
SENATE BILL 5239

State of Washington

55th Legislature

1997 Regular Session

By Senators Benton, West and Zarelli

Read first time 01/20/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to drunk driving; amending RCW 46.61.5055,
2 46.61.5058, and 46.20.391; adding a new section to chapter 46.61 RCW;
3 adding a new section to chapter 46.12 RCW; adding a new section to
4 chapter 46.16 RCW; prescribing penalties; making an appropriation;
5 providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 46.61.5055 and 1996 c 307 s 3 are each amended to read
8 as follows:

9 (1) A person who is convicted of a violation of RCW 46.61.502 or
10 46.61.504 and who has no prior offense within ~~((five))~~ seven years
11 shall be punished as follows:

12 (a) In the case of a person whose alcohol concentration was less
13 than 0.15, or for whom for reasons other than the person's refusal to
14 take a test offered pursuant to RCW 46.20.308 there is no test result
15 indicating the person's alcohol concentration:

16 (i) By imprisonment for not less than ~~((one))~~ two days nor more
17 than one year. ~~((Twenty-four))~~ Two consecutive ~~((hours))~~ days of the
18 imprisonment may not be suspended or deferred unless the court finds
19 that the imposition of this mandatory minimum sentence would impose a

1 substantial risk to the offender's physical or mental well-being.
2 Whenever the mandatory minimum sentence is suspended or deferred, the
3 court shall state in writing the reason for granting the suspension or
4 deferral and the facts upon which the suspension or deferral is based;
5 and

6 (ii) By a fine of not less than (~~three~~) five hundred (~~fifty~~)
7 dollars nor more than five thousand dollars. (~~Three~~) Five hundred
8 (~~fifty~~) dollars of the fine may not be suspended or deferred unless
9 the court finds the offender to be indigent; and

10 (iii) By suspension of the offender's license or permit to drive,
11 or suspension of any nonresident privilege to drive, for a period of
12 ninety days. The period of license, permit, or privilege suspension
13 may not be suspended. The court shall notify the department of
14 licensing of the conviction, and upon receiving notification of the
15 conviction the department shall suspend the offender's license, permit,
16 or privilege; or

17 (b) In the case of a person whose alcohol concentration was at
18 least 0.15, or for whom by reason of the person's refusal to take a
19 test offered pursuant to RCW 46.20.308 there is no test result
20 indicating the person's alcohol concentration:

21 (i) By imprisonment for not less than (~~two~~) three days nor more
22 than one year. (~~Two~~) Three consecutive days of the imprisonment may
23 not be suspended or deferred unless the court finds that the imposition
24 of this mandatory minimum sentence would impose a substantial risk to
25 the offender's physical or mental well-being. Whenever the mandatory
26 minimum sentence is suspended or deferred, the court shall state in
27 writing the reason for granting the suspension or deferral and the
28 facts upon which the suspension or deferral is based; and

29 (ii) By a fine of not less than (~~five~~) seven hundred fifty
30 dollars nor more than five thousand dollars. (~~Five~~) Seven hundred
31 fifty dollars of the fine may not be suspended or deferred unless the
32 court finds the offender to be indigent; and

33 (iii) By suspension of the offender's license or permit to drive,
34 or suspension of any nonresident privilege to drive, for a period of
35 one hundred twenty days. The period of license, permit, or privilege
36 suspension may not be suspended. The court shall notify the department
37 of licensing of the conviction, and upon receiving notification of the
38 conviction the department shall suspend the offender's license, permit,
39 or privilege.

1 (2) A person who is convicted of a violation of RCW 46.61.502 or
2 46.61.504 and who has one prior offense within ~~((five))~~ seven years
3 shall be punished as follows:

4 (a) In the case of a person whose alcohol concentration was less
5 than 0.15, or for whom for reasons other than the person's refusal to
6 take a test offered pursuant to RCW 46.20.308 there is no test result
7 indicating the person's alcohol concentration:

8 (i) By imprisonment for not less than thirty days nor more than one
9 year. Thirty days of the imprisonment may not be suspended or deferred
10 unless the court finds that the imposition of this mandatory minimum
11 sentence would impose a substantial risk to the offender's physical or
12 mental well-being. Whenever the mandatory minimum sentence is
13 suspended or deferred, the court shall state in writing the reason for
14 granting the suspension or deferral and the facts upon which the
15 suspension or deferral is based; and

