

2 HB 1129 - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.20.285 and 1996 c 199 s 5 are each amended to read
8 as follows:

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

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

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

18 (3) Driving a motor vehicle while under the influence of
19 intoxicating liquor or a narcotic drug, or under the influence of any
20 other drug to a degree which renders the driver incapable of safely
21 driving a motor vehicle, upon a showing by the department's records
22 that the conviction is the second such conviction for the driver within
23 a period of five years. Upon a showing that the conviction is the
24 third such conviction for the driver within a period of five years, the
25 period of revocation shall be two years;

26 (4) For attempting to elude a pursuing police vehicle the period of
27 revocation shall be two years. The revocation period shall be tolled
28 during any period of total confinement for the offense;

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

31 (~~(5)~~) (6) Failure to stop and give information or render aid as
32 required under the laws of this state in the event of a motor vehicle
33 accident resulting in the death or personal injury of another or
34 resulting in damage to a vehicle that is driven or attended by another;

1 (~~(6)~~) (7) Perjury or the making of a false affidavit or statement
2 under oath to the department under Title 46 RCW or under any other law
3 relating to the ownership or operation of motor vehicles;

4 (~~(7)~~) (8) Reckless driving upon a showing by the department's
5 records that the conviction is the third such conviction for the driver
6 within a period of two years.

7 **Sec. 2.** RCW 46.20.311 and 1997 c 58 s 807 are each amended to read
8 as follows:

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

36 (2) Any person whose license or privilege to drive a motor vehicle
37 on the public highways has been revoked, unless the revocation was for
38 a cause which has been removed, is not entitled to have the license or

1 privilege renewed or restored until: (a) After the expiration of one
2 year from the date the license or privilege to drive was revoked; or
3 (b) after the expiration of the applicable revocation period provided
4 by RCW 46.20.265, 46.20.285, 46.20.3101, or 46.61.5055~~((c) after the~~
5 ~~expiration of two years for persons convicted of vehicular homicide; or~~
6 ~~(d) after the expiration of the applicable revocation period provided~~
7 ~~by RCW 46.20.265)).~~ After the expiration of the appropriate period,
8 the person may make application for a new license as provided by law
9 together with a reissue fee in the amount of twenty dollars, but if the
10 revocation is the result of a violation of RCW 46.20.308, 46.61.502, or
11 46.61.504, the reissue fee shall be fifty dollars. If the revocation
12 is the result of a violation of RCW 46.61.502 or 46.61.504, the
13 department shall determine the person's eligibility for licensing based
14 upon the reports provided by the alcoholism agency or probation
15 department designated under RCW 46.61.5056 and shall deny reissuance of
16 a license, permit, or privilege to drive until enrollment and
17 participation in an approved program has been established and the
18 person is otherwise qualified. Except for a revocation under RCW
19 46.20.265, the department shall not then issue a new license unless it
20 is satisfied after investigation of the driving ability of the person
21 that it will be safe to grant the privilege of driving a motor vehicle
22 on the public highways, and until the person gives and thereafter
23 maintains proof of financial responsibility for the future as provided
24 in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the
25 department shall not issue a new license unless it is satisfied after
26 investigation of the driving ability of the person that it will be safe
27 to grant that person the privilege of driving a motor vehicle on the
28 public highways.

29 (3) Whenever the driver's license of any person is suspended
30 pursuant to Article IV of the nonresident violators compact or RCW
31 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
32 to the person any new or renewal license until the person pays a
33 reissue fee of twenty dollars. If the suspension is the result of a
34 violation of the laws of this or any other state, province, or other
35 jurisdiction involving (a) the operation or physical control of a motor
36 vehicle upon the public highways while under the influence of
37 intoxicating liquor or drugs, or (b) the refusal to submit to a
38 chemical test of the driver's blood alcohol content, the reissue fee
39 shall be fifty dollars.

1 Malicious placement of an imitation device
2 1 (RCW 70.74.272(1)(a))

3 XI Rape 2 (RCW 9A.44.050)
4 Rape of a Child 2 (RCW 9A.44.076)
5 Manslaughter 1 (RCW 9A.32.060)

6 X Kidnapping 1 (RCW 9A.40.020)
7 Child Molestation 1 (RCW 9A.44.083)
8 Malicious explosion 3 (RCW 70.74.280(3))
9 Over 18 and deliver heroin or narcotic from
10 Schedule I or II to someone under 18
11 (RCW 69.50.406)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Indecent Liberties (with forcible
15 compulsion) (RCW 9A.44.100(1)(a))

