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HOUSE BILL 1854

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Lantz, Priest, Haler, Walsh and Williams

Read first time 02/08/2005. Referred to Committee on Judiciary.

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

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

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

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

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

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

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

29 (2) Within fifteen days after notice has been given to a person  
30 under subsection (1) of this section, the person may request in writing  
31 an administrative review before the department. If the request is  
32 mailed, it must be postmarked within fifteen days after the date the  
33 department has given notice. If a person fails to request an  
34 administrative review within fifteen days after the date the department  
35 gives notice, the person is considered to have defaulted and loses his  
36 or her right to an administrative review.

1 (a) An administrative review under this subsection shall consist  
2 solely of an internal review of documents and records submitted or  
3 available to the department, unless the person requests an interview  
4 before the department, in which case all or any part of the  
5 administrative review may, at the discretion of the department, be  
6 conducted by telephone or other electronic means.

7 (b) The only issues to be addressed in the administrative review  
8 are:

9 (i) Whether the records relied on by the department identify the  
10 correct person; and

11 (ii) Whether the information transmitted from the court or other  
12 reporting agency or entity regarding the person accurately describes  
13 the action taken by the court or other reporting agency or entity.

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

21 (d) The action subject to the notification requirements of  
22 subsection (1) of this section shall be stayed during the  
23 administrative review process.

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

36 (3) The department may adopt rules that are considered necessary or  
37 convenient by the department for purposes of administering this

1 section, including, but not limited to, rules regarding expedited  
2 procedures for issuing orders and expedited notice procedures.

3 (4) This section does not apply where an opportunity for an  
4 informal settlement, driver improvement interview, or formal hearing is  
5 otherwise provided by law or rule of the department.

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

8 (1) In addition to any other authority to revoke driving privileges  
9 under this chapter, the department shall revoke all driving privileges  
10 of a juvenile when the department receives notice from a court pursuant  
11 to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420,  
12 69.52.070, or a substantially similar municipal ordinance adopted by a  
13 local legislative authority, or from a diversion unit pursuant to RCW  
14 13.40.265. (~~The revocation shall be imposed without hearing.~~)

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

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

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

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

32 (3)(a) If the department receives notice from a court that the  
33 juvenile's privilege to drive should be reinstated, the department  
34 shall immediately reinstate any driving privileges that have been  
35 revoked under this section if the minimum term of revocation as  
36 specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3),

1 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
2 subject to subsection (2)(c) of this section.

3 (b) The juvenile may seek reinstatement of his or her driving  
4 privileges from the department when the juvenile reaches the age of  
5 twenty-one. A notice from the court reinstating the juvenile's driving  
6 privilege shall not be required if reinstatement is pursuant to this  
7 subsection.

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

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

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

26 (1) Whenever any person is convicted of any offense for which this  
27 title makes mandatory the (~~suspension or revocation of the driver's~~  
28 ~~license~~) withholding of the driving privilege of such person by the  
29 department, the (~~privilege of the person to operate a vehicle is~~  
30 ~~suspended until the department takes the action required by this~~  
31 ~~chapter, and the~~) court in which such conviction is had shall  
32 forthwith (~~secure the immediate forfeiture of the driver's license of~~  
33 ~~such convicted person and immediately forward such driver's license to~~  
34 ~~the department, and on failure of such convicted person to deliver such~~  
35 ~~driver's license the judge shall cause such person to be confined for~~  
36 ~~the period of such suspension or revocation or until such driver's~~  
37 ~~license is delivered to such judge: PROVIDED, That if the convicted~~

