
HOUSE BILL 1955

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Smith, Rodne, Wilcox, Pearson, Ahern, Hurst, Fagan,
and Hope

Read first time 02/14/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the issuance and installation of alternative
2 license plates for persons convicted of certain DUI-related offenses;
3 amending RCW 46.20.385; reenacting and amending RCW 46.63.020; adding
4 a new section to chapter 46.16A RCW; adding a new section to chapter
5 46.17 RCW; adding new sections to chapter 46.20 RCW; prescribing
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16A RCW
9 to read as follows:

10 The department shall create and issue a license plate, for display
11 at the front and rear of a motor vehicle, available for persons
12 convicted of an alcohol-related violation of RCW 46.61.502 or 46.61.504
13 or an equivalent local ordinance and for persons who have had their
14 driver's license suspended, revoked, or denied under RCW 46.20.3101.
15 Both front and rear license plates must designate an uppercase letter
16 Z as the last symbol at the end of any sequence of letters or numbers,
17 or both, but otherwise conform to the standards described under RCW
18 46.16A.200. If the vehicle is a motorcycle or moped, only one license
19 plate must be issued.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.17 RCW
2 to read as follows:

3 For motor vehicles issued Z-designated license plates under section
4 1 of this act, the department shall charge an additional fee of one
5 hundred dollars. For motorcycles or mopeds issued a Z-designated
6 license plate under section 1 of this act, the department shall charge
7 a fee of twenty-five dollars. The fees must be deposited in the motor
8 vehicle fund.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
10 to read as follows:

11 (1) The department shall require that, after any applicable period
12 of suspension, revocation, or denial of driving privileges has ended,
13 a person may only operate a motor vehicle equipped with Z-designated
14 license plates as described in section 1 of this act if the person was
15 convicted of an alcohol-related violation of RCW 46.61.502 or 46.61.504
16 or an equivalent local ordinance.

17 (2) The display of Z-designated license plates is not necessary on
18 vehicles owned by a person's employer and driven as a requirement of
19 employment during working hours.

20 (3) The period of time of the restriction under this section is
21 three years.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW
23 to read as follows:

24 (1) The department shall attach or imprint a notation on the
25 driving record of any person restricted under section 3 of this act
26 stating that the person must only operate a motor vehicle equipped with
27 Z-designated license plates. The department shall determine the
28 person's eligibility for a driver's license based upon verification
29 that the person has obtained the required Z-designated license plates.
30 If, based upon notification from a law enforcement agency or otherwise,
31 the department determines that the Z-designated license plates required
32 under this section are not being displayed as required, the department
33 shall suspend the person's driver's license or privilege to drive.
34 Whenever the driver's license or driving privilege of any person is
35 suspended or revoked as a result of noncompliance with the requirement

1 that the person only operate a motor vehicle equipped with Z-designated
2 license plates, the suspension must remain in effect until the person
3 obtains the required Z-designated license plates.

4 (2) It is a misdemeanor for a person with a notation on his or her
5 driving record, as described in subsection (1) of this section, to
6 operate a motor vehicle that is not equipped with Z-designated license
7 plates.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.20 RCW
9 to read as follows:

10 A person who is restricted to the use of a motor vehicle equipped
11 with Z-designated license plates and who knowingly disguises or
12 obscures the uppercase letter Z on the license plates is guilty of a
13 gross misdemeanor.

14 **Sec. 6.** RCW 46.20.385 and 2010 c 269 s 1 are each amended to read
15 as follows:

16 (1)(a) Beginning January 1, 2009, any person licensed under this
17 chapter who is convicted of a violation of RCW 46.61.502 or 46.61.504
18 or an equivalent local or out-of-state statute or ordinance, or a
19 violation of RCW 46.61.520(1)(a) or 46.61.522(1)(b), or who has had or
20 will have his or her license suspended, revoked, or denied under RCW
21 46.20.3101, may submit to the department an application for an ignition
22 interlock driver's license. The department, upon receipt of the
23 prescribed fee and upon determining that the petitioner is eligible to
24 receive the license, may issue an ignition interlock driver's license.

25 (b) A person may apply for an ignition interlock driver's license
26 anytime, including immediately after receiving the notices under RCW
27 46.20.308 or after his or her license is suspended, revoked, or denied.
28 A person receiving an ignition interlock driver's license waives his or
29 her right to a hearing or appeal under RCW 46.20.308.

