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SENATE BILL 5138

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Jacobsen, Swecker, Haugen, Oke and Poulsen

Read first time 01/14/2005. Referred to Committee on Transportation.

1            AN ACT Relating to transportation fees; amending RCW 46.16.237,  
2 46.16.270, 46.20.055, 46.20.070, 46.20.117, 46.20.120, and 46.20.311;  
3 reenacting and amending RCW 46.20.308; adding a new section to chapter  
4 46.16 RCW; providing an effective date; and declaring an emergency.

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

6            **Sec. 1.** RCW 46.16.237 and 1987 c 52 s 1 are each amended to read  
7 as follows:

8            All vehicle license number plates issued after January 1, 1968, or  
9 such earlier date as the director may prescribe with respect to plates  
10 issued in any county, shall be treated with fully reflectorized  
11 materials designed to increase the visibility and legibility of such  
12 plates at night. In addition to all other fees prescribed by law,  
13 there shall be paid and collected for each vehicle license number plate  
14 treated with such materials, the sum of (~~(fifty cents)~~) two dollars and  
15 for each set of two plates, the sum of (~~(one dollar:—PROVIDED,~~  
16 ~~HOWEVER,)~~) four dollars. However, one plate is available only to those  
17 vehicles that by law require only one plate. Such fees shall be  
18 deposited in the motor vehicle fund.

1       **Sec. 2.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to read  
2 as follows:

3       The total replacement plate fee shall be deposited in the motor  
4 vehicle fund.

5       Upon the loss, defacement, or destruction of one or both of the  
6 vehicle license number plates issued for any vehicle where more than  
7 one plate was originally issued or where one or both have become so  
8 illegible or in such a condition as to be difficult to distinguish, or  
9 upon the owner's option, the owner of the vehicle shall make  
10 application for new vehicle license number plates upon a form furnished  
11 by the director. The application shall be filed with the director or  
12 the director's authorized agent, accompanied by the certificate of  
13 license registration of the vehicle and a fee in the amount of  
14 (~~three~~) ten dollars per plate, whereupon the director, or the  
15 director's authorized agent, shall issue new vehicle license number  
16 plates to the applicant. It shall be accompanied by a fee of two  
17 dollars for a new motorcycle license number plate. In the event the  
18 director has issued license period tabs or a windshield emblem instead  
19 of vehicle license number plates, and upon the loss, defacement, or  
20 destruction of the tabs or windshield emblem, application shall be made  
21 on a form provided by the director and in the same manner as above  
22 described, and shall be accompanied by a fee of one dollar for each  
23 pair of tabs or for each windshield emblem, whereupon the director  
24 shall issue to the applicant a duplicate pair of tabs, year tabs, and  
25 when necessary month tabs or a windshield emblem to replace those lost,  
26 defaced, or destroyed. For vehicles owned, rented, or leased by the  
27 state of Washington or by any county, city, town, school district, or  
28 other political subdivision of the state of Washington or United States  
29 government, or owned or leased by the governing body of an Indian tribe  
30 as defined in RCW 46.16.020, a fee shall be charged for replacement of  
31 a vehicle license number plate only to the extent required by the  
32 provisions of RCW 46.16.020, (~~(46.16.061,)~~) 46.16.237, and 46.01.140.  
33 For vehicles owned, rented, or leased by foreign countries or  
34 international bodies to which the United States government is a  
35 signatory by treaty, the payment of any fee for the replacement of a  
36 vehicle license number plate shall not be required.

1       **Sec. 3.** RCW 46.20.055 and 2004 c 249 s 3 are each amended to read  
2 as follows:

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

9       (a) Is at least fifteen and one-half years of age; or

10       (b) Is at least fifteen years of age and:

11       (i) Has submitted a proper application; and

12       (ii) Is enrolled in a traffic safety education program offered,  
13 approved, and accredited by the superintendent of public instruction or  
14 offered by a driver training school licensed and inspected by the  
15 department of licensing under chapter 46.82 RCW, that includes practice  
16 driving.

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

20       (a) A traffic safety education course as defined by RCW  
21 28A.220.020(2); or

22       (b) A course of instruction offered by a licensed driver training  
23 school as defined by RCW 46.82.280(1).

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

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

29       (a) The person has immediate possession of the permit; and

30       (b) An approved instructor, or a licensed driver with at least five  
31 years of driving experience, occupies the seat beside the driver.

