
SENATE BILL 6710

State of Washington

58th Legislature

2004 Regular Session

By Senators Horn, Haugen, Swecker, Spanel and Esser

Read first time 02/03/2004. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to transportation fees; amending RCW 46.16.237,
2 46.16.270, 46.20.117, 46.20.120, 46.20.311, and 46.20.380; reenacting
3 and amending RCW 46.16.160, 46.20.055, 46.20.070, and 46.20.308; and
4 providing effective dates.

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

6 **Sec. 1.** RCW 46.16.160 and 2002 c 352 s 8 and 2002 c 168 s 5 are
7 each reenacted and amended to read as follows:

8 (1) The owner of a vehicle which under reciprocal relations with
9 another jurisdiction would be required to obtain a license registration
10 in this state or an unlicensed vehicle which would be required to
11 obtain a license registration for operation on public highways of this
12 state may, as an alternative to such license registration, secure and
13 operate such vehicle under authority of a trip permit issued by this
14 state in lieu of a Washington certificate of license registration, and
15 licensed gross weight if applicable. The licensed gross weight may not
16 exceed eighty thousand pounds for a combination of vehicles nor forty
17 thousand pounds for a single unit vehicle with three or more axles.
18 Trip permits are required for movement of mobile homes or park model
19 trailers and may only be issued if property taxes are paid in full.

1 For the purpose of this section, a vehicle is considered unlicensed if
2 the licensed gross weight currently in effect for the vehicle or
3 combination of vehicles is not adequate for the load being carried.
4 Vehicles registered under RCW 46.16.135 shall not be operated under
5 authority of trip permits in lieu of further registration within the
6 same registration year.

7 (2) Each trip permit shall authorize the operation of a single
8 vehicle at the maximum legal weight limit for such vehicle for a period
9 of three consecutive days commencing with the day of first use. No
10 more than three such permits may be used for any one vehicle in any
11 period of thirty consecutive days, except that in the case of a
12 recreational vehicle as defined in RCW 43.22.335, no more than two trip
13 permits may be used for any one vehicle in a one-year period. Every
14 permit shall identify, as the department may require, the vehicle for
15 which it is issued and shall be completed in its entirety and signed by
16 the operator before operation of the vehicle on the public highways of
17 this state. Correction of data on the permit such as dates, license
18 number, or vehicle identification number invalidates the permit. The
19 trip permit shall be displayed on the vehicle to which it is issued as
20 prescribed by the department.

21 (3) Vehicles operating under authority of trip permits are subject
22 to all laws, rules, and regulations affecting the operation of like
23 vehicles in this state.

24 (4) Prorate operators operating commercial vehicles on trip permits
25 in Washington shall retain the customer copy of such permit for four
26 years.

27 (5) Trip permits may be obtained from field offices of the
28 department of transportation, Washington state patrol, department of
29 licensing, or other agents appointed by the department. The fee for
30 each trip permit is (~~fifteen~~) thirty-five dollars. For each permit
31 issued, the fee includes a filing fee as provided by RCW 46.01.140 and
32 an excise tax of one dollar. The remaining portion of the trip permit
33 fee must be deposited to the credit of the motor vehicle fund as an
34 administrative fee. If the filing fee amount of three dollars as
35 prescribed in RCW 46.01.140 is increased or decreased after July 1,
36 2002, the administrative fee must be increased or decreased by the same
37 amount so that the total trip permit would be adjusted equally to

1 compensate. These fees and taxes are in lieu of all other vehicle
2 license fees and taxes. No exchange, credits, or refunds may be given
3 for trip permits after they have been purchased.

4 (6) The department may appoint county auditors or businesses as
5 agents for the purpose of selling trip permits to the public. County
6 auditors or businesses so appointed may retain the filing fee collected
7 for each trip permit to defray expenses incurred in handling and
8 selling the permits.

9 (7) A violation of or a failure to comply with any provision of
10 this section is a gross misdemeanor.

11 (8) The department of licensing may adopt rules as it deems
12 necessary to administer this section.

13 (9) A surcharge of five dollars is imposed on the issuance of trip
14 permits. The portion of the surcharge paid by motor carriers must be
15 deposited in the motor vehicle fund for the purpose of supporting
16 vehicle weigh stations, weigh-in-motion programs, and the commercial
17 vehicle information systems and networks program. The remaining
18 portion of the surcharge must be deposited in the motor vehicle fund
19 for the purpose of supporting congestion relief programs. All other
20 administrative fees and excise taxes collected under the provisions of
21 this chapter shall be forwarded by the department with proper
22 identifying detailed report to the state treasurer who shall deposit
23 the administrative fees to the credit of the motor vehicle fund and the
24 excise taxes to the credit of the general fund. Filing fees will be
25 forwarded and reported to the state treasurer by the department as
26 prescribed in RCW 46.01.140.

