
SENATE BILL 5120

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By Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn

Read first time 01/15/2003. Referred to Committee on Judiciary.

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) 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:

18 (a) Convicted of a violation of RCW 46.61.502 or 46.61.504 or an
19 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)); or~~

13 (b) Restricted to driving only a motor vehicle equipped with a
14 functioning ignition interlock or other biological or technical device
15 under RCW 46.20.308. ~~((The requirement to drive only a motor vehicle
16 equipped with a functioning ignition interlock or other biological or
17 technical device may not be suspended.))~~ The ~~((court))~~ department may
18 waive the requirement for the use of such a device if ~~((the court makes
19 a specific finding in writing))~~ it concludes that such devices are not
20 reasonably available in the local area. Nothing in this section may be
21 interpreted as entitling a person to more than one deferred
22 prosecution.

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

33 (a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2),
34 or (3), or who is subject to a deferred prosecution program under
35 chapter 10.05 RCW, or who is subject to restriction under RCW
36 46.20.308; and (ii) who has not previously been restricted under this
37 section, a period of ~~((not less than))~~ one year;

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

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

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

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

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

1 74.20A RCW or a residential or visitation order, the suspension shall
2 remain in effect until the person provides a release issued by the
3 department of social and health services stating that the person is in
4 compliance with the order.

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

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

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

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

24 (ii) If the revocation is the result of a violation of RCW
25 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
26 hundred fifty dollars. If the revocation is the result of a violation
27 of RCW 46.61.502 or 46.61.504, the department shall determine the
28 person's eligibility for licensing based upon the reports provided by
29 the alcoholism agency or probation department designated under RCW
30 46.61.5056 and shall deny reissuance of a license, permit, or privilege
31 to drive until enrollment and participation in an approved program has
32 been established and the person is otherwise qualified. If the
33 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
34 or is the result of administrative action under RCW 46.20.308, and the
35 person is required pursuant to RCW 46.20.720 to drive only a motor
36 vehicle equipped with a functioning ignition interlock or other
37 biological or technical device, the department shall determine the
38 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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