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

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

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

1 (c) A person applying to renew an instruction permit must submit  
2 the application to the department in person.

3 **Sec. 4.** RCW 46.20.070 and 2004 c 249 s 4 are each amended to read  
4 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) A person applying to renew an agricultural driving permit must  
37 submit the application to the department in person.

1 (c) 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. 5.** RCW 46.20.117 and 2004 c 249 s 5 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) **Renewal.** An application for identicard renewal may be  
29 submitted by means of:

30 (a) Personal appearance before the department; or

31 (b) Mail or electronic commerce, if permitted by rule of the  
32 department and if the applicant did not renew his or her identicard by  
33 mail or by electronic commerce when it last expired. However, the  
34 department may accept an application for renewal of an identicard  
35 submitted by means of mail or electronic commerce only if specific  
36 authority and funding is provided for this purpose by June 30, 2004, in  
37 the omnibus transportation appropriations act.

1 An identicard may not be renewed by mail or by electronic commerce  
2 unless the renewal issued by the department includes a photograph of  
3 the identicard holder.

4 (4) **Cancellation.** The department may cancel an identicard if the  
5 holder of the identicard used the card or allowed others to use the  
6 card in violation of RCW 46.20.0921.

7 **Sec. 6.** RCW 46.20.120 and 2004 c 249 s 6 are each amended to read  
8 as follows:

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

13 (1) **Waiver.** The department may waive:

14 (a) All or any part of the examination of any person applying for  
15 the renewal of a driver's license unless the department determines that  
16 the applicant is not qualified to hold a driver's license under this  
17 title; or

18 (b) The actual demonstration of the ability to operate a motor  
19 vehicle if the applicant:

20 (i) Surrenders a valid driver's license issued by the person's  
21 previous home state; and

22 (ii) Is otherwise qualified to be licensed.

23 (2) **Fee.** Each applicant for a new license must pay an examination  
24 fee of (~~ten~~) twenty dollars.

25 (a) The examination fee is in addition to the fee charged for  
26 issuance of the license.

27 (b) "New license" means a license issued to a driver:

28 (i) Who has not been previously licensed in this state; or

29 (ii) Whose last previous Washington license has been expired for  
30 more than five years.

31 (3) An application for driver's license renewal may be submitted by  
32 means of:

33 (a) Personal appearance before the department; or

34 (b) Mail or electronic commerce, if permitted by rule of the  
35 department and if the applicant did not renew his or her license by  
36 mail or by electronic commerce when it last expired. However, the  
37 department may accept an application for renewal of a driver's license

1 submitted by means of mail or electronic commerce only if specific  
2 authority and funding is provided for this purpose by June 30, 2004, in  
3 the omnibus transportation appropriations act.

4 (4) A person whose license expired or will expire while he or she  
5 is living outside the state, may:

6 (a) Apply to the department to extend the validity of his or her  
7 license for no more than twelve months. If the person establishes to  
8 the department's satisfaction that he or she is unable to return to  
9 Washington before the date his or her license expires, the department  
10 shall extend the person's license. The department may grant  
11 consecutive extensions, but in no event may the cumulative total of  
12 extensions exceed twelve months. An extension granted under this  
13 section does not change the expiration date of the license for purposes  
14 of RCW 46.20.181. The department shall charge a fee of five dollars  
15 for each license extension;

16 (b) Apply to the department to renew his or her license by mail or,  
17 if permitted by rule of the department, by electronic commerce even if  
18 subsection (3)(b) of this section would not otherwise allow renewal by  
19 that means. If the person establishes to the department's satisfaction  
20 that he or she is unable to return to Washington within twelve months  
21 of the date that his or her license expires, the department shall renew  
22 the person's license by mail or, if permitted by rule of the  
23 department, by electronic commerce.

24 (5) If a qualified person submits an application for renewal under  
25 subsection (3)(b) or (4)(b) of this section, he or she is not required  
26 to pass an examination nor provide an updated photograph. A license  
27 renewed by mail or by electronic commerce that does not include a  
28 photograph of the licensee must be labeled "not valid for  
29 identification purposes."

