
HOUSE BILL 1265

State of Washington

59th Legislature

2005 Regular Session

By Representatives Murray, Woods and Kenney; by request of Department of Licensing

Read first time 01/19/2005. Referred to Committee on Transportation.

1 AN ACT Relating to the administrative review of the withholding of
2 the driving privilege by the department of licensing; amending RCW
3 46.20.265, 46.20.270, 46.20.285, 46.20.289, 46.20.291, 46.20.324,
4 46.20.334, 46.20.342, and 46.64.025; adding a new section to chapter
5 46.20 RCW; creating a new section; prescribing penalties; providing an
6 effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that the safety of
9 the highways of this state is materially affected by the degree of
10 compliance with state laws and local ordinances relating to the
11 operation of motor vehicles. Drivers who commit traffic violations,
12 ignore notices from courts, and fail to resolve notices of traffic
13 infraction and citations all show their disrespect for traffic laws
14 that exist to ensure safety on the highways. An essential mechanism
15 for ensuring that drivers comply with the traffic laws of this state is
16 the swift and certain suspension of the driving privileges of a driver
17 who fails to respond to a notice of traffic infraction, fails to appear
18 at a requested hearing, violates a written promise to appear in court,
19 fails to pay a fine or monetary penalty imposed as the result of a

1 traffic violation, or otherwise fails to comply with the terms of a
2 notice of traffic infraction or citation. License suspension ensures
3 that drivers comply with the traffic laws by deterring violations, and
4 ensures that the use of the state highways will be afforded only to
5 those who are willing to comply with the traffic laws.

6 (2) The legislature further finds that large numbers of drivers who
7 fail to fulfill their obligations to respond and comply with notices of
8 traffic infraction and citations, or otherwise fail to fulfill
9 obligations of similar import, creates a significant threat to public
10 safety. Therefore, there is a compelling state interest in having a
11 mechanism to withhold driving privileges which also provides necessary
12 due process protections as economically and expeditiously as possible.
13 The legislature finds that this compelling state interest can best be
14 served by having any necessary administrative review conducted by the
15 department of licensing in a manner that provides due process, while
16 maximizing the use of documentary evidence to simplify and expedite
17 those proceedings.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
19 to read as follows:

20 (1) Whenever the department proposes to withhold the driving
21 privilege of a person or disqualify a person from operating a
22 commercial motor vehicle and this action is made mandatory by the
23 provisions of this chapter or other law, the department must give
24 notice to the person in writing by posting in the United States mail,
25 appropriately addressed, postage prepaid, or by personal service.
26 Notice by mail is given upon deposit in the United States mail. Notice
27 given under this subsection must specify the date upon which the
28 driving privilege is to be withheld which shall not be less than forty-
29 five days after the original notice is given.

30 (2) Within fifteen days after notice has been given to a person
31 under subsection (1) of this section, the person may request in writing
32 an administrative review before the department. If the request is
33 mailed, it must be postmarked within fifteen days after the date the
34 department has given notice.

35 (a) An administrative review under this subsection shall consist
36 solely of an internal review of documents and records submitted or
37 available to the department, unless the person requests an interview

1 before the department, in which case all or any part of the
2 administrative review may, at the discretion of the department, be
3 conducted by telephone or other electronic means.

4 (b) The only issues to be addressed in the administrative review
5 are:

6 (i) Whether the records relied on by the department identify the
7 correct person; and

8 (ii) Whether the information transmitted from the court or other
9 reporting agency or entity regarding the person accurately describes
10 the action taken by the court or other reporting agency or entity.

11 (c) For the purposes of this section, the notice received from a
12 court or other reporting agency or entity, regardless of form or
13 format, is prima facie evidence that the information from the court or
14 other reporting agency or entity regarding the person is accurate. A
15 person requesting administrative review has the burden of showing by a
16 preponderance of the evidence that the person is not subject to the
17 withholding of the driving privilege.

18 (d) The action subject to the notification requirements of
19 subsection (1) of this section shall be stayed during the
20 administrative review process.

