
SUBSTITUTE SENATE BILL 6187

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Stevens, Oke, Schow, Benton, Zarelli and Swecker)

Read first time 1/23/98.

1 AN ACT Relating to alcohol; amending RCW 46.20.117, 46.20.120,
2 46.20.311, 46.20.391, and 46.68.041; adding a new section to chapter
3 46.68 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read
6 as follows:

7 (1) The department shall issue "identicards," containing a picture,
8 to nondrivers for a fee of four dollars. However, the fee shall be the
9 actual cost of production to recipients of continuing public assistance
10 grants under Title 74 RCW who are referred in writing to the department
11 by the secretary of social and health services. The fee shall be
12 deposited in the highway safety fund. To be eligible, each applicant
13 shall produce evidence as required in RCW 46.20.035 that positively
14 proves identity. The "identocard" shall be distinctly designed so that
15 it will not be confused with the official driver's license. The
16 identocard shall expire on the fifth anniversary of the applicant's
17 birthdate after issuance.

18 (2) The department may cancel an "identocard" upon a showing by its
19 records or other evidence that the holder of such "identocard" has

1 committed a violation relating to "identicards" defined in RCW
2 46.20.336.

3 (3) The department shall cancel an "identicard" upon a showing by
4 its records or other evidence that the holder of the identicard has
5 been convicted of a violation of RCW 46.61.502 or 46.61.504. To obtain
6 an identicard within five years of the conviction, the person must
7 reapply and pay the normal fee.

8 The department shall clearly mark an identicard issued under this
9 subsection to indicate that the person has been convicted of driving
10 under the influence of alcohol or drugs within the last five years.

11 **Sec. 2.** RCW 46.20.120 and 1990 c 9 s 1 are each amended to read as
12 follows:

13 No new driver's license may be issued and no previously issued
14 license may be renewed until the applicant therefor has successfully
15 passed a driver licensing examination. However, the department may
16 waive all or any part of the examination of any person applying for the
17 renewal of a driver's license except when the department determines
18 that an applicant for a driver's license is not qualified to hold a
19 driver's license under this title. The department may also waive the
20 actual demonstration of the ability to operate a motor vehicle by a
21 person who surrenders a valid driver's license issued by the person's
22 previous home state and who is otherwise qualified to be licensed. The
23 department may not waive any part of the examination for a person whose
24 license has been suspended or revoked within the last five years for
25 conviction of a violation of RCW 46.61.502 or 46.61.504, but shall
26 require the person to successfully complete all parts of the
27 examination. For a new license examination a fee of seven dollars
28 shall be paid by each applicant, in addition to the fee charged for
29 issuance of the license. A new license is one issued to a driver who
30 has not been previously licensed in this state or to a driver whose
31 last previous Washington license has been expired for more than four
32 years.

33 Any person renewing his or her driver's license more than sixty
34 days after the license has expired shall pay a penalty fee of ten
35 dollars in addition to the renewal fee under RCW 46.20.181. The
36 penalty fee shall be deposited in the highway safety fund.

37 Any person who is outside the state at the time his or her driver's
38 license expires or who is unable to renew the license due to any

1 incapacity may renew the license within sixty days after returning to
2 this state or within sixty days after the termination of any such
3 incapacity without the payment of the penalty fee.

4 The department shall provide for giving examinations at places and
5 times reasonably available to the people of this state.

6 **Sec. 3.** RCW 46.20.311 and 1997 c 58 s 807 are each amended to read
7 as follows:

8 (1) The department shall not suspend a driver's license or
9 privilege to drive a motor vehicle on the public highways for a fixed
10 period of more than one year, except as specifically permitted under
11 RCW 46.20.342 or other provision of law. Except for a suspension under
12 RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or
13 driving privilege of any person is suspended by reason of a conviction,
14 a finding that a traffic infraction has been committed, pursuant to
15 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
16 suspension shall remain in effect until the person gives and thereafter
17 maintains proof of financial responsibility for the future as provided
18 in chapter 46.29 RCW. If the suspension is the result of a violation
19 of RCW 46.61.502 or 46.61.504, the department shall determine the
20 person's eligibility for licensing based upon the reports provided by
21 the alcoholism agency or probation department designated under RCW
22 46.61.5056 and shall deny reinstatement until enrollment and
23 participation in an approved program has been established and the
24 person is otherwise qualified. Whenever the license or driving
25 privilege of any person is suspended as a result of certification of
26 noncompliance with a child support order under chapter 74.20A RCW or a
27 residential or visitation order, the suspension shall remain in effect
28 until the person provides a release issued by the department of social
29 and health services stating that the person is in compliance with the
30 order. The department shall not issue to the person a new, duplicate,
31 or renewal license until the person pays a reissue fee of twenty
32 dollars. If the suspension is the result of a violation of RCW
33 46.61.502 or 46.61.504, or is the result of administrative action under
34 RCW 46.20.308, the reissue fee shall be (~~fifty dollars~~) the normal
35 driver's license fee plus the following amount:

- 36 (a) One hundred dollars upon the person's first such conviction;
37 (b) Two hundred fifty dollars upon the person's second such
38 conviction; and

1 (c) Five hundred dollars upon the person's third or subsequent such
2 conviction.

3 (2) Any person whose license or privilege to drive a motor vehicle
4 on the public highways has been revoked, unless the revocation was for
5 a cause which has been removed, is not entitled to have the license or
6 privilege renewed or restored until: (a) After the expiration of one
7 year from the date the license or privilege to drive was revoked; (b)
8 after the expiration of the applicable revocation period provided by
9 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
10 persons convicted of vehicular homicide; or (d) after the expiration of
11 the applicable revocation period provided by RCW 46.20.265. After the
12 expiration of the appropriate period, the person may make application
13 for a new license as provided by law together with a reissue fee in the
14 amount of twenty dollars, but if the revocation is the result of a
15 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
16 shall be (~~(fifty dollars)~~) the normal driver's license fee plus the
17 following amount:

18 (i) One hundred dollars upon the person's first such conviction;

19 (ii) Two hundred fifty dollars upon the person's second such
20 conviction; and

21 (iii) Five hundred dollars upon the person's third or subsequent
22 such conviction. If the revocation is the result of a violation of RCW
23 46.61.502 or 46.61.504, the department shall determine the person's
24 eligibility for licensing based upon the reports provided by the
25 alcoholism agency or probation department designated under RCW
26 46.61.5056 and shall deny reissuance of a license, permit, or privilege
27 to drive until enrollment and participation in an approved program has
28 been established and the person is otherwise qualified. Except for a
29 revocation under RCW 46.20.265, the department shall not then issue a
30 new license unless it is satisfied after investigation of the driving
31 ability of the person that it will be safe to grant the privilege of
32 driving a motor vehicle on the public highways, and until the person
33 gives and thereafter maintains proof of financial responsibility for
34 the future as provided in chapter 46.29 RCW. For a revocation under
35 RCW 46.20.265, the department shall not issue a new license unless it
36 is satisfied after investigation of the driving ability of the person
37 that it will be safe to grant that person the privilege of driving a
38 motor vehicle on the public highways.

1 (3) Whenever the driver's license of any person is suspended
2 pursuant to Article IV of the nonresident violators compact or RCW
3 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
4 to the person any new or renewal license until the person pays a
5 reissue fee of twenty dollars. If the suspension is the result of a
6 violation of the laws of this or any other state, province, or other
7 jurisdiction involving (a) the operation or physical control of a motor
8 vehicle upon the public highways while under the influence of
9 intoxicating liquor or drugs, or (b) the refusal to submit to a
10 chemical test of the driver's blood alcohol content, the reissue fee
11 shall be (~~(fifty dollars)~~) the normal driver's license fee plus the
12 following amount:

13 (i) One hundred dollars upon the person's first such conviction;

14 (ii) Two hundred fifty dollars upon the person's second such
15 conviction; and

16 (iii) Five hundred dollars upon the person's third or subsequent
17 such conviction.

18 (4) The department shall clearly mark a driver's license reissued
19 under this section that had been suspended or revoked for a violation
20 of RCW 46.61.502 or 46.61.504 or an equivalent violation under the laws
21 of another state, province, or other jurisdiction to indicate that the
22 person has been convicted of such a violation within the last five
23 years. The department shall continue to so mark any driver's license
24 it issues to that person for five years.

