
SENATE BILL 6187

State of Washington 55th Legislature 1998 Regular Session

By Senators Stevens, Oke, Schow, Benton and Zarelli

Read first time 01/13/98.

1 AN ACT Relating to alcohol; amending RCW 46.20.117, 46.20.120,
2 46.20.311, and 46.20.391; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read
5 as follows:

6 (1) The department shall issue "identicards," containing a picture,
7 to nondrivers for a fee of four dollars. However, the fee shall be the
8 actual cost of production to recipients of continuing public assistance
9 grants under Title 74 RCW who are referred in writing to the department
10 by the secretary of social and health services. The fee shall be
11 deposited in the highway safety fund. To be eligible, each applicant
12 shall produce evidence as required in RCW 46.20.035 that positively
13 proves identity. The "identicard" shall be distinctly designed so that
14 it will not be confused with the official driver's license. The
15 identicard shall expire on the fifth anniversary of the applicant's
16 birthdate after issuance.

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

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

3 (3) The department shall cancel an "identocard" upon a showing by
4 its records or other evidence that the holder of the identocard has
5 been convicted of a violation of RCW 46.61.502 or 46.61.504. To obtain
6 an identocard 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 identocard 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 1997 c 58 s 807 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 specifically permitted under
17 RCW 46.20.342 or other provision of law. Except for a suspension under
18 RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or
19 driving privilege of any person is suspended by reason of a conviction,
20 a finding that a traffic infraction has been committed, pursuant to
21 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
22 suspension shall remain in effect until the person gives and thereafter
23 maintains proof of financial responsibility for the future as provided
24 in chapter 46.29 RCW. If the suspension is the result of a violation
25 of RCW 46.61.502 or 46.61.504, the department shall determine the
26 person's eligibility for licensing based upon the reports provided by
27 the alcoholism agency or probation department designated under RCW
28 46.61.5056 and shall deny reinstatement until enrollment and
29 participation in an approved program has been established and the
30 person is otherwise qualified. Whenever the license or driving
31 privilege of any person is suspended as a result of certification of
32 noncompliance with a child support order under chapter 74.20A RCW or a
33 residential or visitation order, the suspension shall remain in effect
34 until the person provides a release issued by the department of social
35 and health services stating that the person is in compliance with the
36 order. The department shall not issue to the person a new, duplicate,
37 or renewal license until the person pays a reissue fee of twenty
38 dollars. If the suspension is the result of a violation of RCW

1 46.61.502 or 46.61.504, or is the result of administrative action under
2 RCW 46.20.308, the reissue fee shall be (~~(fifty dollars)~~) the normal
3 driver's license fee plus the following amount:

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

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

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

9 (2) Any person whose license or privilege to drive a motor vehicle
10 on the public highways has been revoked, unless the revocation was for
11 a cause which has been removed, is not entitled to have the license or
12 privilege renewed or restored until: (a) After the expiration of one
13 year from the date the license or privilege to drive was revoked; (b)
14 after the expiration of the applicable revocation period provided by
15 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
16 persons convicted of vehicular homicide; or (d) after the expiration of
17 the applicable revocation period provided by RCW 46.20.265. After the
18 expiration of the appropriate period, the person may make application
19 for a new license as provided by law together with a reissue fee in the
20 amount of twenty dollars, but if the revocation is the result of a
21 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
22 shall be (~~(fifty dollars)~~) the normal driver's license fee plus the
23 following amount:

24 (i) One hundred dollars upon the person's first such conviction;

25 (ii) Two hundred fifty dollars upon the person's second such
26 conviction; and

27 (iii) Five hundred dollars upon the person's third or subsequent
28 such conviction. If the revocation is the result of a violation of RCW
29 46.61.502 or 46.61.504, the department shall determine the person's
30 eligibility for licensing based upon the reports provided by the
31 alcoholism agency or probation department designated under RCW
32 46.61.5056 and shall deny reissuance of a license, permit, or privilege
33 to drive until enrollment and participation in an approved program has
34 been established and the person is otherwise qualified. Except for a
35 revocation under RCW 46.20.265, the department shall not then issue a
36 new license unless it is satisfied after investigation of the driving
37 ability of the person that it will be safe to grant the privilege of
38 driving a motor vehicle on the public highways, and until the person
39 gives and thereafter maintains proof of financial responsibility for

1 the future as provided in chapter 46.29 RCW. For a revocation under
2 RCW 46.20.265, the department shall not issue a new license unless it
3 is satisfied after investigation of the driving ability of the person
4 that it will be safe to grant that person the privilege of driving a
5 motor vehicle on the public highways.

6 (3) Whenever the driver's license of any person is suspended
7 pursuant to Article IV of the nonresident violators compact or RCW
8 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
9 to the person any new or renewal license until the person pays a
10 reissue fee of twenty dollars. If the suspension is the result of a
11 violation of the laws of this or any other state, province, or other
12 jurisdiction involving (a) the operation or physical control of a motor
13 vehicle upon the public highways while under the influence of
14 intoxicating liquor or drugs, or (b) the refusal to submit to a
15 chemical test of the driver's blood alcohol content, the reissue fee
16 shall be ((fifty dollars)) the normal driver's license fee plus the
17 following amount:

18 (i) One hundred dollars upon the person's first such conviction;

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

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

23 (4) The department shall clearly mark a driver's license reissued
24 under this section that had been revoked for a violation of RCW
25 46.61.502 or 46.61.504 or an equivalent violation under the laws of
26 another state, province, or other jurisdiction to indicate that the
27 person has been convicted of such a violation within the last five
28 years. A driver's license so marked under this subsection expires five
29 years after its issuance.

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

32 (1) Any person licensed under this chapter who is convicted of an
33 offense relating to motor vehicles for which suspension or revocation
34 of the driver's license is mandatory, other than vehicular homicide or
35 vehicular assault, may submit to the department an application for an
36 occupational driver's license. The department, upon receipt of the
37 prescribed fee and upon determining that the petitioner is engaged in
38 an occupation or trade that makes it essential that the petitioner

1 operate a motor vehicle, may issue an occupational driver's license and
2 may set definite restrictions as provided in RCW 46.20.394. No person
3 may petition for, and the department shall not issue, an occupational
4 driver's license that is effective during the first thirty days of any
5 suspension or revocation imposed for a violation of RCW 46.61.502 or
6 46.61.504. A person aggrieved by the decision of the department on the
7 application for an occupational driver's license may request a hearing
8 as provided by rule of the department.

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

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

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

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

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

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

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

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

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

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

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

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