

SHB 2053 - H AMD 840

By Representative Clibborn

ADOPTED AS AMENDED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that for ensuing
4 biennia, the Washington state patrol, ferry operations, as well as
5 state and local roadway preservation and maintenance activities will
6 soon experience significant funding shortfalls. The legislature
7 further recognizes that existing law, enacted in 2002, requires the
8 department of licensing to submit a fee study every two years to the
9 transportation committees of the house of representatives and the
10 senate, the purpose of which is to ensure cost recovery for
11 transportation services. Based on the review of the department of
12 licensing's fee study, the legislature will review and adjust fees
13 accordingly each biennium to ensure that fees are adjusted and brought
14 up-to-date. The legislature further recognizes that previous studies
15 conducted by the joint transportation committee have recommended
16 various fees adjustments. The legislature finds that many of the fee
17 adjustments identified in these studies have not been made for several
18 years. Therefore, it is the intent of the legislature to adjust
19 certain fees for the sole purposes of addressing funding shortfalls in
20 certain transportation programs, providing gap funding for local
21 transportation entities along with roadway preservation for cities and
22 counties, and bringing fees in-line with costs. Accordingly, the
23 legislature intends to provide additional funding solely for: The
24 Washington state patrol; the Washington state ferry operating and
25 capital programs; the department of transportation highway maintenance
26 and preservation programs; the department of transportation public
27 transportation program; the transportation improvement board; the
28 county road administration board; the freight mobility strategic
29 investment board; the safe routes to schools program; and the state

1 treasurer, for the purposes of debt service and ancillary costs related
2 to bonds issued to fund the construction of a ferry boat vessel.

3 **I. APPROPRIATIONS**

4 NEW SECTION. **Sec. 2.** (1) Additive transportation funding is
5 hereby adopted and, subject to the provisions set forth, the several
6 amounts specified, or as much thereof as may be necessary to accomplish
7 the purposes designated, are hereby appropriated from the several
8 accounts and funds named to the designated state agencies and offices
9 for employee compensation and other expenses, for capital projects, and
10 for other specified purposes for the period ending June 30, 2013.

11 (2) Unless the context clearly requires otherwise, the definitions
12 in this subsection apply throughout the act:

13 (a) "Lapse" means the amount shall return to unappropriated status.

14 (b) "LEAP" means the legislative evaluation and accountability
15 program committee.

16 (c) "Provided solely" means the specified amount may be spent only
17 for the specified purpose. Unless otherwise specifically authorized in
18 this act, any portion of an amount provided solely for a specified
19 purpose that is not expended subject to the specified conditions and
20 limitations to fulfill the specified purpose shall lapse.

21 NEW SECTION. **Sec. 3. FOR THE WASHINGTON STATE PATROL**

22 State Patrol Highway Account--State Appropriation	\$4,500,000
23 Highway Safety Account--State Appropriation	\$9,500,000
24 TOTAL APPROPRIATION	\$14,000,000

25 The appropriations in this section are subject to the following
26 conditions and limitations:

27 (1) \$3,600,000 of the state patrol highway account--state
28 appropriation is provided solely for the auto theft investigation units
29 in King county, Spokane, and Tacoma.

30 (2) \$9,500,000 of the highway safety account--state appropriation
31 and \$500,000 of the state patrol highway account--state appropriation
32 are provided solely for equipment acquisition, installation,
33 integration, and financing needs associated with the conversion of the
34 existing communication system to narrowbanding as required by the
35 federal communications commission.

1 (3) Except as otherwise provided in this section, the total
2 appropriation in this section must be used by the Washington state
3 patrol for the ongoing operations of the agency.

4 NEW SECTION. **Sec. 4. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **HIGHWAY MAINTENANCE--PROGRAM M**

6	Motor Vehicle Account--State Appropriation	\$2,500,000
7	Highway Safety Account--State Appropriation	\$2,500,000
8	TOTAL APPROPRIATION	\$5,000,000

9 The appropriations in this section are subject to the following
10 conditions and limitations: \$2,500,000 of the motor vehicle
11 account--state appropriation and \$2,500,000 of the highway safety
12 account--state appropriation are provided solely to further reduce the
13 highway maintenance backlog in order to maintain or increase levels of
14 service.