1 ~~person testifies that he or she does not and at the time of the offense~~  
2 ~~did not have a current and valid vehicle driver's license, the judge~~  
3 ~~shall cause such person to be charged with the operation of a motor~~  
4 ~~vehicle without a current and valid driver's license and on conviction~~  
5 ~~punished as by law provided, and the department may not issue a~~  
6 ~~driver's license to such persons during the period of suspension or~~  
7 ~~revocation: PROVIDED, ALSO, That if the driver's license of such~~  
8 ~~convicted person has been lost or destroyed and such convicted person~~  
9 ~~makes an affidavit to that effect, sworn to before the judge, the~~  
10 ~~convicted person may not be so confined, but the department may not~~  
11 ~~issue or reissue a driver's license for such convicted person during~~  
12 ~~the period of such suspension or revocation: PROVIDED, That)) mark the~~  
13 ~~person's Washington state driver's license or permit to drive, if any,~~  
14 ~~in a manner authorized by the department. A valid driver's license or~~  
15 ~~permit to drive marked under this subsection shall remain in effect~~  
16 ~~until the person's driving privilege is withheld by the department~~  
17 ~~pursuant to notice given under section 2 of this act, unless the~~  
18 ~~license or permit expires or otherwise becomes invalid prior to the~~  
19 ~~effective date of this action. Perfection of notice of appeal shall~~  
20 ~~stay the execution of sentence including the ((~~suspension and/or~~~~  
21 ~~revocation of the driver's license)) withholding of the driving~~  
22 ~~privilege.~~

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

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

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

33 (5) For the purposes of Title 46 RCW the term "finding that a  
34 traffic infraction has been committed" means a failure to respond to a  
35 notice of infraction or a determination made by a court pursuant to  
36 this chapter. Payment of a monetary penalty made pursuant to RCW  
37 46.63.070(2) is deemed equivalent to such a finding.

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

3       The department shall (~~forthwith~~) revoke the license of any driver  
4 for the period of one calendar year unless otherwise provided in this  
5 section, upon receiving a record of the driver's conviction of any of  
6 the following offenses, when the conviction has become final:

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

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

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

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

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

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

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

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

29       The department shall suspend all driving privileges of a person  
30 when the department receives notice from a court under RCW  
31 46.63.070(6), 46.63.110(~~(+5)~~) (6), or 46.64.025 that the person has  
32 failed to respond to a notice of traffic infraction, failed to appear  
33 at a requested hearing, violated a written promise to appear in court,  
34 failed to pay any portion of a fine or monetary penalty, or has  
35 otherwise failed to comply with the terms of a notice of traffic  
36 infraction or citation, other than for a standing, stopping, or parking  
37 violation. A suspension under this section takes effect (~~thirty days~~

1 ~~after the date the department mails notice of the suspension)) pursuant~~  
2 to the provisions of section 2 of this act, and remains in effect until  
3 the department has received a certificate from the court showing that  
4 the case has been adjudicated, and until the person meets the  
5 requirements of RCW 46.20.311. In the case of failure to respond to a  
6 traffic infraction issued under RCW 46.55.105, the department shall  
7 suspend all driving privileges until the person provides evidence from  
8 the court that all penalties and restitution have been paid. A  
9 suspension under this section does not take effect if, prior to the  
10 effective date of the suspension, the department receives a certificate  
11 from the court showing that the case has been adjudicated.

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

14 The department is authorized to suspend the license of a driver  
15 upon a showing by its records or other sufficient evidence that the  
16 licensee:

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

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

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

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

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

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

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

36 (8) Has been certified by the department of social and health

1 services as a person who is not in compliance with a child support  
2 order or a residential or visitation order as provided in RCW  
3 74.20A.320.

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

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

10 (1) (~~When the action by the department is made mandatory by the~~  
11 ~~provisions of this chapter or other law)) Has been granted the  
12 opportunity for an administrative review, informal settlement, or  
13 formal hearing under section 2 of this act, RCW 46.20.308, 46.25.120,  
14 46.25.125, 46.65.065, 74.20A.320, or by rule of the department; or~~

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

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

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

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

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

34 (a) A person found to be an habitual offender under chapter 46.65  
35 RCW, who violates this section while an order of revocation issued

