
SENATE BILL 6027

State of Washington 56th Legislature 1999 Regular Session

By Senators Goings, Heavey, Benton, Hargrove, T. Sheldon and Snyder

Read first time 02/23/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.311 and 46.61.024; reenacting and amending RCW
3 46.20.285 and 9.94A.320; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.285 and 1998 c 207 s 4 and 1998 c 41 s 3 are
6 each reenacted and amended to read as follows:

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

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

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

16 (3) Driving a motor vehicle while under the influence of
17 intoxicating liquor or a narcotic drug, or under the influence of any
18 other drug to a degree which renders the driver incapable of safely
19 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

1 (4) For attempting to elude a pursuing police vehicle the period of
2 revocation shall be two years;

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

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

9 (~~(6)~~) (7) Perjury or the making of a false affidavit or statement
10 under oath to the department under Title 46 RCW or under any other law
11 relating to the ownership or operation of motor vehicles;

12 (~~(7)~~) (8) Reckless driving upon a showing by the department's
13 records that the conviction is the third such conviction for the driver
14 within a period of two years.

15 **Sec. 2.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
16 as follows:

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

1 and health services stating that the person is in compliance with the
2 order.

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

6 (ii) If the suspension is the result of a violation of RCW
7 46.61.502 or 46.61.504, or is the result of administrative action under
8 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

9 (2)(a) Any person whose license or privilege to drive a motor
10 vehicle on the public highways has been revoked, unless the revocation
11 was for a cause which has been removed, is not entitled to have the
12 license or privilege renewed or restored until: (i) After the
13 expiration of one year from the date the license or privilege to drive
14 was revoked; or (ii) after the expiration of the applicable revocation
15 period provided by RCW 46.20.265, 46.20.285, 46.20.3101, or
16 46.61.5055~~((; (iii) after the expiration of two years for persons~~
17 ~~convicted of vehicular homicide; or (iv) after the expiration of the~~
18 ~~applicable revocation period provided by RCW 46.20.265))~~.

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

22 (ii) If the revocation is the result of a violation of RCW
23 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
24 hundred fifty dollars. If the revocation 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 reissuance of a license, permit, or privilege
29 to drive until enrollment and participation in an approved program has
30 been established and the person is otherwise qualified.

31 (c) Except for a revocation under RCW 46.20.265, the department
32 shall not then issue a new license unless it is satisfied after
33 investigation of the driving ability of the person that it will be safe
34 to grant the privilege of driving a motor vehicle on the public
35 highways, and until the person gives and thereafter maintains proof of
36 financial responsibility for the future as provided in chapter 46.29
37 RCW. For a revocation under RCW 46.20.265, the department shall not
38 issue a new license unless it is satisfied after investigation of the

1 driving ability of the person that it will be safe to grant that person
2 the privilege of driving a motor vehicle on the public highways.

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

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

14 **Sec. 3.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
15 as follows:

16 Any driver of a motor vehicle who willfully fails or refuses to
17 immediately bring his vehicle to a stop and who drives his vehicle in
18 a manner indicating a wanton or willful disregard for the lives or
19 property of others while attempting to elude a pursuing police vehicle,
20 after being given a visual or audible signal to bring the vehicle to a
21 stop, shall be guilty of a class ((E)) (B) felony. The signal given by
22 the police officer may be by hand, voice, emergency light, or siren.
23 The officer giving such a signal shall be in uniform and ((his
24 vehicle)) shall be ((appropriately marked showing it to be)) driving an
25 official police vehicle. An official police vehicle means any
26 municipal, county, or state police vehicle appropriately equipped with
27 emergency lights and siren.

28 The license or permit to drive or any nonresident driving privilege
29 of a person convicted of a violation of this section shall be revoked
30 for two years by the department of licensing.

31 **Sec. 4.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
32 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
33 follows:

34 TABLE 2

35 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

36 XV Aggravated Murder 1 (RCW 10.95.020)

1 XIV Murder 1 (RCW 9A.32.030)
2 Homicide by abuse (RCW 9A.32.055)
3 Malicious explosion 1 (RCW 70.74.280(1))
4 XIII Murder 2 (RCW 9A.32.050)
5 Malicious explosion 2 (RCW 70.74.280(2))
6 Malicious placement of an explosive 1 (RCW
7 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Rape 1 (RCW 9A.44.040)
11 Rape of a Child 1 (RCW 9A.44.073)
12 Malicious placement of an imitation device
13 1 (RCW 70.74.272(1)(a))
14 XI Rape 2 (RCW 9A.44.050)
15 Rape of a Child 2 (RCW 9A.44.076)
16 Manslaughter 1 (RCW 9A.32.060)
17 X Kidnapping 1 (RCW 9A.40.020)
18 Child Molestation 1 (RCW 9A.44.083)
19 Malicious explosion 3 (RCW 70.74.280(3))
20 Over 18 and deliver heroin, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone under 18
23 (RCW 69.50.406)
24 Leading Organized Crime (RCW
25 9A.82.060(1)(a))
26 Indecent Liberties (with forcible
27 compulsion) (RCW 9A.44.100(1)(a))
28 Manufacture of methamphetamine (RCW
29 69.50.401(a)(1)(ii))
30 IX Assault of a Child 2 (RCW 9A.36.130)
31 Robbery 1 (RCW 9A.56.200)
32 Explosive devices prohibited (RCW
33 70.74.180)
34 Malicious placement of an explosive 2 (RCW
35 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam, from Schedule I-V to
4 someone under 18 and 3 years junior
5 (RCW 69.50.406)
6 Controlled Substance Homicide (RCW
7 69.50.415)
8 Sexual Exploitation (RCW 9.68A.040)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Vehicular Homicide, by being under the
12 influence of intoxicating liquor or
13 any drug (RCW 46.61.520)
14 Homicide by Watercraft, by being under the
15 influence of intoxicating liquor or
16 any drug (RCW 88.12.029)
17 VIII Arson 1 (RCW 9A.48.020)
18 Promoting Prostitution 1 (RCW 9A.88.070)
19 Selling for profit (controlled or
20 counterfeit) any controlled substance
21 (RCW 69.50.410)
22 Manufacture, deliver, or possess with
23 intent to deliver heroin or cocaine
24 (RCW 69.50.401(a)(1)(i))
25 Deliver or possess with intent to deliver
26 methamphetamine (RCW
27 69.50.401(a)(1)(ii))
28 Manufacture, deliver, or possess with
29 intent to deliver amphetamine (RCW
30 69.50.401(a)(1)(ii))
31 Possession of ephedrine or pseudoephedrine
32 with intent to manufacture
33 methamphetamine (RCW 69.50.440)
34 Vehicular Homicide, by the operation of any
35 vehicle in a reckless manner (RCW
36 46.61.520)
37 Homicide by Watercraft, by the operation of
38 any vessel in a reckless manner (RCW
39 88.12.029)

1 Manslaughter 2 (RCW 9A.32.070)

2 VII Burglary 1 (RCW 9A.52.020)

3 Vehicular Homicide, by disregard for the

4 safety of others (RCW 46.61.520)

5 Homicide by Watercraft, by disregard for

6 the safety of others (RCW 88.12.029)

7 Introducing Contraband 1 (RCW 9A.76.140)

8 Indecent Liberties (without forcible

9 compulsion) (RCW 9A.44.100(1) (b) and

10 (c))

11 Child Molestation 2 (RCW 9A.44.086)

12 Dealing in depictions of minor engaged in

13 sexually explicit conduct (RCW

14 9.68A.050)

15 Sending, bringing into state depictions of

16 minor engaged in sexually explicit

17 conduct (RCW 9.68A.060)

18 Involving a minor in drug dealing (RCW

19 69.50.401(f))

20 Drive-by Shooting (RCW 9A.36.045)

21 Unlawful Possession of a Firearm in the

22 first degree (RCW 9.41.040(1)(a))

23 Malicious placement of an explosive 3 (RCW

24 70.74.270(3))

25 VI Bribery (RCW 9A.68.010)

26 Rape of a Child 3 (RCW 9A.44.079)

27 Intimidating a Juror/Witness (RCW

28 9A.72.110, 9A.72.130)

29 Malicious placement of an imitation device

30 2 (RCW 70.74.272(1)(b))

31 Incest 1 (RCW 9A.64.020(1))

32 Manufacture, deliver, or possess with

33 intent to deliver narcotics from

34 Schedule I or II (except heroin or

35 cocaine) or flunitrazepam from

36 Schedule IV (RCW 69.50.401(a)(1)(i))

1 Intimidating a Judge (RCW 9A.72.160)
2 Bail Jumping with Murder 1 (RCW
3 9A.76.170(2)(a))
4 Theft of a Firearm (RCW 9A.56.300)
5 V Persistent prison misbehavior (RCW
6 9.94.070)
7 Criminal Mistreatment 1 (RCW 9A.42.020)
8 Abandonment of dependent person 1 (RCW
9 9A.42.060)
10 Rape 3 (RCW 9A.44.060)
11 Sexual Misconduct with a Minor 1 (RCW
12 9A.44.093)
13 Child Molestation 3 (RCW 9A.44.089)
14 Kidnapping 2 (RCW 9A.40.030)
15 Extortion 1 (RCW 9A.56.120)
16 Incest 2 (RCW 9A.64.020(2))
17 Perjury 1 (RCW 9A.72.020)
18 Extortionate Extension of Credit (RCW
19 9A.82.020)
20 Advancing money or property for
21 extortionate extension of credit (RCW
22 9A.82.030)
23 Extortionate Means to Collect Extensions of
24 Credit (RCW 9A.82.040)
25 Rendering Criminal Assistance 1 (RCW
26 9A.76.070)
27 Bail Jumping with class A Felony (RCW
28 9A.76.170(2)(b))
29 Sexually Violating Human Remains (RCW
30 9A.44.105)
31 Delivery of imitation controlled substance
32 by person eighteen or over to person
33 under eighteen (RCW 69.52.030(2))
34 Possession of a Stolen Firearm (RCW
35 9A.56.310)
36 IV Residential Burglary (RCW 9A.52.025)
37 Theft of Livestock 1 (RCW 9A.56.080)
38 Robbery 2 (RCW 9A.56.210)