27 **Sec. 2.** RCW 46.16.237 and 1987 c 52 s 1 are each amended to read
28 as follows:

29 All vehicle license number plates issued after January 1, 1968, or
30 such earlier date as the director may prescribe with respect to plates
31 issued in any county, shall be treated with fully reflectorized
32 materials designed to increase the visibility and legibility of such
33 plates at night. In addition to all other fees prescribed by law,
34 there shall be paid and collected for each vehicle license number plate
35 treated with such materials, the sum of (~~(fifty cents)~~) two dollars and
36 for each set of two plates, the sum of (~~(one dollar:—PROVIDED,~~

1 ~~HOWEVER,~~) four dollars. However, one plate is available only to those
2 vehicles that by law require only one plate. Such fees shall be
3 deposited in the motor vehicle fund.

4 **Sec. 3.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to read
5 as follows:

6 The total replacement plate fee shall be deposited in the motor
7 vehicle fund.

8 Upon the loss, defacement, or destruction of one or both of the
9 vehicle license number plates issued for any vehicle where more than
10 one plate was originally issued or where one or both have become so
11 illegible or in such a condition as to be difficult to distinguish, or
12 upon the owner's option, the owner of the vehicle shall make
13 application for new vehicle license number plates upon a form furnished
14 by the director. The application shall be filed with the director or
15 the director's authorized agent, accompanied by the certificate of
16 license registration of the vehicle and a fee in the amount of
17 (~~three~~) ten dollars per plate, whereupon the director, or the
18 director's authorized agent, shall issue new vehicle license number
19 plates to the applicant. It shall be accompanied by a fee of two
20 dollars for a new motorcycle license number plate. In the event the
21 director has issued license period tabs or a windshield emblem instead
22 of vehicle license number plates, and upon the loss, defacement, or
23 destruction of the tabs or windshield emblem, application shall be made
24 on a form provided by the director and in the same manner as above
25 described, and shall be accompanied by a fee of one dollar for each
26 pair of tabs or for each windshield emblem, whereupon the director
27 shall issue to the applicant a duplicate pair of tabs, year tabs, and
28 when necessary month tabs or a windshield emblem to replace those lost,
29 defaced, or destroyed. For vehicles owned, rented, or leased by the
30 state of Washington or by any county, city, town, school district, or
31 other political subdivision of the state of Washington or United States
32 government, or owned or leased by the governing body of an Indian tribe
33 as defined in RCW 46.16.020, a fee shall be charged for replacement of
34 a vehicle license number plate only to the extent required by the
35 provisions of RCW 46.16.020, (~~46.16.061,~~) 46.16.237, and 46.01.140.
36 For vehicles owned, rented, or leased by foreign countries or

1 international bodies to which the United States government is a
2 signatory by treaty, the payment of any fee for the replacement of a
3 vehicle license number plate shall not be required.

4 **Sec. 4.** RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are
5 each reenacted and amended to read as follows:

6 (1) **Driver's instruction permit.** The department may issue a
7 driver's instruction permit with or without a photograph to an
8 applicant who has successfully passed all parts of the examination
9 other than the driving test, provided the information required by RCW
10 46.20.091, paid a fee of ((fifteen)) twenty dollars, and meets the
11 following requirements:

- 12 (a) Is at least fifteen and one-half years of age; or
- 13 (b) Is at least fifteen years of age and:
 - 14 (i) Has submitted a proper application; and
 - 15 (ii) Is enrolled in a traffic safety education program offered,
16 approved, and accredited by the superintendent of public instruction or
17 offered by a ((~~driving [driver]~~)) driver training school licensed and
18 inspected by the department of licensing under chapter 46.82 RCW, that
19 includes practice driving.

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

- 23 (a) A traffic safety education course as defined by RCW
24 28A.220.020(2); or
- 25 (b) A course of instruction offered by a licensed driver training
26 school as defined by RCW 46.82.280(1).

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

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

- 32 (a) The person has immediate possession of the permit; and
- 33 (b) An approved instructor, or a licensed driver with at least five
34 years of driving experience, occupies the seat beside the driver.

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

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

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

4 **Sec. 5.** RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are
5 each reenacted and amended to read as follows:

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

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

11 (b) The applicant has passed the driving examination required by
12 RCW 46.20.120;

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

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

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

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

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

25 (ii) Participate in the classroom portion of a traffic safety
26 education course authorized under RCW 28A.220.030 or the classroom
27 portion of a traffic safety education course offered by a driver
28 training school licensed and inspected by the department of licensing
29 under chapter 46.82 RCW offered in the community where the holder
30 resides.

