
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-5005.1/00

ATTY/TYPIST: GR:mos

BRIEF DESCRIPTION:

2 **ESSB 6264** - H AMD TO TRAN COMM AMD (H-5004.2/00)
3 By Representative Hatfield

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5 On page 1, beginning on line 7 of the amendment, strike the
6 remainder of the amendment and insert the following:

7 "Sec. 1. RCW 46.20.100 and 1999 c 274 s 14 are each amended to
8 read as follows:

9 (1) **Application.** The application of a person under the age of
10 eighteen years for a driver's license or a motorcycle endorsement must
11 be signed by a parent or guardian with custody of the minor. If the
12 person under the age of eighteen has no father, mother, or guardian,
13 then the application must be signed by the minor's employer.

14 (2) **Requirements.** In order to qualify for a driver's license, a
15 person under the age of eighteen must:

16 (a) Have possessed a valid instruction permit for a period of not
17 less than six months;

18 (b) Have passed a driver licensing examination administered by the
19 department under RCW 46.20.120;

20 (c) Have passed a course of driver's education in accordance with
21 the standards established in subsection (3) of this section;

22 (d) Present certification by his or her parent, guardian, or
23 employer to the department stating (i) that the applicant has had at
24 least fifty hours of driving experience, ten of which were at night,
25 during which the driver was supervised by a person at least twenty-one
26 years of age who has had a valid driver's license for at least three
27 years, and (ii) that the applicant has not been issued a notice of
28 traffic infraction or cited for a traffic violation that is pending at
29 the time of the application for the license;

30 (e) Not have been convicted of or found to have committed a traffic
31 violation within the last six months before the application for the
32 license; and

33 (f) Not have been adjudicated for an offense involving the use of
34 alcohol or drugs during the period the applicant held an instruction
35 permit.

1 (3) **Traffic safety education requirement.** For a person under the
2 age of eighteen years to obtain a driver's license he or she must meet
3 the traffic safety education requirements of this subsection.

4 (a) To meet the traffic safety education requirement for a driver's
5 license the applicant must satisfactorily complete a traffic safety
6 education course as defined in RCW 28A.220.020. The course must meet
7 the standards established by the office of the state superintendent of
8 public instruction. The traffic safety education course may be
9 provided by:

10 (i) A recognized secondary school; or

11 (ii) A commercial driving enterprise that is annually approved by
12 the office of the superintendent of public instruction.

13 (b) To meet the traffic safety education requirement for a
14 motorcycle endorsement, the applicant must successfully complete a
15 motorcycle safety education course that meets the standards established
16 by the department of licensing.

17 (c) The department may waive the traffic safety education
18 requirement for a driver's license if the applicant demonstrates to the
19 department's satisfaction that:

20 (i) He or she was unable to take or complete a traffic safety
21 education course;

22 (ii) A need exists for the applicant to operate a motor vehicle;
23 and

24 (iii) He or she has the ability to operate a motor vehicle in such
25 a manner as not to jeopardize the safety of persons or property.

26 The department may adopt rules to implement this subsection ((+2))
27 (3)(c) in concert with the supervisor of the traffic safety education
28 section of the office of the superintendent of public instruction.

29 (d) The department may waive the traffic safety education
30 requirement if the applicant was licensed to drive a motor vehicle or
31 motorcycle outside this state and provides proof that he or she has had
32 education equivalent to that required under this subsection.

33 **Sec. 2.** RCW 28A.220.030 and 1979 c 158 s 196 are each amended to
34 read as follows:

35 (1) The superintendent of public instruction ((is authorized to))
36 shall establish a section of traffic safety education, and through such
37 section shall: Define a "realistic level of effort" required to
38 provide an effective traffic safety education course, establish a level

1 of driving competency required of each student to successfully complete
2 the course, and ensure that an effective state-wide program is
3 implemented and sustained, administer, supervise, and develop the
4 traffic safety education program and shall assist local school
5 districts in the conduct of their traffic safety education programs.
6 The superintendent shall adopt necessary rules and regulations
7 governing the operation and scope of the traffic safety education
8 program; and each school district shall submit a report to the
9 superintendent on the condition of its traffic safety education
10 program(~~(:—PROVIDED, That)~~). The superintendent shall monitor the
11 quality of the program and carry out the purposes of this chapter.

