

SSB 6710 - S AMD
By Senator Horn

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

3 "Sec. 1. RCW 46.16.237 and 1987 c 52 s 1 are each amended to read
4 as follows:

5 All vehicle license number plates issued after January 1, 1968, or
6 such earlier date as the director may prescribe with respect to plates
7 issued in any county, shall be treated with fully reflectorized
8 materials designed to increase the visibility and legibility of such
9 plates at night. In addition to all other fees prescribed by law,
10 there shall be paid and collected for each vehicle license number plate
11 treated with such materials, the sum of (~~(fifty cents)~~) two dollars and
12 for each set of two plates, the sum of (~~(one dollar:—PROVIDED,~~
13 ~~HOWEVER,)~~) four dollars. However, one plate is available only to those
14 vehicles that by law require only one plate. Such fees shall be
15 deposited in the motor vehicle fund.

16 **Sec. 2.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to read
17 as follows:

18 The total replacement plate fee shall be deposited in the motor
19 vehicle fund.

20 Upon the loss, defacement, or destruction of one or both of the
21 vehicle license number plates issued for any vehicle where more than
22 one plate was originally issued or where one or both have become so
23 illegible or in such a condition as to be difficult to distinguish, or
24 upon the owner's option, the owner of the vehicle shall make
25 application for new vehicle license number plates upon a form furnished
26 by the director. The application shall be filed with the director or
27 the director's authorized agent, accompanied by the certificate of
28 license registration of the vehicle and a fee in the amount of
29 (~~(three)~~) ten dollars per plate, whereupon the director, or the
30 director's authorized agent, shall issue new vehicle license number
31 plates to the applicant. It shall be accompanied by a fee of two

1 dollars for a new motorcycle license number plate. In the event the
2 director has issued license period tabs or a windshield emblem instead
3 of vehicle license number plates, and upon the loss, defacement, or
4 destruction of the tabs or windshield emblem, application shall be made
5 on a form provided by the director and in the same manner as above
6 described, and shall be accompanied by a fee of one dollar for each
7 pair of tabs or for each windshield emblem, whereupon the director
8 shall issue to the applicant a duplicate pair of tabs, year tabs, and
9 when necessary month tabs or a windshield emblem to replace those lost,
10 defaced, or destroyed. For vehicles owned, rented, or leased by the
11 state of Washington or by any county, city, town, school district, or
12 other political subdivision of the state of Washington or United States
13 government, or owned or leased by the governing body of an Indian tribe
14 as defined in RCW 46.16.020, a fee shall be charged for replacement of
15 a vehicle license number plate only to the extent required by the
16 provisions of RCW 46.16.020, (~~46.16.061,~~) 46.16.237, and 46.01.140.
17 For vehicles owned, rented, or leased by foreign countries or
18 international bodies to which the United States government is a
19 signatory by treaty, the payment of any fee for the replacement of a
20 vehicle license number plate shall not be required.

21 **Sec. 3.** RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are
22 each reenacted and amended to read as follows:

23 (1) **Driver's instruction permit.** The department may issue a
24 driver's instruction permit with or without a photograph to an
25 applicant who has successfully passed all parts of the examination
26 other than the driving test, provided the information required by RCW
27 46.20.091, paid a fee of (~~fifteen~~) twenty dollars, and meets the
28 following requirements:

29 (a) Is at least fifteen and one-half years of age; or

30 (b) Is at least fifteen years of age and:

31 (i) Has submitted a proper application; and

32 (ii) Is enrolled in a traffic safety education program offered,
33 approved, and accredited by the superintendent of public instruction or
34 offered by a (~~driving-[driver]~~) driver training school licensed and
35 inspected by the department of licensing under chapter 46.82 RCW, that
36 includes practice driving.

1 (2) **Waiver of written examination for instruction permit.** The
2 department may waive the written examination, if, at the time of
3 application, an applicant is enrolled in:

4 (a) A traffic safety education course as defined by RCW
5 28A.220.020(2); or

6 (b) A course of instruction offered by a licensed driver training
7 school as defined by RCW 46.82.280(1).

8 The department may require proof of registration in such a course
9 as it deems necessary.

10 (3) **Effect of instruction permit.** A person holding a driver's
11 instruction permit may drive a motor vehicle, other than a motorcycle,
12 upon the public highways if:

13 (a) The person has immediate possession of the permit; and

14 (b) An approved instructor, or a licensed driver with at least five
15 years of driving experience, occupies the seat beside the driver.