15 NEW SECTION. **Sec. 5. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC**
16 **TRANSPORTATION--PROGRAM V**

17	Multimodal Transportation Account--State	
18	Appropriation	\$13,005,000

19 The appropriation in this section is subject to the following
20 conditions and limitations: The appropriation in this section must be
21 distributed statewide to transit entities as shown in LEAP
22 Transportation Document 2011-TR1, as developed on May 24, 2011. The
23 basis for the distribution to each entity is the entity's pro rata
24 share of the total passenger trips statewide by all transit entities in
25 calendar years 2008 and 2009, as compiled by the public transportation
26 program, except that no entity may receive less than one hundred
27 thousand dollars and no entity may receive more than twenty percent of
28 the appropriation in this section. Funding must be used for
29 operations.

30 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **MARINE--PROGRAM X**

32	Motor Vehicle Account--State Appropriation	\$10,000,000
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33 The appropriation in this section is subject to the following
34 conditions and limitations:

1 (1) \$6,000,000 of the motor vehicle account--state appropriation is
2 provided solely for the purchase of fuel for marine operations.

3 (2) \$4,000,000 of the motor vehicle account--state appropriation is
4 provided solely to maintain the same level of service provided in the
5 2009-2011 fiscal biennium.

6 NEW SECTION. **Sec. 7. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

7 Highway Safety Account--State Appropriation \$5,000,000

8 The appropriation in this section is subject to the following
9 conditions and limitations:

10 (1) The appropriation in this section is provided solely to help
11 cities meet urgent preservation needs.

12 (2) \$4,500,000 of the highway safety account--state appropriation
13 is provided solely for the urban arterial program.

14 (3) \$500,000 of the highway safety account--state appropriation is
15 provided solely for the small city pavement program.

16 NEW SECTION. **Sec. 8. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

17 Highway Safety Account--State Appropriation \$5,000,000

18 The appropriation in this section is subject to the following
19 conditions and limitations: The appropriation in this section is
20 provided solely for the county arterial preservation program to help
21 counties meet urgent preservation needs.

22 NEW SECTION. **Sec. 9. FOR THE DEPARTMENT OF TRANSPORTATION--
23 PRESERVATION--PROGRAM P**

24 Highway Safety Account--State Appropriation \$5,000,000

25 The appropriation in this section is subject to the following
26 conditions and limitations: The appropriation in this section is
27 provided solely for urgent preservation needs on the state highway
28 system.

29 NEW SECTION. **Sec. 10. FOR THE DEPARTMENT OF TRANSPORTATION--
30 WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

31 Transportation 2003 Account (Nickel Account)--State
32 Appropriation \$144,000,000

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) The transportation 2003 account (nickel account)--state
4 appropriation is provided solely for the purposes of constructing a
5 ferry boat vessel with a carrying capacity of at least one hundred
6 forty-four cars.

7 (2) The transportation 2003 account (nickel account)--state
8 appropriation includes up to \$144,000,000 in proceeds from the sale of
9 bonds authorized in RCW 47.10.861.

10 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL**
11 **PROGRAMS--PROGRAM Z--CAPITAL**

12 Highway Safety Account--State Appropriation \$2,500,000

13 The appropriation in this section is subject to the following
14 conditions and limitations:

15 (1) \$1,500,000 of the highway safety account--state appropriation
16 is provided solely to the freight mobility strategic investment board
17 for grants to meet urgent freight corridor improvement and preservation
18 needs.

19 (2) \$1,000,000 of the highway safety account--state appropriation
20 is provided solely for safe routes to schools program projects, in rank
21 order, and identified as contingency projects in the LEAP
22 Transportation Document 2011-A, pedestrian and bicycle safety program
23 projects and safe routes to school program projects, referenced in
24 chapter 367, Laws of 2011 (the omnibus transportation appropriations
25 act).

26 NEW SECTION. **Sec. 12. FOR THE STATE TREASURER--BOND RETIREMENT**
27 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
28 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**
29 **TRANSPORTATION FUND REVENUE**

30 Highway Bond Retirement Account--State Appropriation . . . \$10,350,000

31 NEW SECTION. **Sec. 13. FOR THE STATE TREASURER--BOND RETIREMENT**
32 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
33 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

34 Transportation 2003 Account (Nickel Account)--State
35 Appropriation \$58,000

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II. DRIVER FEES

Sec. 14. RCW 46.20.055 and 2010 c 223 s 1 are each amended to read as follows:

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

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

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

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

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

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

- (a) The person has immediate possession of the permit;
- (b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and
- (c) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

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

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

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

7 (c) A person applying to (~~renew an~~) receive a second or third
8 instruction permit must submit the application to the department in
9 person and pay a twenty-five dollar fee.

10 (5) **Examination fee.** An applicant who takes the examination
11 required under this section must pay a fee of twenty-five dollars for
12 each examination taken, irrespective of passage or failure.