30 **Sec. 7.** RCW 46.20.308 and 2004 c 187 s 1 and 2004 c 95 s 2 are  
31 each reenacted and amended to read as follows:

32 (1) Any person who operates a motor vehicle within this state is  
33 deemed to have given consent, subject to the provisions of RCW  
34 46.61.506, to a test or tests of his or her breath or blood for the  
35 purpose of determining the alcohol concentration or presence of any  
36 drug in his or her breath or blood if arrested for any offense where,  
37 at the time of the arrest, the arresting officer has reasonable grounds

1 to believe the person had been driving or was in actual physical  
2 control of a motor vehicle while under the influence of intoxicating  
3 liquor or any drug or was in violation of RCW 46.61.503. Neither  
4 consent nor this section precludes a police officer from obtaining a  
5 search warrant for a person's breath or blood.

6 (2) The test or tests of breath shall be administered at the  
7 direction of a law enforcement officer having reasonable grounds to  
8 believe the person to have been driving or in actual physical control  
9 of a motor vehicle within this state while under the influence of  
10 intoxicating liquor or any drug or the person to have been driving or  
11 in actual physical control of a motor vehicle while having alcohol in  
12 a concentration in violation of RCW 46.61.503 in his or her system and  
13 being under the age of twenty-one. However, in those instances where  
14 the person is incapable due to physical injury, physical incapacity, or  
15 other physical limitation, of providing a breath sample or where the  
16 person is being treated in a hospital, clinic, doctor's office,  
17 emergency medical vehicle, ambulance, or other similar facility or  
18 where the officer has reasonable grounds to believe that the person is  
19 under the influence of a drug, a blood test shall be administered by a  
20 qualified person as provided in RCW 46.61.506(5). The officer shall  
21 inform the person of his or her right to refuse the breath or blood  
22 test, and of his or her right to have additional tests administered by  
23 any qualified person of his or her choosing as provided in RCW  
24 46.61.506. The officer shall warn the driver, in substantially the  
25 following language, that:

26 (a) If the driver refuses to take the test, the driver's license,  
27 permit, or privilege to drive will be revoked or denied for at least  
28 one year; and

29 (b) If the driver refuses to take the test, the driver's refusal to  
30 take the test may be used in a criminal trial; and

31 (c) If the driver submits to the test and the test is administered,  
32 the driver's license, permit, or privilege to drive will be suspended,  
33 revoked, or denied for at least ninety days if the driver is age  
34 twenty-one or over and the test indicates the alcohol concentration of  
35 the driver's breath or blood is 0.08 or more, or if the driver is under  
36 age twenty-one and the test indicates the alcohol concentration of the  
37 driver's breath or blood is 0.02 or more, or if the driver is under age



1 twenty-one and the driver is in violation of RCW 46.61.502 or  
2 46.61.504.

3 (3) Except as provided in this section, the test administered shall  
4 be of the breath only. If an individual is unconscious or is under  
5 arrest for the crime of vehicular homicide as provided in RCW 46.61.520  
6 or vehicular assault as provided in RCW 46.61.522, or if an individual  
7 is under arrest for the crime of driving while under the influence of  
8 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest  
9 results from an accident in which there has been serious bodily injury  
10 to another person, a breath or blood test may be administered without  
11 the consent of the individual so arrested.

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

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

23 (6) If, after arrest and after the other applicable conditions and  
24 requirements of this section have been satisfied, a test or tests of  
25 the person's blood or breath is administered and the test results  
26 indicate that the alcohol concentration of the person's breath or blood  
27 is 0.08 or more if the person is age twenty-one or over, or 0.02 or  
28 more if the person is under the age of twenty-one, or the person  
29 refuses to submit to a test, the arresting officer or other law  
30 enforcement officer at whose direction any test has been given, or the  
31 department, where applicable, if the arrest results in a test of the  
32 person's blood, shall:

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

37 (b) Serve notice in writing on the person on behalf of the

1 department of his or her right to a hearing, specifying the steps he or  
2 she must take to obtain a hearing as provided by subsection (8) of this  
3 section;

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

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

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

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

24 (ii) That after receipt of the warnings required by subsection (2)  
25 of this section the person refused to submit to a test of his or her  
26 blood or breath, or a test was administered and the results indicated  
27 that the alcohol concentration of the person's breath or blood was 0.08  
28 or more if the person is age twenty-one or over, or was 0.02 or more if  
29 the person is under the age of twenty-one; and

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

31 (7) The department of licensing, upon the receipt of a sworn report  
32 or report under a declaration authorized by RCW 9A.72.085 under  
33 subsection (6)(e) of this section, shall suspend, revoke, or deny the  
34 person's license, permit, or privilege to drive or any nonresident  
35 operating privilege, as provided in RCW 46.20.3101, such suspension,  
36 revocation, or denial to be effective beginning sixty days from the  
37 date of arrest or from the date notice has been given in the event

1 notice is given by the department following a blood test, or when  
2 sustained at a hearing pursuant to subsection (8) of this section,  
3 whichever occurs first.