16 (4) **Term of instruction permit.** A driver's instruction permit is
17 valid for one year from the date of issue.

18 (a) The department may issue one additional one-year permit.

19 (b) The department may issue a third driver's permit if it finds
20 after an investigation that the permittee is diligently seeking to
21 improve driving proficiency.

22 **Sec. 4.** RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are
23 each reenacted and amended to read as follows:

24 (1) **Agricultural driving permit authorized.** The director may issue
25 a juvenile agricultural driving permit to a person under the age of
26 eighteen years if:

27 (a) The application is signed by the applicant and the applicant's
28 father, mother, or legal guardian;

29 (b) The applicant has passed the driving examination required by
30 RCW 46.20.120;

31 (c) The department has investigated the applicant's need for the
32 permit and determined that the need justifies issuance;

33 (d) The department has determined the applicant is capable of
34 operating a motor vehicle without endangering himself or herself or
35 other persons and property; and

36 (e) The applicant has paid a fee of (~~fifteen~~) twenty dollars.

37 The permit must contain a photograph of the person.

1 (2) **Effect of agricultural driving permit.** (a) The permit
2 authorizes the holder to:

3 (i) Drive a motor vehicle on the public highways of this state in
4 connection with farm work. The holder may drive only within a
5 restricted farming locality described on the permit; and

6 (ii) Participate in the classroom portion of a traffic safety
7 education course authorized under RCW 28A.220.030 or the classroom
8 portion of a traffic safety education course offered by a driver
9 training school licensed and inspected by the department of licensing
10 under chapter 46.82 RCW offered in the community where the holder
11 resides.

12 (b) The director may transfer the permit from one farming locality
13 to another. A transfer is not a renewal of the permit.

14 (3) **Term and renewal of agricultural driving permit.** An
15 agricultural driving permit expires one year from the date of issue.

16 (a) A person under the age of eighteen who holds a permit may renew
17 the permit by paying a fee of fifteen dollars.

18 (b) An agricultural driving permit is invalidated when a permittee
19 attains age eighteen. In order to drive a motor vehicle on a highway
20 he or she must obtain a motor vehicle driver's license under this
21 chapter.

22 (4) **Suspension, revocation, or cancellation.** The director has sole
23 discretion to suspend, revoke, or cancel a juvenile agricultural
24 driving permit if:

25 (a) The permittee has been found to have committed an offense that
26 requires mandatory suspension or revocation of a driver's license; or

27 (b) The director is satisfied that the permittee has violated the
28 permit's restrictions.

29 **Sec. 5.** RCW 46.20.117 and 2002 c 352 s 12 are each amended to read
30 as follows:

31 (1) **Issuance.** The department shall issue an identicard, containing
32 a picture, if the applicant:

33 (a) Does not hold a valid Washington driver's license;

34 (b) Proves his or her identity as required by RCW 46.20.035; and

35 (c) Pays the required fee. The fee is (~~fifteen~~) twenty dollars
36 unless an applicant is a recipient of continuing public assistance
37 grants under Title 74 RCW, who is referred in writing by the secretary

1 of social and health services. For those persons the fee must be the
2 actual cost of production of the identicard.

3 (2) **Design and term.** The identicard must:

4 (a) Be distinctly designed so that it will not be confused with the
5 official driver's license; and

6 (b) Expire on the fifth anniversary of the applicant's birthdate
7 after issuance.

8 (3) **Cancellation.** The department may cancel an identicard if the
9 holder of the identicard used the card or allowed others to use the
10 card in violation of RCW 46.20.0921.

11 **Sec. 6.** RCW 46.20.120 and 2002 c 352 s 13 are each amended to read
12 as follows:

13 An applicant for a new or renewed driver's license must
14 successfully pass a driver licensing examination to qualify for a
15 driver's license. The department shall give examinations at places and
16 times reasonably available to the people of this state.

17 (1) **Waiver.** The department may waive:

18 (a) All or any part of the examination of any person applying for
19 the renewal of a driver's license unless the department determines that
20 the applicant is not qualified to hold a driver's license under this
21 title; or

22 (b) The actual demonstration of the ability to operate a motor
23 vehicle if the applicant:

24 (i) Surrenders a valid driver's license issued by the person's
25 previous home state; and

26 (ii) Is otherwise qualified to be licensed.

27 (2) **Fee.** Each applicant for a new license must pay an examination
28 fee of (~~ten~~) twenty dollars.

29 (a) The examination fee is in addition to the fee charged for
30 issuance of the license.