13 **Sec. 15.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
14 read as follows:

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

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

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

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

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

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

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

29 (3) **Renewal.** An application for identicard renewal may be
30 submitted by means of:

31 (a) Personal appearance before the department; or

32 (b) Mail or electronic commerce, if permitted by rule of the
33 department and if the applicant did not renew his or her identicard by
34 mail or by electronic commerce when it last expired. However, the
35 department may accept an application for renewal of an identicard
36 submitted by means of mail or electronic commerce only if specific

1 authority and funding is provided for this purpose by June 30, 2004, in
2 the omnibus transportation appropriations act.

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

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

9 **Sec. 16.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
10 each reenacted and amended to read as follows:

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

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

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

20 (b) All or any part of the examination involving operating a motor
21 vehicle if the applicant:

22 (i) Surrenders a valid driver's license issued by the person's
23 previous home state; or

24 (ii) Provides for verification a valid driver's license issued by
25 a foreign driver licensing jurisdiction with which the department has
26 an informal agreement under RCW 46.20.125; and

27 (iii) Is otherwise qualified to be licensed.

28 (2) **Fee.** Each applicant for a new license must pay an examination
29 fee of (~~twenty~~) thirty-five dollars.

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

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

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

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

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

1 (a) Personal appearance before the department; or

2 (b) Mail or electronic commerce, if permitted by rule of the
3 department and if the applicant did not renew his or her license by
4 mail or by electronic commerce when it last expired. (~~However, the~~
5 ~~department may accept an application for renewal of a driver's license~~
6 ~~submitted by means of mail or electronic commerce only if specific~~
7 ~~authority and funding is provided for this purpose by June 30, 2004, in~~
8 ~~the omnibus transportation appropriations act.))~~

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

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

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

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

35 **Sec. 17.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to
36 read as follows:

37 (1) If an instruction permit, identicard, or a driver's license is

1 lost or destroyed, the person to whom it was issued may obtain a
2 duplicate of it upon furnishing proof of such fact satisfactory to the
3 department and payment of a fee of ((fifteen)) twenty dollars to the
4 department.

5 (2) A replacement permit, identicard, or driver's license may be
6 obtained to change or correct material information upon payment of a
7 fee of ten dollars and surrender of the permit, identicard, or driver's
8 license being replaced.

9 **Sec. 18.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read
10 as follows:

11 (1) Any person who operates a motor vehicle within this state is
12 deemed to have given consent, subject to the provisions of RCW
13 46.61.506, to a test or tests of his or her breath or blood for the
14 purpose of determining the alcohol concentration or presence of any
15 drug in his or her breath or blood if arrested for any offense where,
16 at the time of the arrest, the arresting officer has reasonable grounds
17 to believe the person had been driving or was in actual physical
18 control of a motor vehicle while under the influence of intoxicating
19 liquor or any drug or was in violation of RCW 46.61.503. Neither
20 consent nor this section precludes a police officer from obtaining a
21 search warrant for a person's breath or blood.

22 (2) The test or tests of breath shall be administered at the
23 direction of a law enforcement officer having reasonable grounds to
24 believe the person to have been driving or in actual physical control
25 of a motor vehicle within this state while under the influence of
26 intoxicating liquor or any drug or the person to have been driving or
27 in actual physical control of a motor vehicle while having alcohol in
28 a concentration in violation of RCW 46.61.503 in his or her system and
29 being under the age of twenty-one. However, in those instances where
30 the person is incapable due to physical injury, physical incapacity, or
31 other physical limitation, of providing a breath sample or where the
32 person is being treated in a hospital, clinic, doctor's office,
33 emergency medical vehicle, ambulance, or other similar facility or
34 where the officer has reasonable grounds to believe that the person is
35 under the influence of a drug, a blood test shall be administered by a
36 qualified person as provided in RCW 46.61.506(5). The officer shall
37 inform the person of his or her right to refuse the breath or blood

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

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

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

10 (c) If the driver submits to the test and the test is administered,
11 the driver's license, permit, or privilege to drive will be suspended,
12 revoked, or denied for at least ninety days if the driver is age
13 twenty-one or over and the test indicates the alcohol concentration of
14 the driver's breath or blood is 0.08 or more, or if the driver is under
15 age twenty-one and the test indicates the alcohol concentration of the
16 driver's breath or blood is 0.02 or more, or if the driver is under age
17 twenty-one and the driver is in violation of RCW 46.61.502 or
18 46.61.504; and

19 (d) If the driver's license, permit, or privilege to drive is
20 suspended, revoked, or denied the driver may be eligible to immediately
21 apply for an ignition interlock driver's license.

