
HOUSE BILL 2097

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Rasmussen, Dorn, Ferguson, Vance, Nealey and Roland.

Read first time February 22, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to revocation of driving privileges for drug or
2 alcohol law violations; amending RCW 46.20.265, 66.44.365, 69.41.065,
3 69.50.420, 69.52.070, and 46.20.391; adding a new section to chapter
4 46.20 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 46.20.265 and 1989 c 271 s 117 are each amended to
7 read as follows:

8 (1) In addition to any other authority to revoke driving privileges
9 under this chapter, the department shall revoke all driving privileges
10 of a ((juvenile)) person when the department receives notice from a
11 court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or
12 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The
13 revocation shall be imposed without hearing.

1 (2) The driving privileges of the ((juvenile)) person revoked under
2 subsection (1) of this section shall be revoked in the following
3 manner:

4 (a) Upon receipt of the first notice, the department shall impose
5 a revocation as follows:

6 (i) In the case of a person over the age of seventeen, for one
7 year((7)); or

8 (ii) In the case of a person under the age of seventeen for one
9 year or until the ((juvenile)) person reaches seventeen years of age,
10 whichever is longer.

11 (b) Upon receipt of a second or subsequent notice, the department
12 shall impose a revocation as follows:

13 (i) In the case of a person over the age of eighteen, for two
14 years; or

15 (ii) In the case of a person under the age of eighteen, for two
16 years or until the ((juvenile)) person reaches eighteen years of age,
17 whichever is longer.

18 (3) If the department receives notice from a court that the
19 ((juvenile's)) person's privilege to drive should be reinstated, the
20 department shall immediately reinstate any driving privileges that have
21 been revoked under this section.

22 (4)(a) If the department receives notice pursuant to RCW
23 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
24 diversion agreement for which the juvenile's driving privileges were
25 revoked, the department shall reinstate any driving privileges revoked
26 under this section as provided in (b) of this subsection.

27 (b) If the diversion agreement was for the juvenile's first
28 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
29 shall not reinstate the juvenile's privilege to drive until the later
30 of ninety days after the date the juvenile turns sixteen or ninety days

1 after the juvenile entered into a diversion agreement for the offense.
2 If the diversion agreement was for the juvenile's second or subsequent
3 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
4 shall not reinstate the juvenile's privilege to drive until the later
5 of the date the juvenile turns seventeen or one year after the juvenile
6 entered into the second or subsequent diversion agreement.

7 **Sec. 2.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to
8 read as follows:

9 (1) If a ((juvenile)) person thirteen years of age or older and
10 under the age of eighteen is found by a court to have committed any
11 offense that is a violation of this chapter, the court shall, except as
12 provided in subsection (4) of this section, notify the department of
13 licensing within twenty-four hours after entry of the judgment.

14 (2) Except as otherwise provided in subsection (3) of this section,
15 upon petition of a ((juvenile)) person whose privilege to drive has
16 been revoked pursuant to RCW 46.20.265, the court may notify the
17 department of licensing that the ((juvenile's)) person's privilege to
18 drive should be reinstated.

19 (3) If the conviction is for the ((juvenile's)) person's first
20 violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, ((a
21 juvenile)) the person may not petition the court for reinstatement of
22 the ((juvenile's)) person's privilege to drive revoked pursuant to RCW
23 46.20.265 until the later of ninety days after the date the
24 ((juvenile)) person turns sixteen or ninety days after the judgment was
25 entered. If the conviction was for the ((juvenile's)) person's second
26 or subsequent violation of this chapter or chapter 69.41, 69.50, or
27 69.52 RCW, the ((juvenile)) person may not petition the court for
28 reinstatement of the ((juvenile's)) person's privilege to drive revoked

1 pursuant to RCW 46.20.265 until the later of the date the ((juvenile))
2 person turns seventeen or one year after the date judgment was entered.

3 (4) With respect to a person over the age of seventeen but under
4 the age of twenty-one convicted of a violation of Title 66 RCW, the
5 court may suspend the notification required by subsection (1) of this
6 section pending the attendance by the person at a department of
7 licensing approved alcohol abuse awareness class.

8 **Sec. 3.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to
9 read as follows:

10 (1) If a ((juvenile)) person thirteen years of age or older ((and
11 ~~under the age of twenty-one~~)) is found by a court to have committed any
12 offense that is a violation of this chapter, the court shall, except as
13 provided in subsection (4) of this section, notify the department of
14 licensing within twenty-four hours after entry of the judgment.

15 (2) Except as otherwise provided in subsection (3) of this section,
16 upon petition of a ((juvenile)) person whose privilege to drive has
17 been revoked pursuant to RCW 46.20.265, the court may notify the
18 department of licensing that the ((juvenile's)) person's privilege to
19 drive should be reinstated.