31 (b) "New license" means a license issued to a driver:

32 (i) Who has not been previously licensed in this state; or

33 (ii) Whose last previous Washington license has been expired for
34 more than five years.

35 (3) A person whose license expired or will expire on or after
36 January 1, 1998, while he or she was or is living outside the state
37 may:

1 (a) Apply to the department to extend the validity of his or her
2 license for no more than twelve months. If the person establishes to
3 the department's satisfaction that he or she is unable to return to
4 Washington before the date his or her license expires, the department
5 shall extend the person's license. The department may grant
6 consecutive extensions, but in no event may the cumulative total of
7 extensions exceed twelve months. An extension granted under this
8 section does not change the expiration date of the license for purposes
9 of RCW 46.20.181. The department shall charge a fee of five dollars
10 for each license extension;

11 (b) Apply to the department to renew his or her license by mail.
12 If the person establishes to the department's satisfaction that he or
13 she is unable to return to Washington within twelve months of the date
14 that his or her license expires, the department shall renew the
15 person's license by mail. If a person qualifies for a mail-in renewal
16 he or she is not required to pass an examination nor provide an updated
17 photograph. He or she must, however, pay the fee required by RCW
18 46.20.181 plus an additional five-dollar mail-in renewal fee. A
19 license renewed by mail that does not include a photograph of the
20 licensee must be labeled "not valid for identification purposes."

21 (4) If a person's driver's license is extended or renewed under
22 subsection (3) of this section while he or she is outside the state, he
23 or she must submit to the examination required under this section
24 within sixty days of returning to this state. The department will not
25 assess a penalty or examination fee for the examination.

26 **Sec. 7.** RCW 46.20.308 and 1999 c 331 s 2 and 1999 c 274 s 2 are
27 each reenacted and amended to read as follows:

28 (1) Any person who operates a motor vehicle within this state is
29 deemed to have given consent, subject to the provisions of RCW
30 46.61.506, to a test or tests of his or her breath or blood for the
31 purpose of determining the alcohol concentration or presence of any
32 drug in his or her breath or blood if arrested for any offense where,
33 at the time of the arrest, the arresting officer has reasonable grounds
34 to believe the person had been driving or was in actual physical
35 control of a motor vehicle while under the influence of intoxicating
36 liquor or any drug or was in violation of RCW 46.61.503.

37 (2) The test or tests of breath shall be administered at the
38 direction of a law enforcement officer having reasonable grounds to

1 believe the person to have been driving or in actual physical control
2 of a motor vehicle within this state while under the influence of
3 intoxicating liquor or any drug or the person to have been driving or
4 in actual physical control of a motor vehicle while having alcohol in
5 a concentration in violation of RCW 46.61.503 in his or her system and
6 being under the age of twenty-one. However, in those instances where
7 the person is incapable due to physical injury, physical incapacity, or
8 other physical limitation, of providing a breath sample or where the
9 person is being treated in a hospital, clinic, doctor's office,
10 emergency medical vehicle, ambulance, or other similar facility in
11 which a breath testing instrument is not present or where the officer
12 has reasonable grounds to believe that the person is under the
13 influence of a drug, a blood test shall be administered by a qualified
14 person as provided in RCW 46.61.506(4). The officer shall inform the
15 person of his or her right to refuse the breath or blood test, and of
16 his or her right to have additional tests administered by any qualified
17 person of his or her choosing as provided in RCW 46.61.506. The
18 officer shall warn the driver that:

19 (a) His or her license, permit, or privilege to drive will be
20 revoked or denied if he or she refuses to submit to the test;

21 (b) His or her license, permit, or privilege to drive will be
22 suspended, revoked, or denied if the test is administered and the test
23 indicates the alcohol concentration of the person's breath or blood is
24 0.08 or more, in the case of a person age twenty-one or over, or in
25 violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a
26 person under age twenty-one; and

27 (c) His or her refusal to take the test may be used in a criminal
28 trial.

29 (3) Except as provided in this section, the test administered shall
30 be of the breath only. If an individual is unconscious or is under
31 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
32 or vehicular assault as provided in RCW 46.61.522, or if an individual
33 is under arrest for the crime of driving while under the influence of
34 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
35 results from an accident in which there has been serious bodily injury
36 to another person, a breath or blood test may be administered without
37 the consent of the individual so arrested.

38 (4) Any person who is dead, unconscious, or who is otherwise in a
39 condition rendering him or her incapable of refusal, shall be deemed

1 not to have withdrawn the consent provided by subsection (1) of this
2 section and the test or tests may be administered, subject to the
3 provisions of RCW 46.61.506, and the person shall be deemed to have
4 received the warnings required under subsection (2) of this section.