16 IX Assault of a Child 2 (RCW 9A.36.130)
17 Robbery 1 (RCW 9A.56.200)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Malicious placement of an explosive 2 (RCW
21 70.74.270(2))
22 Over 18 and deliver narcotic from Schedule
23 III, IV, or V or a nonnarcotic from
24 Schedule I-V to someone under 18 and 3
25 years junior (RCW 69.50.406)
26 Controlled Substance Homicide (RCW
27 69.50.415)
28 Sexual Exploitation (RCW 9.68A.040)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Vehicular Homicide, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with
7 intent to deliver heroin or cocaine
8 (RCW 69.50.401(a)(1)(i))
9 Manufacture, deliver, or possess with
10 intent to deliver methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Possession of ephedrine or pseudoephedrine
13 with intent to manufacture
14 methamphetamine (RCW 69.50.440)
15 Vehicular Homicide, by the operation of any
16 vehicle in a reckless manner (RCW
17 46.61.520)
18 Manslaughter 2 (RCW 9A.32.070)

19 VII Burglary 1 (RCW 9A.52.020)
20 Vehicular Homicide, by disregard for the
21 safety of others (RCW 46.61.520)
22 Introducing Contraband 1 (RCW 9A.76.140)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1) (b) and
25 (c))
26 Child Molestation 2 (RCW 9A.44.086)
27 Dealing in depictions of minor engaged in
28 sexually explicit conduct (RCW
29 9.68A.050)
30 Sending, bringing into state depictions of
31 minor engaged in sexually explicit
32 conduct (RCW 9.68A.060)
33 Involving a minor in drug dealing (RCW
34 69.50.401(f))
35 Drive-by Shooting (RCW 9A.36.045)
36 Unlawful Possession of a Firearm in the
37 first degree (RCW 9.41.040(1)(a))

1 Malicious placement of an explosive 3 (RCW
2 70.74.270(3))

3 VI Bribery (RCW 9A.68.010)
4 Rape of a Child 3 (RCW 9A.44.079)
5 Intimidating a Juror/Witness (RCW
6 9A.72.110, 9A.72.130)
7 Malicious placement of an imitation device
8 2 (RCW 70.74.272(1)(b))
9 Incest 1 (RCW 9A.64.020(1))
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule I or II (except heroin or
13 cocaine) (RCW 69.50.401(a)(1)(i))
14 Intimidating a Judge (RCW 9A.72.160)
15 Bail Jumping with Murder 1 (RCW
16 9A.76.170(2)(a))
17 Theft of a Firearm (RCW 9A.56.300)

18 V Persistent prison misbehavior (RCW
19 9.94.070)
20 Criminal Mistreatment 1 (RCW 9A.42.020)
21 Abandonment of dependent person 1 (RCW
22 9A.42.060)
23 Rape 3 (RCW 9A.44.060)
24 Sexual Misconduct with a Minor 1 (RCW
25 9A.44.093)
26 Child Molestation 3 (RCW 9A.44.089)
27 Kidnapping 2 (RCW 9A.40.030)
28 Extortion 1 (RCW 9A.56.120)
29 Incest 2 (RCW 9A.64.020(2))
30 Perjury 1 (RCW 9A.72.020)
31 Extortionate Extension of Credit (RCW
32 9A.82.020)
33 Advancing money or property for
34 extortionate extension of credit (RCW
35 9A.82.030)
36 Extortionate Means to Collect Extensions of
37 Credit (RCW 9A.82.040)

1 Rendering Criminal Assistance 1 (RCW
2 9A.76.070)
3 Bail Jumping with class A Felony (RCW
4 9A.76.170(2)(b))
5 Sexually Violating Human Remains (RCW
6 9A.44.105)
7 Delivery of imitation controlled substance
8 by person eighteen or over to person
9 under eighteen (RCW 69.52.030(2))
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)