12 (2) Effective September 1, 2000, the traffic safety education
13 curriculum established by the superintendent under subsection (1) of
14 this section must include a comprehensive driving skills test and
15 individual knowledge test that a student must pass in order to receive
16 a passing grade from a traffic safety education class.

17 (3) The superintendent shall establish a required minimum number of
18 hours of continuing traffic safety education for traffic safety
19 education instructors. The superintendent may phase in the requirement
20 over not more than five years from the effective date of this act.

21 (4) The board of directors of any school district maintaining a
22 secondary school which includes any of the grades 10 to 12, inclusive,
23 may establish and maintain a traffic safety education course. If a
24 school district elects to offer a traffic safety education course and
25 has within its boundaries a private accredited secondary school which
26 includes any of the grades 10 to 12, inclusive, at least one class in
27 traffic safety education shall be given at times other than regular
28 school hours if there is sufficient demand therefor.

29 (~~((+3+))~~) (5) The board of directors of a school district, or
30 combination of school districts, may contract with any drivers' school
31 licensed under the provisions of chapter 46.82 RCW to teach the
32 laboratory phase of the traffic safety education course. Instructors
33 provided by any such contracting drivers' school must be properly
34 qualified teachers of traffic safety education under the joint
35 qualification requirements adopted by the superintendent of public
36 instruction and the director of licensing.

37 **Sec. 3.** RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to
38 read as follows:

1 (1) The director (~~((shall be))~~) is responsible for the administration
2 and enforcement of the law pertaining to driver training schools as set
3 forth in this chapter.

4 (2) The director (~~((is authorized to))~~) may adopt and enforce such
5 reasonable rules as may be consistent with and necessary to carry out
6 this chapter.

7 (3) The director shall adopt a driver training curriculum
8 established by the superintendent of public instruction. The
9 curriculum must include a comprehensive driving skills test that a
10 student must pass in order to receive a certificate of completion from
11 a driver training school.

12 **Sec. 4.** RCW 28A.220.040 and 1984 c 258 s 331 are each amended to
13 read as follows:

14 (1) Each school district shall be reimbursed from funds
15 appropriated for traffic safety education(~~(:—PROVIDED, That))~~).

16 (a) The state superintendent shall determine the per-pupil
17 reimbursement amount for the traffic safety education course to be
18 funded by the state. Each school district offering an approved
19 standard traffic safety education course shall be reimbursed or granted
20 an amount up to the level established by the superintendent of public
21 instruction as may be appropriated.

22 (b) The state superintendent may provide per-pupil reimbursements
23 to school districts only where all the traffic educators have satisfied
24 the continuing education requirement of RCW 28A.220.030(3).

25 (2) The board of directors of any school district or combination of
26 school districts may establish a traffic safety education fee, which
27 fee when imposed shall be required to be paid by any duly enrolled
28 student in any such school district prior to or while enrolled in a
29 traffic safety education course. Traffic safety education fees
30 collected by a school district shall be deposited with the county
31 treasurer to the credit of such school district, to be used to pay
32 costs of the traffic safety education course.

33 **Sec. 5.** RCW 46.20.091 and 1999 c 6 s 14 are each amended to read
34 as follows:

35 (1) **Application.** In order to apply for a driver's license or
36 instruction permit the applicant must provide his or her:

1 (a) Name of record, as established by documentation required under
2 RCW 46.20.035;

3 (b) Date of birth, as established by satisfactory evidence of age;

4 (c) Sex;

5 (d) Washington residence address;

6 (e) Description;

7 (f) Driving licensing history, including:

8 (i) Whether the applicant has ever been licensed as a driver or
9 chauffeur and, if so, (A) when and by what state or country; (B)
10 whether the license has ever been suspended or revoked; and (C) the
11 date of and reason for the suspension or revocation; or

12 (ii) Whether the applicant's application to another state or
13 country for a driver's license has ever been refused and, if so, the
14 date of and reason for the refusal; ((and))

15 (g) Driver training history and, if received, where; and

16 (h) Any additional information required by the department.