5 (5) If, following his or her arrest and receipt of warnings under
6 subsection (2) of this section, the person arrested refuses upon the
7 request of a law enforcement officer to submit to a test or tests of
8 his or her breath or blood, no test shall be given except as authorized
9 under subsection (3) or (4) of this section.

10 (6) If, after arrest and after the other applicable conditions and
11 requirements of this section have been satisfied, a test or tests of
12 the person's blood or breath is administered and the test results
13 indicate that the alcohol concentration of the person's breath or blood
14 is 0.08 or more if the person is age twenty-one or over, or is in
15 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is
16 under the age of twenty-one, or the person refuses to submit to a test,
17 the arresting officer or other law enforcement officer at whose
18 direction any test has been given, or the department, where applicable,
19 if the arrest results in a test of the person's blood, shall:

20 (a) Serve notice in writing on the person on behalf of the
21 department of its intention to suspend, revoke, or deny the person's
22 license, permit, or privilege to drive as required by subsection (7) of
23 this section;

24 (b) Serve notice in writing on the person on behalf of the
25 department of his or her right to a hearing, specifying the steps he or
26 she must take to obtain a hearing as provided by subsection (8) of this
27 section;

28 (c) Mark the person's Washington state driver's license or permit
29 to drive, if any, in a manner authorized by the department;

30 (d) Serve notice in writing that the marked license or permit, if
31 any, is a temporary license that is valid for sixty days from the date
32 of arrest or from the date notice has been given in the event notice is
33 given by the department following a blood test, or until the
34 suspension, revocation, or denial of the person's license, permit, or
35 privilege to drive is sustained at a hearing pursuant to subsection (8)
36 of this section, whichever occurs first. No temporary license is valid
37 to any greater degree than the license or permit that it replaces; and

38 (e) Immediately notify the department of the arrest and transmit to
39 the department within seventy-two hours, except as delayed as the

1 result of a blood test, a sworn report or report under a declaration
2 authorized by RCW 9A.72.085 that states:

3 (i) That the officer had reasonable grounds to believe the arrested
4 person had been driving or was in actual physical control of a motor
5 vehicle within this state while under the influence of intoxicating
6 liquor or drugs, or both, or was under the age of twenty-one years and
7 had been driving or was in actual physical control of a motor vehicle
8 while having an alcohol concentration in violation of RCW 46.61.503;

9 (ii) That after receipt of the warnings required by subsection (2)
10 of this section the person refused to submit to a test of his or her
11 blood or breath, or a test was administered and the results indicated
12 that the alcohol concentration of the person's breath or blood was 0.08
13 or more if the person is age twenty-one or over, or was in violation of
14 RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age
15 of twenty-one; and

16 (iii) Any other information that the director may require by rule.

17 (7) The department of licensing, upon the receipt of a sworn report
18 or report under a declaration authorized by RCW 9A.72.085 under
19 subsection (6)(e) of this section, shall suspend, revoke, or deny the
20 person's license, permit, or privilege to drive or any nonresident
21 operating privilege, as provided in RCW 46.20.3101, such suspension,
22 revocation, or denial to be effective beginning sixty days from the
23 date of arrest or from the date notice has been given in the event
24 notice is given by the department following a blood test, or when
25 sustained at a hearing pursuant to subsection (8) of this section,
26 whichever occurs first.

27 (8) A person receiving notification under subsection (6)(b) of this
28 section may, within thirty days after the notice has been given,
29 request in writing a formal hearing before the department. The person
30 shall pay a fee of (~~one~~) two hundred dollars as part of the request.
31 If the request is mailed, it must be postmarked within thirty days
32 after receipt of the notification. Upon timely receipt of such a
33 request for a formal hearing, including receipt of the required (~~one~~)
34 two hundred dollar fee, the department shall afford the person an
35 opportunity for a hearing. The department may waive the required
36 (~~one~~) two hundred dollar fee if the person is an indigent as defined
37 in RCW 10.101.010. Except as otherwise provided in this section, the
38 hearing is subject to and shall be scheduled and conducted in
39 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be