21 (e) Judicial review of a department order affirming the action
22 subject to the notification requirements of subsection (1) of this
23 section after an administrative review shall be available in the same
24 manner as provided in RCW 46.20.308(9). The department shall certify
25 its record to the court within thirty days after service upon the
26 department of the petition for judicial review. The action subject to
27 the notification requirements of subsection (1) of this section shall
28 not automatically be stayed during the judicial review. If judicial
29 relief is sought for a stay or other temporary remedy from the
30 department's action, the court shall not grant relief unless the court
31 finds that the appellant is likely to prevail in the appeal and that
32 without a stay the appellant will suffer irreparable injury.

33 (3) The department may adopt rules that are considered necessary or
34 convenient by the department for purposes of administering this
35 section, including, but not limited to, rules regarding expedited
36 procedures for issuing orders and expedited notice procedures.

37 (4) This section does not apply where an opportunity for an

1 informal settlement, driver improvement interview, or formal hearing is
2 otherwise provided by law or rule of the department.

3 **Sec. 3.** RCW 46.20.265 and 2003 c 20 s 1 are each amended to read
4 as follows:

5 (1) In addition to any other authority to revoke driving privileges
6 under this chapter, the department shall revoke all driving privileges
7 of a juvenile when the department receives notice from a court pursuant
8 to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420,
9 69.52.070, or a substantially similar municipal ordinance adopted by a
10 local legislative authority, or from a diversion unit pursuant to RCW
11 13.40.265. (~~The revocation shall be imposed without hearing.~~)

12 (2) The driving privileges of the juvenile revoked under subsection
13 (1) of this section shall be revoked in the following manner:

14 (a) Upon receipt of the first notice, the department shall impose
15 a revocation for one year, or until the juvenile reaches seventeen
16 years of age, whichever is longer.

17 (b) Upon receipt of a second or subsequent notice, the department
18 shall impose a revocation for two years or until the juvenile reaches
19 eighteen years of age, whichever is longer.

20 (c) Each offense for which the department receives notice shall
21 result in a separate period of revocation. All periods of revocation
22 imposed under this section that could otherwise overlap shall run
23 consecutively up to the juvenile's twenty-first birthday, and no period
24 of revocation imposed under this section shall begin before the
25 expiration of all other periods of revocation imposed under this
26 section or other law. Periods of revocation imposed consecutively
27 under this section shall not extend beyond the juvenile's twenty-first
28 birthday.

29 (3)(a) If the department receives notice from a court that the
30 juvenile's privilege to drive should be reinstated, the department
31 shall immediately reinstate any driving privileges that have been
32 revoked under this section if the minimum term of revocation as
33 specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3),
34 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and
35 subject to subsection (2)(c) of this section.

36 (b) The juvenile may seek reinstatement of his or her driving
37 privileges from the department when the juvenile reaches the age of

1 twenty-one. A notice from the court reinstating the juvenile's driving
2 privilege shall not be required if reinstatement is pursuant to this
3 subsection.

4 (4)(a) If the department receives notice pursuant to RCW
5 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
6 diversion agreement for which the juvenile's driving privileges were
7 revoked, the department shall reinstate any driving privileges revoked
8 under this section as provided in (b) of this subsection, subject to
9 subsection (2)(c) of this section.

10 (b) If the diversion agreement was for the juvenile's first
11 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
12 shall not reinstate the juvenile's privilege to drive until the later
13 of ninety days after the date the juvenile turns sixteen or ninety days
14 after the juvenile entered into a diversion agreement for the offense.
15 If the diversion agreement was for the juvenile's second or subsequent
16 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
17 shall not reinstate the juvenile's privilege to drive until the later
18 of the date the juvenile turns seventeen or one year after the juvenile
19 entered into the second or subsequent diversion agreement.

20 **Sec. 4.** RCW 46.20.270 and 2004 c 231 s 5 are each amended to read
21 as follows:

22 (1) Whenever any person is convicted of any offense for which this
23 title makes mandatory the ~~((suspension or revocation of the driver's~~
24 ~~license)) withholding of the driving privilege of such person by the
25 department, the ~~((privilege of the person to operate a vehicle is~~
26 ~~suspended until the department takes the action required by this~~
27 ~~chapter, and the)) court in which such conviction is had shall
28 forthwith ~~((secure the immediate forfeiture of the driver's license of~~
29 ~~such convicted person and immediately forward such driver's license to~~
30 ~~the department, and on failure of such convicted person to deliver such~~
31 ~~driver's license the judge shall cause such person to be confined for~~
32 ~~the period of such suspension or revocation or until such driver's~~
33 ~~license is delivered to such judge: PROVIDED, That if the convicted~~
34 ~~person testifies that he or she does not and at the time of the offense~~
35 ~~did not have a current and valid vehicle driver's license, the judge~~
36 ~~shall cause such person to be charged with the operation of a motor~~
37 ~~vehicle without a current and valid driver's license and on conviction~~~~~~