16 (ii) By a fine of not less than ~~((five hundred))~~ one thousand
17 dollars nor more than five thousand dollars. ~~((Five hundred))~~ One
18 thousand dollars of the fine may not be suspended or deferred unless
19 the court finds the offender to be indigent; and

20 (iii) By permanent revocation of the offender's license or permit
21 to drive, or ~~((suspension))~~ permanent revocation of any nonresident
22 privilege to drive ~~((, for a period of one year))~~. The ~~((period))~~
23 permanent revocation of a license, permit, or privilege ~~((revocation))~~
24 may not be suspended. The court shall notify the department of
25 licensing of the conviction, and upon receiving notification of the
26 conviction the department shall permanently revoke the offender's
27 license, permit, or privilege; or

28 (b) In the case of a person whose alcohol concentration was at
29 least 0.15, or for whom by reason of the person's refusal to take a
30 test offered pursuant to RCW 46.20.308 there is no test result
31 indicating the person's alcohol concentration:

32 (i) By imprisonment for not less than forty-five days nor more than
33 one year. Forty-five days of the imprisonment may not be suspended or
34 deferred unless the court finds that the imposition of this mandatory
35 minimum sentence would impose a substantial risk to the offender's
36 physical or mental well-being. Whenever the mandatory minimum sentence
37 is suspended or deferred, the court shall state in writing the reason
38 for granting the suspension or deferral and the facts upon which the
39 suspension or deferral is based; and

1 (ii) By a fine of not less than (~~seven~~) one thousand five hundred
2 (~~fifty~~) dollars nor more than five thousand dollars. (~~Seven~~) One
3 thousand five hundred (~~fifty~~) dollars of the fine may not be
4 suspended or deferred unless the court finds the offender to be
5 indigent; and

6 (iii) By permanent revocation of the offender's license or permit
7 to drive, or (~~suspension~~) permanent revocation of any nonresident
8 privilege to drive(~~, for a period of four hundred fifty days~~). The
9 (~~period~~) permanent revocation of a license, permit, or privilege
10 (~~revocation~~) may not be suspended. The court shall notify the
11 department of licensing of the conviction, and upon receiving
12 notification of the conviction the department shall permanently revoke
13 the offender's license, permit, or privilege.

14 (3) A person who is convicted of a violation of RCW 46.61.502 or
15 46.61.504 and who has two or more prior offenses (~~within five years~~)
16 shall be punished as follows:

17 (a) (~~In the case of a person whose alcohol concentration was less~~
18 ~~than 0.15, or for whom for reasons other than the person's refusal to~~
19 ~~take a test offered pursuant to RCW 46.20.308 there is no test result~~
20 ~~indicating the person's alcohol concentration:~~

21 (~~i~~) By imprisonment for not less than (~~ninety days nor more~~
22 ~~than~~) one year. (~~Ninety days~~) One year of the imprisonment may not
23 be suspended or deferred unless the court finds that the imposition of
24 this mandatory minimum sentence would impose a substantial risk to the
25 offender's physical or mental well-being. Whenever the mandatory
26 minimum sentence is suspended or deferred, the court shall state in
27 writing the reason for granting the suspension or deferral and the
28 facts upon which the suspension or deferral is based; and

29 (~~ii~~) (b) By a fine of not less than (~~one~~) two thousand
30 dollars nor more than five thousand dollars. (~~One~~) Two thousand
31 dollars of the fine may not be suspended or deferred unless the court
32 finds the offender to be indigent; and

33 (~~iii~~) (c) By permanent revocation of the offender's license or
34 permit to drive, or (~~suspension~~) permanent revocation of any
35 nonresident privilege to drive(~~, for a period of two years~~). The
36 (~~period~~) permanent revocation of a license, permit, or privilege
37 (~~revocation~~) may not be suspended. The court shall notify the
38 department of licensing of the conviction, and upon receiving

1 notification of the conviction the department shall permanently revoke
2 the offender's license, permit, or privilege(~~(; or~~

3 ~~(b) In the case of a person whose alcohol concentration was at~~
4 ~~least 0.15, or for whom by reason of the person's refusal to take a~~
5 ~~test offered pursuant to RCW 46.20.308 there is no test result~~
6 ~~indicating the person's alcohol concentration:~~