1 conducted in the county of the arrest, except that all or part of the
2 hearing may, at the discretion of the department, be conducted by
3 telephone or other electronic means. The hearing shall be held within
4 sixty days following the arrest or following the date notice has been
5 given in the event notice is given by the department following a blood
6 test, unless otherwise agreed to by the department and the person, in
7 which case the action by the department shall be stayed, and any valid
8 temporary license marked under subsection (6)(c) of this section
9 extended, if the person is otherwise eligible for licensing. For the
10 purposes of this section, the scope of the hearing shall cover the
11 issues of whether a law enforcement officer had reasonable grounds to
12 believe the person had been driving or was in actual physical control
13 of a motor vehicle within this state while under the influence of
14 intoxicating liquor or any drug or had been driving or was in actual
15 physical control of a motor vehicle within this state while having
16 alcohol in his or her system in a concentration in violation of RCW
17 46.61.503 and was under the age of twenty-one, whether the person was
18 placed under arrest, and (a) whether the person refused to submit to
19 the test or tests upon request of the officer after having been
20 informed that such refusal would result in the revocation of the
21 person's license, permit, or privilege to drive, or (b) if a test or
22 tests were administered, whether the applicable requirements of this
23 section were satisfied before the administration of the test or tests,
24 whether the person submitted to the test or tests, or whether a test
25 was administered without express consent as permitted under this
26 section, and whether the test or tests indicated that the alcohol
27 concentration of the person's breath or blood was 0.08 or more if the
28 person was age twenty-one or over at the time of the arrest, or was in
29 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was
30 under the age of twenty-one at the time of the arrest. The sworn
31 report or report under a declaration authorized by RCW 9A.72.085
32 submitted by a law enforcement officer is prima facie evidence that the
33 officer had reasonable grounds to believe the person had been driving
34 or was in actual physical control of a motor vehicle within this state
35 while under the influence of intoxicating liquor or drugs, or both, or
36 the person had been driving or was in actual physical control of a
37 motor vehicle within this state while having alcohol in his or her
38 system in a concentration in violation of RCW 46.61.503 and was under

1 the age of twenty-one and that the officer complied with the
2 requirements of this section.

3 A hearing officer shall conduct the hearing, may issue subpoenas
4 for the attendance of witnesses and the production of documents, and
5 shall administer oaths to witnesses. The hearing officer shall not
6 issue a subpoena for the attendance of a witness at the request of the
7 person unless the request is accompanied by the fee required by RCW
8 5.56.010 for a witness in district court. The sworn report or report
9 under a declaration authorized by RCW 9A.72.085 of the law enforcement
10 officer and any other evidence accompanying the report shall be
11 admissible without further evidentiary foundation and the
12 certifications authorized by the criminal rules for courts of limited
13 jurisdiction shall be admissible without further evidentiary
14 foundation. The person may be represented by counsel, may question
15 witnesses, may present evidence, and may testify. The department shall
16 order that the suspension, revocation, or denial either be rescinded or
17 sustained.

18 (9) If the suspension, revocation, or denial is sustained after
19 such a hearing, the person whose license, privilege, or permit is
20 suspended, revoked, or denied has the right to file a petition in the
21 superior court of the county of arrest to review the final order of
22 revocation by the department in the same manner as an appeal from a
23 decision of a court of limited jurisdiction. Notice of appeal must be
24 filed within thirty days after the date the final order is served or
25 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
26 1.1, or other statutes or rules referencing de novo review, the appeal
27 shall be limited to a review of the record of the administrative
28 hearing. The appellant must pay the costs associated with obtaining
29 the record of the hearing before the hearing officer. The filing of
30 the appeal does not stay the effective date of the suspension,
31 revocation, or denial. A petition filed under this subsection must
32 include the petitioner's grounds for requesting review. Upon granting
33 petitioner's request for review, the court shall review the
34 department's final order of suspension, revocation, or denial as
35 expeditiously as possible. The review must be limited to a
36 determination of whether the department has committed any errors of
37 law. The superior court shall accept those factual determinations
38 supported by substantial evidence in the record: (a) That were
39 expressly made by the department; or (b) that may reasonably be

1 inferred from the final order of the department. The superior court
2 may reverse, affirm, or modify the decision of the department or remand
3 the case back to the department for further proceedings. The decision
4 of the superior court must be in writing and filed in the clerk's
5 office with the other papers in the case. The court shall state the
6 reasons for the decision. If judicial relief is sought for a stay or
7 other temporary remedy from the department's action, the court shall
8 not grant such relief unless the court finds that the appellant is
9 likely to prevail in the appeal and that without a stay the appellant
10 will suffer irreparable injury. If the court stays the suspension,
11 revocation, or denial it may impose conditions on such stay.