30 (c) An applicant under this subsection shall provide proof to the
31 satisfaction of the department that a functioning ignition interlock
32 device has been installed on all vehicles operated by the person, and
33 that he or she has obtained Z-designated license plates.

34 (i) The department shall require the person to maintain the device
35 and Z-designated license plates on all vehicles operated by the person
36 and shall restrict the person to operating only vehicles equipped with

1 the device and license plates, for the remainder of the period of
2 suspension, revocation, or denial. The installation of an ignition
3 interlock device is not necessary on vehicles owned, leased, or rented
4 by a person's employer and on those vehicles whose care and/or
5 maintenance is the temporary responsibility of the employer, and driven
6 at the direction of a person's employer as a requirement of employment
7 during working hours. The person must provide the department with a
8 declaration pursuant to RCW 9A.72.085 from his or her employer stating
9 that the person's employment requires the person to operate a vehicle
10 owned by the employer or other persons during working hours.

11 (ii) Subject to any periodic renewal requirements established by
12 the department under this section and subject to any applicable
13 compliance requirements under this chapter or other law, an ignition
14 interlock driver's license granted upon a suspension or revocation
15 under RCW 46.61.5055 or 46.20.3101 extends through the remaining
16 portion of any concurrent or consecutive suspension or revocation that
17 may be imposed as the result of administrative action and criminal
18 conviction arising out of the same incident.

19 (iii) The time period during which the person is licensed under
20 this section shall apply on a day-for-day basis toward satisfying the
21 period of time the ignition interlock device restriction is required
22 under RCW 46.20.720 and 46.61.5055 and the period of time the
23 Z-designated license plate restriction is required under section 3 of
24 this act.

25 (2) An applicant for an ignition interlock driver's license who
26 qualifies under subsection (1) of this section is eligible to receive
27 a license only if the applicant files satisfactory proof of financial
28 responsibility under chapter 46.29 RCW.

29 (3) Upon receipt of evidence that a holder of an ignition interlock
30 driver's license granted under this subsection no longer has a
31 functioning ignition interlock device installed on all vehicles
32 operated by the driver, the director shall give written notice by
33 first-class mail to the driver that the ignition interlock driver's
34 license shall be canceled. If at any time before the cancellation goes
35 into effect the driver submits evidence that a functioning ignition
36 interlock device has been installed on all vehicles operated by the
37 driver, the cancellation shall be stayed. If the cancellation becomes
38 effective, the driver may obtain, at no additional charge, a new

1 ignition interlock driver's license upon submittal of evidence that a
2 functioning ignition interlock device has been installed on all
3 vehicles operated by the driver.

4 (4) A person aggrieved by the decision of the department on the
5 application for an ignition interlock driver's license may request a
6 hearing as provided by rule of the department.

7 (5) The director shall cancel an ignition interlock driver's
8 license after receiving notice that the holder thereof has been
9 convicted of operating a motor vehicle in violation of its
10 restrictions, no longer meets the eligibility requirements, or has been
11 convicted of or found to have committed a separate offense or any other
12 act or omission that under this chapter would warrant suspension or
13 revocation of a regular driver's license. The department must give
14 notice of the cancellation as provided under RCW 46.20.245. A person
15 whose ignition interlock driver's license has been canceled under this
16 section may reapply for a new ignition interlock driver's license if he
17 or she is otherwise qualified under this section and pays the fee
18 required under RCW 46.20.380.

19 (6)(a) Unless costs are waived by the ignition interlock company or
20 the person is indigent under RCW 10.101.010, the applicant shall pay
21 the cost of installing, removing, and leasing the ignition interlock
22 device and shall pay an additional fee of twenty dollars per month.
23 Payments shall be made directly to the ignition interlock company. The
24 company shall remit the additional twenty-dollar fee to the department.

25 (b) The department shall deposit the proceeds of the twenty-dollar
26 fee into the ignition interlock device revolving account. Expenditures
27 from the account may be used only to administer and operate the
28 ignition interlock device revolving account program. The department
29 shall adopt rules to provide monetary assistance according to greatest
30 need and when funds are available.

31 (7) The department shall adopt rules to implement ignition
32 interlock licensing. The department shall consult with the
33 administrative office of the courts, the state patrol, the Washington
34 association of sheriffs and police chiefs, ignition interlock
35 companies, and any other organization or entity the department deems
36 appropriate.