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

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

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

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

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

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

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

12 **Sec. 6.** RCW 46.20.117 and 2002 c 352 s 12 are each amended to read
13 as follows:

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

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

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

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

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

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

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

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

31 **Sec. 7.** RCW 46.20.120 and 2002 c 352 s 13 are each amended to read
32 as follows:

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

1 (1) **Waiver.** The department may waive:
2 (a) All or any part of the examination of any person applying for
3 the renewal of a driver's license unless the department determines that
4 the applicant is not qualified to hold a driver's license under this
5 title; or
6 (b) The actual demonstration of the ability to operate a motor
7 vehicle if the applicant:
8 (i) Surrenders a valid driver's license issued by the person's
9 previous home state; and
10 (ii) Is otherwise qualified to be licensed.
11 (2) **Fee.** Each applicant for a new license must pay an examination
12 fee of (~~ten~~) twenty dollars.
13 (a) The examination fee is in addition to the fee charged for
14 issuance of the license.
15 (b) "New license" means a license issued to a driver:
16 (i) Who has not been previously licensed in this state; or
17 (ii) Whose last previous Washington license has been expired for
18 more than five years.
19 (3) A person whose license expired or will expire on or after
20 January 1, 1998, while he or she was or is living outside the state
21 may:
22 (a) Apply to the department to extend the validity of his or her
23 license for no more than twelve months. If the person establishes to
24 the department's satisfaction that he or she is unable to return to
25 Washington before the date his or her license expires, the department
26 shall extend the person's license. The department may grant
27 consecutive extensions, but in no event may the cumulative total of
28 extensions exceed twelve months. An extension granted under this
29 section does not change the expiration date of the license for purposes
30 of RCW 46.20.181. The department shall charge a fee of five dollars
31 for each license extension;
32 (b) Apply to the department to renew his or her license by mail.
33 If the person establishes to the department's satisfaction that he or
34 she is unable to return to Washington within twelve months of the date
35 that his or her license expires, the department shall renew the
36 person's license by mail. If a person qualifies for a mail-in renewal
37 he or she is not required to pass an examination nor provide an updated
38 photograph. He or she must, however, pay the fee required by RCW

1 46.20.181 plus an additional five-dollar mail-in renewal fee. A
2 license renewed by mail that does not include a photograph of the
3 licensee must be labeled "not valid for identification purposes."

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

9 **Sec. 8.** RCW 46.20.308 and 1999 c 331 s 2 and 1999 c 274 s 2 are
10 each reenacted and amended to read as follows:

11 (1) Any person who operates a motor vehicle within this state is
12 deemed to have given consent, subject to the provisions of RCW
13 46.61.506, to a test or tests of his or her breath or blood for the
14 purpose of determining the alcohol concentration or presence of any
15 drug in his or her breath or blood if arrested for any offense where,
16 at the time of the arrest, the arresting officer has reasonable grounds
17 to believe the person had been driving or was in actual physical
18 control of a motor vehicle while under the influence of intoxicating
19 liquor or any drug or was in violation of RCW 46.61.503.

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

1 his or her right to have additional tests administered by any qualified
2 person of his or her choosing as provided in RCW 46.61.506. The
3 officer shall warn the driver that:

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

6 (b) His or her license, permit, or privilege to drive will be
7 suspended, revoked, or denied if the test is administered and the test
8 indicates the alcohol concentration of the person's breath or blood is
9 0.08 or more, in the case of a person age twenty-one or over, or in
10 violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a
11 person under age twenty-one; and

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

14 (3) Except as provided in this section, the test administered shall
15 be of the breath only. If an individual is unconscious or is under
16 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
17 or vehicular assault as provided in RCW 46.61.522, or if an individual
18 is under arrest for the crime of driving while under the influence of
19 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
20 results from an accident in which there has been serious bodily injury
21 to another person, a breath or blood test may be administered without
22 the consent of the individual so arrested.

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

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

34 (6) If, after arrest and after the other applicable conditions and
35 requirements of this section have been satisfied, a test or tests of
36 the person's blood or breath is administered and the test results
37 indicate that the alcohol concentration of the person's breath or blood
38 is 0.08 or more if the person is age twenty-one or over, or is in

1 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is
2 under the age of twenty-one, or the person refuses to submit to a test,
3 the arresting officer or other law enforcement officer at whose
4 direction any test has been given, or the department, where applicable,
5 if the arrest results in a test of the person's blood, shall:

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

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

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

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

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

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

34 (ii) That after receipt of the warnings required by subsection (2)
35 of this section the person refused to submit to a test of his or her
36 blood or breath, or a test was administered and the results indicated
37 that the alcohol concentration of the person's breath or blood was 0.08

1 or more if the person is age twenty-one or over, or was in violation of
2 RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age
3 of twenty-one; and