12 (10) If a person whose driver's license, permit, or privilege to
13 drive has been or will be suspended, revoked, or denied under
14 subsection (7) of this section, other than as a result of a breath or
15 blood test refusal, and who has not committed an offense for which he
16 or she was granted a deferred prosecution under chapter 10.05 RCW,
17 petitions a court for a deferred prosecution on criminal charges
18 arising out of the arrest for which action has been or will be taken
19 under subsection (7) of this section, the court may direct the
20 department to stay any actual or proposed suspension, revocation, or
21 denial for at least forty-five days but not more than ninety days. If
22 the court stays the suspension, revocation, or denial, it may impose
23 conditions on such stay. If the person is otherwise eligible for
24 licensing, the department shall issue a temporary license, or extend
25 any valid temporary license marked under subsection (6) of this
26 section, for the period of the stay. If a deferred prosecution
27 treatment plan is not recommended in the report made under RCW
28 10.05.050, or if treatment is rejected by the court, or if the person
29 declines to accept an offered treatment plan, or if the person violates
30 any condition imposed by the court, then the court shall immediately
31 direct the department to cancel the stay and any temporary marked
32 license or extension of a temporary license issued under this
33 subsection.

34 A suspension, revocation, or denial imposed under this section,
35 other than as a result of a breath or blood test refusal, shall be
36 stayed if the person is accepted for deferred prosecution as provided
37 in chapter 10.05 RCW for the incident upon which the suspension,
38 revocation, or denial is based. If the deferred prosecution is
39 terminated, the stay shall be lifted and the suspension, revocation, or

1 denial reinstated. If the deferred prosecution is completed, the stay
2 shall be lifted and the suspension, revocation, or denial canceled.

3 (11) When it has been finally determined under the procedures of
4 this section that a nonresident's privilege to operate a motor vehicle
5 in this state has been suspended, revoked, or denied, the department
6 shall give information in writing of the action taken to the motor
7 vehicle administrator of the state of the person's residence and of any
8 state in which he or she has a license.

9 **Sec. 8.** RCW 46.20.311 and 2003 c 366 s 2 are each amended to read
10 as follows:

11 (1)(a) The department shall not suspend a driver's license or
12 privilege to drive a motor vehicle on the public highways for a fixed
13 period of more than one year, except as specifically permitted under
14 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
15 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
16 74.20A.320, whenever the license or driving privilege of any person is
17 suspended by reason of a conviction, a finding that a traffic
18 infraction has been committed, pursuant to chapter 46.29 RCW, or
19 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
20 effect until the person gives and thereafter maintains proof of
21 financial responsibility for the future as provided in chapter 46.29
22 RCW. If the suspension is the result of a violation of RCW 46.61.502
23 or 46.61.504, the department shall determine the person's eligibility
24 for licensing based upon the reports provided by the alcoholism agency
25 or probation department designated under RCW 46.61.5056 and shall deny
26 reinstatement until enrollment and participation in an approved program
27 has been established and the person is otherwise qualified. If the
28 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
29 and the person is required pursuant to RCW 46.20.720 to drive only a
30 motor vehicle equipped with a functioning ignition interlock or other
31 biological or technical device, the department shall determine the
32 person's eligibility for licensing based upon written verification by
33 a company doing business in the state that it has installed the
34 required device on a vehicle owned and/or operated by the person
35 seeking reinstatement. Whenever the license or driving privilege of
36 any person is suspended as a result of certification of noncompliance
37 with a child support order under chapter 74.20A RCW or a residential or
38 visitation order, the suspension shall remain in effect until the

1 person provides a release issued by the department of social and health
2 services stating that the person is in compliance with the 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~~) seventy-five 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; (ii) after the expiration of the applicable revocation
15 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
16 expiration of two years for persons convicted of vehicular homicide; or
17 (iv) after the expiration of the applicable revocation period provided
18 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~~) seventy-five 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. If the
31 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
32 and the person is required pursuant to RCW 46.20.720 to drive only a
33 motor vehicle equipped with a functioning ignition interlock or other
34 biological or technical device, the department shall determine the
35 person's eligibility for licensing based upon written verification by
36 a company doing business in the state that it has installed the
37 required device on a vehicle owned and/or operated by the person
38 applying for a new license.

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

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

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

22 **Sec. 9.** RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to
23 read as follows:

24 No person may file an application for an occupational driver's
25 license as provided in RCW 46.20.391 unless he or she first pays to the
26 director or other person authorized to accept applications and fees for
27 driver's licenses a fee of (~~twenty-five~~) one hundred dollars. The
28 applicant shall receive upon payment an official receipt for the
29 payment of such fee. All such fees shall be forwarded to the director
30 who shall transmit such fees to the state treasurer in the same manner
31 as other driver's license fees.

