
SENATE BILL 5449

State of Washington 56th Legislature 1999 Regular Session

By Senators Prentice, Goings, B. Sheldon, Haugen and Franklin

Read first time 01/22/1999. Referred to Committee on Transportation.

1 AN ACT Relating to provisional driver licensing; amending RCW
2 46.04.480, 46.20.161, 46.20.311, and 46.20.342; adding new sections to
3 chapter 46.20 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.04.480 and 1995 c 332 s 10 are each amended to read
6 as follows:

7 "Revoke," in all its forms, means the invalidation for a period of
8 one calendar year and thereafter until reissue: PROVIDED, That under
9 the provisions of section 4 of this act, RCW 46.20.285, 46.20.311,
10 46.20.265, or 46.61.5055, and chapter 46.65 RCW the invalidation may
11 last for a period other than one calendar year.

12 **Sec. 2.** RCW 46.20.161 and 1998 c 41 s 12 are each amended to read
13 as follows:

14 (1) The department, upon receipt of a fee of fourteen dollars,
15 which includes the fee for the required photograph, shall issue to
16 every applicant qualifying therefor a driver's license, which license
17 shall bear thereon a distinguishing number assigned to the licensee,
18 the name of record, date of birth, Washington residence address,

1 photograph, and a brief description of the licensee, and either a
2 facsimile of the signature of the licensee or a space upon which the
3 licensee shall write his or her usual signature with pen and ink
4 immediately upon receipt of the license. No license is valid until it
5 has been so signed by the licensee.

6 (2) A driver's license issued under this section to a person who is
7 under eighteen years of age, or to a person who has not held a valid
8 driver's license issued by this or any other state within the five
9 years immediately preceding the issuance of this license, is a
10 provisional driver's license subject to the provisions of sections 3
11 and 4 of this act. The department shall provide a method to
12 distinguish provisional drivers' licenses from the regular drivers'
13 licenses issued under this section.

14 NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW
15 to read as follows:

16 A person who has been issued a provisional driver's license and who
17 has maintained a satisfactory driving record for one year may, upon
18 proper application and payment of a five-dollar fee, be issued a
19 regular driver's license. For the purposes of this section, a person's
20 driving record is deemed satisfactory if he or she has not been found
21 to have committed or been convicted of more than one offense against
22 traffic regulations governing the movement of vehicles, has not been
23 subject to the restrictions of section 4 of this act, and has not had
24 his or her provisional driver's license suspended, revoked, or
25 canceled.

26 NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW
27 to read as follows:

28 (1) In addition to any other provision of law, if a person issued
29 a provisional driver's license under RCW 46.20.161:

30 (a) Has been convicted of, found to have committed, or has failed
31 to appear or comply in response to two offenses against traffic
32 regulations governing the movement of vehicles, or has had his or her
33 driver's license or driving privilege revoked under RCW 46.20.265, or
34 has been convicted of, found to have committed, or has failed to appear
35 or comply in response to any other alcohol-related offense against
36 traffic regulations, the department shall require the person to attend
37 an informal interview, and shall restrict the person's provisional

1 driver's license to use between the hours of 5:00 a.m. and midnight,
2 unless accompanied by a passenger who possesses a valid regular
3 Washington driver's license;

4 (b) Has been convicted of, found to have committed, or has failed
5 to appear or comply in response to three offenses against traffic
6 regulations governing the movement of vehicles or has failed to appear
7 for an informal interview under (a) of this subsection, the department
8 shall revoke the driving privilege of the person for thirty days. Upon
9 reinstatement from a revocation under this subsection, the department
10 shall restrict the person's provisional driver's license to use between
11 the hours of 5:00 a.m. and midnight;

12 (c) Has been convicted of, found to have committed, or has failed
13 to appear or comply in response to four or more offenses against
14 traffic regulations governing the movement of vehicles, the department
15 shall revoke the driving privilege of the person for ninety days. Upon
16 reinstatement from a revocation under this subsection, the department
17 shall restrict the person's provisional driver's license to use between
18 the hours of 5:00 a.m. and midnight; or

19 (d) Violates any restriction placed on the person's driving
20 privilege, the department shall revoke the driving privilege of the
21 person for an additional ninety days. Upon reinstatement from a
22 revocation under this subsection, the department shall restrict the
23 person's provisional driver's license to use between the hours of 5:00
24 a.m. and midnight.

25 (2) A restriction placed on the use of a person's provisional
26 driver's license remains in effect for one year from the date the
27 restriction was imposed.

28 **Sec. 5.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
29 as follows:

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

1 maintains proof of financial responsibility for the future as provided
2 in chapter 46.29 RCW. If the suspension is the result of a violation
3 of RCW 46.61.502 or 46.61.504, the department shall determine the
4 person's eligibility for licensing based upon the reports provided by
5 the alcoholism agency or probation department designated under RCW
6 46.61.5056 and shall deny reinstatement until enrollment and
7 participation in an approved program has been established and the
8 person is otherwise qualified. Whenever the license or driving
9 privilege of any person is suspended as a result of certification of
10 noncompliance with a child support order under chapter 74.20A RCW or a
11 residential or visitation order, the suspension shall remain in effect
12 until the person provides a release issued by the department of social
13 and health services stating that the person is in compliance with the
14 order.

