

SSB 6710 - S AMD 752

By Senators Horn, Benton, Haugen, Kline

ADOPTED 03/02/2004

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

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

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

25 (1) **Driver's instruction permit.** The department may issue a
26 driver's instruction permit with or without a photograph to an
27 applicant who has successfully passed all parts of the examination
28 other than the driving test, provided the information required by RCW
29 46.20.091, paid a fee of (~~(fifteen)~~) twenty dollars, and meets the
30 following requirements:

- 31 (a) Is at least fifteen and one-half years of age; or
32 (b) Is at least fifteen years of age and:
33 (i) Has submitted a proper application; and
34 (ii) Is enrolled in a traffic safety education program offered,
35 approved, and accredited by the superintendent of public instruction or

1 offered by a (~~(driving [driver])~~) driver training school licensed and
2 inspected by the department of licensing under chapter 46.82 RCW, that
3 includes practice driving.

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

7 (a) A traffic safety education course as defined by RCW
8 28A.220.020(2); or

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

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

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

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

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

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

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

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

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

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

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

32 (b) The applicant has passed the driving examination required by
33 RCW 46.20.120;

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

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

4 (e) The applicant has paid a fee of (~~fifteen~~) twenty dollars.
5 The permit must contain a photograph of the person.

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

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

11 (ii) Participate in the classroom portion of a traffic safety
12 education course authorized under RCW 28A.220.030 or the classroom
13 portion of a traffic safety education course offered by a driver
14 training school licensed and inspected by the department of licensing
15 under chapter 46.82 RCW offered in the community where the holder
16 resides.

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

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

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

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

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

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

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

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

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

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

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

5 (c) Pays the required fee. The fee is (~~fifteen~~) twenty dollars
6 unless an applicant is a recipient of continuing public assistance
7 grants under Title 74 RCW, who is referred in writing by the secretary
8 of social and health services. For those persons the fee must be the
9 actual cost of production of the identicard.

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

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

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

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

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

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

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

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

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

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

33 (ii) Is otherwise qualified to be licensed.

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

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

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

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

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

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

10 (a) Apply to the department to extend the validity of his or her
11 license for no more than twelve months. If the person establishes to
12 the department's satisfaction that he or she is unable to return to
13 Washington before the date his or her license expires, the department
14 shall extend the person's license. The department may grant
15 consecutive extensions, but in no event may the cumulative total of
16 extensions exceed twelve months. An extension granted under this
17 section does not change the expiration date of the license for purposes
18 of RCW 46.20.181. The department shall charge a fee of five dollars
19 for each license extension;

20 (b) Apply to the department to renew his or her license by mail.
21 If the person establishes to the department's satisfaction that he or
22 she is unable to return to Washington within twelve months of the date
23 that his or her license expires, the department shall renew the
24 person's license by mail. If a person qualifies for a mail-in renewal
25 he or she is not required to pass an examination nor provide an updated
26 photograph. He or she must, however, pay the fee required by RCW
27 46.20.181 plus an additional five-dollar mail-in renewal fee. A
28 license renewed by mail that does not include a photograph of the
29 licensee must be labeled "not valid for identification purposes."

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

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

1 (1) Any person who operates a motor vehicle within this state is
2 deemed to have given consent, subject to the provisions of RCW
3 46.61.506, to a test or tests of his or her breath or blood for the
4 purpose of determining the alcohol concentration or presence of any
5 drug in his or her breath or blood if arrested for any offense where,
6 at the time of the arrest, the arresting officer has reasonable grounds
7 to believe the person had been driving or was in actual physical
8 control of a motor vehicle while under the influence of intoxicating
9 liquor or any drug or was in violation of RCW 46.61.503.

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

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

32 (b) His or her license, permit, or privilege to drive will be
33 suspended, revoked, or denied if the test is administered and the test
34 indicates the alcohol concentration of the person's breath or blood is
35 0.08 or more, in the case of a person age twenty-one or over, or in
36 violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a
37 person under age twenty-one; and

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

3 (3) Except as provided in this section, the test administered shall
4 be of the breath only. If an individual is unconscious or is under
5 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
6 or vehicular assault as provided in RCW 46.61.522, or if an individual
7 is under arrest for the crime of driving while under the influence of
8 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
9 results from an accident in which there has been serious bodily injury
10 to another person, a breath or blood test may be administered without
11 the consent of the individual so arrested.