32 **Sec. 10.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
33 as follows:

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

1 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two
2 hundred fifty dollars for each offense. No penalty assessed under this
3 subsection (2) may be reduced.

4 (3) The supreme court shall prescribe by rule a schedule of
5 monetary penalties for designated traffic infractions. This rule shall
6 also specify the conditions under which local courts may exercise
7 discretion in assessing fines and penalties for traffic infractions.
8 The legislature respectfully requests the supreme court to adjust this
9 schedule every two years for inflation.

10 (4) There shall be a penalty of twenty-five dollars for failure to
11 respond to a notice of traffic infraction except where the infraction
12 relates to parking as defined by local law, ordinance, regulation, or
13 resolution or failure to pay a monetary penalty imposed pursuant to
14 this chapter. A local legislative body may set a monetary penalty not
15 to exceed twenty-five dollars for failure to respond to a notice of
16 traffic infraction relating to parking as defined by local law,
17 ordinance, regulation, or resolution. The local court, whether a
18 municipal, police, or district court, shall impose the monetary penalty
19 set by the local legislative body.

20 (5) Monetary penalties provided for in chapter 46.70 RCW which are
21 civil in nature and penalties which may be assessed for violations of
22 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
23 are not subject to the limitation on the amount of monetary penalties
24 which may be imposed pursuant to this chapter.

25 (6) Whenever a monetary penalty, fee, cost, assessment, or other
26 monetary obligation is imposed by a court under this chapter it is
27 immediately payable. ~~If the ((person is unable to pay at that time the~~
28 ~~court may, in its discretion, grant an extension of the period in which~~
29 ~~the penalty may be paid. If the penalty is not paid on or before the~~
30 ~~time established for payment the court shall notify the department of~~
31 ~~the failure to pay the penalty))~~ court determines, in its discretion
32 that a person is not able to pay a monetary obligation in full, and not
33 more than one year has passed since the effective date of this act or
34 the date the monetary obligation initially became due and payable, the
35 court shall enter into a payment plan with the person, unless the
36 person has previously been granted a payment plan with respect to the
37 same monetary obligation, in which case the court may, at its
38 discretion, implement a payment plan. "Payment plan," as used in this
39 section, means a plan that requires reasonable payments based on the

1 financial ability of the person to pay. The person may voluntarily pay
2 an amount at any time in addition to the payments required under the
3 payment plan:

4 (a) If a payment required to be made under the payment plan is
5 delinquent or the person fails to complete a community restitution
6 program on or before the time established under the payment plan, the
7 court shall notify the department of the person's failure to meet the
8 conditions of the plan, and the department shall suspend the person's
9 driver's license or driving privilege until ((the penalty has)) all
10 monetary obligations, including those imposed under subsections (3) and
11 (4) of this section, have been paid ((and the penalty provided in
12 subsection (4) of this section has been paid)), and court authorized
13 community restitution has been completed or until the department has
14 been notified that the court has entered into a new time payment or
15 community restitution agreement with the person.

16 (b) If a person has not entered into a payment plan with the court
17 and has not paid the monetary obligation in full on or before the time
18 established for payment, the court shall notify the department of the
19 delinquency. The department shall suspend the person's driver's
20 license or driving privilege until all monetary obligations have been
21 paid, including those imposed under subsections (3) and (4) of this
22 section, or until the person has entered into a payment plan under this
23 section.

24 (c) If the payment plan is to be administered by the court, the
25 court may assess the person a reasonable administrative fee to be
26 wholly retained by the city or county with jurisdiction. The
27 administrative fee shall not exceed ten dollars per infraction or
28 twenty-five dollars per payment plan, whichever is less.

29 (d) Nothing in this section precludes a court from contracting with
30 outside entities to administer its payment plan system. When outside
31 entities are used for the administration of a payment plan, the court
32 may assess the person a reasonable fee for such administrative
33 services, which fee may be calculated on a periodic, percentage, or
34 other basis. Fees collected under this subsection shall be wholly
35 retained by the city or county with jurisdiction, for payment to its
36 outside entity.

37 (e) If a court authorized community restitution program for
38 offenders is available in the jurisdiction, the court may allow
39 conversion of all or part of the monetary obligations due under

1 subsection (5) of this section to court authorized community
2 restitution in lieu of time payments if the person is unable to make
3 reasonable time payments.