17 (2) **Sworn statement.** An application for an instruction permit or
18 for an original driver's license must be made upon a form provided by
19 the department. The identifying documentation verifying the name of
20 record must be accompanied by the applicant's written statement that it
21 is valid. The information provided on the form must be sworn to and
22 signed by the applicant before a person authorized to administer oaths.
23 An applicant who makes a false statement on an application for a
24 driver's license or instruction permit is guilty of false swearing, a
25 gross misdemeanor, under RCW 9A.72.040.

26 (3) **Driving records from other jurisdictions.** If a person
27 previously licensed in another jurisdiction applies for a Washington
28 driver's license, the department shall request a copy of the
29 applicant's driver's record from the other jurisdiction. The driving
30 record from the other jurisdiction becomes a part of the driver's
31 record in this state.

32 (4) **Driving records to other jurisdictions.** If another
33 jurisdiction requests a copy of a person's Washington driver's record,
34 the department shall provide a copy of the record. The department
35 shall forward the record without charge if the other jurisdiction
36 extends the same privilege to the state of Washington. Otherwise the
37 department shall charge a reasonable fee for transmittal of the record.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 If a novice driver is convicted of or found to have committed one
4 or more of the traffic offenses listed in subsection (2) or (4) of this
5 section or two or more of the traffic offenses listed in subsection (3)
6 of this section, his or her driving privilege is subject to the
7 restrictions detailed in subsection (1) of this section. For purposes
8 of this section "novice driver" means a driver who is within two years
9 of the date he or she was licensed to drive.

10 (1) The department shall restrict the driving privilege of a novice
11 driver who commits the violations described in subsection (2), (3), or
12 (4) of this section as follows:

13 (a) The novice driver may only drive unsupervised between the hours
14 of five a.m. and ten p.m. At all other times the novice driver must be
15 supervised. While being supervised, the novice driver must be
16 accompanied by a parent, guardian, or other person twenty-one years of
17 age or older with at least five years of driving experience. The
18 supervisor must possess a valid driver's license. The supervisor must
19 be the only other occupant of the front passenger section of the
20 vehicle.

21 (b) The novice driver may not operate a motor vehicle that is
22 carrying any passengers under the age of twenty who are not members of
23 the novice driver's immediate family as defined in RCW 42.17.020.

24 (c) The department shall impose the restrictions of this subsection
25 (1) for one year.

26 (d) A novice driver whose license has been restricted under this
27 section may drive at any hour without restriction on the number of
28 passengers in the vehicle if required due to an emergency.

29 (e) A novice driver whose license has been restricted under this
30 section may drive at any hour without restrictions on the number of
31 passengers in the vehicle if required by family necessity as evidenced
32 by a signed statement of a parent or guardian. The note must be dated
33 and is effective for only one day.

34 (f) Operating a motor vehicle in violation of the restrictions of
35 this section is a traffic infraction.

36 (2) If a novice driver is convicted of or found to have committed
37 one or more of the traffic offenses listed in this subsection, the
38 department shall restrict his or her license as described in subsection
39 (1) of this section:

- 1 (a) RCW 46.30.040: False insurance evidence;
- 2 (b) RCW 46.61.015, 46.61.020, or 46.61.021: Failure to respond or
3 comply with officer;
- 4 (c) RCW 46.61.050 or 46.61.340 through 46.61.385: Failure to stop;
- 5 (d) RCW 46.61.070: Wrong way in reversible lane;
- 6 (e) RCW 46.61.100, 46.61.105, 46.61.110, 46.61.120, 46.61.125,
7 46.61.130, or 46.61.140: Driving on wrong side of road/failure to stay
8 in lane;
- 9 (f) RCW 46.61.105 or 46.61.120: Illegal overtaking or passing;
- 10 (g) RCW 46.61.135: Wrong way on a one-way street;
- 11 (h) RCW 46.61.145: Following too closely;
- 12 (i) RCW 46.61.150: Improperly crossing median;
- 13 (j) RCW 46.61.180 through 46.61.220: Failure to yield right-of-
14 way;
- 15 (k) RCW 46.61.245 or 46.61.445: Failure to use due care;
- 16 (l) RCW 46.61.260: Driving in safety zone;
- 17 (m) RCW 46.61.370: Passing stopped school bus;
- 18 (n) RCW 46.61.400 or 46.61.440: Driving ten miles or more over the
19 speed limit;
- 20 (o) RCW 46.61.400: Driving too fast for conditions;
- 21 (p) RCW 46.61.519: Open container violation;
- 22 (q) RCW 46.61.5195: Disguising an alcoholic beverage container;
- 23 (r) RCW 46.61.5249 and 46.61.525: Negligent driving;
- 24 (s) RCW 46.61.608: Failure to give motorcycle full use of lane;
- 25 (t) RCW 46.61.385: Failure to stop for school patrol;
- 26 (u) RCW 46.61.660: Carrying persons outside vehicle;
- 27 (v) RCW 46.61.665: Embracing while driving;
- 28 (w) RCW 46.61.675: Permitting illegal vehicle operation; and
- 29 (x) RCW 46.61.685: Unattended child in running vehicle.
- 30 (3) If a novice driver is convicted of or found to have committed
31 two or more of the traffic offenses listed in this subsection, the
32 department must restrict his or her license as described in subsection
33 (1) of this section:
- 34 (a) RCW 46.20.017: No license on person;
- 35 (b) RCW 46.29.605: Driving with suspended registration;
- 36 (c) RCW 46.30.020: Driving without liability insurance;
- 37 (d) RCW 46.37.010: Defective equipment;
- 38 (e) RCW 46.37.010: Illegal lights or other equipment;
- 39 (f) RCW 46.37.020: Driving without lights;

- 1 (g) RCW 46.61.015 or 46.61.050: Disobeying road sign other than a
2 stop or yield sign or signaler or officer;
- 3 (h) RCW 46.61.100: Improper lane change;
- 4 (i) RCW 46.61.100 (3) or (4) or 46.61.425: Impeding traffic;
- 5 (j) RCW 46.61.155: Improper access to limited access highway;
- 6 (k) RCW 46.61.235: Failure to stop for pedestrian;
- 7 (l) RCW 46.61.261, 46.61.428, or 46.61.606: Driving on shoulder or
8 sidewalk;
- 9 (m) RCW 46.61.290 through 46.61.305: Improper or prohibited turn;
- 10 (n) RCW 46.61.295: Improper U-turn;
- 11 (o) RCW 46.61.300: Starting vehicle illegally;
- 12 (p) RCW 46.61.305: Failure to use or improper signal;
- 13 (q) RCW 46.61.400: Speeding less than ten miles over limit;
- 14 (r) RCW 46.61.600: Improperly secured vehicle;
- 15 (s) RCW 46.61.605: Improper backing;
- 16 (t) RCW 46.61.615: Obstructed vision or control;
- 17 (u) RCW 46.61.630: Coasting on downgrade;
- 18 (v) RCW 46.61.635: Following emergency vehicles;
- 19 (w) RCW 46.61.640: Crossing fire hose;
- 20 (x) RCW 46.61.645: Throwing dangerous material on roadway;
- 21 (y) RCW 46.61.655: Improperly secured or covered load;
- 22 (z) RCW 46.61.670: Wheels off roadway;
- 23 (aa) RCW 46.61.680: Lowering vehicle below legal clearance;
- 24 (bb) RCW 46.61.687: Child restraint violation; and
- 25 (cc) RCW 46.61.688: Seat belt violation.
- 26 (4) If a novice driver's driving privilege is withheld under any of
27 the sections listed in this subsection, his or her license is subject
28 to the restrictions in subsection (1) of this section if and when the
29 driving privilege is reinstated.
- 30 (a) RCW 46.20.041: Violating driver's license restrictions;
- 31 (b) RCW 46.20.0921: Fraudulent application, alteration, or display
32 of driver's license;
- 33 (c) RCW 46.20.265: Minor in possession of alcohol or drugs;
- 34 (d) RCW 46.20.265: Minor in possession of a firearm;
- 35 (e) Section 7 of this act: Novice driver violating chapter 46.61
36 RCW;
- 37 (f) RCW 46.20.285: Conviction of a felony involving a motor
38 vehicle;
- 39 (g) RCW 46.20.289: Failure to appear/unpaid traffic ticket;