4 (8) A person receiving notification under subsection (6)(b) of this  
5 section may, within thirty days after the notice has been given,  
6 request in writing a formal hearing before the department. The person  
7 shall pay a fee of (~~one~~) two hundred dollars as part of the request.  
8 If the request is mailed, it must be postmarked within thirty days  
9 after receipt of the notification. Upon timely receipt of such a  
10 request for a formal hearing, including receipt of the required (~~one~~)  
11 two hundred dollar fee, the department shall afford the person an  
12 opportunity for a hearing. The department may waive the required  
13 (~~one~~) two hundred dollar fee if the person is an indigent as defined  
14 in RCW 10.101.010. Except as otherwise provided in this section, the  
15 hearing is subject to and shall be scheduled and conducted in  
16 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be  
17 conducted in the county of the arrest, except that all or part of the  
18 hearing may, at the discretion of the department, be conducted by  
19 telephone or other electronic means. The hearing shall be held within  
20 sixty days following the arrest or following the date notice has been  
21 given in the event notice is given by the department following a blood  
22 test, unless otherwise agreed to by the department and the person, in  
23 which case the action by the department shall be stayed, and any valid  
24 temporary license marked under subsection (6)(c) of this section  
25 extended, if the person is otherwise eligible for licensing. For the  
26 purposes of this section, the scope of the hearing shall cover the  
27 issues of whether a law enforcement officer had reasonable grounds to  
28 believe the person had been driving or was in actual physical control  
29 of a motor vehicle within this state while under the influence of  
30 intoxicating liquor or any drug or had been driving or was in actual  
31 physical control of a motor vehicle within this state while having  
32 alcohol in his or her system in a concentration of 0.02 or more if the  
33 person was under the age of twenty-one, whether the person was placed  
34 under arrest, and (a) whether the person refused to submit to the test  
35 or tests upon request of the officer after having been informed that  
36 such refusal would result in the revocation of the person's license,  
37 permit, or privilege to drive, or (b) if a test or tests were  
38 administered, whether the applicable requirements of this section were

1 satisfied before the administration of the test or tests, whether the  
2 person submitted to the test or tests, or whether a test was  
3 administered without express consent as permitted under this section,  
4 and whether the test or tests indicated that the alcohol concentration  
5 of the person's breath or blood was 0.08 or more if the person was age  
6 twenty-one or over at the time of the arrest, or 0.02 or more if the  
7 person was under the age of twenty-one at the time of the arrest. The  
8 sworn report or report under a declaration authorized by RCW 9A.72.085  
9 submitted by a law enforcement officer is prima facie evidence that the  
10 officer had reasonable grounds to believe the person had been driving  
11 or was in actual physical control of a motor vehicle within this state  
12 while under the influence of intoxicating liquor or drugs, or both, or  
13 the person had been driving or was in actual physical control of a  
14 motor vehicle within this state while having alcohol in his or her  
15 system in a concentration of 0.02 or more and was under the age of  
16 twenty-one and that the officer complied with the requirements of this  
17 section.

18 A hearing officer shall conduct the hearing, may issue subpoenas  
19 for the attendance of witnesses and the production of documents, and  
20 shall administer oaths to witnesses. The hearing officer shall not  
21 issue a subpoena for the attendance of a witness at the request of the  
22 person unless the request is accompanied by the fee required by RCW  
23 5.56.010 for a witness in district court. The sworn report or report  
24 under a declaration authorized by RCW 9A.72.085 of the law enforcement  
25 officer and any other evidence accompanying the report shall be  
26 admissible without further evidentiary foundation and the  
27 certifications authorized by the criminal rules for courts of limited  
28 jurisdiction shall be admissible without further evidentiary  
29 foundation. The person may be represented by counsel, may question  
30 witnesses, may present evidence, and may testify. The department shall  
31 order that the suspension, revocation, or denial either be rescinded or  
32 sustained.