7 ~~(i) By imprisonment for not less than one hundred twenty days nor~~
8 ~~more than one year. One hundred twenty days of the imprisonment may~~
9 ~~not be suspended or deferred unless the court finds that the imposition~~
10 ~~of this mandatory minimum sentence would impose a substantial risk to~~
11 ~~the offender's physical or mental well-being. Whenever the mandatory~~
12 ~~minimum sentence is suspended or deferred, the court shall state in~~
13 ~~writing the reason for granting the suspension or deferral and the~~
14 ~~facts upon which the suspension or deferral is based; and~~

15 ~~(ii) By a fine of not less than one thousand five hundred dollars~~
16 ~~nor more than five thousand dollars. One thousand five hundred dollars~~
17 ~~of the fine may not be suspended or deferred unless the court finds the~~
18 ~~offender to be indigent; and~~

19 ~~(iii) By revocation of the offender's license or permit to drive,~~
20 ~~or suspension of any nonresident privilege to drive, for a period of~~
21 ~~three years. The period of license, permit, or privilege revocation~~
22 ~~may not be suspended. The court shall notify the department of~~
23 ~~licensing of the conviction, and upon receiving notification of the~~
24 ~~conviction the department shall revoke the offender's license, permit,~~
25 ~~or privilege)).~~

26 (4) In exercising its discretion in setting penalties within the
27 limits allowed by this section, the court shall particularly consider
28 whether the person's driving at the time of the offense was responsible
29 for injury or damage to another or another's property.

30 (5) An offender punishable under this section is subject to the
31 alcohol assessment and treatment provisions of RCW 46.61.5056.

32 (6) After expiration of any period of suspension (~~(or revocation)~~)
33 of the offender's license, permit, or privilege to drive required by
34 this section, the department shall place the offender's driving
35 privilege in probationary status pursuant to RCW 46.20.355.

36 (7)(a) In addition to any nonsuspendable and nondeferrable jail
37 sentence required by this section, whenever the court imposes less than
38 one year in jail, the court shall also suspend but shall not defer a
39 period of confinement for a period not exceeding two years. The court

1 shall impose conditions of probation that include: (i) Not driving a
2 motor vehicle within this state without a valid license to drive and
3 proof of financial responsibility for the future; (ii) not driving a
4 motor vehicle within this state while having an alcohol concentration
5 of 0.08 or more within two hours after driving; and (iii) not refusing
6 to submit to a test of his or her breath or blood to determine alcohol
7 concentration upon request of a law enforcement officer who has
8 reasonable grounds to believe the person was driving or was in actual
9 physical control of a motor vehicle within this state while under the
10 influence of intoxicating liquor. The court may impose conditions of
11 probation that include nonrepetition, alcohol or drug treatment,
12 supervised probation, or other conditions that may be appropriate. The
13 sentence may be imposed in whole or in part upon violation of a
14 condition of probation during the suspension period.

15 (b) For each violation of mandatory conditions of probation under
16 (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall
17 order the convicted person to be confined for thirty days, which shall
18 not be suspended or deferred.

19 (c) For each incident involving a violation of a mandatory
20 condition of probation imposed under this subsection, the license,
21 permit, or privilege to drive of the person shall be suspended by the
22 court for thirty days or, if such license, permit, or privilege to
23 drive already is suspended, revoked, or denied at the time the finding
24 of probation violation is made, the suspension, revocation, or denial
25 then in effect shall be extended by thirty days. The court shall
26 notify the department of any suspension, revocation, or denial or any
27 extension of a suspension, revocation, or denial imposed under this
28 subsection.

29 (8) For purposes of this section:

30 (a) A "prior offense" means any of the following:

31 (i) A conviction for a violation of RCW 46.61.502 or an equivalent
32 local ordinance;

33 (ii) A conviction for a violation of RCW 46.61.504 or an equivalent
34 local ordinance;

35 (iii) A conviction for a violation of RCW 46.61.520 committed while
36 under the influence of intoxicating liquor or any drug;

37 (iv) A conviction for a violation of RCW 46.61.522 committed while
38 under the influence of intoxicating liquor or any drug;

1 (v) A conviction for a violation of RCW 46.61.525(1) or an
2 equivalent local ordinance, if the conviction is the result of a charge
3 that was originally filed as a violation of RCW 46.61.502 or 46.61.504,
4 or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