1 ~~punished as by law provided, and the department may not issue a~~
2 ~~driver's license to such persons during the period of suspension or~~
3 ~~revocation: PROVIDED, ALSO, That if the driver's license of such~~
4 ~~convicted person has been lost or destroyed and such convicted person~~
5 ~~makes an affidavit to that effect, sworn to before the judge, the~~
6 ~~convicted person may not be so confined, but the department may not~~
7 ~~issue or reissue a driver's license for such convicted person during~~
8 ~~the period of such suspension or revocation: PROVIDED, That)) mark the~~
9 ~~person's Washington state driver's license or permit to drive, if any,~~
10 ~~in a manner authorized by the department. A valid driver's license or~~
11 ~~permit to drive marked under this subsection shall remain in effect~~
12 ~~until the person's driving privilege is withheld by the department~~
13 ~~pursuant to notice given under section 2 of this act, unless the~~
14 ~~license or permit expires or otherwise becomes invalid prior to the~~
15 ~~effective date of this action. Perfection of notice of appeal shall~~
16 ~~stay the execution of sentence including the ((~~suspension and/or~~~~
17 ~~revocation of the driver's license)) withholding of the driving~~
18 ~~privilege.~~

19 (2) Every court having jurisdiction over offenses committed under
20 this chapter, or any other act of this state or municipal ordinance
21 adopted by a local authority regulating the operation of motor vehicles
22 on highways, or any federal authority having jurisdiction over offenses
23 substantially the same as those set forth in Title 46 RCW which occur
24 on federal installations within this state, shall forward to the
25 department within ten days of a forfeiture of bail or collateral
26 deposited to secure the defendant's appearance in court, a payment of
27 a fine or penalty, a plea of guilty or a finding of guilt, or a finding
28 that any person has committed a traffic infraction an abstract of the
29 court record in the form prescribed by rule of the supreme court,
30 showing the conviction of any person or the finding that any person has
31 committed a traffic infraction in said court for a violation of any
32 said laws other than regulations governing standing, stopping, parking,
33 and pedestrian offenses.

34 (3) Every state agency or municipality having jurisdiction over
35 offenses committed under this chapter, or under any other act of this
36 state or municipal ordinance adopted by a state or local authority
37 regulating the operation of motor vehicles on highways, may forward to
38 the department within ten days of failure to respond, failure to pay a

1 penalty, failure to appear at a hearing to contest the determination
2 that a violation of any statute, ordinance, or regulation relating to
3 standing, stopping, parking, or other infraction issued under RCW
4 46.63.030(1)(d) has been committed, or failure to appear at a hearing
5 to explain mitigating circumstances, an abstract of the citation record
6 in the form prescribed by rule of the department, showing the finding
7 by such municipality that two or more violations of laws governing
8 standing, stopping, and parking or one or more other infractions issued
9 under RCW 46.63.030(1)(d) have been committed and indicating the nature
10 of the defendant's failure to act. Such violations or infractions may
11 not have occurred while the vehicle is stolen from the registered owner
12 or is leased or rented under a bona fide commercial vehicle lease or
13 rental agreement between a lessor engaged in the business of leasing
14 vehicles and a lessee who is not the vehicle's registered owner. The
15 department may enter into agreements of reciprocity with the duly
16 authorized representatives of the states for reporting to each other
17 violations of laws governing standing, stopping, and parking.

18 (4) For the purposes of Title 46 RCW the term "conviction" means a
19 final conviction in a state or municipal court or by any federal
20 authority having jurisdiction over offenses substantially the same as
21 those set forth in Title 46 RCW which occur on federal installations in
22 this state, an unvacated forfeiture of bail or collateral deposited to
23 secure a defendant's appearance in court, the payment of a fine, a plea
24 of guilty, or a finding of guilt on a traffic law violation charge,
25 regardless of whether the imposition of sentence or sanctions are
26 deferred or the penalty is suspended, but not including entry into a
27 deferred prosecution agreement under chapter 10.05 RCW.

