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SENATE BILL 5917

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Kline, Darneille, Eide, Braun, and McAuliffe

Read first time 04/18/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to funding improved impaired driving safety and  
2 enforcement; amending RCW 82.08.160, 46.68.260, and 46.20.117; adding  
3 a new section to chapter 46.68 RCW; adding a new section to chapter  
4 46.61 RCW; prescribing penalties; providing effective dates; and  
5 declaring an emergency.

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

7 **Sec. 1.** RCW 82.08.160 and 2012 2nd sp.s. c 5 s 3 are each amended  
8 to read as follows:

9 (1) On or before the twenty-fifth day of each month, all taxes  
10 collected under RCW 82.08.150 during the preceding month must be  
11 remitted to the state department of revenue, to be deposited with the  
12 state treasurer. Except as provided in subsections (2) and (3) of this  
13 section, upon receipt of such moneys the state treasurer must credit  
14 sixty-five percent of the sums collected and remitted under RCW  
15 82.08.150 (1) and (2) and one hundred percent of the sums collected and  
16 remitted under RCW 82.08.150 (3) and (4) to the state general fund and  
17 (~~thirty-five~~) seventeen and one-half percent of the sums collected  
18 and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby  
19 created to be known as the "liquor excise tax fund." Seventeen and

1 one-half percent of the sums collected and remitted under RCW 82.08.150  
2 (1) and (2) must be deposited into the impaired driving safety account  
3 in RCW 46.68.260.

4 (2) During the 2012 fiscal year, 66.19 percent of the sums  
5 collected and remitted under RCW 82.08.150 (1) and (2) must be  
6 deposited in the state general fund and the remainder collected and  
7 remitted under RCW 82.08.150 (1) and (2) must be deposited in the  
8 liquor excise tax fund.

9 (3) During fiscal year 2013, all funds collected under RCW  
10 82.08.150 (1), (2), (3), and (4) must be deposited into the state  
11 general fund.

12 **Sec. 2.** RCW 46.68.260 and 2004 c 95 s 16 are each amended to read  
13 as follows:

14 (1) The impaired driving safety account is created in the ((custody  
15 of the state treasurer)) state treasury. All receipts from fees  
16 collected under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) shall  
17 be deposited according to RCW 46.68.041. Additionally, the tax imposed  
18 under RCW 66.24.290(5) must be deposited into the account.  
19 Expenditures from this account may be used only to fund projects to  
20 reduce impaired driving and to provide funding to local governments for  
21 costs associated with enforcing laws relating to driving and boating  
22 while under the influence of intoxicating liquor or any drug. The  
23 account is subject to allotment procedures under chapter 43.88 RCW.  
24 Moneys in the account may be spent only after appropriation.

25 (2) Funds deposited into the account from the tax imposed under RCW  
26 66.24.290(5) must first be used to fund the additional state costs as  
27 a result of Senate Bill No. 5912 (Z-0445/13) or House Bill No. 2030  
28 (Z-0444/13); RCW 46.20.117; and section 7 of this act. This includes  
29 costs for incarceration, prosecution, public defense, treatment, and  
30 any other costs increased as a result of Senate Bill No. 5912  
31 (Z-0445/13) or House Bill No. 2030 (Z-0444/13); and this act. The  
32 remainder must be used for the following purposes:

33 (a) Fifty percent to be distributed to counties and cities as  
34 prescribed in section 3 of this act to cover the increased costs  
35 associated with Senate Bill No. 5912 (Z-0445/13) or House Bill No. 2030  
36 (Z-0444/13); and may not supplant existing expenditures;

1        (b) Fifty percent must be appropriated to the Washington traffic  
2 safety commission under RCW 43.59.010 for grants to eliminate impaired  
3 driving in accordance with the Washington state strategic highway  
4 safety plan: Target zero. The grants must include, but are not  
5 limited to, impaired driving emphasis patrols and funding for ancillary  
6 costs in relation to emphasis patrols, including costs for courts,  
7 prosecution and defense, incarceration, treatment, and other costs  
8 deemed necessary by the traffic safety commission. The traffic safety  
9 commission must also implement measures to ensure that the grant  
10 funding does not supplant existing expenses.

11        NEW SECTION. Sec. 3. A new section is added to chapter 46.68 RCW  
12 to read as follows:

13        (1) The distributions of the funds in RCW 46.68.260(2)(a) must be  
14 made eighty percent to counties and twenty percent to cities.

15        (2) The amounts distributed to counties must be made based on a  
16 formula adopted by the traffic safety commission. The formula must, as  
17 a minimum, take into consideration population, location of traffic  
18 crashes involving persons driving under the influence of intoxicating  
19 liquor or drugs, and the number of court cases in a county involving  
20 persons driving under the influence of intoxicating liquor or drugs.  
21 The formula must be developed based on the data and research available  
22 to the traffic safety commission so that funds are distributed to  
23 locations with the most need.