12 (4) Any person who is dead, unconscious, or who is otherwise in a
13 condition rendering him or her incapable of refusal, shall be deemed
14 not to have withdrawn the consent provided by subsection (1) of this
15 section and the test or tests may be administered, subject to the
16 provisions of RCW 46.61.506, and the person shall be deemed to have
17 received the warnings required under subsection (2) of this section.

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

23 (6) If, after arrest and after the other applicable conditions and
24 requirements of this section have been satisfied, a test or tests of
25 the person's blood or breath is administered and the test results
26 indicate that the alcohol concentration of the person's breath or blood
27 is 0.08 or more if the person is age twenty-one or over, or is in
28 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is
29 under the age of twenty-one, or the person refuses to submit to a test,
30 the arresting officer or other law enforcement officer at whose
31 direction any test has been given, or the department, where applicable,
32 if the arrest results in a test of the person's blood, shall:

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

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

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

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

15 (e) Immediately notify the department of the arrest and transmit to
16 the department within seventy-two hours, except as delayed as the
17 result of a blood test, a sworn report or report under a declaration
18 authorized by RCW 9A.72.085 that states:

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

25 (ii) That after receipt of the warnings required by subsection (2)
26 of this section the person refused to submit to a test of his or her
27 blood or breath, or a test was administered and the results indicated
28 that the alcohol concentration of the person's breath or blood was 0.08
29 or more if the person is age twenty-one or over, or was in violation of
30 RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age
31 of twenty-one; and

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

33 (7) The department of licensing, upon the receipt of a sworn report
34 or report under a declaration authorized by RCW 9A.72.085 under
35 subsection (6)(e) of this section, shall suspend, revoke, or deny the
36 person's license, permit, or privilege to drive or any nonresident
37 operating privilege, as provided in RCW 46.20.3101, such suspension,

1 revocation, or denial to be effective beginning sixty days from the
2 date of arrest or from the date notice has been given in the event
3 notice is given by the department following a blood test, or when
4 sustained at a hearing pursuant to subsection (8) of this section,
5 whichever occurs first.

6 (8) A person receiving notification under subsection (6)(b) of this
7 section may, within thirty days after the notice has been given,
8 request in writing a formal hearing before the department. The person
9 shall pay a fee of (~~one~~) two hundred dollars as part of the request.
10 If the request is mailed, it must be postmarked within thirty days
11 after receipt of the notification. Upon timely receipt of such a
12 request for a formal hearing, including receipt of the required (~~one~~)
13 two hundred dollar fee, the department shall afford the person an
14 opportunity for a hearing. The department may waive the required
15 (~~one~~) two hundred dollar fee if the person is an indigent as defined
16 in RCW 10.101.010. Except as otherwise provided in this section, the
17 hearing is subject to and shall be scheduled and conducted in
18 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be
19 conducted in the county of the arrest, except that all or part of the
20 hearing may, at the discretion of the department, be conducted by
21 telephone or other electronic means. The hearing shall be held within
22 sixty days following the arrest or following the date notice has been
23 given in the event notice is given by the department following a blood
24 test, unless otherwise agreed to by the department and the person, in
25 which case the action by the department shall be stayed, and any valid
26 temporary license marked under subsection (6)(c) of this section
27 extended, if the person is otherwise eligible for licensing. For the
28 purposes of this section, the scope of the hearing shall cover the
29 issues of whether a law enforcement officer had reasonable grounds to
30 believe the person had been driving or was in actual physical control
31 of a motor vehicle within this state while under the influence of
32 intoxicating liquor or any drug or had been driving or was in actual
33 physical control of a motor vehicle within this state while having
34 alcohol in his or her system in a concentration in violation of RCW
35 46.61.503 and was under the age of twenty-one, whether the person was
36 placed under arrest, and (a) whether the person refused to submit to
37 the test or tests upon request of the officer after having been