28 (5) For the purposes of Title 46 RCW the term "finding that a
29 traffic infraction has been committed" means a failure to respond to a
30 notice of infraction or a determination made by a court pursuant to
31 this chapter. Payment of a monetary penalty made pursuant to RCW
32 46.63.070(2) is deemed equivalent to such a finding.

33 **Sec. 5.** RCW 46.20.285 and 2001 c 64 s 6 are each amended to read
34 as follows:

35 The department shall (~~forthwith~~) revoke the license of any driver
36 for the period of one calendar year unless otherwise provided in this

1 section, upon receiving a record of the driver's conviction of any of
2 the following offenses, when the conviction has become final:

3 (1) For vehicular homicide the period of revocation shall be two
4 years. The revocation period shall be tolled during any period of
5 total confinement for the offense;

6 (2) Vehicular assault. The revocation period shall be tolled
7 during any period of total confinement for the offense;

8 (3) Driving a motor vehicle while under the influence of
9 intoxicating liquor or a narcotic drug, or under the influence of any
10 other drug to a degree which renders the driver incapable of safely
11 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

12 (4) Any felony in the commission of which a motor vehicle is used;

13 (5) Failure to stop and give information or render aid as required
14 under the laws of this state in the event of a motor vehicle accident
15 resulting in the death or personal injury of another or resulting in
16 damage to a vehicle that is driven or attended by another;

17 (6) Perjury or the making of a false affidavit or statement under
18 oath to the department under Title 46 RCW or under any other law
19 relating to the ownership or operation of motor vehicles;

20 (7) Reckless driving upon a showing by the department's records
21 that the conviction is the third such conviction for the driver within
22 a period of two years.

23 **Sec. 6.** RCW 46.20.289 and 2002 c 279 s 4 are each amended to read
24 as follows:

25 The department shall suspend all driving privileges of a person
26 when the department receives notice from a court under RCW
27 46.63.070(6), 46.63.110(~~((+5))~~) (6), or 46.64.025 that the person has
28 failed to respond to a notice of traffic infraction, failed to appear
29 at a requested hearing, violated a written promise to appear in court,
30 failed to pay any portion of a fine or monetary penalty, or has
31 otherwise failed to comply with the terms of a notice of traffic
32 infraction or citation, other than for a standing, stopping, or parking
33 violation. A suspension under this section takes effect (~~((thirty days~~
34 ~~after the date the department mails notice of the suspension))~~) pursuant
35 to the provisions of section 2 of this act, and remains in effect until
36 the department has received a certificate from the court showing that
37 the case has been adjudicated, and until the person meets the

1 requirements of RCW 46.20.311. In the case of failure to respond to a
2 traffic infraction issued under RCW 46.55.105, the department shall
3 suspend all driving privileges until the person provides evidence from
4 the court that all penalties and restitution have been paid. A
5 suspension under this section does not take effect if, prior to the
6 effective date of the suspension, the department receives a certificate
7 from the court showing that the case has been adjudicated.

8 **Sec. 7.** RCW 46.20.291 and 1998 c 165 s 12 are each amended to read
9 as follows:

10 The department is authorized to suspend the license of a driver
11 upon a showing by its records or other sufficient evidence that the
12 licensee:

13 (1) Has committed an offense for which mandatory revocation or
14 suspension of license is provided by law;

15 (2) Has, by reckless or unlawful operation of a motor vehicle,
16 caused or contributed to an accident resulting in death or injury to
17 any person or serious property damage;

18 (3) Has been convicted of offenses against traffic regulations
19 governing the movement of vehicles, or found to have committed traffic
20 infractions, with such frequency as to indicate a disrespect for
21 traffic laws or a disregard for the safety of other persons on the
22 highways;

23 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

24 (5) Has failed to respond to a notice of traffic infraction, failed
25 to appear at a requested hearing, violated a written promise to appear
26 in court, failed to pay any portion of a fine or monetary penalty, or
27 has otherwise failed to comply with the terms of a notice of traffic
28 infraction or citation, as provided in RCW 46.20.289;

29 (6) Is subject to suspension under RCW 46.20.305;

30 (7) Has committed one of the prohibited practices relating to
31 drivers' licenses defined in RCW (~~46.20.336~~) 46.20.0921; or

32 (8) Has been certified by the department of social and health
33 services as a person who is not in compliance with a child support
34 order or a residential or visitation order as provided in RCW
35 74.20A.320.

