

SSB 5120 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/09/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.20.720 and 2001 c 247 s 1 are each amended to read
4 as follows:

5 (1) The court may order that after a period of suspension,
6 revocation, or denial of driving privileges, and for up to as long as
7 the court has jurisdiction, any person convicted of any offense
8 involving the use, consumption, or possession of alcohol while
9 operating a motor vehicle may drive only a motor vehicle equipped with
10 a functioning ignition interlock or other biological or technical
11 device.

12 (2) ~~((If a))~~ (a) The department shall require that, after any
13 applicable period of suspension, revocation, or denial of driving
14 privileges, a person may drive only a motor vehicle equipped with a
15 functioning ignition interlock or other biological or technical device
16 if the person is convicted of a violation of RCW 46.61.502 or 46.61.504
17 or an equivalent local ordinance and it is:

18 ~~((a))~~ (i) The person's first conviction or a deferred prosecution
19 under chapter 10.05 RCW and his or her alcohol concentration was at
20 least 0.15, or by reason of the person's refusal to take a test offered
21 pursuant to RCW 46.20.308 there is no test result indicating the
22 person's alcohol concentration; ~~((or (b)))~~

23 (ii) The person's second or subsequent conviction; or ~~((e))~~

24 (iii) The person's first conviction and the person has a previous
25 deferred prosecution under chapter 10.05 RCW or it is a deferred
26 prosecution under chapter 10.05 RCW and the person has a previous
27 conviction(~~, the court shall order that after any applicable period of~~
28 suspension, revocation, or denial of driving privileges, the person may
29 drive only a motor vehicle equipped with a functioning ignition
30 interlock or other biological or technical device. The requirement to

1 drive only a motor vehicle equipped with a functioning ignition
2 interlock or other biological or technical device may not be
3 suspended)).

4 (b) The ((court)) department may waive the requirement for the use
5 of such a device if ((the court makes a specific finding in writing))
6 it concludes that such devices are not reasonably available in the
7 local area. Nothing in this section may be interpreted as entitling a
8 person to more than one deferred prosecution.

9 (3) In the case of a person under subsection (1) of this section,
10 the court shall establish a specific calibration setting at which the
11 ignition interlock or other biological or technical device will prevent
12 the motor vehicle from being started and the period of time that the
13 person shall be subject to the restriction. In the case of a person
14 under subsection (2) of this section, the ignition interlock or other
15 biological or technical device shall be calibrated to prevent the motor
16 vehicle from being started when the breath sample provided has an
17 alcohol concentration of 0.025 or more, and the period of time of the
18 restriction will be as follows:

19 (a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2),
20 or (3), or who is subject to a deferred prosecution program under
21 chapter 10.05 RCW((7)); and (ii) who has not previously been restricted
22 under this section, a period of ((not less than)) one year;

23 (b) For a person who has previously been restricted under (a) of
24 this subsection, a period of ((not less than)) five years;

25 (c) For a person who has previously been restricted under (b) of
26 this subsection, a period of ((not less than)) ten years.

27 For purposes of this section, "convicted" means being found guilty
28 of an offense or being placed on a deferred prosecution program under
29 chapter 10.05 RCW.

30 **Sec. 2.** RCW 46.20.311 and 2001 c 325 s 2 are each amended to read
31 as follows:

32 (1)(a) The department shall not suspend a driver's license or
33 privilege to drive a motor vehicle on the public highways for a fixed
34 period of more than one year, except as specifically permitted under
35 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
36 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or

1 74.20A.320, whenever the license or driving privilege of any person is
2 suspended by reason of a conviction, a finding that a traffic
3 infraction has been committed, pursuant to chapter 46.29 RCW, or
4 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
5 effect until the person gives and thereafter maintains proof of
6 financial responsibility for the future as provided in chapter 46.29
7 RCW. If the suspension is the result of a violation of RCW 46.61.502
8 or 46.61.504, the department shall determine the person's eligibility
9 for licensing based upon the reports provided by the alcoholism agency
10 or probation department designated under RCW 46.61.5056 and shall deny
11 reinstatement until enrollment and participation in an approved program
12 has been established and the person is otherwise qualified. If the
13 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
14 and the person is required pursuant to RCW 46.20.720 to drive only a
15 motor vehicle equipped with a functioning ignition interlock or other
16 biological or technical device, the department shall determine the
17 person's eligibility for licensing based upon written verification by
18 a company doing business in the state that it has installed the
19 required device on a vehicle owned and/or operated by the person
20 seeking reinstatement. Whenever the license or driving privilege of
21 any person is suspended as a result of certification of noncompliance
22 with a child support order under chapter 74.20A RCW or a residential or
23 visitation order, the suspension shall remain in effect until the
24 person provides a release issued by the department of social and health
25 services stating that the person is in compliance with the order.

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

29 (ii) If the suspension is the result of a violation of RCW
30 46.61.502 or 46.61.504, or is the result of administrative action under
31 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

32 (2)(a) Any person whose license or privilege to drive a motor
33 vehicle on the public highways has been revoked, unless the revocation
34 was for a cause which has been removed, is not entitled to have the
35 license or privilege renewed or restored until: (i) After the
36 expiration of one year from the date the license or privilege to drive
37 was revoked; (ii) after the expiration of the applicable revocation

1 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
2 expiration of two years for persons convicted of vehicular homicide; or
3 (iv) after the expiration of the applicable revocation period provided
4 by RCW 46.20.265.

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

8 (ii) If the revocation is the result of a violation of RCW
9 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
10 hundred fifty dollars. If the revocation is the result of a violation
11 of RCW 46.61.502 or 46.61.504, the department shall determine the
12 person's eligibility for licensing based upon the reports provided by
13 the alcoholism agency or probation department designated under RCW
14 46.61.5056 and shall deny reissuance of a license, permit, or privilege
15 to drive until enrollment and participation in an approved program has
16 been established and the person is otherwise qualified. If the
17 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
18 and the person is required pursuant to RCW 46.20.720 to drive only a
19 motor vehicle equipped with a functioning ignition interlock or other
20 biological or technical device, the department shall determine the
21 person's eligibility for licensing based upon written verification by
22 a company doing business in the state that it has installed the
23 required device on a vehicle owned and/or operated by the person
24 applying for a new license.

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

35 (3)(a) Whenever the driver's license of any person is suspended
36 pursuant to Article IV of the nonresident violators compact or RCW

1 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
2 to the person any new or renewal license until the person pays a
3 reissue fee of twenty dollars.

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

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