1 under chapter 46.65 RCW prohibiting such operation is in effect, is  
2 guilty of driving while license suspended or revoked in the first  
3 degree, a gross misdemeanor. Upon the first such conviction, the  
4 person shall be punished by imprisonment for not less than ten days.  
5 Upon the second conviction, the person shall be punished by  
6 imprisonment for not less than ninety days. Upon the third or  
7 subsequent conviction, the person shall be punished by imprisonment for  
8 not less than one hundred eighty days. If the person is also convicted  
9 of the offense defined in RCW 46.61.502 or 46.61.504, when both  
10 convictions arise from the same event, the minimum sentence of  
11 confinement shall be not less than ninety days. The minimum sentence  
12 of confinement required shall not be suspended or deferred. A  
13 conviction under this subsection does not prevent a person from  
14 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

25 (ii) A previous conviction under this section;

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

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

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

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

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

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

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

6 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

7 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

8 (xii) A conviction of RCW 46.61.527(4), relating to reckless  
9 endangerment of roadway workers;

10 (xiii) A conviction of RCW 46.61.530, relating to racing of  
11 vehicles on highways;

12 (xiv) A conviction of RCW 46.61.685, relating to leaving children  
13 in an unattended vehicle with motor running;

14 (xv) A conviction of RCW 46.61.740, relating to theft of motor  
15 vehicle fuel;

16 (xvi) A conviction of RCW 46.64.048, relating to attempting,  
17 aiding, abetting, coercing, and committing crimes;

18 (xvii) An administrative action taken by the department under  
19 chapter 46.20 RCW; or

20 (xviii) A conviction of a local law, ordinance, regulation, or  
21 resolution of a political subdivision of this state, the federal  
22 government, or any other state, of an offense substantially similar to  
23 a violation included in this subsection.

24 (c) A person who violates this section when his or her driver's  
25 license or driving privilege is, at the time of the violation,  
26 suspended or revoked solely because (i) the person must furnish proof  
27 of satisfactory progress in a required alcoholism or drug treatment  
28 program, (ii) the person must furnish proof of financial responsibility  
29 for the future as provided by chapter 46.29 RCW, (iii) the person has  
30 failed to comply with the provisions of chapter 46.29 RCW relating to  
31 uninsured accidents, (iv) the person has failed to respond to a notice  
32 of traffic infraction, failed to appear at a requested hearing,  
33 violated a written promise to appear in court, failed to pay any  
34 portion of a fine or monetary penalty, or has otherwise failed to  
35 comply with the terms of a notice of traffic infraction or citation, as  
36 provided in RCW 46.20.289, (v) the person has committed an offense in  
37 another state that, if committed in this state, would not be grounds  
38 for the suspension or revocation of the person's driver's license, (vi)

1 the person has been suspended or revoked by reason of one or more of  
2 the items listed in (b) of this subsection, but was eligible to  
3 reinstate his or her driver's license or driving privilege at the time  
4 of the violation, or (vii) the person has received traffic citations or  
5 notices of traffic infraction that have resulted in a suspension under  
6 RCW 46.20.267 relating to intermediate drivers' licenses, or any  
7 combination of (i) through (vii), is guilty of driving while license  
8 suspended or revoked in the third degree, a misdemeanor.

9 (2) Upon receiving a record of conviction of any person or upon  
10 receiving an order by any juvenile court or any duly authorized court  
11 officer of the conviction of any juvenile under this section, the  
12 department shall:

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

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

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

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

33 Whenever any person violates his or her written promise to appear  
34 in court, (~~or~~) fails to appear for a scheduled court hearing, or  
35 fails to pay any portion of a fine or monetary penalty, the court in  
36 which the defendant failed to appear or failed to pay shall promptly  
37 give notice of such fact to the department of licensing. Whenever

1 thereafter the case in which the defendant failed to appear or failed  
2 to pay is adjudicated or the fine or monetary penalty is paid, the  
3 court hearing the case shall promptly file with the department a  
4 certificate showing that the case has been adjudicated or the fine or  
5 monetary penalty has been paid.

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

--- END ---