1 **Sec. 7.** RCW 46.63.020 and 2010 c 252 s 3, 2010 c 161 s 1125, and
2 2010 c 8 s 9077 are each reenacted and amended to read as follows:

3 Failure to perform any act required or the performance of any act
4 prohibited by this title or an equivalent administrative regulation or
5 local law, ordinance, regulation, or resolution relating to traffic
6 including parking, standing, stopping, and pedestrian offenses, is
7 designated as a traffic infraction and may not be classified as a
8 criminal offense, except for an offense contained in the following
9 provisions of this title or a violation of an equivalent administrative
10 regulation or local law, ordinance, regulation, or resolution:

11 (1) RCW 46.09.470(2) relating to the operation of a nonhighway
12 vehicle while under the influence of intoxicating liquor or a
13 controlled substance;

14 (2) RCW 46.09.480 relating to operation of nonhighway vehicles;

15 (3) RCW 46.10.490(2) relating to the operation of a snowmobile
16 while under the influence of intoxicating liquor or narcotics or habit-
17 forming drugs or in a manner endangering the person of another;

18 (4) RCW 46.10.495 relating to the operation of snowmobiles;

19 (5) Chapter 46.12 RCW relating to certificates of title,
20 registration certificates, and markings indicating that a vehicle has
21 been destroyed or declared a total loss;

22 (6) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
23 taxes and fees by failure to register a vehicle and falsifying
24 residency when registering a motor vehicle;

25 (7) RCW 46.16A.520 relating to permitting unauthorized persons to
26 drive;

27 (8) RCW 46.16A.320 relating to vehicle trip permits;

28 (9) RCW 46.19.050 relating to knowingly providing false information
29 in conjunction with an application for ((a)) special ((~~placard or~~
30 ~~license plate for disabled persons'~~)) parking privileges for persons
31 with disabilities;

32 (10) RCW 46.20.005 relating to driving without a valid driver's
33 license;

34 (11) RCW 46.20.091 relating to false statements regarding a
35 driver's license or instruction permit;

36 (12) RCW 46.20.0921 relating to the unlawful possession and use of
37 a driver's license;

1 (13) Section 4 of this act relating to operating a motor vehicle
2 without Z-designated license plates in violation of a driving record
3 notation that the license plates are required;
4 (14) Section 5 of this act relating to disguising or obscuring the
5 uppercase letter Z on Z-designated license plates;
6 (15) RCW 46.20.342 relating to driving with a suspended or revoked
7 license or status;
8 ~~((14))~~ (16) RCW 46.20.345 relating to the operation of a motor
9 vehicle with a suspended or revoked license;
10 ~~((15))~~ (17) RCW 46.20.410 relating to the violation of
11 restrictions of an occupational driver's license, temporary restricted
12 driver's license, or ignition interlock driver's license;
13 ~~((16))~~ (18) RCW 46.20.740 relating to operation of a motor
14 vehicle without an ignition interlock device in violation of a license
15 notation that the device is required;
16 ~~((17))~~ (19) RCW 46.20.750 relating to circumventing an ignition
17 interlock device;
18 ~~((18))~~ (20) RCW 46.25.170 relating to commercial driver's
19 licenses;
20 ~~((19))~~ (21) Chapter 46.29 RCW relating to financial
21 responsibility;
22 ~~((20))~~ (22) RCW 46.30.040 relating to providing false evidence of
23 financial responsibility;
24 ~~((21))~~ (23) RCW 46.35.030 relating to recording device
25 information;
26 ~~((22))~~ (24) RCW 46.37.435 relating to wrongful installation of
27 sunscreening material;
28 ~~((23))~~ (25) RCW 46.37.650 relating to the sale, resale,
29 distribution, or installation of a previously deployed air bag;
30 ~~((24))~~ (26) RCW 46.37.671 through 46.37.675 relating to signal
31 preemption devices;
32 ~~((25))~~ (27) RCW 46.44.180 relating to operation of mobile home
33 pilot vehicles;
34 ~~((26))~~ (28) RCW 46.48.175 relating to the transportation of
35 dangerous articles;
36 ~~((27))~~ (29) RCW 46.52.010 relating to duty on striking an
37 unattended car or other property;