5 (vi) An out-of-state conviction for a violation that would have
6 been a violation of (a)(i), (ii), (iii), (iv), or (v) of this
7 subsection if committed in this state;

8 (vii) A deferred prosecution under chapter 10.05 RCW granted in a
9 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
10 equivalent local ordinance; or

11 (viii) A deferred prosecution under chapter 10.05 RCW granted in a
12 prosecution for a violation of RCW 46.61.525(1), or an equivalent local
13 ordinance, if the charge under which the deferred prosecution was
14 granted was originally filed as a violation of RCW 46.61.502 or
15 (~~46.61.502~~) 46.61.504, or an equivalent local ordinance, or of RCW
16 46.61.520 or 46.61.522.

17 (b) "Within five years" means that the arrest for a prior offense
18 occurred within five years of the arrest for the current offense.

19 (c) "Permanent revocation" means revocation for the lifetime of the
20 offender.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
22 to read as follows:

23 A person who drives a vehicle within this state after his or her
24 license has been permanently revoked pursuant to RCW 46.61.5055 is
25 guilty of a gross misdemeanor and shall be punished by a fine of not
26 more than five thousand dollars and by imprisonment for one year. A
27 second or subsequent violation of this section is a class C felony and
28 shall be punished by a fine of not more than ten thousand dollars and
29 by imprisonment for seven years. Periods of imprisonment to be imposed
30 under this section for either gross misdemeanor or felony violations
31 are mandatory and may not be suspended or deferred. Sentences imposed
32 for felony violations are not subject to the exceptional sentence
33 provisions or the earned early release provisions of the sentencing
34 reform act.

35 **Sec. 3.** RCW 46.61.5058 and 1995 c 332 s 6 are each amended to read
36 as follows:

1 (1) Upon the arrest of a person or upon the filing of a complaint,
2 citation, or information in a court of competent jurisdiction, based
3 upon probable cause to believe that a person has violated RCW 46.61.502
4 or 46.61.504 or any similar municipal ordinance, (~~if such person has~~
5 ~~a prior offense within five years as defined in RCW 46.61.5055,~~) and
6 where the person has been provided written notice that any transfer,
7 sale, or encumbrance of such person's interest in the vehicle over
8 which that person was actually driving or had physical control when the
9 violation occurred, is unlawful pending either acquittal, dismissal,
10 sixty days after conviction, or other termination of the charge, such
11 person shall be prohibited from encumbering, selling, or transferring
12 his or her interest in such vehicle, except as otherwise provided in
13 (a), (b), and (c) of this subsection, until either acquittal,
14 dismissal, sixty days after conviction, or other termination of the
15 charge. The prohibition against transfer of title shall not be stayed
16 pending the determination of an appeal from the conviction.

17 (a) A vehicle encumbered by a bona fide security interest may be
18 transferred to the secured party or to a person designated by the
19 secured party;

20 (b) A leased or rented vehicle may be transferred to the lessor,
21 rental agency, or to a person designated by the lessor or rental
22 agency; and

23 (c) A vehicle may be transferred to a third party or a vehicle
24 dealer who is a bona fide purchaser or may be subject to a bona fide
25 security interest in the vehicle unless it is established that (i) in
26 the case of a purchase by a third party or vehicle dealer, such party
27 or dealer had actual notice that the vehicle was subject to the
28 prohibition prior to the purchase, or (ii) in the case of a security
29 interest, the holder of the security interest had actual notice that
30 the vehicle was subject to the prohibition prior to the encumbrance of
31 title.

32 (2) On conviction for a violation of either RCW 46.61.502 or
33 46.61.504 or any similar municipal ordinance (~~where the person~~
34 ~~convicted has a prior offense within five years as defined in RCW~~
35 ~~46.61.5055)), the motor vehicle the person was driving or over which
36 the person had actual physical control at the time of the offense, if
37 the person has a financial interest in the vehicle, is subject to
38 seizure and forfeiture pursuant to this section.~~

1 (3) A vehicle subject to forfeiture under this chapter may be
2 seized by a law enforcement officer of this state upon process issued
3 by a court of competent jurisdiction. Seizure of a vehicle may be made
4 without process if the vehicle subject to seizure has been the subject
5 of a prior judgment in favor of the state in a forfeiture proceeding
6 based upon this section.