20 (3) If the conviction is for the ((juvenile's)) person's first
21 violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the
22 ((juvenile)) person may not petition the court for reinstatement of the
23 ((juvenile's)) person's privilege to drive revoked pursuant to RCW
24 46.20.265 until the later of ninety days after the date the
25 ((juvenile)) person turns sixteen or ninety days after the judgment was
26 entered. If the conviction was for the ((juvenile's)) person's second
27 or subsequent violation of this chapter or chapter 66.44, 69.50, or
28 69.52 RCW, the ((juvenile)) person may not petition the court for
29 reinstatement of the ((juvenile's)) person's privilege to drive revoked

1 pursuant to RCW 46.20.265 until the later of the date the ((juvenile))
2 person turns seventeen or one year after the date judgment was entered.

3 (4) With respect to a person over the age of seventeen but under
4 the age of twenty-one convicted of a violation of Title 66 RCW, the
5 court may suspend the notification required by subsection (1) of this
6 section pending the attendance by the person at a department of
7 licensing approved alcohol abuse awareness class.

8 **Sec. 4.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to
9 read as follows:

10 (1) If a ((juvenile)) person thirteen years of age or older ((and
11 ~~under the age of twenty-one~~)) is found by a court to have committed any
12 offense that is a violation of this chapter, the court shall, except as
13 provided in subsection (4) of this section, notify the department of
14 licensing within twenty-four hours after entry of the judgment.

15 (2) Except as otherwise provided in subsection (3) of this section,
16 upon petition of a ((juvenile)) person whose privilege to drive has
17 been revoked pursuant to RCW 46.20.265, the court may at any time the
18 court deems appropriate notify the department of licensing to reinstate
19 the ((juvenile's)) person's privilege to drive.

20 (3) If the conviction is for the ((juvenile's)) person's first
21 violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the
22 ((juvenile)) person may not petition the court for reinstatement of the
23 ((juvenile's)) person's privilege to drive revoked pursuant to RCW
24 46.20.265 until the later of ninety days after the date the
25 ((juvenile)) person turns sixteen or ninety days after the judgment was
26 entered. If the conviction was for the ((juvenile's)) person's second
27 or subsequent violation of this chapter or chapter 66.44, 69.41, or
28 69.52 RCW, the ((juvenile)) person may not petition the court for
29 reinstatement of the ((juvenile's)) person's privilege to drive revoked

1 pursuant to RCW 46.20.265 until the later of the date the ((juvenile))
2 person turns seventeen or one year after the date judgment was entered.

3 (4) With respect to a person over the age of seventeen but under
4 the age of twenty-one convicted of a violation of Title 66 RCW, the
5 court may suspend the notification required by subsection (1) of this
6 section pending the attendance by the person at a department of
7 licensing approved alcohol abuse awareness class.

8 **Sec. 5.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to
9 read as follows:

10 (1) If a ((juvenile)) person thirteen years of age or older ((and
11 ~~under the age of twenty-one~~)) is found by a court to have committed any
12 offense that is a violation of this chapter, the court shall, except as
13 provided in subsection (4) of this section, notify the department of
14 licensing within twenty-four hours after entry of the judgment.

15 (2) Except as otherwise provided in subsection (3) of this section,
16 upon petition of a ((juvenile)) person whose privilege to drive has
17 been revoked pursuant to RCW 46.20.265, the court may at any time the
18 court deems appropriate notify the department of licensing to reinstate
19 the ((juvenile's)) person's privilege to drive.

20 (3) If the conviction is for the ((juvenile's)) person's first
21 violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the
22 ((juvenile)) person may not petition the court for reinstatement of the
23 ((juvenile's)) person's privilege to drive revoked pursuant to RCW
24 46.20.265 until the later of ninety days after the date the
25 ((juvenile)) person turns sixteen or ninety days after the judgment was
26 entered. If the conviction was for the ((juvenile's)) person's second
27 or subsequent violation of this chapter or chapter 66.44, 69.41, or
28 69.50 RCW, the ((juvenile)) person may not petition the court for
29 reinstatement of the ((juvenile's)) person's privilege to drive revoked

1 pursuant to RCW 46.20.265 until the later of the date the ((juvenile))
2 person turns seventeen or one year after the date judgment was entered.

3 (4) With respect to a person over the age of seventeen but under
4 the age of twenty-one convicted of a violation of Title 66 RCW, the
5 court may suspend the notification required by subsection (1) of this
6 section pending the attendance by the person at a department of
7 licensing approved alcohol abuse awareness class.