33 (9) If the suspension, revocation, or denial is sustained after  
34 such a hearing, the person whose license, privilege, or permit is  
35 suspended, revoked, or denied has the right to file a petition in the  
36 superior court of the county of arrest to review the final order of  
37 revocation by the department in the same manner as an appeal from a  
38 decision of a court of limited jurisdiction. Notice of appeal must be

1 filed within thirty days after the date the final order is served or  
2 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
3 1.1, or other statutes or rules referencing de novo review, the appeal  
4 shall be limited to a review of the record of the administrative  
5 hearing. The appellant must pay the costs associated with obtaining  
6 the record of the hearing before the hearing officer. The filing of  
7 the appeal does not stay the effective date of the suspension,  
8 revocation, or denial. A petition filed under this subsection must  
9 include the petitioner's grounds for requesting review. Upon granting  
10 petitioner's request for review, the court shall review the  
11 department's final order of suspension, revocation, or denial as  
12 expeditiously as possible. The review must be limited to a  
13 determination of whether the department has committed any errors of  
14 law. The superior court shall accept those factual determinations  
15 supported by substantial evidence in the record: (a) That were  
16 expressly made by the department; or (b) that may reasonably be  
17 inferred from the final order of the department. The superior court  
18 may reverse, affirm, or modify the decision of the department or remand  
19 the case back to the department for further proceedings. The decision  
20 of the superior court must be in writing and filed in the clerk's  
21 office with the other papers in the case. The court shall state the  
22 reasons for the decision. If judicial relief is sought for a stay or  
23 other temporary remedy from the department's action, the court shall  
24 not grant such relief unless the court finds that the appellant is  
25 likely to prevail in the appeal and that without a stay the appellant  
26 will suffer irreparable injury. If the court stays the suspension,  
27 revocation, or denial it may impose conditions on such stay.

28 (10)(a) If a person whose driver's license, permit, or privilege to  
29 drive has been or will be suspended, revoked, or denied under  
30 subsection (7) of this section, other than as a result of a breath or  
31 blood test refusal, and who has not committed an offense for which he  
32 or she was granted a deferred prosecution under chapter 10.05 RCW,  
33 petitions a court for a deferred prosecution on criminal charges  
34 arising out of the arrest for which action has been or will be taken  
35 under subsection (7) of this section, the court may direct the  
36 department to stay any actual or proposed suspension, revocation, or  
37 denial for at least forty-five days but not more than ninety days. If  
38 the court stays the suspension, revocation, or denial, it may impose

1 conditions on such stay. If the person is otherwise eligible for  
2 licensing, the department shall issue a temporary license, or extend  
3 any valid temporary license marked under subsection (6) of this  
4 section, for the period of the stay. If a deferred prosecution  
5 treatment plan is not recommended in the report made under RCW  
6 10.05.050, or if treatment is rejected by the court, or if the person  
7 declines to accept an offered treatment plan, or if the person violates  
8 any condition imposed by the court, then the court shall immediately  
9 direct the department to cancel the stay and any temporary marked  
10 license or extension of a temporary license issued under this  
11 subsection.

12 (b) A suspension, revocation, or denial imposed under this section,  
13 other than as a result of a breath or blood test refusal, shall be  
14 stayed if the person is accepted for deferred prosecution as provided  
15 in chapter 10.05 RCW for the incident upon which the suspension,  
16 revocation, or denial is based. If the deferred prosecution is  
17 terminated, the stay shall be lifted and the suspension, revocation, or  
18 denial reinstated. If the deferred prosecution is completed, the stay  
19 shall be lifted and the suspension, revocation, or denial canceled.

20 (c) The provisions of (b) of this subsection relating to a stay of  
21 a suspension, revocation, or denial and the cancellation of any  
22 suspension, revocation, or denial do not apply to the suspension,  
23 revocation, denial, or disqualification of a person's commercial  
24 driver's license or privilege to operate a commercial motor vehicle.

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

31 **Sec. 8.** RCW 46.20.311 and 2004 c 95 s 3 are each amended to read  
32 as follows:

33 (1)(a) The department shall not suspend a driver's license or  
34 privilege to drive a motor vehicle on the public highways for a fixed  
35 period of more than one year, except as specifically permitted under  
36 RCW 46.20.267, 46.20.342, or other provision of law.