12 IV Residential Burglary (RCW 9A.52.025)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Robbery 2 (RCW 9A.56.210)
15 Assault 2 (RCW 9A.36.021)
16 Escape 1 (RCW 9A.76.110)
17 Arson 2 (RCW 9A.48.030)
18 Commercial Bribery (RCW 9A.68.060)
19 Bribing a Witness/Bribe Received by Witness
20 (RCW 9A.72.090, 9A.72.100)
21 Malicious Harassment (RCW 9A.36.080)
22 Threats to Bomb (RCW 9.61.160)
23 Willful Failure to Return from Furlough
24 (RCW 72.66.060)
25 Hit and Run--Injury Accident (RCW
26 46.52.020(4))
27 Hit and Run with Vessel--Injury Accident
28 (RCW 88.12.155(3))
29 Vehicular Assault (RCW 46.61.522)
30 Manufacture, deliver, or possess with
31 intent to deliver narcotics from
32 Schedule III, IV, or V or nonnarcotics
33 from Schedule I-V (except marijuana or
34 methamphetamines) (RCW 69.50.401
35 (a)(1) (iii) through (v))
36 Influencing Outcome of Sporting Event (RCW
37 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))
5 III Criminal Gang Intimidation (RCW 9A.46.120)
6 Criminal Mistreatment 2 (RCW 9A.42.030)
7 Abandonment of dependent person 2 (RCW
8 9A.42.070)
9 Extortion 2 (RCW 9A.56.130)
10 Unlawful Imprisonment (RCW 9A.40.040)
11 Assault 3 (RCW 9A.36.031)
12 Assault of a Child 3 (RCW 9A.36.140)
13 Custodial Assault (RCW 9A.36.100)
14 Unlawful possession of firearm in the
15 second degree (RCW 9.41.040(1)(b))
16 Harassment (RCW 9A.46.020)
17 Promoting Prostitution 2 (RCW 9A.88.080)
18 Willful Failure to Return from Work Release
19 (RCW 72.65.070)
20 Burglary 2 (RCW 9A.52.030)
21 Introducing Contraband 2 (RCW 9A.76.150)
22 Communication with a Minor for Immoral
23 Purposes (RCW 9.68A.090)
24 Patronizing a Juvenile Prostitute (RCW
25 9.68A.100)
26 Escape 2 (RCW 9A.76.120)
27 Perjury 2 (RCW 9A.72.030)
28 Bail Jumping with class B or C Felony (RCW
29 9A.76.170(2)(c))
30 Intimidating a Public Servant (RCW
31 9A.76.180)
32 Tampering with a Witness (RCW 9A.72.120)
33 Manufacture, deliver, or possess with
34 intent to deliver marijuana (RCW
35 69.50.401(a)(1)(iii))
36 Delivery of a material in lieu of a
37 controlled substance (RCW
38 69.50.401(c))

1 Manufacture, distribute, or possess with
2 intent to distribute an imitation
3 controlled substance (RCW
4 69.52.030(1))
5 Recklessly Trafficking in Stolen Property
6 (RCW 9A.82.050(1))
7 Theft of livestock 2 (RCW 9A.56.080)
8 Securities Act violation (RCW 21.20.400)

9 II Unlawful Practice of Law (RCW 2.48.180)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Theft 1 (RCW 9A.56.030)
14 Class B Felony Theft of Rental, Leased, or
15 Lease-purchased Property (RCW
16 9A.56.096(4))
17 Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 Trafficking in Insurance Claims (RCW
20 48.30A.015)
21 Unlicensed Practice of a Profession or
22 Business (RCW 18.130.190(7))
23 Health Care False Claims (RCW 48.80.030)
24 Possession of controlled substance that is
25 either heroin or narcotics from
26 Schedule I or II (RCW 69.50.401(d))
27 Possession of phencyclidine (PCP) (RCW
28 69.50.401(d))
29 Create, deliver, or possess a counterfeit
30 controlled substance (RCW
31 69.50.401(b))
32 Computer Trespass 1 (RCW 9A.52.110)
33 Escape from Community Custody (RCW
34 72.09.310)

1 I Theft 2 (RCW 9A.56.040)
2 Class C Felony Theft of Rental, Leased, or
3 Lease-purchased Property (RCW
4 9A.56.096(4))
5 Possession of Stolen Property 2 (RCW
6 9A.56.160)
7 Forgery (RCW 9A.60.020)
8 Taking Motor Vehicle Without Permission
9 (RCW 9A.56.070)
10 Vehicle Prowl 1 (RCW 9A.52.095)
11 (~~Attempting to Elude a Pursuing Police~~
12 ~~Vehicle (RCW 46.61.024))~~)
13 Malicious Mischief 2 (RCW 9A.48.080)
14 Reckless Burning 1 (RCW 9A.48.040)
15 Unlawful Issuance of Checks or Drafts (RCW
16 9A.56.060)
17 Unlawful Use of Food Stamps (RCW 9.91.140
18 (2) and (3))
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forged Prescription (RCW 69.41.020)
22 Forged Prescription for a Controlled
23 Substance (RCW 69.50.403)
24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or V
26 or Non-narcotic from Schedule I-V
27 (except phencyclidine) (RCW
28 69.50.401(d))"

29 **HB 1129** - S COMM AMD
30 By Committee on Law & Justice

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32 On page 1, line 1 of the title, after "vehicle;" strike the
33 remainder of the title and insert "amending RCW 46.20.285, 46.20.311,
34 and 46.61.024; reenacting and amending RCW 9.94A.320; and prescribing
35 penalties."

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