- 1 (h) RCW 46.20.291: Multiple violations within a specified time
2 period;
- 3 (i) RCW 46.20.3101: Refusal to submit to breath or blood alcohol
4 test;
- 5 (j) RCW 46.20.342: Driving while license is suspended or revoked;
- 6 (k) Chapter 46.29 RCW other than RCW 46.29.605: Violation of
7 financial responsibility laws;
- 8 (l) RCW 46.52.020: Hit and run, vehicle attended;
- 9 (m) RCW 46.61.024: Eluding police;
- 10 (n) RCW 46.61.500: Reckless driving;
- 11 (o) RCW 46.61.502: Driving under the influence;
- 12 (p) RCW 46.61.504: Physical control of a motor vehicle while under
13 the influence;
- 14 (q) RCW 46.61.5055: Violating probation for DUI conviction;
- 15 (r) RCW 46.61.5056: Failure to meet requirements of court-ordered
16 drug or alcohol treatment program, e.g., failure to submit alcohol
17 report, failure to comply with treatment program, relapse;
- 18 (s) RCW 46.61.520: Vehicular homicide;
- 19 (t) RCW 46.61.522: Vehicular assault;
- 20 (u) RCW 46.61.527: Reckless endangerment in a construction zone;
- 21 (v) RCW 46.61.530: Racing;
- 22 (w) Chapter 46.65 RCW: Habitual traffic offender, twenty moving
23 violations in five years.

24 (5) If the driving privilege of a novice driver under the age of
25 eighteen is restricted under this section, the department shall mail a
26 written notice to the parent or guardian of the person notifying them
27 that the novice driver's license has been restricted under this section
28 or suspended under section 7 of this act.

29 (6) Enforcement of the driving restrictions of this section by law
30 enforcement officers may be accomplished only as a secondary action
31 when a driver of a motor vehicle has been detained for a suspected
32 violation of this title or an equivalent local ordinance or some other
33 offense.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW
35 to read as follows:

36 (1) If a novice driver is found to have committed a traffic
37 infraction, and it is the driver's first such finding, the court shall
38 waive the monetary penalty as allowed under RCW 46.63.110(7) and direct

1 the licensee to take two additional hours of behind-the-wheel driver
2 training from a licensed driver training school at the licensee's
3 expense.

4 (2) If a novice driver's license has been restricted under section
5 6 of this act and he or she is convicted of or found to have committed
6 a traffic offense described in chapter 46.61 RCW, in addition to the
7 offense or offenses that caused the novice driver's license to be
8 restricted, or violated restrictions placed on a novice driver's
9 license under section 6 of this act:

10 (a) On the first such conviction or finding, the department shall
11 suspend the driver's license for a period of six months;

12 (b) On the second such conviction or finding, the department shall
13 suspend the driver's license for one year.

14 **Sec. 8.** RCW 46.20.105 and 1987 c 463 s 3 are each amended to read
15 as follows:

16 (1) The department may provide a method to distinguish the driver's
17 license of a person who is under the age of twenty-one from the
18 driver's license of a person who is twenty-one years of age or older.

19 (2) An instruction permit must be identified as an "instruction
20 permit" and issued in a distinctive form as determined by the
21 department.

22 (3) A novice driver's license must be identified as a "novice
23 driver's license" and issued in a distinctive form as determined by the
24 department.

25 **Sec. 9.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
26 as follows:

27 (1)(a) The department shall not suspend a driver's license or
28 privilege to drive a motor vehicle on the public highways for a fixed
29 period of more than one year, except as specifically permitted under
30 RCW 46.20.342 or other provision of law. Except for a suspension under
31 section 7 of this act, RCW 46.20.289, 46.20.291(5), or 74.20A.320,
32 whenever the license or driving privilege of any person is suspended by
33 reason of a conviction, a finding that a traffic infraction has been
34 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
35 or 46.20.308, the suspension shall remain in effect until the person
36 gives and thereafter maintains proof of financial responsibility for
37 the future as provided in chapter 46.29 RCW. If the suspension is the