24        (3) The amounts distributed to cities must be made based on a  
25 formula adopted by the traffic safety commission using the same  
26 criteria as in subsection (2) of this section. Cities that cannot  
27 prosecute violations in their municipal courts under RCW 46.61.502 or  
28 46.61.504 may not receive funds under this section.

29        (4) Beginning July 1, 2013, and each July 1st thereafter, the  
30 traffic safety commission must provide the distribution information to  
31 the state treasurer. The state treasurer must distribute the funds on  
32 a quarterly basis.

33        **Sec. 4.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read  
34 as follows:

35        (1) **Issuance.** The department (~~shall~~) must issue an identicard,  
36 containing a picture, if the applicant:

1 (a) Does not hold a valid Washington driver's license;  
2 (b) Proves his or her identity as required by RCW 46.20.035; and  
3 (c) Pays the required fee. Except as provided in subsection (5) of  
4 this section, the fee is forty-five dollars from October 1, 2012, to  
5 June 30, 2013, and fifty-four dollars after June 30, 2013, unless an  
6 applicant is a recipient of continuing public assistance grants under  
7 Title 74 RCW, who is referred in writing by the secretary of social and  
8 health services. For those persons the fee must be the actual cost of  
9 production of the identicard.

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

11 (~~(a)~~) (i) Be distinctly designed so that it will not be confused  
12 with the official driver's license; and

13 (~~(b)~~) (ii) Except as provided in subsection (5) of this section,  
14 expire on the sixth anniversary of the applicant's birthdate after  
15 issuance.

16 (b) An identicard issued to a person who has been convicted under  
17 RCW 46.61.502 or 46.61.504 and whose driving privileges are restricted  
18 under RCW 46.20.720 must include a visible and identifying marker. A  
19 person with an identicard that includes a visible and identifying  
20 marker under this subsection may apply for a new identicard after  
21 restrictions under RCW 46.20.720 have been removed.

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

24 (a) Personal appearance before the department; or

25 (b) Mail or electronic commerce, if permitted by rule of the  
26 department and if the applicant did not renew his or her identicard by  
27 mail or by electronic commerce when it last expired.

28 An identicard may not be renewed by mail or by electronic commerce  
29 unless the renewal issued by the department includes a photograph of  
30 the identicard holder.

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

34 (5) **Alternative issuance/renewal/extension.** The department may  
35 issue or renew an identicard for a period other than five years from  
36 October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or  
37 may extend by mail or electronic commerce an identicard that has  
38 already been issued, in order to evenly distribute, as nearly as

1 possible, the yearly renewal rate of identicard holders. The fee for  
2 an identicard issued or renewed for a period other than five years from  
3 October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or  
4 that has been extended by mail or electronic commerce, is nine dollars  
5 for each year that the identicard is issued, renewed, or extended. The  
6 department may adopt any rules as are necessary to carry out this  
7 subsection.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW  
9 to read as follows:

10 (1) It is unlawful for any person to sell liquor to any person who  
11 has an identifying marker on their identicard under RCW 46.20.117(2)(b)  
12 or driver's license under RCW 46.20.308(6)(c), or to permit any person  
13 who has an identifying marker on their identicard under RCW  
14 46.20.117(2)(b) or driver's license under RCW 46.20.308(6)(c) to  
15 consume liquor on his or her premises or on any premises under his or  
16 her control. For the purposes of this subsection, "premises" includes  
17 real property, houses, buildings, and other structures, and motor  
18 vehicles and watercraft. A violation of this subsection is a  
19 misdemeanor punishable as provided for in chapter 9A.20 RCW.

20 (2)(a) It is unlawful for any person who has an identifying marker  
21 on their identicard under RCW 46.20.117(2)(b) or driver's license under  
22 RCW 46.20.308(6)(c) to possess, consume, or otherwise acquire any  
23 liquor. A violation of this subsection is a gross misdemeanor  
24 punishable as provided for in chapter 9A.20 RCW.

25 (b) It is unlawful for a person who has an identifying marker on  
26 their identicard under RCW 46.20.117(2)(b) or driver's license under  
27 RCW 46.20.308(6)(c) to be in a public place, or to be in a motor  
28 vehicle in a public place, while exhibiting the effects of having  
29 consumed liquor. For purposes of this subsection, exhibiting the  
30 effects of having consumed liquor means that a person has the odor of  
31 liquor on his or her breath and either: (i) Is in possession of or  
32 close proximity to a container that has or recently had liquor in it;  
33 or (ii) by speech, manner, appearance, behavior, lack of coordination,  
34 or otherwise, exhibits that he or she is under the influence of liquor.

35 (3) This section does not apply to liquor given to or consumed by  
36 a person when the liquor is being used in connection with religious

1 services and the amount consumed is the minimal amount necessary for  
2 the religious service.

3 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act are  
4 necessary for the immediate preservation of the public peace, health,  
5 or safety, or support of the state government and its existing public  
6 institutions, and take effect July 1, 2013.

7 NEW SECTION. **Sec. 7.** Sections 4 and 5 of this act take effect  
8 July 1, 2015.

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