1 (b) Except for a suspension under RCW 46.20.267, 46.20.289,  
2 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving  
3 privilege of any person is suspended by reason of a conviction, a  
4 finding that a traffic infraction has been committed, pursuant to  
5 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
6 suspension shall remain in effect until the person gives and thereafter  
7 maintains proof of financial responsibility for the future as provided  
8 in chapter 46.29 RCW.

9 (c) If the suspension is the result of a violation of RCW 46.61.502  
10 or 46.61.504, the department shall determine the person's eligibility  
11 for licensing based upon the reports provided by the alcoholism agency  
12 or probation department designated under RCW 46.61.5056 and shall deny  
13 reinstatement until enrollment and participation in an approved program  
14 has been established and the person is otherwise qualified. If the  
15 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,  
16 and the person is required pursuant to RCW 46.20.720 to drive only a  
17 motor vehicle equipped with a functioning ignition interlock, the  
18 department shall determine the person's eligibility for licensing based  
19 upon written verification by a company doing business in the state that  
20 it has installed the required device on a vehicle owned or operated by  
21 the person seeking reinstatement. If, based upon notification from the  
22 interlock provider or otherwise, the department determines that an  
23 interlock required under RCW 46.20.720 is no longer installed or  
24 functioning as required, the department shall suspend the person's  
25 license or privilege to drive. Whenever the license or driving  
26 privilege of any person is suspended or revoked as a result of  
27 noncompliance with an ignition interlock requirement, the suspension  
28 shall remain in effect until the person provides notice issued by a  
29 company doing business in the state that a vehicle owned or operated by  
30 the person is equipped with a functioning ignition interlock device.

31 (d) Whenever the license or driving privilege of any person is  
32 suspended as a result of certification of noncompliance with a child  
33 support order under chapter 74.20A RCW or a residential or visitation  
34 order, the suspension shall remain in effect until the person provides  
35 a release issued by the department of social and health services  
36 stating that the person is in compliance with the order.

37 (e)(i) The department shall not issue to the person a new,

1 duplicate, or renewal license until the person pays a reissue fee of  
2 (~~twenty~~) seventy-five dollars.

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

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

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

19 (ii) If the revocation is the result of a violation of RCW  
20 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one  
21 hundred fifty dollars. If the revocation is the result of a violation  
22 of RCW 46.61.502 or 46.61.504, the department shall determine the  
23 person's eligibility for licensing based upon the reports provided by  
24 the alcoholism agency or probation department designated under RCW  
25 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
26 to drive until enrollment and participation in an approved program has  
27 been established and the person is otherwise qualified. If the  
28 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,  
29 and the person is required pursuant to RCW 46.20.720 to drive only a  
30 motor vehicle equipped with a functioning ignition interlock or other  
31 biological or technical device, the department shall determine the  
32 person's eligibility for licensing based upon written verification by  
33 a company doing business in the state that it has installed the  
34 required device on a vehicle owned or operated by the person applying  
35 for a new license. If, following issuance of a new license, the  
36 department determines, based upon notification from the interlock  
37 provider or otherwise, that an interlock required under RCW 46.20.720  
38 is no longer functioning, the department shall suspend the person's



1 license or privilege to drive until the department has received written  
2 verification from an interlock provider that a functioning interlock is  
3 installed.

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

14 (3)(a) Whenever the driver's license of any person is suspended  
15 pursuant to Article IV of the nonresident violators compact or RCW  
16 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
17 to the person any new or renewal license until the person pays a  
18 reissue fee of (~~twenty~~) seventy-five dollars.

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

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.16 RCW  
26 to read as follows:

27 In lieu of the license tab fees provided in RCW 46.16.0621, private  
28 use single-axle trailers of two thousand pounds scale weight or less  
29 may be licensed upon the payment of a license fee in the sum of fifteen  
30 dollars, but only if the trailer is operated upon public highways. The  
31 license fee must be collected annually for each registration year or  
32 fraction of a registration year. This reduced license fee applies only  
33 to trailers operated for personal use of the owners, and not trailers  
34 held for rental to the public or used in any commercial or business  
35 endeavor. The fee from this section must be deposited in the state  
36 patrol highway account.

1        NEW SECTION.   **Sec. 10.**   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.

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