1 result of a violation of RCW 46.61.502 or 46.61.504, the department
2 shall determine the person's eligibility for licensing based upon the
3 reports provided by the alcoholism agency or probation department
4 designated under RCW 46.61.5056 and shall deny reinstatement until
5 enrollment and participation in an approved program has been
6 established and the person is otherwise qualified. Whenever the
7 license or driving privilege of any person is suspended as a result of
8 certification of noncompliance with a child support order under chapter
9 74.20A RCW or a residential or visitation order, the suspension shall
10 remain in effect until the person provides a release issued by the
11 department of social and health services stating that the person is in
12 compliance with the order.

13 (b)(i) The department shall not issue to the person a new,
14 duplicate, or renewal license until the person pays a reissue fee of
15 twenty dollars.

16 (ii) If the suspension is the result of a violation of RCW
17 46.61.502 or 46.61.504, or is the result of administrative action under
18 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

19 (2)(a) Any person whose license or privilege to drive a motor
20 vehicle on the public highways has been revoked, unless the revocation
21 was for a cause which has been removed, is not entitled to have the
22 license or privilege renewed or restored until: (i) After the
23 expiration of one year from the date the license or privilege to drive
24 was revoked; (ii) after the expiration of the applicable revocation
25 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
26 expiration of two years for persons convicted of vehicular homicide; or
27 (iv) after the expiration of the applicable revocation period provided
28 by RCW 46.20.265.

29 (b)(i) After the expiration of the appropriate period, the person
30 may make application for a new license as provided by law together with
31 a reissue fee in the amount of twenty dollars.

32 (ii) If the revocation is the result of a violation of RCW
33 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
34 hundred fifty dollars. If the revocation is the result of a violation
35 of RCW 46.61.502 or 46.61.504, the department shall determine the
36 person's eligibility for licensing based upon the reports provided by
37 the alcoholism agency or probation department designated under RCW
38 46.61.5056 and shall deny reissuance of a license, permit, or privilege

1 to drive until enrollment and participation in an approved program has
2 been established and the person is otherwise qualified.

3 (c) Except for a revocation under RCW 46.20.265, the department
4 shall not then issue a new license unless it is satisfied after
5 investigation of the driving ability of the person that it will be safe
6 to grant the privilege of driving a motor vehicle on the public
7 highways, and until the person gives and thereafter maintains proof of
8 financial responsibility for the future as provided in chapter 46.29
9 RCW. For a revocation under RCW 46.20.265, the department shall not
10 issue a new license unless it is satisfied after investigation of the
11 driving ability of the person that it will be safe to grant that person
12 the privilege of driving a motor vehicle on the public highways.

13 (3)(a) Whenever the driver's license of any person is suspended
14 pursuant to Article IV of the nonresident violators compact or RCW
15 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
16 to the person any new or renewal license until the person pays a
17 reissue fee of twenty dollars.

18 (b) If the suspension is the result of a violation of the laws of
19 this or any other state, province, or other jurisdiction involving (i)
20 the operation or physical control of a motor vehicle upon the public
21 highways while under the influence of intoxicating liquor or drugs, or
22 (ii) the refusal to submit to a chemical test of the driver's blood
23 alcohol content, the reissue fee shall be one hundred fifty dollars.

24 **Sec. 10.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read
25 as follows:

26 (1) A person found to have committed a traffic infraction shall be
27 assessed a monetary penalty. No penalty may exceed two hundred and
28 fifty dollars for each offense unless authorized by this chapter or
29 title.

30 (2) The supreme court shall prescribe by rule a schedule of
31 monetary penalties for designated traffic infractions. This rule shall
32 also specify the conditions under which local courts may exercise
33 discretion in assessing fines and penalties for traffic infractions.
34 The legislature respectfully requests the supreme court to adjust this
35 schedule every two years for inflation.