1 informed that such refusal would result in the revocation of the
2 person's license, permit, or privilege to drive, or (b) if a test or
3 tests were administered, whether the applicable requirements of this
4 section were satisfied before the administration of the test or tests,
5 whether the person submitted to the test or tests, or whether a test
6 was administered without express consent as permitted under this
7 section, and whether the test or tests indicated that the alcohol
8 concentration of the person's breath or blood was 0.08 or more if the
9 person was age twenty-one or over at the time of the arrest, or was in
10 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was
11 under the age of twenty-one at the time of the arrest. The sworn
12 report or report under a declaration authorized by RCW 9A.72.085
13 submitted by a law enforcement officer is prima facie evidence that the
14 officer had reasonable grounds to believe the person had been driving
15 or was in actual physical control of a motor vehicle within this state
16 while under the influence of intoxicating liquor or drugs, or both, or
17 the person had been driving or was in actual physical control of a
18 motor vehicle within this state while having alcohol in his or her
19 system in a concentration in violation of RCW 46.61.503 and was under
20 the age of twenty-one and that the officer complied with the
21 requirements of this section.

22 A hearing officer shall conduct the hearing, may issue subpoenas
23 for the attendance of witnesses and the production of documents, and
24 shall administer oaths to witnesses. The hearing officer shall not
25 issue a subpoena for the attendance of a witness at the request of the
26 person unless the request is accompanied by the fee required by RCW
27 5.56.010 for a witness in district court. The sworn report or report
28 under a declaration authorized by RCW 9A.72.085 of the law enforcement
29 officer and any other evidence accompanying the report shall be
30 admissible without further evidentiary foundation and the
31 certifications authorized by the criminal rules for courts of limited
32 jurisdiction shall be admissible without further evidentiary
33 foundation. The person may be represented by counsel, may question
34 witnesses, may present evidence, and may testify. The department shall
35 order that the suspension, revocation, or denial either be rescinded or
36 sustained.

1 (9) If the suspension, revocation, or denial is sustained after
2 such a hearing, the person whose license, privilege, or permit is
3 suspended, revoked, or denied has the right to file a petition in the
4 superior court of the county of arrest to review the final order of
5 revocation by the department in the same manner as an appeal from a
6 decision of a court of limited jurisdiction. Notice of appeal must be
7 filed within thirty days after the date the final order is served or
8 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
9 1.1, or other statutes or rules referencing de novo review, the appeal
10 shall be limited to a review of the record of the administrative
11 hearing. The appellant must pay the costs associated with obtaining
12 the record of the hearing before the hearing officer. The filing of
13 the appeal does not stay the effective date of the suspension,
14 revocation, or denial. A petition filed under this subsection must
15 include the petitioner's grounds for requesting review. Upon granting
16 petitioner's request for review, the court shall review the
17 department's final order of suspension, revocation, or denial as
18 expeditiously as possible. The review must be limited to a
19 determination of whether the department has committed any errors of
20 law. The superior court shall accept those factual determinations
21 supported by substantial evidence in the record: (a) That were
22 expressly made by the department; or (b) that may reasonably be
23 inferred from the final order of the department. The superior court
24 may reverse, affirm, or modify the decision of the department or remand
25 the case back to the department for further proceedings. The decision
26 of the superior court must be in writing and filed in the clerk's
27 office with the other papers in the case. The court shall state the
28 reasons for the decision. If judicial relief is sought for a stay or
29 other temporary remedy from the department's action, the court shall
30 not grant such relief unless the court finds that the appellant is
31 likely to prevail in the appeal and that without a stay the appellant
32 will suffer irreparable injury. If the court stays the suspension,
33 revocation, or denial it may impose conditions on such stay.