1 ~~((+28))~~ (30) RCW 46.52.020 relating to duty in case of injury to
2 or death of a person or damage to an attended vehicle;
3 ~~((+29))~~ (31) RCW 46.52.090 relating to reports by repairers,
4 storage persons, and appraisers;
5 ~~((+30))~~ (32) RCW 46.52.130 relating to confidentiality of the
6 driving record to be furnished to an insurance company, an employer,
7 and an alcohol/drug assessment or treatment agency;
8 ~~((+31))~~ (33) RCW 46.55.020 relating to engaging in the activities
9 of a registered tow truck operator without a registration certificate;
10 ~~((+32))~~ (34) RCW 46.55.035 relating to prohibited practices by tow
11 truck operators;
12 ~~((+33))~~ (35) RCW 46.55.300 relating to vehicle immobilization;
13 ~~((+34))~~ (36) RCW 46.61.015 relating to obedience to police
14 officers, flaggers, or firefighters;
15 ~~((+35))~~ (37) RCW 46.61.020 relating to refusal to give information
16 to or cooperate with an officer;
17 ~~((+36))~~ (38) RCW 46.61.022 relating to failure to stop and give
18 identification to an officer;
19 ~~((+37))~~ (39) RCW 46.61.024 relating to attempting to elude
20 pursuing police vehicles;
21 ~~((+38))~~ (40) RCW 46.61.212(4) relating to reckless endangerment of
22 emergency zone workers;
23 ~~((+39))~~ (41) RCW 46.61.500 relating to reckless driving;
24 ~~((+40))~~ (42) RCW 46.61.502 and 46.61.504 relating to persons under
25 the influence of intoxicating liquor or drugs;
26 ~~((+41))~~ (43) RCW 46.61.503 relating to a person under age twenty-
27 one driving a motor vehicle after consuming alcohol;
28 ~~((+42))~~ (44) RCW 46.61.520 relating to vehicular homicide by motor
29 vehicle;
30 ~~((+43))~~ (45) RCW 46.61.522 relating to vehicular assault;
31 ~~((+44))~~ (46) RCW 46.61.5249 relating to first degree negligent
32 driving;
33 ~~((+45))~~ (47) RCW 46.61.527(4) relating to reckless endangerment of
34 roadway workers;
35 ~~((+46))~~ (48) RCW 46.61.530 relating to racing of vehicles on
36 highways;
37 ~~((+47))~~ (49) RCW 46.61.655(7) (a) and (b) relating to failure to
38 secure a load;

1 ~~((48))~~ (50) RCW 46.61.685 relating to leaving children in an
2 unattended vehicle with the motor running;
3 ~~((49))~~ (51) RCW 46.61.740 relating to theft of motor vehicle
4 fuel;
5 ~~((50))~~ (52) RCW 46.64.010 relating to unlawful cancellation of or
6 attempt to cancel a traffic citation;
7 ~~((51))~~ (53) RCW 46.64.048 relating to attempting, aiding,
8 abetting, coercing, and committing crimes;
9 ~~((52))~~ (54) Chapter 46.65 RCW relating to habitual traffic
10 offenders;
11 ~~((53))~~ (55) RCW 46.68.010 relating to false statements made to
12 obtain a refund;
13 ~~((54))~~ (56) Chapter 46.70 RCW relating to unfair motor vehicle
14 business practices, except where that chapter provides for the
15 assessment of monetary penalties of a civil nature;
16 ~~((55))~~ (57) Chapter 46.72 RCW relating to the transportation of
17 passengers in for hire vehicles;
18 ~~((56))~~ (58) RCW 46.72A.060 relating to limousine carrier
19 insurance;
20 ~~((57))~~ (59) RCW 46.72A.070 relating to operation of a limousine
21 without a vehicle certificate;
22 ~~((58))~~ (60) RCW 46.72A.080 relating to false advertising by a
23 limousine carrier;
24 ~~((59))~~ (61) Chapter 46.80 RCW relating to motor vehicle wreckers;
25 ~~((60))~~ (62) Chapter 46.82 RCW relating to driver's training
26 schools;
27 ~~((61))~~ (63) RCW 46.87.260 relating to alteration or forgery of a
28 cab card, letter of authority, or other temporary authority issued
29 under chapter 46.87 RCW;
30 ~~((62))~~ (64) RCW 46.87.290 relating to operation of an
31 unregistered or unlicensed vehicle under chapter 46.87 RCW.

32 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2012.

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