7 (4) Seizure under subsection (3) of this section automatically
8 commences proceedings for forfeiture. The law enforcement agency under
9 whose authority the seizure was made shall cause notice of the seizure
10 and intended forfeiture of the seized vehicle to be served within
11 fifteen days after the seizure on the owner of the vehicle seized, on
12 the person in charge of the vehicle, and on any person having a known
13 right or interest in the vehicle, including a community property
14 interest. The notice of seizure may be served by any method authorized
15 by law or court rule, including but not limited to service by certified
16 mail with return receipt requested. Service by mail is complete upon
17 mailing within the fifteen-day period after the seizure. Notice of
18 seizure in the case of property subject to a security interest that has
19 been perfected on a certificate of title shall be made by service upon
20 the secured party or the secured party's assignee at the address shown
21 on the financing statement or the certificate of title.

22 (5) If no person notifies the seizing law enforcement agency in
23 writing of the person's claim of ownership or right to possession of
24 the seized vehicle within forty-five days of the seizure, the vehicle
25 is deemed forfeited.

26 (6) If a person notifies the seizing law enforcement agency in
27 writing of the person's claim of ownership or right to possession of
28 the seized vehicle within forty-five days of the seizure, the law
29 enforcement agency shall give the person or persons a reasonable
30 opportunity to be heard as to the claim or right. The hearing shall be
31 before the chief law enforcement officer of the seizing agency or the
32 chief law enforcement officer's designee, except where the seizing
33 agency is a state agency as defined in RCW 34.12.020, the hearing shall
34 be before the chief law enforcement officer of the seizing agency or an
35 administrative law judge appointed under chapter 34.12 RCW, except that
36 any person asserting a claim or right may remove the matter to a court
37 of competent jurisdiction. Removal may only be accomplished according
38 to the rules of civil procedure. The person seeking removal of the
39 matter must serve process against the state, county, political

1 subdivision, or municipality that operates the seizing agency, and any
2 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,
3 within forty-five days after the person seeking removal has notified
4 the seizing law enforcement agency of the person's claim of ownership
5 or right to possession. The court to which the matter is to be removed
6 shall be the district court when the aggregate value of the vehicle is
7 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
8 before the seizing agency and any appeal therefrom shall be under Title
9 34 RCW. In a court hearing between two or more claimants to the
10 vehicle involved, the prevailing party shall be entitled to a judgment
11 for costs and reasonable attorneys' fees. The burden of producing
12 evidence shall be upon the person claiming to be the legal owner or the
13 person claiming to have the lawful right to possession of the vehicle.
14 The seizing law enforcement agency shall promptly return the vehicle to
15 the claimant upon a determination by the administrative law judge or
16 court that the claimant is the present legal owner under Title 46 RCW
17 or is lawfully entitled to possession of the vehicle.

18 (7) When a vehicle is forfeited under this chapter the seizing law
19 enforcement agency may sell the vehicle, retain it for official use, or
20 upon application by a law enforcement agency of this state release the
21 vehicle to that agency for the exclusive use of enforcing this title;
22 provided, however, that the agency shall first satisfy any bona fide
23 security interest to which the vehicle is subject under subsection (1)
24 (a) or (c) of this section.

25 (8) When a vehicle is forfeited, the seizing agency shall keep a
26 record indicating the identity of the prior owner, if known, a
27 description of the vehicle, the disposition of the vehicle, the value
28 of the vehicle at the time of seizure, and the amount of proceeds
29 realized from disposition of the vehicle.

30 (9) Each seizing agency shall retain records of forfeited vehicles
31 for at least seven years.

32 (10) Each seizing agency shall file a report including a copy of
33 the records of forfeited vehicles with the state treasurer each
34 calendar quarter.

35 (11) The quarterly report need not include a record of a forfeited
36 vehicle that is still being held for use as evidence during the
37 investigation or prosecution of a case or during the appeal from a
38 conviction.

1 (12) By January 31st of each year, each seizing agency shall remit
2 to the state treasurer an amount equal to ten percent of the net
3 proceeds of vehicles forfeited during the preceding calendar year.
4 Money remitted shall be deposited in the public safety and education
5 account.