36 (3) There shall be a penalty of twenty-five dollars for failure to
37 respond to a notice of traffic infraction except where the infraction
38 relates to parking as defined by local law, ordinance, regulation, or

1 resolution or failure to pay a monetary penalty imposed pursuant to
2 this chapter. A local legislative body may set a monetary penalty not
3 to exceed twenty-five dollars for failure to respond to a notice of
4 traffic infraction relating to parking as defined by local law,
5 ordinance, regulation, or resolution. The local court, whether a
6 municipal, police, or district court, shall impose the monetary penalty
7 set by the local legislative body.

8 (4) Monetary penalties provided for in chapter 46.70 RCW which are
9 civil in nature and penalties which may be assessed for violations of
10 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
11 are not subject to the limitation on the amount of monetary penalties
12 which may be imposed pursuant to this chapter.

13 (5) Whenever a monetary penalty is imposed by a court under this
14 chapter it is immediately payable. If the person is unable to pay at
15 that time the court may, in its discretion, grant an extension of the
16 period in which the penalty may be paid. If the penalty is not paid on
17 or before the time established for payment the court shall notify the
18 department of the failure to pay the penalty, and the department shall
19 suspend the person's driver's license or driving privilege until the
20 penalty has been paid and the penalty provided in subsection (3) of
21 this section has been paid.

22 (6) In addition to any other penalties imposed under this section
23 and not subject to the limitation of subsection (1) of this section, a
24 person found to have committed a traffic infraction shall be assessed
25 a fee of five dollars per infraction. Under no circumstances shall
26 this fee be reduced or waived. Revenue from this fee shall be
27 forwarded to the state treasurer for deposit in the emergency medical
28 services and trauma care system trust account under RCW 70.168.040.

29 (7) If a novice driver is found to have committed a traffic
30 infraction, and it is the driver's first such violation, the court
31 shall waive the monetary penalty, except for the fee required under
32 subsection (6) of this section and order the driver to take two
33 additional hours of behind-the-wheel driver training from a licensed
34 driver training school at the driver's expense.

35 **Sec. 11.** RCW 46.20.342 and 1999 c 274 s 3 are each amended to read
36 as follows:

37 (1) It is unlawful for any person to drive a motor vehicle in this
38 state while that person is in a suspended or revoked status or when his

1 or her privilege to drive is suspended or revoked in this or any other
2 state. Any person who has a valid Washington driver's license is not
3 guilty of a violation of this section.

4 (a) A person found to be an habitual offender under chapter 46.65
5 RCW, who violates this section while an order of revocation issued
6 under chapter 46.65 RCW prohibiting such operation is in effect, is
7 guilty of driving while license suspended or revoked in the first
8 degree, a gross misdemeanor. Upon the first such conviction, the
9 person shall be punished by imprisonment for not less than ten days.
10 Upon the second conviction, the person shall be punished by
11 imprisonment for not less than ninety days. Upon the third or
12 subsequent conviction, the person shall be punished by imprisonment for
13 not less than one hundred eighty days. If the person is also convicted
14 of the offense defined in RCW 46.61.502 or 46.61.504, when both
15 convictions arise from the same event, the minimum sentence of
16 confinement shall be not less than ninety days. The minimum sentence
17 of confinement required shall not be suspended or deferred. A
18 conviction under this subsection does not prevent a person from
19 petitioning for reinstatement as provided by RCW 46.65.080.

20 (b) A person who violates this section while an order of suspension
21 or revocation prohibiting such operation is in effect and while the
22 person is not eligible to reinstate his or her driver's license or
23 driving privilege, other than for a suspension for the reasons
24 described in (c) of this subsection, is guilty of driving while license
25 suspended or revoked in the second degree, a gross misdemeanor. This
26 subsection applies when a person's driver's license or driving
27 privilege has been suspended or revoked by reason of:

28 (i) A conviction of a felony in the commission of which a motor
29 vehicle was used;

30 (ii) A previous conviction under this section;

31 (iii) A notice received by the department from a court or diversion
32 unit as provided by RCW 46.20.265, relating to a minor who has
33 committed, or who has entered a diversion unit concerning an offense
34 relating to alcohol, legend drugs, controlled substances, or imitation
35 controlled substances;

36 (iv) A conviction of RCW 46.20.410, relating to the violation of
37 restrictions of an occupational driver's license;