8 NEW SECTION. Sec. 6. (1) The house of representatives
9 committee on judiciary and the senate committee on law and justice
10 shall jointly study ways of deterring persons between the ages of
11 seventeen and twenty-one from illegally using alcohol. The study shall
12 concentrate on offenses involving alcohol other than driving while
13 under the influence of alcohol. The committees shall consider
14 alternatives including but not limited to increasing criminal penalties
15 and civil sanctions other than those relating to driving privileges.

16 (2) The committees shall present any recommendations for
17 legislation to the legislature by December 1, 1990.

18 **Sec. 7.** RCW 46.20.391 and 1985 c 407 s 5 are each amended to read
19 as follows:

20 (1) Any person licensed under this chapter who is convicted of an
21 offense relating to motor vehicles for which suspension or revocation
22 of the driver's license is mandatory, other than vehicular homicide or
23 vehicular assault, or who is convicted of an offense for which
24 revocation is imposed under RCW 46.20.265, may, subject to the
25 restrictions of this section, submit to the department an application
26 for an occupational driver's license. The department, upon receipt of
27 the prescribed fee and upon determining that the petitioner is engaged
28 in an occupation or trade that makes it essential that the petitioner

1 operate a motor vehicle, may issue an occupational driver's license and
2 may set definite restrictions as provided in RCW 46.20.394. No person
3 may petition for, and the department shall not issue, an occupational
4 driver's license that is effective during the first thirty days of any
5 suspension or revocation imposed under RCW 46.61.515. A person
6 aggrieved by the decision of the department on the application for an
7 occupational driver's license may request a hearing as provided by rule
8 of the department.

9 (2) An applicant for an occupational driver's license is eligible
10 to receive such license only if:

11 (a) Within one year immediately preceding the present conviction,
12 the applicant has not been convicted of any offense relating to motor
13 vehicles for which suspension or revocation of a driver's license is
14 mandatory; and

15 (b) Within five years immediately preceding the present conviction,
16 the applicant has not been convicted of driving or being in actual
17 physical control of a motor vehicle while under the influence of
18 intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular
19 homicide under RCW 46.61.520, or of vehicular assault under RCW
20 46.61.522; and

21 (c) The applicant is engaged in an occupation or trade that makes
22 it essential that he or she operate a motor vehicle; and

23 (d) The applicant files satisfactory proof of financial
24 responsibility pursuant to chapter 46.29 RCW.

25 (3) The director shall cancel an occupational driver's license upon
26 receipt of notice that the holder thereof has been convicted of
27 operating a motor vehicle in violation of its restrictions, or of an
28 offense that pursuant to chapter 46.20 RCW would warrant suspension or
29 revocation of a regular driver's license. The cancellation is

1 effective as of the date of the conviction, and continues with the same
2 force and effect as any suspension or revocation under this title.

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

5 (1) Any person whose privilege to drive has been revoked under RCW
6 46.20.265 may submit to the department an application for a treatment
7 driver's license. The department, upon receipt of the prescribed fee
8 and upon determining that the petitioner is participating in an alcohol
9 or controlled substance abuse treatment program approved by the
10 department that makes it essential that the petitioner operate a motor
11 vehicle, may issue a treatment driver's license and may set such
12 restrictions as the department deems necessary to insure that the
13 person uses the license only for the purpose of traveling to and from
14 the treatment program. No person may petition for, and the department
15 shall not issue, a treatment driver's license that is effective during
16 the first thirty days of any
17 revocation. A person aggrieved by the decision of the department on
18 the application for a treatment driver's license may request a hearing
19 as provided by rule of the department.

20 (2) An applicant for a treatment driver's license is eligible to
21 receive the license only if:

22 (a) Within one year immediately preceding the present conviction,
23 the applicant has not been convicted of any offense relating to motor
24 vehicles for which suspension or revocation of a driver's license is
25 mandatory; and

26 (b) Within five years immediately preceding the present conviction,
27 the applicant has not been convicted of driving or being in actual
28 physical control of a motor vehicle while under the influence of
29 intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular

1 homicide under RCW 46.61.520, or of vehicular assault under RCW
2 46.61.522; and

3 (c) The applicant files satisfactory proof of financial
4 responsibility pursuant to chapter 46.29 RCW.

5 (3) The director shall cancel a treatment driver's license upon
6 receipt of notice that the holder of the license has been convicted of
7 operating a motor vehicle in violation of its restrictions, or of an
8 offense that pursuant to chapter 46.20 RCW would warrant suspension or
9 revocation of a regular driver's license. The cancellation is
10 effective as of the date of the conviction, and continues with the same
11 force and effect as any suspension or revocation under this title.