

2 **SSB 6187** - S AMD - 736
3 By Senators Stevens and Haugen

4

5 Strike everything after the enacting clause and insert the
6 following:

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

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

20 (2) The department may cancel an "identocard" upon a showing by its
21 records or other evidence that the holder of such "identocard" has
22 committed a violation relating to "identicards" defined in RCW
23 46.20.336.

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

29 The department shall clearly mark an identocard issued under this
30 subsection to indicate that the person has been convicted of driving
31 under the influence of alcohol or drugs within the last five years.

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

34 No new driver's license may be issued and no previously issued
35 license may be renewed until the applicant therefor has successfully

1 passed a driver licensing examination. However, the department may
2 waive all or any part of the examination of any person applying for the
3 renewal of a driver's license except when the department determines
4 that an applicant for a driver's license is not qualified to hold a
5 driver's license under this title. The department may also waive the
6 actual demonstration of the ability to operate a motor vehicle by a
7 person who surrenders a valid driver's license issued by the person's
8 previous home state and who is otherwise qualified to be licensed. The
9 department may not waive any part of the examination for a person whose
10 license has been suspended or revoked within the last five years for
11 conviction of a violation of RCW 46.61.502 or 46.61.504, but shall
12 require the person to successfully complete all parts of the
13 examination. For a new license examination a fee of seven dollars
14 shall be paid by each applicant, in addition to the fee charged for
15 issuance of the license. A new license is one issued to a driver who
16 has not been previously licensed in this state or to a driver whose
17 last previous Washington license has been expired for more than four
18 years.

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

23 Any person who is outside the state at the time his or her driver's
24 license expires or who is unable to renew the license due to any
25 incapacity may renew the license within sixty days after returning to
26 this state or within sixty days after the termination of any such
27 incapacity without the payment of the penalty fee.

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

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

32 (1) The department shall not suspend a driver's license or
33 privilege to drive a motor vehicle on the public highways for a fixed
34 period of more than one year, except as specifically permitted under
35 RCW 46.20.342 or other provision of law. Except for a suspension under
36 RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or
37 driving privilege of any person is suspended by reason of a conviction,
38 a finding that a traffic infraction has been committed, pursuant to

1 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
2 suspension shall remain in effect until the person gives and thereafter
3 maintains proof of financial responsibility for the future as provided
4 in chapter 46.29 RCW. If the suspension is the result of a violation
5 of RCW 46.61.502 or 46.61.504, the department shall determine the
6 person's eligibility for licensing based upon the reports provided by
7 the alcoholism agency or probation department designated under RCW
8 46.61.5056 and shall deny reinstatement until enrollment and
9 participation in an approved program has been established and the
10 person is otherwise qualified. Whenever the license or driving
11 privilege of any person is suspended as a result of certification of
12 noncompliance with a child support order under chapter 74.20A RCW or a
13 residential or visitation order, the suspension shall remain in effect
14 until the person provides a release issued by the department of social
15 and health services stating that the person is in compliance with the
16 order. The department shall not issue to the person a new, duplicate,
17 or renewal license until the person pays a reissue fee of twenty
18 dollars. If the suspension is the result of a violation of RCW
19 46.61.502 or 46.61.504, or is the result of administrative action under
20 RCW 46.20.308, the reissue fee shall be (~~fifty dollars~~) the normal
21 driver's license fee plus the following amount:

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

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

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

27 (2) Any person whose license or privilege to drive a motor vehicle
28 on the public highways has been revoked, unless the revocation was for
29 a cause which has been removed, is not entitled to have the license or
30 privilege renewed or restored until: (a) After the expiration of one
31 year from the date the license or privilege to drive was revoked; (b)
32 after the expiration of the applicable revocation period provided by
33 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
34 persons convicted of vehicular homicide; or (d) after the expiration of
35 the applicable revocation period provided by RCW 46.20.265. After the
36 expiration of the appropriate period, the person may make application
37 for a new license as provided by law together with a reissue fee in the
38 amount of twenty dollars, but if the revocation is the result of a
39 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee

1 shall be (~~(fifty dollars)~~) the normal driver's license fee plus the
2 following amount:

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

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

6 (iii) Five hundred dollars upon the person's third or subsequent
7 such conviction. If the revocation is the result of a violation of RCW
8 46.61.502 or 46.61.504, the department shall determine the person's
9 eligibility for licensing based upon the reports provided by the
10 alcoholism agency or probation department designated under RCW
11 46.61.5056 and shall deny reissuance of a license, permit, or privilege
12 to drive until enrollment and participation in an approved program has
13 been established and the person is otherwise qualified. Except for a
14 revocation under RCW 46.20.265, the department shall not then issue a
15 new license unless it is satisfied after investigation of the driving
16 ability of the person that it will be safe to grant the privilege of
17 driving a motor vehicle on the public highways, and until the person
18 gives and thereafter maintains proof of financial responsibility for
19 the future as provided in chapter 46.29 RCW. For a revocation under
20 RCW 46.20.265, the department shall not issue a new license unless it
21 is satisfied after investigation of the driving ability of the person
22 that it will be safe to grant that person the privilege of driving a
23 motor vehicle on the public highways.

24 (3) Whenever the driver's license of any person is suspended
25 pursuant to Article IV of the nonresident violators compact or RCW
26 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
27 to the person any new or renewal license until the person pays a
28 reissue fee of twenty dollars. If the suspension is the result of a
29 violation of the laws of this or any other state, province, or other
30 jurisdiction involving (a) the operation or physical control of a motor
31 vehicle upon the public highways while under the influence of
32 intoxicating liquor or drugs, or (b) the refusal to submit to a
33 chemical test of the driver's blood alcohol content, the reissue fee
34 shall be (~~(fifty dollars)~~) the normal driver's license fee plus the
35 following amount:

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

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

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

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

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

12 (1) Any person licensed under this chapter who is convicted of an
13 offense relating to motor vehicles for which suspension or revocation
14 of the driver's license is mandatory, other than vehicular homicide or
15 vehicular assault, may submit to the department an application for an
16 occupational driver's license. The department, upon receipt of the
17 prescribed fee and upon determining that the petitioner is engaged in
18 an occupation or trade that makes it essential that the petitioner
19 operate a motor vehicle, may issue an occupational driver's license and
20 may set definite restrictions as provided in RCW 46.20.394. No person
21 may petition for, and the department shall not issue, an occupational
22 driver's license that is effective during the first thirty days of any
23 suspension or revocation imposed for a violation of RCW 46.61.502 or
24 46.61.504. A person aggrieved by the decision of the department on the
25 application for an occupational driver's license may request a hearing
26 as provided by rule of the department.

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

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

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

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

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

5 (3) The director shall cancel an occupational driver's license upon
6 receipt of notice that the holder thereof 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.

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

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

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

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

22 The department shall clearly mark an occupational driver's license
23 issued under this subsection to indicate that the person's regular
24 license was suspended or revoked for a violation of RCW 46.61.502 or
25 46.61.504 or an equivalent violation under the laws of another state,
26 province, or other jurisdiction. The department shall continue to so
27 mark any driver's license it issues to that person for five years after
28 a conviction under RCW 46.61.502 or 46.61.504.

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

31 The impaired driving safety account is created in the custody of
32 the state treasurer. All receipts from fees collected under RCW
33 46.20.311(1) (a), (b), and (c), (2)(d) (i), (ii), and (iii), and (3)(b)
34 (i), (ii), and (iii) and 46.20.391(4) (a), (b), and (c) shall be
35 deposited in the account. Expenditures from this account may be used
36 only by the Washington traffic safety commission to fund projects to
37 reduce impaired driving. The impaired driving projects eligible for
38 funding may include but are not limited to the following: Criminal

1 justice costs associated with enforcing driving under the influence
2 laws; and public education programs aimed at reducing impaired driving.
3 The director of the traffic safety commission shall consult with
4 counties and cities in determining the specific impaired driving
5 projects to be funded from this account. The director of the traffic
6 safety commission or the director's designee may authorize expenditures
7 from the account. The account is subject to allotment procedures under
8 chapter 43.88 RCW, but no appropriation is required for expenditures
9 until July 1, 2001, after which date moneys in the account may be spent
10 only after appropriation.

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

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

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

22 **SSB 6187** - S AMD - 736
23 By Senators Stevens and Haugen

24

25 On page 1, line 1 of the title, after "alcohol;" strike the
26 remainder of the title and insert "amending RCW 46.20.117, 46.20.120,
27 46.20.311, 46.20.391, and 46.68.041; adding a new section to chapter
28 46.68 RCW; and prescribing penalties."

29 EFFECT: Clarifies that the additional revenues generated from the
30 bill may be used to fund local government costs associated with
31 enforcing driving under the influence laws.

--- END ---