34 (10) If a person whose driver's license, permit, or privilege to
35 drive has been or will be suspended, revoked, or denied under
36 subsection (7) of this section, other than as a result of a breath or
37 blood test refusal, and who has not committed an offense for which he

1 or she was granted a deferred prosecution under chapter 10.05 RCW,
2 petitions a court for a deferred prosecution on criminal charges
3 arising out of the arrest for which action has been or will be taken
4 under subsection (7) of this section, the court may direct the
5 department to stay any actual or proposed suspension, revocation, or
6 denial for at least forty-five days but not more than ninety days. If
7 the court stays the suspension, revocation, or denial, it may impose
8 conditions on such stay. If the person is otherwise eligible for
9 licensing, the department shall issue a temporary license, or extend
10 any valid temporary license marked under subsection (6) of this
11 section, for the period of the stay. If a deferred prosecution
12 treatment plan is not recommended in the report made under RCW
13 10.05.050, or if treatment is rejected by the court, or if the person
14 declines to accept an offered treatment plan, or if the person violates
15 any condition imposed by the court, then the court shall immediately
16 direct the department to cancel the stay and any temporary marked
17 license or extension of a temporary license issued under this
18 subsection.

19 A suspension, revocation, or denial imposed under this section,
20 other than as a result of a breath or blood test refusal, shall be
21 stayed if the person is accepted for deferred prosecution as provided
22 in chapter 10.05 RCW for the incident upon which the suspension,
23 revocation, or denial is based. If the deferred prosecution is
24 terminated, the stay shall be lifted and the suspension, revocation, or
25 denial reinstated. If the deferred prosecution is completed, the stay
26 shall be lifted and the suspension, revocation, or denial canceled.

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

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

35 (1)(a) The department shall not suspend a driver's license or
36 privilege to drive a motor vehicle on the public highways for a fixed

1 period of more than one year, except as specifically permitted under
2 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
3 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
4 74.20A.320, whenever the license or driving privilege of any person is
5 suspended by reason of a conviction, a finding that a traffic
6 infraction has been committed, pursuant to chapter 46.29 RCW, or
7 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
8 effect until the person gives and thereafter maintains proof of
9 financial responsibility for the future as provided in chapter 46.29
10 RCW. If the suspension is the result of a violation of RCW 46.61.502
11 or 46.61.504, the department shall determine the person's eligibility
12 for licensing based upon the reports provided by the alcoholism agency
13 or probation department designated under RCW 46.61.5056 and shall deny
14 reinstatement until enrollment and participation in an approved program
15 has been established and the person is otherwise qualified. If the
16 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
17 and the person is required pursuant to RCW 46.20.720 to drive only a
18 motor vehicle equipped with a functioning ignition interlock or other
19 biological or technical device, the department shall determine the
20 person's eligibility for licensing based upon written verification by
21 a company doing business in the state that it has installed the
22 required device on a vehicle owned and/or operated by the person
23 seeking reinstatement. Whenever the license or driving privilege of
24 any person is suspended as a result of certification of noncompliance
25 with a child support order under chapter 74.20A RCW or a residential or
26 visitation order, the suspension shall remain in effect until the
27 person provides a release issued by the department of social and health
28 services stating that the person is in compliance with the order.

29 (b)(i) The department shall not issue to the person a new,
30 duplicate, or renewal license until the person pays a reissue fee of
31 (~~twenty~~) seventy-five dollars.

32 (ii) If the suspension is the result of a violation of RCW
33 46.61.502 or 46.61.504, or is the result of administrative action under
34 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

35 (2)(a) Any person whose license or privilege to drive a motor
36 vehicle on the public highways has been revoked, unless the revocation
37 was for a cause which has been removed, is not entitled to have the

1 license or privilege renewed or restored until: (i) After the
2 expiration of one year from the date the license or privilege to drive
3 was revoked; (ii) after the expiration of the applicable revocation
4 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
5 expiration of two years for persons convicted of vehicular homicide; or
6 (iv) after the expiration of the applicable revocation period provided
7 by RCW 46.20.265.

8 (b)(i) After the expiration of the appropriate period, the person
9 may make application for a new license as provided by law together with
10 a reissue fee in the amount of (~~twenty~~) seventy-five dollars.

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

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

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

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

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

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

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

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

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

31 (3) The supreme court shall prescribe by rule a schedule of
32 monetary penalties for designated traffic infractions. This rule shall
33 also specify the conditions under which local courts may exercise
34 discretion in assessing fines and penalties for traffic infractions.