25 **Sec. 4.** RCW 46.20.391 and 1995 c 332 s 12 are each amended to read
26 as follows:

27 (1) Any person licensed under this chapter who is convicted of an
28 offense relating to motor vehicles for which suspension or revocation
29 of the driver's license is mandatory, other than vehicular homicide or
30 vehicular assault, may submit to the department an application for an
31 occupational driver's license. The department, upon receipt of the
32 prescribed fee and upon determining that the petitioner is engaged in
33 an occupation or trade that makes it essential that the petitioner
34 operate a motor vehicle, may issue an occupational driver's license and
35 may set definite restrictions as provided in RCW 46.20.394. No person
36 may petition for, and the department shall not issue, an occupational
37 driver's license that is effective during the first thirty days of any
38 suspension or revocation imposed for a violation of RCW 46.61.502 or

1 46.61.504. A person aggrieved by the decision of the department on the
2 application for an occupational driver's license may request a hearing
3 as provided by rule of the department.

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

6 (a) Within one year immediately preceding the date of the offense
7 that gave rise to the present conviction, the applicant has not
8 committed any offense relating to motor vehicles for which suspension
9 or revocation of a driver's license is mandatory; and

10 (b) Within five years immediately preceding the date of the offense
11 that gave rise to the present conviction, the applicant has not
12 committed any of the following offenses: (i) Driving or being in
13 actual physical control of a motor vehicle while under the influence of
14 intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or
15 (iii) vehicular assault under RCW 46.61.522; and

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

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

20 (3) The director shall cancel an occupational driver's license upon
21 receipt of notice that the holder thereof has been convicted of
22 operating a motor vehicle in violation of its restrictions, or of an
23 offense that pursuant to chapter 46.20 RCW would warrant suspension or
24 revocation of a regular driver's license. The cancellation is
25 effective as of the date of the conviction, and continues with the same
26 force and effect as any suspension or revocation under this title.

27 (4) The department may issue an occupational driver's license to a
28 person convicted of a violation of RCW 46.61.502 or 46.61.504 only if
29 the person has successfully completed all parts of the driver's license
30 examination in accordance with RCW 46.20.120 and has paid the following
31 fee in addition to any fee required elsewhere:

32 (a) One hundred dollars upon the person's first such conviction;

33 (b) Two hundred fifty dollars upon the person's second such
34 conviction; and

35 (c) Five hundred dollars upon the person's third or subsequent such
36 conviction.

37 The department shall clearly mark an occupational driver's license
38 issued under this subsection to indicate that the person's regular
39 license was suspended or revoked for a violation of RCW 46.61.502 or

1 46.61.504 or an equivalent violation under the laws of another state,
2 province, or other jurisdiction. The department shall continue to so
3 mark any driver's license it issues to that person for five years after
4 a conviction under RCW 46.61.502 or 46.61.504.

5 NEW SECTION. Sec. 5. A new section is added to chapter 46.68 RCW
6 to read as follows:

7 The impaired driving safety account is created in the custody of
8 the state treasurer. All receipts from fees collected under RCW
9 46.20.311(1) (a), (b), and (c), (2)(d) (i), (ii), and (iii), and (3)(b)
10 (i), (ii), and (iii) and 46.20.391(4) (a), (b), and (c) shall be
11 deposited in the account. Expenditures from this account may be used
12 only by the Washington traffic safety commission to fund projects to
13 reduce impaired driving. Only the director of the traffic safety
14 commission or the director's designee may authorize expenditures from
15 the account. The account is subject to allotment procedures under
16 chapter 43.88 RCW, but no appropriation is required for expenditures
17 until July 1, 2001, after which date moneys in the account may be spent
18 only after appropriation.

19 **Sec. 6.** RCW 46.68.041 and 1995 2nd sp.s. c 3 s 1 are each amended
20 to read as follows:

21 (1) Except as provided in subsection (2) of this section, the
22 department shall forward all funds accruing under the provisions of
23 chapter 46.20 RCW together with a proper identifying, detailed report
24 to the state treasurer who shall deposit such moneys to the credit of
25 the highway safety fund.

26 (2) Seventy-five percent of each fee collected by the department
27 under RCW 46.20.311(1) (a), (b), and (c), (2)(d) (i), (ii), and (iii),
28 and (3)(b) (i), (ii), and (iii) and 46.20.391(4) (a), (b), and (c)
29 shall be deposited in the impaired driving safety account.

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