1 **Sec. 8.** RCW 46.20.324 and 1965 ex.s. c 121 s 31 are each amended
2 to read as follows:

3 Unless otherwise provided by law, a person shall not be entitled to
4 a driver improvement interview or formal hearing (~~((as hereinafter~~
5 ~~provided))~~ under the provisions of RCW 46.20.322 through 46.20.333 when
6 the person:

7 (1) (~~(When the action by the department is made mandatory by the~~
8 ~~provisions of this chapter or other law))~~ Has been granted the
9 opportunity for an administrative review, informal settlement, or
10 formal hearing under section 2 of this act, RCW 46.20.308, 46.25.120,
11 46.25.125, 46.65.065, 74.20A.320, or by rule of the department; or

12 (2) (~~(When the person))~~ Has refused or neglected to submit to an
13 examination as required by RCW 46.20.305.

14 **Sec. 9.** RCW 46.20.334 and 1972 ex.s. c 29 s 4 are each amended to
15 read as follows:

16 Unless otherwise provided by law, any person denied a license or a
17 renewal of a license or whose license has been suspended or revoked by
18 the department (~~((except where such suspension or revocation is~~
19 ~~mandatory under the provisions of this chapter))~~) shall have the right
20 within thirty days, after receiving notice of the decision following a
21 formal hearing to file a notice of appeal in the superior court in the
22 county of his residence. The hearing on the appeal hereunder shall be
23 de novo.

24 **Sec. 10.** RCW 46.20.342 and 2004 c 95 s 5 are each amended to read
25 as follows:

26 (1) It is unlawful for any person to drive a motor vehicle in this
27 state while that person is in a suspended or revoked status or when his
28 or her privilege to drive is suspended or revoked in this or any other
29 state. Any person who has a valid Washington driver's license is not
30 guilty of a violation of this section.

31 (a) A person found to be an habitual offender under chapter 46.65
32 RCW, who violates this section while an order of revocation issued
33 under chapter 46.65 RCW prohibiting such operation is in effect, is
34 guilty of driving while license suspended or revoked in the first
35 degree, a gross misdemeanor. Upon the first such conviction, the
36 person shall be punished by imprisonment for not less than ten days.

1 Upon the second conviction, the person shall be punished by
2 imprisonment for not less than ninety days. Upon the third or
3 subsequent conviction, the person shall be punished by imprisonment for
4 not less than one hundred eighty days. If the person is also convicted
5 of the offense defined in RCW 46.61.502 or 46.61.504, when both
6 convictions arise from the same event, the minimum sentence of
7 confinement shall be not less than ninety days. The minimum sentence
8 of confinement required shall not be suspended or deferred. A
9 conviction under this subsection does not prevent a person from
10 petitioning for reinstatement as provided by RCW 46.65.080.

11 (b) A person who violates this section while an order of suspension
12 or revocation prohibiting such operation is in effect and while the
13 person is not eligible to reinstate his or her driver's license or
14 driving privilege, other than for a suspension for the reasons
15 described in (c) of this subsection, is guilty of driving while license
16 suspended or revoked in the second degree, a gross misdemeanor. This
17 subsection applies when a person's driver's license or driving
18 privilege has been suspended or revoked by reason of:

19 (i) A conviction of a felony in the commission of which a motor
20 vehicle was used;

21 (ii) A previous conviction under this section;

22 (iii) A notice received by the department from a court or diversion
23 unit as provided by RCW 46.20.265, relating to a minor who has
24 committed, or who has entered a diversion unit concerning an offense
25 relating to alcohol, legend drugs, controlled substances, or imitation
26 controlled substances;

27 (iv) A conviction of RCW 46.20.410, relating to the violation of
28 restrictions of an occupational or a temporary restricted driver's
29 license;

30 (v) A conviction of RCW 46.20.345, relating to the operation of a
31 motor vehicle with a suspended or revoked license;

32 (vi) A conviction of RCW 46.52.020, relating to duty in case of
33 injury to or death of a person or damage to an attended vehicle;