1 Assault 2 (RCW 9A.36.021)
2 Escape 1 (RCW 9A.76.110)
3 Arson 2 (RCW 9A.48.030)
4 Commercial Bribery (RCW 9A.68.060)
5 Bribing a Witness/Bribe Received by Witness
6 (RCW 9A.72.090, 9A.72.100)
7 Malicious Harassment (RCW 9A.36.080)
8 Threats to Bomb (RCW 9.61.160)
9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)
11 Hit and Run--Injury Accident (RCW
12 46.52.020(4))
13 Hit and Run with Vessel--Injury Accident
14 (RCW 88.12.155(3))
15 Vehicular Assault (RCW 46.61.522)
16 Assault by Watercraft (RCW 88.12.032)
17 Manufacture, deliver, or possess with
18 intent to deliver narcotics from
19 Schedule III, IV, or V or nonnarcotics
20 from Schedule I-V (except marijuana,
21 amphetamine, methamphetamines, or
22 flunitrazepam) (RCW 69.50.401(a)(1)
23 (iii) through (v))
24 Influencing Outcome of Sporting Event (RCW
25 9A.82.070)
26 Use of Proceeds of Criminal Profiteering
27 (RCW 9A.82.080 (1) and (2))
28 Knowingly Trafficking in Stolen Property
29 (RCW 9A.82.050(2))
30 III Criminal Gang Intimidation (RCW 9A.46.120)
31 Criminal Mistreatment 2 (RCW 9A.42.030)
32 Abandonment of dependent person 2 (RCW
33 9A.42.070)
34 Extortion 2 (RCW 9A.56.130)
35 Unlawful Imprisonment (RCW 9A.40.040)
36 Assault 3 (RCW 9A.36.031)
37 Assault of a Child 3 (RCW 9A.36.140)
38 Custodial Assault (RCW 9A.36.100)

1 Unlawful possession of firearm in the
2 second degree (RCW 9.41.040(1)(b))
3 Harassment (RCW 9A.46.020)
4 Promoting Prostitution 2 (RCW 9A.88.080)
5 Willful Failure to Return from Work Release
6 (RCW 72.65.070)
7 Burglary 2 (RCW 9A.52.030)
8 Introducing Contraband 2 (RCW 9A.76.150)
9 Communication with a Minor for Immoral
10 Purposes (RCW 9.68A.090)
11 Patronizing a Juvenile Prostitute (RCW
12 9.68A.100)
13 Escape 2 (RCW 9A.76.120)
14 Perjury 2 (RCW 9A.72.030)
15 Bail Jumping with class B or C Felony (RCW
16 9A.76.170(2)(c))
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Tampering with a Witness (RCW 9A.72.120)
20 Manufacture, deliver, or possess with
21 intent to deliver marijuana (RCW
22 69.50.401(a)(1)(iii))
23 Delivery of a material in lieu of a
24 controlled substance (RCW
25 69.50.401(c))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Recklessly Trafficking in Stolen Property
31 (RCW 9A.82.050(1))
32 Theft of livestock 2 (RCW 9A.56.080)
33 Securities Act violation (RCW 21.20.400)
34 II Unlawful Practice of Law (RCW 2.48.180)
35 Malicious Mischief 1 (RCW 9A.48.070)
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)
38 Theft 1 (RCW 9A.56.030)

1 Class B Felony Theft of Rental, Leased, or
2 Lease-purchased Property (RCW
3 9A.56.096(4))
4 Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 Trafficking in Insurance Claims (RCW
7 48.30A.015)
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 Health Care False Claims (RCW 48.80.030)
11 Possession of controlled substance that is
12 either heroin or narcotics from
13 Schedule I or II or flunitrazepam from
14 Schedule IV (RCW 69.50.401(d))
15 Possession of phencyclidine (PCP) (RCW
16 69.50.401(d))
17 Create, deliver, or possess a counterfeit
18 controlled substance (RCW
19 69.50.401(b))
20 Computer Trespass 1 (RCW 9A.52.110)
21 Escape from Community Custody (RCW
22 72.09.310)
23 I Theft 2 (RCW 9A.56.040)
24 Class C Felony Theft of Rental, Leased, or
25 Lease-purchased Property (RCW
26 9A.56.096(4))
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Forgery (RCW 9A.60.020)
30 Taking Motor Vehicle Without Permission
31 (RCW 9A.56.070)
32 Vehicle Prowl 1 (RCW 9A.52.095)
33 ~~((Attempting to Elude a Pursuing Police~~
34 ~~Vehicle (RCW 46.61.024))~~)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Reckless Burning 1 (RCW 9A.48.040)
37 Unlawful Issuance of Checks or Drafts (RCW
38 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140
2 (2) and (3))
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Possess Controlled Substance that is a
9 Narcotic from Schedule III, IV, or V
10 or Non-narcotic from Schedule I-V
11 (except phencyclidine or
12 flunitrazepam) (RCW 69.50.401(d))

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