropriate notify the department of licensing to reinstate the  
18 juvenile's privilege to drive.

19 (3) Except as otherwise provided in subsection (4) of this section,  
20 if the ((conviction is for)) offense was the juvenile's first violation  
21 of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may  
22 not petition the court for reinstatement of the juvenile's privilege to  
23 drive revoked pursuant to RCW 46.20.265 until the later of ninety days  
24 after the date the juvenile turns sixteen or ninety days after the  
25 judgment was entered. If the ((conviction)) offense was ((for)) the  
26 juvenile's second or subsequent violation of this chapter or chapter  
27 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for  
28 reinstatement of the juvenile's privilege to drive revoked pursuant to  
29 RCW 46.20.265 until the later of the date the juvenile turns seventeen  
30 or one year after the date judgment was entered.

31 (4) If the offense was committed in conjunction with an offense  
32 committed by the juvenile while armed with a firearm, the juvenile may  
33 not petition the court for reinstatement of the juvenile's privilege to  
34 drive, and the privilege to drive shall be revoked for a time period  
35 established in RCW 46.20.265(2)(c) (iii) through (vi).

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