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

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

37 (5) If, following his or her arrest and receipt of warnings under
38 subsection (2) of this section, the person arrested refuses upon the

1 request of a law enforcement officer to submit to a test or tests of
2 his or her breath or blood, no test shall be given except as authorized
3 under subsection (3) or (4) of this section.

4 (6) If, after arrest and after the other applicable conditions and
5 requirements of this section have been satisfied, a test or tests of
6 the person's blood or breath is administered and the test results
7 indicate that the alcohol concentration of the person's breath or blood
8 is 0.08 or more if the person is age twenty-one or over, or 0.02 or
9 more if the person is under the age of twenty-one, or the person
10 refuses to submit to a test, the arresting officer or other law
11 enforcement officer at whose direction any test has been given, or the
12 department, where applicable, if the arrest results in a test of the
13 person's blood, shall:

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

18 (b) Serve notice in writing on the person on behalf of the
19 department of his or her right to a hearing, specifying the steps he or
20 she must take to obtain a hearing as provided by subsection (8) of this
21 section and that the person waives the right to a hearing if he or she
22 receives an ignition interlock driver's license;

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

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

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

37 (i) That the officer had reasonable grounds to believe the arrested
38 person had been driving or was in actual physical control of a motor

1 vehicle within this state while under the influence of intoxicating
2 liquor or drugs, or both, or was under the age of twenty-one years and
3 had been driving or was in actual physical control of a motor vehicle
4 while having an alcohol concentration in violation of RCW 46.61.503;

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

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

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

22 (8) A person receiving notification under subsection (6)(b) of this
23 section may, within twenty days after the notice has been given,
24 request in writing a formal hearing before the department. The person
25 shall pay a fee of (~~two~~) three hundred seventy-five dollars as part
26 of the request. If the request is mailed, it must be postmarked within
27 twenty days after receipt of the notification. Upon timely receipt of
28 such a request for a formal hearing, including receipt of the required
29 (~~two~~) three hundred seventy-five dollar fee, the department shall
30 afford the person an opportunity for a hearing. The department may
31 waive the required (~~two~~) three hundred seventy-five dollar fee if the
32 person is an indigent as defined in RCW 10.101.010. Except as
33 otherwise provided in this section, the hearing is subject to and shall
34 be scheduled and conducted in accordance with RCW 46.20.329 and
35 46.20.332. The hearing shall be conducted in the county of the arrest,
36 except that all or part of the hearing may, at the discretion of the
37 department, be conducted by telephone or other electronic means. The
38 hearing shall be held within sixty days following the arrest or

1 following the date notice has been given in the event notice is given
2 by the department following a blood test, unless otherwise agreed to by
3 the department and the person, in which case the action by the
4 department shall be stayed, and any valid temporary license marked
5 under subsection (6)(c) of this section extended, if the person is
6 otherwise eligible for licensing. For the purposes of this section,
7 the scope of the hearing shall cover the issues of whether a law
8 enforcement officer had reasonable grounds to believe the person had
9 been driving or was in actual physical control of a motor vehicle
10 within this state while under the influence of intoxicating liquor or
11 any drug or had been driving or was in actual physical control of a
12 motor vehicle within this state while having alcohol in his or her
13 system in a concentration of 0.02 or more if the person was under the
14 age of twenty-one, whether the person was placed under arrest, and (a)
15 whether the person refused to submit to the test or tests upon request
16 of the officer after having been informed that such refusal would
17 result in the revocation of the person's license, permit, or privilege
18 to drive, or (b) if a test or tests were administered, whether the
19 applicable requirements of this section were satisfied before the
20 administration of the test or tests, whether the person submitted to
21 the test or tests, or whether a test was administered without express
22 consent as permitted under this section, and whether the test or tests
23 indicated that the alcohol concentration of the person's breath or
24 blood was 0.08 or more if the person was age twenty-one or over at the
25 time of the arrest, or 0.02 or more if the person was under the age of
26 twenty-one at the time of the arrest. The sworn report or report under
27 a declaration authorized by RCW 9A.72.085 submitted by a law
28 enforcement officer is prima facie evidence that the officer had
29 reasonable grounds to believe the person had been driving or was in
30 actual physical control of a motor vehicle within this state while
31 under the influence of intoxicating liquor or drugs, or both, or the
32 person had been driving or was in actual physical control of a motor
33 vehicle within this state while having alcohol in his or her system in
34 a concentration of 0.02 or more and was under the age of twenty-one and
35 that the officer complied with the requirements of this section.