38 (v) A conviction of RCW (~~46.20.420~~) 46.20.345, relating to the
39 operation of a motor vehicle with a suspended or revoked license;

1 (vi) A conviction of RCW 46.52.020, relating to duty in case of
2 injury to or death of a person or damage to an attended vehicle;
3 (vii) A conviction of RCW 46.61.024, relating to attempting to
4 elude pursuing police vehicles;
5 (viii) A conviction of RCW 46.61.500, relating to reckless driving;
6 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
7 person under the influence of intoxicating liquor or drugs;
8 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
9 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
10 (xii) A conviction of RCW 46.61.527(4), relating to reckless
11 endangerment of roadway workers;
12 (xiii) A conviction of RCW 46.61.530, relating to racing of
13 vehicles on highways;
14 (xiv) A conviction of RCW 46.61.685, relating to leaving children
15 in an unattended vehicle with motor running;
16 (xv) A conviction of RCW 46.64.048, relating to attempting, aiding,
17 abetting, coercing, and committing crimes;
18 (xvi) An administrative action taken by the department under
19 chapter 46.20 RCW; or
20 (xvii) A conviction of a local law, ordinance, regulation, or
21 resolution of a political subdivision of this state, the federal
22 government, or any other state, of an offense substantially similar to
23 a violation included in this subsection.
24 (c) A person who violates this section when his or her driver's
25 license or driving privilege is, at the time of the violation,
26 suspended or revoked solely because (i) the person must furnish proof
27 of satisfactory progress in a required alcoholism or drug treatment
28 program, (ii) the person must furnish proof of financial responsibility
29 for the future as provided by chapter 46.29 RCW, (iii) the person has
30 failed to comply with the provisions of chapter 46.29 RCW relating to
31 uninsured accidents, (iv) the person has failed to respond to a notice
32 of traffic infraction, failed to appear at a requested hearing,
33 violated a written promise to appear in court, or has failed to comply
34 with the terms of a notice of traffic infraction or citation, as
35 provided in RCW 46.20.289, (v) the person has committed an offense in
36 another state that, if committed in this state, would not be grounds
37 for the suspension or revocation of the person's driver's license,
38 ((or)) (vi) the person has been suspended or revoked by reason of one
39 or more of the items listed in (b) of this subsection, but was eligible

1 to reinstate his or her driver's license or driving privilege at the
2 time of the violation, or (vii) the person has received traffic
3 citations or notices of traffic infraction that have resulted in a
4 suspension under section 7 of this act relating to novice drivers'
5 licenses, or any combination of (i) through (~~(vi)~~) (vii), is guilty
6 of driving while license suspended or revoked in the third degree, a
7 misdemeanor.

8 (2) Upon receiving a record of conviction of any person or upon
9 receiving an order by any juvenile court or any duly authorized court
10 officer of the conviction of any juvenile under this section, the
11 department shall:

12 (a) For a conviction of driving while suspended or revoked in the
13 first degree, as provided by subsection (1)(a) of this section, extend
14 the period of administrative revocation imposed under chapter 46.65 RCW
15 for an additional period of one year from and after the date the person
16 would otherwise have been entitled to apply for a new license or have
17 his or her driving privilege restored; or

18 (b) For a conviction of driving while suspended or revoked in the
19 second degree, as provided by subsection (1)(b) of this section, not
20 issue a new license or restore the driving privilege for an additional
21 period of one year from and after the date the person would otherwise
22 have been entitled to apply for a new license or have his or her
23 driving privilege restored; or

24 (c) Not extend the period of suspension or revocation if the
25 conviction was under subsection (1)(c) of this section. If the
26 conviction was under subsection (1) (a) or (b) of this section and the
27 court recommends against the extension and the convicted person has
28 obtained a valid driver's license, the period of suspension or
29 revocation shall not be extended.

30 NEW SECTION. Sec. 12. A new section is added to chapter 28A.220
31 RCW to read as follows:

32 The superintendent of public instruction, in consultation with the
33 department of licensing, shall adopt rules for implementing RCW
34 46.20.100(2)(d).

35 NEW SECTION. Sec. 13. This act takes effect July 1, 2001."

1 Correct the title.

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