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

18 (ii) If the suspension is the result of a violation of RCW
19 46.61.502 or 46.61.504, or is the result of administrative action under
20 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

21 (2)(a) Any person whose license or privilege to drive a motor
22 vehicle on the public highways has been revoked, unless the revocation
23 was for a cause which has been removed, is not entitled to have the
24 license or privilege renewed or restored until: (i) After the
25 expiration of one year from the date the license or privilege to drive
26 was revoked; (ii) after the expiration of the applicable revocation
27 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
28 expiration of two years for persons convicted of vehicular homicide; or
29 (iv) after the expiration of the applicable revocation period provided
30 by RCW 46.20.265 or section 4 of this act.

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

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

1 46.61.5056 and shall deny reissuance of a license, permit, or privilege
2 to drive until enrollment and participation in an approved program has
3 been established and the person is otherwise qualified.

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

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

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

26 **Sec. 6.** RCW 46.20.342 and 1993 c 501 s 6 are each amended to read
27 as follows:

28 (1) It is unlawful for any person to drive a motor vehicle in this
29 state while that person is in a suspended or revoked status or when his
30 or her privilege to drive is suspended or revoked in this or any other
31 state. Any person who has a valid Washington driver's license is not
32 guilty of a violation of this section.

33 (a) A person found to be a habitual offender under chapter 46.65
34 RCW, who violates this section while an order of revocation issued
35 under chapter 46.65 RCW prohibiting such operation is in effect, is
36 guilty of driving while license suspended or revoked in the first
37 degree, a gross misdemeanor. Upon the first such conviction, the
38 person shall be punished by imprisonment for not less than ten days.

1 Upon the second conviction, the person shall be punished by
2 imprisonment for not less than ninety days. Upon the third or
3 subsequent conviction, the person shall be punished by imprisonment for
4 not less than one hundred eighty days. If the person is also convicted
5 of the offense defined in RCW 46.61.502 or 46.61.504, when both
6 convictions arise from the same event, the minimum sentence of
7 confinement shall be not less than ninety days. The minimum sentence
8 of confinement required shall not be suspended or deferred. A
9 conviction under this subsection does not prevent a person from
10 petitioning for reinstatement as provided by RCW 46.65.080.

11 (b) A person who violates this section while an order of suspension
12 or revocation prohibiting such operation is in effect and while the
13 person is not eligible to reinstate his or her driver's license or
14 driving privilege, other than for a suspension for the reasons
15 described in (c) of this subsection, is guilty of driving while license
16 suspended or revoked in the second degree, a gross misdemeanor. This
17 subsection applies when a person's driver's license or driving
18 privilege has been suspended or revoked by reason of:

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

21 (ii) A previous conviction under this section;

22 (iii) A notice received by the department from a court or diversion
23 unit as provided by RCW 46.20.265, relating to a minor who has
24 committed, or who has entered a diversion unit concerning an offense
25 relating to alcohol, legend drugs, controlled substances, or imitation
26 controlled substances;

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

29 (v) A conviction of RCW 46.20.420, relating to the operation of a
30 motor vehicle with a suspended or revoked license;

31 (vi) A conviction of RCW 46.52.020, relating to duty in case of
32 injury to or death of a person or damage to an attended vehicle;

33 (vii) A conviction of RCW 46.61.024, relating to attempting to
34 elude pursuing police vehicles;

35 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

36 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
37 person under the influence of intoxicating liquor or drugs;

38 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

39 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

1 (xii) A conviction of RCW 46.61.530, relating to racing of vehicles
2 on highways;

3 (xiii) A conviction of RCW 46.61.685, relating to leaving children
4 in an unattended vehicle with motor running;

5 (xiv) A conviction of RCW 46.64.048, relating to attempting,
6 aiding, abetting, coercing, and committing crimes; ((or))

7 (xv) An action taken under section 4 of this act; or

8 (xvi) An administrative action taken by the department under
9 chapter 46.20 RCW.

10 (c) A person who violates this section when his or her driver's
11 license or driving privilege is, at the time of the violation,
12 suspended or revoked solely because (i) the person must furnish proof
13 of satisfactory progress in a required alcoholism or drug treatment
14 program, (ii) the person must furnish proof of financial responsibility
15 for the future as provided by chapter 46.29 RCW, (iii) the person has
16 failed to comply with the provisions of chapter 46.29 RCW relating to
17 uninsured accidents, (iv) the person has failed to respond to a notice
18 of traffic infraction, failed to appear at a requested hearing,
19 violated a written promise to appear in court, or has failed to comply
20 with the terms of a notice of traffic infraction or citation, as
21 provided in RCW 46.20.289, (v) the person has committed an offense in
22 another state that, if committed in this state, would not be grounds
23 for the suspension or revocation of the person's driver's license, or
24 (vi) the person has been suspended or revoked by reason of one or more
25 of the items listed in (b) of this subsection, but was eligible to
26 reinstate his or her driver's license or driving privilege at the time
27 of the violation, or any combination of (i) through (vi), is guilty of
28 driving while license suspended or revoked in the third degree, a
29 misdemeanor.

30 (2) Upon receiving a record of conviction of any person or upon
31 receiving an order by any juvenile court or any duly authorized court
32 officer of the conviction of any juvenile under this section, the
33 department shall:

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

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

7 (c) Not extend the period of suspension or revocation if the
8 conviction was under subsection (1)(c) of this section. If the
9 conviction was under subsection (1) (a) or (b) of this section and the
10 court recommends against the extension and the convicted person has
11 obtained a valid driver's license, the period of suspension or
12 revocation shall not be extended.

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