6 (13) The net proceeds of a forfeited vehicle is the value of the
7 forfeitable interest in the vehicle after deducting the cost of
8 satisfying a bona fide security interest to which the vehicle is
9 subject at the time of seizure(~~(+)~~) and (~~(in the case of a sold~~
10 ~~vehicle,~~) after deducting the cost of seizure, storage, and sale,
11 including reasonable fees or commissions paid to independent selling
12 agents.

13 (14) The value of a sold forfeited vehicle is the sale price. The
14 value of a retained forfeited vehicle is the fair market value of the
15 vehicle at the time of seizure, determined when possible by reference
16 to an applicable commonly used index, such as the index used by the
17 department of licensing. A seizing agency may, but need not, use an
18 independent qualified appraiser to determine the value of retained
19 vehicles. If an appraiser is used, the value of the vehicle appraised
20 is net of the cost of the appraisal.

21 **Sec. 4.** RCW 46.20.391 and 1995 c 332 s 12 are each amended to read
22 as follows:

23 (1) Any person licensed under this chapter who is convicted of an
24 offense relating to motor vehicles for which suspension or revocation
25 of the driver's license is mandatory, other than vehicular homicide or
26 vehicular assault or a violation of RCW 46.61.502 or 46.61.504, may
27 submit to the department an application for an occupational driver's
28 license. The department, upon receipt of the prescribed fee and upon
29 determining that the petitioner is engaged in an occupation or trade
30 that makes it essential that the petitioner operate a motor vehicle,
31 may issue an occupational driver's license and may set definite
32 restrictions as provided in RCW 46.20.394. No person may petition for,
33 and the department shall not issue, an occupational driver's license
34 that is effective during the first thirty days of any suspension (~~or~~
35 ~~revocation~~) imposed for a violation of RCW 46.61.502 or 46.61.504. A
36 person aggrieved by the decision of the department on the application
37 for an occupational driver's license may request a hearing as provided
38 by rule of the department.

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

3 (a) Within one year immediately preceding the date of the offense
4 that gave rise to the present conviction, the applicant has not
5 committed any offense relating to motor vehicles for which suspension
6 or revocation of a driver's license is mandatory; and

7 (b) Within five years immediately preceding the date of the offense
8 that gave rise to the present conviction, the applicant has not
9 committed any of the following offenses: (i) Driving or being in
10 actual physical control of a motor vehicle while under the influence of
11 intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or
12 (iii) vehicular assault under RCW 46.61.522; and

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

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

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

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.12 RCW
25 to read as follows:

26 (1) No person whose license to drive, permit to drive, or
27 nonresident privilege to drive is suspended, revoked, or permanently
28 revoked may obtain, and the department shall not issue to such a
29 person, a certificate of vehicle ownership, vehicle license number
30 plates, or certificate of license registration, whether original issue
31 or duplicate, for a motor vehicle.

32 (2) No person whose license to drive, permit to drive, or
33 nonresident privilege to drive is suspended, revoked, or permanently
34 revoked may purchase, lease, or rent a motor vehicle. No individual or
35 dealer may knowingly sell, lease, or rent a motor vehicle to a person
36 whose license to drive, permit to drive, or nonresident privilege to
37 drive is suspended, revoked, or permanently revoked. A violation of

1 this subsection is a gross misdemeanor punishable as provided for in
2 chapter 9A.20 RCW.

3 (3) A person who does not have a valid license or permit to drive
4 for reasons other than the suspension, revocation, or permanent
5 revocation of his or her license or permit may apply for and the
6 department shall issue a certificate indicating that the person's
7 license, permit, or privilege is not suspended, revoked, or permanently
8 revoked. No such certificate may be valid for more than thirty days.
9 Any individual or dealer may sell, lease, or rent a motor vehicle to a
10 person who possesses a valid license or permit to drive or who
11 possesses a valid certificate issued under this section.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.16 RCW
13 to read as follows:

14 No person whose license to drive, permit to drive, or nonresident
15 privilege to drive is suspended, revoked, or permanently revoked may
16 obtain, and the department shall not issue to such a person, a vehicle
17 license or vehicle license number plates under RCW 46.16.010.

18 NEW SECTION. **Sec. 7.** The sum of two hundred fifty thousand
19 dollars, or as much thereof as may be necessary, is appropriated for
20 the fiscal year ending June 30, 1998, from the general fund to the
21 department of licensing for electronic media advertising of the
22 contents of this act.

23 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 July 1, 1997.

--- END ---