

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5120**

58th Legislature  
2003 Regular Session

Passed by the Senate April 17, 2003  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House April 9, 2003  
YEAS 91 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SUBSTITUTE SENATE BILL 5120** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5120**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

**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 and the person is required pursuant to RCW 46.20.720 to drive only a  
27 motor vehicle equipped with a functioning ignition interlock or other  
28 biological or technical device, the department shall determine the  
29 person's eligibility for licensing based upon written verification by  
30 a company doing business in the state that it has installed the  
31 required device on a vehicle owned and/or operated by the person  
32 seeking reinstatement. Whenever the license or driving privilege of  
33 any person is suspended as a result of certification of noncompliance  
34 with a child support order under chapter 74.20A RCW or a residential or  
35 visitation order, the suspension shall remain in effect until the  
36 person provides a release issued by the department of social and health  
37 services stating that the person is in compliance with the order.

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

4 (ii) If the suspension is the result of a violation of RCW  
5 46.61.502 or 46.61.504, or is the result of administrative action under  
6 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

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8 vehicle on the public highways has been revoked, unless the revocation  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

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

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

37 (c) Except for a revocation under RCW 46.20.265, the department  
38 shall not then issue a new license unless it is satisfied after

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

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

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

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