
SUBSTITUTE SENATE BILL 5120

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn)

READ FIRST TIME 02/17/03.

1 AN ACT Relating to drivers convicted of alcohol offenses; and
2 amending RCW 46.20.720 and 46.20.311.

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

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

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

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

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

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

7 (iii) The person's first conviction and the person has a previous
8 deferred prosecution under chapter 10.05 RCW or it is a deferred
9 prosecution under chapter 10.05 RCW and the person has a previous
10 conviction(~~, the court shall order that after any applicable period of
11 suspension, revocation, or denial of driving privileges, the person may
12 drive only a motor vehicle equipped with a functioning ignition
13 interlock or other biological or technical device. The requirement to
14 drive only a motor vehicle equipped with a functioning ignition
15 interlock or other biological or technical device may not be
16 suspended~~)).

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

22 (3) In the case of a person under subsection (1) of this section,
23 the court shall establish a specific calibration setting at which the
24 ignition interlock or other biological or technical device will prevent
25 the motor vehicle from being started and the period of time that the
26 person shall be subject to the restriction. In the case of a person
27 under subsection (2) of this section, the ignition interlock or other
28 biological or technical device shall be calibrated to prevent the motor
29 vehicle from being started when the breath sample provided has an
30 alcohol concentration of 0.025 or more, and the period of time of the
31 restriction will be as follows:

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

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

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

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

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

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

1 remain in effect until the person provides a release issued by the
2 department of social and health services stating that the person is in
3 compliance with the order.

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

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

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

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

23 (ii) If the revocation is the result of a violation of RCW
24 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
25 hundred fifty dollars. If the revocation is the result of a violation
26 of RCW 46.61.502 or 46.61.504, the department shall determine the
27 person's eligibility for licensing based upon the reports provided by
28 the alcoholism agency or probation department designated under RCW
29 46.61.5056 and shall deny reissuance of a license, permit, or privilege
30 to drive until enrollment and participation in an approved program has
31 been established and the person is otherwise qualified. If the
32 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
33 or is the result of administrative action under RCW 46.20.308, and the
34 person is required pursuant to RCW 46.20.720 to drive only a motor
35 vehicle equipped with a functioning ignition interlock or other
36 biological or technical device, the department shall determine the
37 person's eligibility for licensing based upon written verification by

1 an ignition interlock company doing business in the state of Washington
2 of installment of the required device on a vehicle owned and/or
3 operated by the person applying for a new license.

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

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

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

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