34 (vii) A conviction of RCW 46.61.024, relating to attempting to
35 elude pursuing police vehicles;

36 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

37 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
38 person under the influence of intoxicating liquor or drugs;

1 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
2 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
3 (xii) A conviction of RCW 46.61.527(4), relating to reckless
4 endangerment of roadway workers;
5 (xiii) A conviction of RCW 46.61.530, relating to racing of
6 vehicles on highways;
7 (xiv) A conviction of RCW 46.61.685, relating to leaving children
8 in an unattended vehicle with motor running;
9 (xv) A conviction of RCW 46.61.740, relating to theft of motor
10 vehicle fuel;
11 (xvi) A conviction of RCW 46.64.048, relating to attempting,
12 aiding, abetting, coercing, and committing crimes;
13 (xvii) An administrative action taken by the department under
14 chapter 46.20 RCW; or
15 (xviii) A conviction of a local law, ordinance, regulation, or
16 resolution of a political subdivision of this state, the federal
17 government, or any other state, of an offense substantially similar to
18 a violation included in this subsection.
19 (c) A person who violates this section when his or her driver's
20 license or driving privilege is, at the time of the violation,
21 suspended or revoked solely because (i) the person must furnish proof
22 of satisfactory progress in a required alcoholism or drug treatment
23 program, (ii) the person must furnish proof of financial responsibility
24 for the future as provided by chapter 46.29 RCW, (iii) the person has
25 failed to comply with the provisions of chapter 46.29 RCW relating to
26 uninsured accidents, (iv) the person has failed to respond to a notice
27 of traffic infraction, failed to appear at a requested hearing,
28 violated a written promise to appear in court, failed to pay any
29 portion of a fine or monetary penalty, or has otherwise failed to
30 comply with the terms of a notice of traffic infraction or citation, as
31 provided in RCW 46.20.289, (v) the person has committed an offense in
32 another state that, if committed in this state, would not be grounds
33 for the suspension or revocation of the person's driver's license, (vi)
34 the person has been suspended or revoked by reason of one or more of
35 the items listed in (b) of this subsection, but was eligible to
36 reinstate his or her driver's license or driving privilege at the time
37 of the violation, or (vii) the person has received traffic citations or
38 notices of traffic infraction that have resulted in a suspension under

1 RCW 46.20.267 relating to intermediate drivers' licenses, or any
2 combination of (i) through (vii), is guilty of driving while license
3 suspended or revoked in the third degree, a misdemeanor.

4 (2) Upon receiving a record of conviction of any person or upon
5 receiving an order by any juvenile court or any duly authorized court
6 officer of the conviction of any juvenile under this section, the
7 department shall:

8 (a) For a conviction of driving while suspended or revoked in the
9 first degree, as provided by subsection (1)(a) of this section, extend
10 the period of administrative revocation imposed under chapter 46.65 RCW
11 for an additional period of one year from and after the date the person
12 would otherwise have been entitled to apply for a new license or have
13 his or her driving privilege restored; or

14 (b) For a conviction of driving while suspended or revoked in the
15 second degree, as provided by subsection (1)(b) of this section, not
16 issue a new license or restore the driving privilege for an additional
17 period of one year from and after the date the person would otherwise
18 have been entitled to apply for a new license or have his or her
19 driving privilege restored; or

20 (c) Not extend the period of suspension or revocation if the
21 conviction was under subsection (1)(c) of this section. If the
22 conviction was under subsection (1)(a) or (b) of this section and the
23 court recommends against the extension and the convicted person has
24 obtained a valid driver's license, the period of suspension or
25 revocation shall not be extended.

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

28 Whenever any person violates his or her written promise to appear
29 in court, (~~(or)~~) fails to appear for a scheduled court hearing, or
30 fails to pay any portion of a fine or monetary penalty, the court in
31 which the defendant failed to appear or failed to pay shall promptly
32 give notice of such fact to the department of licensing. Whenever
33 thereafter the case in which the defendant failed to appear or failed
34 to pay is adjudicated or the fine or monetary penalty is paid, the
35 court hearing the case shall promptly file with the department a
36 certificate showing that the case has been adjudicated or the fine or
37 monetary penalty has been paid.

1 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2005.

--- END ---