1 The legislature respectfully requests the supreme court to adjust this
2 schedule every two years for inflation.

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

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

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

35 (a) If a payment required to be made under the payment plan is
36 delinquent or the person fails to complete a community restitution
37 program on or before the time established under the payment plan, the

1 court shall notify the department of the person's failure to meet the
2 conditions of the plan, and the department shall suspend the person's
3 driver's license or driving privilege until ((the penalty has)) all
4 monetary obligations, including those imposed under subsections (3) and
5 (4) of this section, have been paid, and ((the penalty provided in
6 subsection (4) of this section has been paid)) court-authorized
7 community restitution has been completed or until the department has
8 been notified that the court has entered into a new time payment or
9 community restitution agreement with the person.

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

18 (c) If the payment plan is to be administered by the court, the
19 court may assess the person a reasonable administrative fee to be
20 wholly retained by the city or county with jurisdiction. The
21 administrative fee may not exceed ten dollars per infraction or twenty-
22 five dollars per payment plan, whichever is less.

23 (d) Nothing in this section precludes a court from contracting with
24 outside entities to administer its payment plan system. When outside
25 entities are used for the administration of a payment plan, the court
26 may assess the person a reasonable fee for the administrative services,
27 which fee may be calculated on a periodic, percentage, or other basis.
28 Fees collected under this subsection must be wholly retained by the
29 city or county with jurisdiction, for payment to its outside entity.

30 (e) If a court-authorized community restitution program for
31 offenders is available in the jurisdiction, the court may allow
32 conversion of all or part of the monetary obligations due under
33 subsection (5) of this section to court-authorized community
34 restitution in lieu of time payments if the person is unable to make
35 reasonable time payments.

36 (7) In addition to any other penalties imposed under this section
37 and not subject to the limitation of subsection (1) of this section, a

1 person found to have committed a traffic infraction shall be assessed
2 a fee of five dollars per infraction. Under no circumstances shall
3 this fee be reduced or waived. Revenue from this fee shall be
4 forwarded to the state treasurer for deposit in the emergency medical
5 services and trauma care system trust account under RCW 70.168.040.

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

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

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

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

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

35 (1) Whenever any person violates his or her written promise to
36 appear in court, (~~or~~) fails to appear for a scheduled court hearing,

1 or fails to comply with the terms of a citation, the court in which the
2 defendant failed to appear or comply shall promptly give notice of such
3 fact to the department of licensing. Whenever thereafter the case in
4 which the defendant failed to appear or comply is adjudicated, the
5 court hearing the case shall promptly file with the department a
6 certificate showing that the case has been adjudicated.

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

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

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

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

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

8 NEW SECTION. Sec. 12. A new section is added to chapter 46.16 RCW
9 to read as follows:

10 In lieu of the license tab fees provided in RCW 46.16.0621, private
11 use single-axle trailers of two thousand pounds scale weight or less
12 may be licensed upon the payment of a license fee in the sum of fifteen
13 dollars, but only if the trailer is operated upon public highways. The
14 license fee must be collected annually for each registration year or
15 fraction of a registration year. This reduced license fee applies only
16 to trailers operated for personal use of the owners, and not trailers
17 held for rental to the public or used in any commercial or business
18 endeavor. The fee from this section must be deposited in the state
19 patrol highway account.

20 NEW SECTION. Sec. 13. Sections 1 and 2 of this act take effect
21 October 1, 2004.

22 NEW SECTION. Sec. 14. Sections 3 through 9 of this act take
23 effect July 1, 2004.

24 NEW SECTION. Sec. 15. Section 12 of this act is effective with
25 registration fees that are due or will become due January 1, 2005, and
26 thereafter."

SSB 6710 - S AMD 752

By Senators Horn, Benton, Haugen, Kline

ADOPTED 03/02/2004

1 On page 1, line 1 of the title, after "fees;" strike the remainder
2 of the title and insert "amending RCW 46.16.237, 46.16.270, 46.20.117,
3 46.20.120, 46.20.311, 46.20.380, 46.63.110, and 46.64.025; reenacting
4 and amending RCW 46.20.055, 46.20.070, and 46.20.308; adding a new
5 section to chapter 46.16 RCW; creating a new section; and providing
6 effective dates."

EFFECT: (1) 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 (i.e., traffic fines, parking tickets, fees, etc.) in full.

 (2) The vehicle license fee for trailers under 2,000 lbs is lowered from \$30 to \$15.

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