
SENATE BILL 5247

State of Washington 64th Legislature 2015 Regular Session

By Senators O'Ban, Dammeier, Kohl-Welles, and Chase

Read first time 01/16/15. Referred to Committee on Transportation.

1 AN ACT Relating to driving while license suspended when the
2 suspension is based on noncompliance with a child support order;
3 amending RCW 46.20.342; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.342 and 2011 c 372 s 2 are each amended to
6 read as follows:

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

12 (a) A person found to be a habitual offender under chapter 46.65
13 RCW, who violates this section while an order of revocation issued
14 under chapter 46.65 RCW prohibiting such operation is in effect, is
15 guilty of driving while license suspended or revoked in the first
16 degree, a gross misdemeanor. Upon the first such conviction, the
17 person shall be punished by imprisonment for not less than ten days.
18 Upon the second conviction, the person shall be punished by
19 imprisonment for not less than ninety days. Upon the third or
20 subsequent conviction, the person shall be punished by imprisonment
21 for not less than one hundred eighty days. If the person is also

1 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
2 both convictions arise from the same event, the minimum sentence of
3 confinement shall be not less than ninety days. The minimum sentence
4 of confinement required shall not be suspended or deferred. A
5 conviction under this subsection does not prevent a person from
6 petitioning for reinstatement as provided by RCW 46.65.080.

7 (b) A person who violates this section while an order of
8 suspension or revocation prohibiting such operation is in effect and
9 while the person is not eligible to reinstate his or her driver's
10 license or driving privilege, other than for a suspension for the
11 reasons described in (c) of this subsection, is guilty of driving
12 while license suspended or revoked in the second degree, a gross
13 misdemeanor. For the purposes of this subsection, a person is not
14 considered to be eligible to reinstate his or her driver's license or
15 driving privilege if the person is eligible to obtain an ignition
16 interlock driver's license but did not obtain such a license. This
17 subsection applies when a person's driver's license or driving
18 privilege has been suspended or revoked by reason of:

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

21 (ii) A previous conviction under this section;

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

27 (iv) A conviction of RCW 46.20.410, relating to the violation of
28 restrictions of an occupational driver's license, a temporary
29 restricted driver's license, or an ignition interlock driver's
30 license;

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

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

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

37 (viii) A conviction of RCW 46.61.212(4), relating to reckless
38 endangerment of emergency zone workers;

39 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

- 1 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
2 person under the influence of intoxicating liquor or drugs;
- 3 (xi) A conviction of RCW 46.61.520, relating to vehicular
4 homicide;
- 5 (xii) A conviction of RCW 46.61.522, relating to vehicular
6 assault;
- 7 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
8 endangerment of roadway workers;
- 9 (xiv) A conviction of RCW 46.61.530, relating to racing of
10 vehicles on highways;
- 11 (xv) A conviction of RCW 46.61.685, relating to leaving children
12 in an unattended vehicle with motor running;
- 13 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
14 vehicle fuel;
- 15 (xvii) A conviction of RCW 46.64.048, relating to attempting,
16 aiding, abetting, coercing, and committing crimes;
- 17 (xviii) An administrative action taken by the department under
18 chapter 46.20 RCW;
- 19 (xix) A conviction of a local law, ordinance, regulation, or
20 resolution of a political subdivision of this state, the federal
21 government, or any other state, of an offense substantially similar
22 to a violation included in this subsection; or
- 23 (xx) A finding that a person has committed a traffic infraction
24 under RCW 46.61.526 and suspension of driving privileges pursuant to
25 RCW 46.61.526 (4)(b) or (7)(a)(ii).
- 26 (c) A person who violates this section when his or her driver's
27 license or driving privilege is, at the time of the violation,
28 suspended or revoked solely because (i) the person must furnish proof
29 of satisfactory progress in a required alcoholism or drug treatment
30 program, (ii) the person must furnish proof of financial
31 responsibility for the future as provided by chapter 46.29 RCW, (iii)
32 the person has failed to comply with the provisions of chapter 46.29
33 RCW relating to uninsured accidents, (iv) the person has failed to
34 respond to a notice of traffic infraction, failed to appear at a
35 requested hearing, violated a written promise to appear in court, or
36 has failed to comply with the terms of a notice of traffic infraction
37 or citation, as provided in RCW 46.20.289, (v) the person has
38 committed an offense in another state that, if committed in this
39 state, would not be grounds for the suspension or revocation of the
40 person's driver's license, (vi) the person has been suspended or

1 revoked by reason of one or more of the items listed in (b) of this
2 subsection, but was eligible to reinstate his or her driver's license
3 or driving privilege at the time of the violation, (~~(vii)~~) (vii) the
4 person has received traffic citations or notices of traffic
5 infraction that have resulted in a suspension under RCW 46.20.267
6 relating to intermediate drivers' licenses, or (viii) the person has
7 been certified by the department of social and health services as a
8 person who is not in compliance with a child support order as
9 provided in RCW 74.20A.320, or any combination of (c)(i) through
10 (~~(vii)~~) (viii) of this subsection, is guilty of driving while
11 license suspended or revoked in the third degree, a misdemeanor. For
12 the purposes of this subsection, a person is not considered to be
13 eligible to reinstate his or her driver's license or driving
14 privilege if the person is eligible to obtain an ignition interlock
15 driver's license but did not obtain such a license.

16 (2) Upon receiving a record of conviction of any person or upon
17 receiving an order by any juvenile court or any duly authorized court
18 officer of the conviction of any juvenile under this section, the
19 department shall:

20 (a) For a conviction of driving while suspended or revoked in the
21 first degree, as provided by subsection (1)(a) of this section,
22 extend the period of administrative revocation imposed under chapter
23 46.65 RCW for an additional period of one year from and after the
24 date the person would otherwise have been entitled to apply for a new
25 license or have his or her driving privilege restored; or

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

32 (c) Not extend the period of suspension or revocation if the
33 conviction was under subsection (1)(c) of this section. If the
34 conviction was under subsection (1)(a) or (b) of this section and the
35 court recommends against the extension and the convicted person has
36 obtained a valid driver's license, the period of suspension or
37 revocation shall not be extended.

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