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

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

15 (8) A person receiving notification under subsection (6)(b) of this
16 section may, within thirty days after the notice has been given,
17 request in writing a formal hearing before the department. The person
18 shall pay a fee of (~~one~~) two hundred dollars as part of the request.
19 If the request is mailed, it must be postmarked within thirty days
20 after receipt of the notification. Upon timely receipt of such a
21 request for a formal hearing, including receipt of the required (~~one~~)
22 two hundred dollar fee, the department shall afford the person an
23 opportunity for a hearing. The department may waive the required
24 (~~one~~) two hundred dollar fee if the person is an indigent as defined
25 in RCW 10.101.010. Except as otherwise provided in this section, the
26 hearing is subject to and shall be scheduled and conducted in
27 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be
28 conducted in the county of the arrest, except that all or part of the
29 hearing may, at the discretion of the department, be conducted by
30 telephone or other electronic means. The hearing shall be held within
31 sixty days following the arrest or following the date notice has been
32 given in the event notice is given by the department following a blood
33 test, unless otherwise agreed to by the department and the person, in
34 which case the action by the department shall be stayed, and any valid
35 temporary license marked under subsection (6)(c) of this section
36 extended, if the person is otherwise eligible for licensing. For the
37 purposes of this section, the scope of the hearing shall cover the
38 issues of whether a law enforcement officer had reasonable grounds to

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

30 A hearing officer shall conduct the hearing, may issue subpoenas
31 for the attendance of witnesses and the production of documents, and
32 shall administer oaths to witnesses. The hearing officer shall not
33 issue a subpoena for the attendance of a witness at the request of the
34 person unless the request is accompanied by the fee required by RCW
35 5.56.010 for a witness in district court. The sworn report or report
36 under a declaration authorized by RCW 9A.72.085 of the law enforcement
37 officer and any other evidence accompanying the report shall be
38 admissible without further evidentiary foundation and the

1 certifications authorized by the criminal rules for courts of limited
2 jurisdiction shall be admissible without further evidentiary
3 foundation. The person may be represented by counsel, may question
4 witnesses, may present evidence, and may testify. The department shall
5 order that the suspension, revocation, or denial either be rescinded or
6 sustained.

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

1 will suffer irreparable injury. If the court stays the suspension,
2 revocation, or denial it may impose conditions on such stay.

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

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

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

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

3 (1)(a) The department shall not suspend a driver's license or
4 privilege to drive a motor vehicle on the public highways for a fixed
5 period of more than one year, except as specifically permitted under
6 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
7 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
8 74.20A.320, whenever the license or driving privilege of any person is
9 suspended by reason of a conviction, a finding that a traffic
10 infraction has been committed, pursuant to chapter 46.29 RCW, or
11 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
12 effect until the person gives and thereafter maintains proof of
13 financial responsibility for the future as provided in chapter 46.29
14 RCW. If the suspension is the result of a violation of RCW 46.61.502
15 or 46.61.504, the department shall determine the person's eligibility
16 for licensing based upon the reports provided by the alcoholism agency
17 or probation department designated under RCW 46.61.5056 and shall deny
18 reinstatement until enrollment and participation in an approved program
19 has been established and the person is otherwise qualified. If the
20 suspension 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 seeking reinstatement. Whenever the license or driving privilege of
28 any person is suspended as a result of certification of noncompliance
29 with a child support order under chapter 74.20A RCW or a residential or
30 visitation order, the suspension shall remain in effect until the
31 person provides a release issued by the department of social and health
32 services stating that the person is in compliance with the order.

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

36 (ii) If the suspension is the result of a violation of RCW
37 46.61.502 or 46.61.504, or is the result of administrative action under
38 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

1 (2)(a) Any person whose license or privilege to drive a motor
2 vehicle on the public highways has been revoked, unless the revocation
3 was for a cause which has been removed, is not entitled to have the
4 license or privilege renewed or restored until: (i) After the
5 expiration of one year from the date the license or privilege to drive
6 was revoked; (ii) after the expiration of the applicable revocation
7 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
8 expiration of two years for persons convicted of vehicular homicide; or
9 (iv) after the expiration of the applicable revocation period provided
10 by RCW 46.20.265.

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

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

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

1 issue a new license unless it is satisfied after investigation of the
2 driving ability of the person that it will be safe to grant that person
3 the privilege of driving a motor vehicle on the public highways.

4 (3)(a) Whenever the driver's license of any person is suspended
5 pursuant to Article IV of the nonresident violators compact or RCW
6 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
7 to the person any new or renewal license until the person pays a
8 reissue fee of (~~twenty~~) seventy-five dollars.

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

15 **Sec. 10.** RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to
16 read as follows:

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

25 NEW SECTION. **Sec. 11.** Sections 1 through 3 of this act take
26 effect October 1, 2004.

27 NEW SECTION. **Sec. 12.** Sections 4 through 10 of this act take
28 effect July 1, 2004.

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