36 A hearing officer shall conduct the hearing, may issue subpoenas
37 for the attendance of witnesses and the production of documents, and
38 shall administer oaths to witnesses. The hearing officer shall not

1 issue a subpoena for the attendance of a witness at the request of the
2 person unless the request is accompanied by the fee required by RCW
3 5.56.010 for a witness in district court. The sworn report or report
4 under a declaration authorized by RCW 9A.72.085 of the law enforcement
5 officer and any other evidence accompanying the report shall be
6 admissible without further evidentiary foundation and the
7 certifications authorized by the criminal rules for courts of limited
8 jurisdiction shall be admissible without further evidentiary
9 foundation. The person may be represented by counsel, may question
10 witnesses, may present evidence, and may testify. The department shall
11 order that the suspension, revocation, or denial either be rescinded or
12 sustained.

13 (9) If the suspension, revocation, or denial is sustained after
14 such a hearing, the person whose license, privilege, or permit is
15 suspended, revoked, or denied has the right to file a petition in the
16 superior court of the county of arrest to review the final order of
17 revocation by the department in the same manner as an appeal from a
18 decision of a court of limited jurisdiction. Notice of appeal must be
19 filed within thirty days after the date the final order is served or
20 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
21 1.1, or other statutes or rules referencing de novo review, the appeal
22 shall be limited to a review of the record of the administrative
23 hearing. The appellant must pay the costs associated with obtaining
24 the record of the hearing before the hearing officer. The filing of
25 the appeal does not stay the effective date of the suspension,
26 revocation, or denial. A petition filed under this subsection must
27 include the petitioner's grounds for requesting review. Upon granting
28 petitioner's request for review, the court shall review the
29 department's final order of suspension, revocation, or denial as
30 expeditiously as possible. The review must be limited to a
31 determination of whether the department has committed any errors of
32 law. The superior court shall accept those factual determinations
33 supported by substantial evidence in the record: (a) That were
34 expressly made by the department; or (b) that may reasonably be
35 inferred from the final order of the department. The superior court
36 may reverse, affirm, or modify the decision of the department or remand
37 the case back to the department for further proceedings. The decision
38 of the superior court must be in writing and filed in the clerk's

1 office with the other papers in the case. The court shall state the
2 reasons for the decision. If judicial relief is sought for a stay or
3 other temporary remedy from the department's action, the court shall
4 not grant such relief unless the court finds that the appellant is
5 likely to prevail in the appeal and that without a stay the appellant
6 will suffer irreparable injury. If the court stays the suspension,
7 revocation, or denial it may impose conditions on such stay.

8 (10)(a) If a person whose driver's license, permit, or privilege to
9 drive has been or will be suspended, revoked, or denied under
10 subsection (7) of this section, other than as a result of a breath or
11 blood test refusal, and who has not committed an offense for which he
12 or she was granted a deferred prosecution under chapter 10.05 RCW,
13 petitions a court for a deferred prosecution on criminal charges
14 arising out of the arrest for which action has been or will be taken
15 under subsection (7) of this section, or notifies the department of
16 licensing of the intent to seek such a deferred prosecution, then the
17 license suspension or revocation shall be stayed pending entry of the
18 deferred prosecution. The stay shall not be longer than one hundred
19 fifty days after the date charges are filed, or two years after the
20 date of the arrest, whichever time period is shorter. If the court
21 stays the suspension, revocation, or denial, it may impose conditions
22 on such stay. If the person is otherwise eligible for licensing, the
23 department shall issue a temporary license, or extend any valid
24 temporary license marked under subsection (6) of this section, for the
25 period of the stay. If a deferred prosecution treatment plan is not
26 recommended in the report made under RCW 10.05.050, or if treatment is
27 rejected by the court, or if the person declines to accept an offered
28 treatment plan, or if the person violates any condition imposed by the
29 court, then the court shall immediately direct the department to cancel
30 the stay and any temporary marked license or extension of a temporary
31 license issued under this subsection.

32 (b) A suspension, revocation, or denial imposed under this section,
33 other than as a result of a breath or blood test refusal, shall be
34 stayed if the person is accepted for deferred prosecution as provided
35 in chapter 10.05 RCW for the incident upon which the suspension,
36 revocation, or denial is based. If the deferred prosecution is
37 terminated, the stay shall be lifted and the suspension, revocation, or

1 denial reinstated. If the deferred prosecution is completed, the stay
2 shall be lifted and the suspension, revocation, or denial canceled.

3 (c) The provisions of (b) of this subsection relating to a stay of
4 a suspension, revocation, or denial and the cancellation of any
5 suspension, revocation, or denial do not apply to the suspension,
6 revocation, denial, or disqualification of a person's commercial
7 driver's license or privilege to operate a commercial motor vehicle.