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

11 (8)(a) In addition to any other penalties imposed under this
12 section and not subject to the limitation of subsection (1) of this
13 section, a person found to have committed a traffic infraction other
14 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
15 dollars. The court may not reduce, waive, or suspend the additional
16 penalty unless the court finds the offender to be indigent. If a court
17 authorized community restitution program for offenders is available in
18 the jurisdiction, the court (~~shall~~) may allow offenders to offset all
19 or a part of the penalty due under this subsection (8) by participation
20 in the court authorized community restitution program.

21 (b) Eight dollars and fifty cents of the additional penalty under
22 (a) of this subsection shall be remitted to the state treasurer. The
23 remaining revenue from the additional penalty must be remitted under
24 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
25 under this subsection to the state treasurer must be deposited as
26 provided in RCW 43.08.250. The balance of the revenue received by the
27 county or city treasurer under this subsection must be deposited into
28 the county or city current expense fund. Moneys retained by the city
29 or county under this subsection shall constitute reimbursement for any
30 liabilities under RCW 43.135.060.

31 (9) A person may not enter into a second or subsequent payment plan
32 if the person is in noncompliance with the terms of any existing or
33 prior plan.

34 (10) A person is not eligible to enter into a payment plan if any
35 delinquent amount owed by the person for any penalty imposed by the
36 court under this section has been assigned to a collection agency and
37 legal action has commenced to collect the delinquent amount.

1 **Sec. 11.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
2 as follows:

3 (1) Whenever any person violates his or her written promise to
4 appear in court, ~~((or))~~ fails to appear for a scheduled court hearing,
5 or fails to comply with the terms of a citation, the court in which the
6 defendant failed to appear or comply shall promptly give notice of such
7 fact to the department of licensing. Whenever thereafter the case in
8 which the defendant failed to appear or comply is adjudicated, the
9 court hearing the case shall promptly file with the department a
10 certificate showing that the case has been adjudicated.

11 (2)(a) Where compliance with the terms of a misdemeanor citation is
12 limited to the payment of a monetary penalty, fee, cost, assessment, or
13 other monetary obligation, and the court determines, in its discretion,
14 that a person is not able to pay the monetary obligation in full, and
15 not more than one year has passed since the effective date of this act
16 or the date the monetary obligation initially became due and payable,
17 the court shall enter into a payment plan with the person, unless the
18 person has previously been granted a payment plan with respect to the
19 same monetary obligation, in which case the court may, at its
20 discretion, implement a payment plan. "Payment plan," as used in this
21 section, means a plan that requires reasonable payments based on the
22 financial ability of the person to pay. The person may voluntarily pay
23 any amount at any time in addition to these payments. If a person has
24 entered into a payment plan under this subsection, the court shall not
25 notify the department of licensing that the person has failed to comply
26 with the terms of a citation as it applies to payment of the monetary
27 obligation unless a payment required to be made under the payment plan
28 is delinquent.

29 (b) If the payment plan is to be administered by the court, the
30 court may assess the person a reasonable administrative fee to be
31 wholly retained by the city or county with jurisdiction. The
32 administrative fee shall not exceed ten dollars per infraction or
33 twenty-five dollars per payment plan, whichever is less.

34 (c) Nothing in this section precludes a court from contracting with
35 outside entities to administer its payment plan system. When outside
36 entities are used for the administration of a payment plan, the court
37 may assess the person a reasonable fee for such administrative
38 services, which fee may be calculated on a periodic, percentage, or
39 other basis. Fees collected under this subsection shall be wholly

1 retained by the city or county with jurisdiction, for payment to its
2 outside entity.

3 (d) A person may not enter into a second or subsequent payment plan
4 if the person is in noncompliance with the terms of any existing or
5 prior plan.

6 (e) A person is not eligible to enter into a payment plan if any
7 delinquent amount owed by the person for any penalty imposed by the
8 court under this section has been assigned to a collection agency and
9 legal action has commenced to collect the delinquent amount.

10 NEW SECTION. Sec. 12. Sections 1 and 2 of this act take effect
11 October 1, 2004.

12 NEW SECTION. Sec. 13. Sections 3 through 9 of this act take
13 effect July 1, 2004."

14 **SSB 6710** - S AMD
15 By Senator Horn

16

17 On page 1, on line 2 of the title, after "46.20.311," strike "and
18 46.20.380" and insert "46.20.380, 46.63.110, and 46.64.025"

--- END ---

EFFECT: Adds sections 10 and 11, providing that a court must enter into a payment plan with a person who has been determined by the court not to be able to pay his or her obligation in full.