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

14 III. VEHICLE FEES

15 **Sec. 19.** RCW 46.17.005 and 2010 c 161 s 501 are each amended to
16 read as follows:

17 (1) A person who applies for a vehicle registration or for any
18 other right to operate a vehicle on the highways of this state shall
19 pay a (~~three~~) seven dollar filing fee in addition to any other fees
20 and taxes required by law.

21 (2) A person who applies for a certificate of title shall pay a
22 (~~four~~) eight dollar filing fee in addition to any other fees and
23 taxes required by law.

24 (3) The filing fees established in this section must be distributed
25 under RCW 46.68.400.

26 **Sec. 20.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to
27 read as follows:

28 Before accepting an application for a certificate of title as
29 required in this title, the department, county auditor or other agent,
30 or subagent appointed by the director shall require the applicant to
31 pay a (~~five~~) fifteen dollar application fee in addition to any other
32 fees and taxes required by law. The certificate of title application
33 fee must be distributed under RCW 46.68.020.

1 (d) Former prisoner of war license plates, as described in RCW
2 46.18.235, may be transferred to a replacement vehicle upon payment of
3 a five dollar license plate fee, in addition to any other fee required
4 by law.

5 (2) The department may, upon request, provide license plates that
6 have been used and returned to the department to individuals for
7 nonvehicular use. The department may charge a fee of up to five
8 dollars per license plate to cover costs or recovery for postage and
9 handling. The department may waive the fee for license plates used in
10 educational projects and may, by rule, provide standards for the fee
11 waiver and restrictions on the number of license plates provided to any
12 one person. The fee must be deposited in the motor vehicle fund
13 created in RCW 46.68.070.

14 IV. MISCELLANEOUS FEES

15 **Sec. 23.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
16 as follows:

17 Upon a proper request, the department may furnish an abstract of a
18 person's driving record as permitted under this section.

19 (1) **Contents of abstract of driving record.** An abstract of a
20 person's driving record, whenever possible, must include:

21 (a) An enumeration of motor vehicle accidents in which the person
22 was driving, including:

23 (i) The total number of vehicles involved;

24 (ii) Whether the vehicles were legally parked or moving;

25 (iii) Whether the vehicles were occupied at the time of the
26 accident; and

27 (iv) Whether the accident resulted in a fatality;

28 (b) Any reported convictions, forfeitures of bail, or findings that
29 an infraction was committed based upon a violation of any motor vehicle
30 law;

31 (c) The status of the person's driving privilege in this state; and

32 (d) Any reports of failure to appear in response to a traffic
33 citation or failure to respond to a notice of infraction served upon
34 the named individual by an arresting officer.

35 (2) **Release of abstract of driving record.** An abstract of a

1 person's driving record may be furnished to the following persons or
2 entities:

3 (a) **Named individuals.** (i) An abstract of the full driving record
4 maintained by the department may be furnished to the individual named
5 in the abstract.

6 (ii) Nothing in this section prevents a court from providing a copy
7 of the driver's abstract to the individual named in the abstract,
8 provided that the named individual has a pending or open infraction or
9 criminal case in that court. A pending case includes criminal cases
10 that have not reached a disposition by plea, stipulation, trial, or
11 amended charge. An open infraction or criminal case includes cases on
12 probation, payment agreement or subject to, or in collections. Courts
13 may charge a reasonable fee for the production and copying of the
14 abstract for the individual.

15 (b) **Employers or prospective employers.** (i) An abstract of the
16 full driving record maintained by the department may be furnished to an
17 employer or prospective employer or an agent acting on behalf of an
18 employer or prospective employer of the named individual for purposes
19 related to driving by the individual as a condition of employment or
20 otherwise at the direction of the employer.

21 (ii) Release of an abstract of the driving record of an employee or
22 prospective employee requires a statement signed by: (A) The employee
23 or prospective employee that authorizes the release of the record; and
24 (B) the employer attesting that the information is necessary for
25 employment purposes related to driving by the individual as a condition
26 of employment or otherwise at the direction of the employer. If the
27 employer or prospective employer authorizes an agent to obtain this
28 information on their behalf, this must be noted in the statement.

29 (iii) Upon request of the person named in the abstract provided
30 under this subsection, and upon that same person furnishing copies of
31 court records ruling that the person was not at fault in a motor
32 vehicle accident, the department must indicate on any abstract provided
33 under this subsection that the person was not at fault in the motor
34 vehicle accident.

35 (c) **Volunteer organizations.** (i) An abstract of the full driving
36 record maintained by the department may be furnished to a volunteer
37 organization or an agent for a volunteer organization for which the

1 named individual has submitted an application for a position that would
2 require driving by the individual at the direction of the volunteer
3 organization.

4 (ii) Release of an abstract of the driving record of a prospective
5 volunteer requires a statement signed by: (A) The prospective
6 volunteer that authorizes the release of the record; and (B) the
7 volunteer organization attesting that the information is necessary for
8 purposes related to driving by the individual at the direction of the
9 volunteer organization. If the volunteer organization authorizes an
10 agent to obtain this information on their behalf, this must be noted in
11 the statement.

12 (d) **Transit authorities.** An abstract of the full driving record
13 maintained by the department may be furnished to an employee or agent
14 of a transit authority checking prospective volunteer vanpool drivers
15 for insurance and risk management needs.

16 (e) **Insurance carriers.** (i) An abstract of the driving record
17 maintained by the department covering the period of not more than the
18 last three years may be furnished to an insurance company or its agent:

19 (A) That has motor vehicle or life insurance in effect covering the
20 named individual;

21 (B) To which the named individual has applied; or

22 (C) That has insurance in effect covering the employer or a
23 prospective employer of the named individual.

24 (ii) The abstract provided to the insurance company must:

25 (A) Not contain any information related to actions committed by law
26 enforcement officers or firefighters, as both terms are defined in RCW
27 41.26.030, or by Washington state patrol officers, while driving
28 official vehicles in the performance of their occupational duty. This
29 does not apply to any situation where the vehicle was used in the
30 commission of a misdemeanor or felony;

31 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except
32 that the abstract must report the convictions only as negligent driving
33 without reference to whether they are for first or second degree
34 negligent driving; and

35 (C) Exclude any deferred prosecution under RCW 10.05.060, except
36 that if a person is removed from a deferred prosecution under RCW
37 10.05.090, the abstract must show the deferred prosecution as well as
38 the removal.

1 (iii) Any policy of insurance may not be canceled, nonrenewed,
2 denied, or have the rate increased on the basis of information
3 regarding an accident included in the abstract of a driving record,
4 unless the policyholder was determined to be at fault.

5 (iv) Any insurance company or its agent, for underwriting purposes
6 relating to the operation of commercial motor vehicles, may not use any
7 information contained in the abstract relative to any person's
8 operation of motor vehicles while not engaged in such employment. Any
9 insurance company or its agent, for underwriting purposes relating to
10 the operation of noncommercial motor vehicles, may not use any
11 information contained in the abstract relative to any person's
12 operation of commercial motor vehicles.

13 (v) The director may enter into a contractual agreement with an
14 insurance company or its agent for the limited purpose of reviewing the
15 driving records of existing policyholders for changes to the record
16 during specified periods of time. The department shall establish a fee
17 for this service, which must be deposited in the highway safety fund.
18 The fee for this service must be set at a level that will not result in
19 a net revenue loss to the state. Any information provided under this
20 subsection must be treated in the same manner and is subject to the
21 same restrictions as driving record abstracts.

22 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
23 the driving record maintained by the department covering the period of
24 not more than the last five years may be furnished to an alcohol/drug
25 assessment or treatment agency approved by the department of social and
26 health services to which the named individual has applied or been
27 assigned for evaluation or treatment, for purposes of assisting
28 employees in making a determination as to what level of treatment, if
29 any, is appropriate, except that the abstract must:

30 (i) Also include records of alcohol-related offenses, as defined in
31 RCW 46.01.260(2), covering a period of not more than the last ten
32 years; and

33 (ii) Indicate whether an alcohol-related offense was originally
34 charged as a violation of either RCW 46.61.502 or 46.61.504.

35 (g) **City attorneys and county prosecuting attorneys.** An abstract
36 of the full driving record maintained by the department, including
37 whether a recorded violation is an alcohol-related offense, as defined
38 in RCW 46.01.260(2), that was originally charged as a violation of

1 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys
2 or county prosecuting attorneys. City attorneys and county prosecuting
3 attorneys may provide the driving record to alcohol/drug assessment or
4 treatment agencies approved by the department of social and health
5 services to which the named individual has applied or been assigned for
6 evaluation or treatment.

7 (h) **State colleges, universities, or agencies, or units of local**
8 **government.** An abstract of the full driving record maintained by the
9 department may be furnished to (i) state colleges, universities, or
10 agencies for employment and risk management purposes or (ii) units of
11 local government authorized to self-insure under RCW 48.62.031 for
12 employment and risk management purposes.

13 (i) **Superintendent of public instruction.** An abstract of the full
14 driving record maintained by the department may be furnished to the
15 superintendent of public instruction for review of public school bus
16 driver records. The superintendent or superintendent's designee may
17 discuss information on the driving record with an authorized
18 representative of the employing school district for employment and risk
19 management purposes.

20 (3) **Release to third parties prohibited.** Any person or entity
21 receiving an abstract of a person's driving record under subsection
22 (2)(b) through (i) of this section shall use the abstract exclusively
23 for his, her, or its own purposes or as otherwise expressly permitted
24 under this section, and shall not divulge any information contained in
25 the abstract to a third party.

26 (4) **Fee.** The director shall collect a (~~ten-dollar~~) twelve dollar
27 fee for each abstract of a person's driving record furnished by the
28 department. Fifty percent of the fee must be deposited in the highway
29 safety fund, and fifty percent of the fee must be deposited according
30 to RCW 46.68.038.

31 (5) **Violation.** (a) Any negligent violation of this section is a
32 gross misdemeanor.

33 (b) Any intentional violation of this section is a class C felony.

34 **Sec. 24.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to
35 read as follows:

36 (1) The department shall upon request furnish any person or his or
37 her attorney a certified abstract of his or her driving record, which

1 abstract shall include enumeration of any motor vehicle accidents in
2 which such person has been involved. Such abstract shall (a) indicate
3 the total number of vehicles involved, whether the vehicles were
4 legally parked or moving, and whether the vehicles were occupied at the
5 time of the accident; and (b) contain reference to any convictions of
6 the person for violation of the motor vehicle laws as reported to the
7 department, reference to any findings that the person has committed a
8 traffic infraction which have been reported to the department, and a
9 record of any vehicles registered in the name of the person. ((The
10 department shall collect for each abstract the sum of ten dollars,
11 fifty percent of which shall be deposited in the highway safety fund
12 and fifty percent of which must be deposited according to RCW
13 46.68.038.))

14 (2) The department shall upon request furnish any person who may
15 have been injured in person or property by any motor vehicle, with an
16 abstract of all information of record in the department pertaining to
17 the evidence of the ability of any driver or owner of any motor vehicle
18 to respond in damages. ((The department shall collect for each
19 abstract the sum of ten dollars, fifty percent of which shall be
20 deposited in the highway safety fund and fifty percent of which must be
21 deposited according to RCW 46.68.038.))

22 (3) For each abstract furnished under this section, the department
23 must collect and administer a fee as required in RCW 46.52.130.

24 **Sec. 25.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read
25 as follows:

26 The department is authorized to provide juvenile courts with the
27 department's record of traffic charges compiled under RCW 46.52.101 and
28 13.50.200, against any minor upon the request of any state juvenile
29 court or duly authorized officer of any juvenile court of this state.
30 Further, the department is authorized to provide any juvenile court
31 with any requested service which the department can reasonably perform
32 which is not inconsistent with its legal authority which substantially
33 aids juvenile courts in handling traffic cases and which promotes
34 highway safety.

35 The department is authorized to furnish to the parent, parents, or
36 guardian of any person under eighteen years of age who is not
37 emancipated from such parent, parents, or guardian, the department

1 records of traffic charges compiled against the person and shall
2 collect for the copy a fee of (~~ten~~) twelve dollars, fifty percent of
3 which must be deposited in the highway safety fund and fifty percent of
4 which must be deposited according to RCW 46.68.038.

5 NEW SECTION. **Sec. 26.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 27.** Sections 14 through 25 of this act apply to
10 vehicle registrations that are due or become due on or after January 1,
11 2012.

12 NEW SECTION. **Sec. 28.** This act takes effect January 1, 2012."

13 Correct the title.

EFFECT: (1) Modifies the following fees:
(a) The driver's instruction permit examination fee increase is decreased from \$35 to \$25;
(b) The identicard issuance fee increase is decreased from \$30 to \$25; and
(c) The driver licensing examination fee increase is increased from \$30 to \$35.
(2) Removes the following fee increases:
(a) The out-of-state driver's license extension fee;
(b) The original driver's license issuance fee;
(c) The driver's license renewal fee;
(d) The instruction permit, identicard, and driver's license replacement fee;
(e) All increases related to the issuance of an enhanced driver's license or identicard;
(f) All increases related to the issuance of commercial and occupational drivers' licenses;
(g) The license tab or windshield emblem fee;
(h) The change of class fee;
(i) The vehicle trip permit fees;
(j) The plate replacement fees for motorcycles and mopeds;
(k) The apportioned plate and proportional registration fees;
(l) All fees related to commercial driving training schools, vehicle dealers, vehicle wreckers, scrap processors, hulk haulers, and transporters; and

(m) The studded tire fee and related provisions.

--- END ---