
ENGROSSED 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; creating a new section; prescribing penalties; and making
4 appropriations.

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

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

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

1 (2) The department may cancel an "identocard" upon a showing by its
2 records or other evidence that the holder of such "identocard" has
3 committed a violation relating to "identocards" defined in RCW
4 46.20.336.

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

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

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

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

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

1 Any person who is outside the state at the time his or her driver's
2 license expires or who is unable to renew the license due to any
3 incapacity may renew the license within sixty days after returning to
4 this state or within sixty days after the termination of any such
5 incapacity without the payment of the penalty fee.

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

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

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

1 (2) Any person whose license or privilege to drive a motor vehicle
2 on the public highways has been revoked, unless the revocation was for
3 a cause which has been removed, is not entitled to have the license or
4 privilege renewed or restored until: (a) After the expiration of one
5 year from the date the license or privilege to drive was revoked; (b)
6 after the expiration of the applicable revocation period provided by
7 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
8 persons convicted of vehicular homicide; or (d) after the expiration of
9 the applicable revocation period provided by RCW 46.20.265. After the
10 expiration of the appropriate period, the person may make application
11 for a new license as provided by law together with a reissue fee in the
12 amount of twenty dollars, but if the revocation is the result of a
13 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
14 shall be (~~fifty~~) the normal driver's license fee plus an additional
15 three hundred dollars. If the revocation is the result of a violation
16 of RCW 46.61.502 or 46.61.504, the department shall determine the
17 person's eligibility for licensing based upon the reports provided by
18 the alcoholism agency or probation department designated under RCW
19 46.61.5056 and shall deny reissuance of a license, permit, or privilege
20 to drive until enrollment and participation in an approved program has
21 been established and the person is otherwise qualified. Except for a
22 revocation under RCW 46.20.265, the department shall not then issue a
23 new license unless it is satisfied after investigation of the driving
24 ability of the person that it will be safe to grant the privilege of
25 driving a motor vehicle on the public highways, and until the person
26 gives and thereafter maintains proof of financial responsibility for
27 the future as provided in chapter 46.29 RCW. For a revocation under
28 RCW 46.20.265, the department shall not issue a new license unless it
29 is satisfied after investigation of the driving ability of the person
30 that it will be safe to grant that person the privilege of driving a
31 motor vehicle on the public highways.

32 (3) Whenever the driver's license of any person is suspended
33 pursuant to Article IV of the nonresident violators compact or RCW
34 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
35 to the person any new or renewal license until the person pays a
36 reissue fee of twenty dollars. If the suspension is the result of a
37 violation of the laws of this or any other state, province, or other
38 jurisdiction involving (a) the operation or physical control of a motor
39 vehicle upon the public highways while under the influence of

1 intoxicating liquor or drugs, or (b) the refusal to submit to a
2 chemical test of the driver's blood alcohol content, the reissue fee
3 shall be (~~fifty~~) the normal driver's license fee plus an additional
4 three hundred dollars.

5 (4) The department shall clearly mark a driver's license reissued
6 under this section that had been suspended or revoked for a violation
7 of RCW 46.61.502 or 46.61.504 or an equivalent violation under the laws
8 of another state, province, or other jurisdiction to indicate that the
9 person has been convicted of such a violation within the last five
10 years or has been administratively suspended under RCW 46.20.308. The
11 department shall continue to so mark any driver's license it issues to
12 that person for five years.

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

15 (1) Any person licensed under this chapter who is convicted of an
16 offense relating to motor vehicles for which suspension or revocation
17 of the driver's license is mandatory, other than vehicular homicide or
18 vehicular assault, may submit to the department an application for an
19 occupational driver's license. The department, upon receipt of the
20 prescribed fee and upon determining that the petitioner is engaged in
21 an occupation or trade that makes it essential that the petitioner
22 operate a motor vehicle, may issue an occupational driver's license and
23 may set definite restrictions as provided in RCW 46.20.394. No person
24 may petition for, and the department shall not issue, an occupational
25 driver's license that is effective during the first thirty days of any
26 suspension or revocation imposed for a violation of RCW 46.61.502 or
27 46.61.504. A person aggrieved by the decision of the department on the
28 application for an occupational driver's license may request a hearing
29 as provided by rule of the department.

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

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

36 (b) Within five years immediately preceding the date of the offense
37 that gave rise to the present conviction or incident, the applicant has
38 not committed any of the following offenses: (i) Driving or being in

1 actual physical control of a motor vehicle while under the influence of
2 intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or
3 (iii) vehicular assault under RCW 46.61.522; and

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

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

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

15 (4) The department may issue an occupational driver's license to a
16 person convicted of a violation of RCW 46.61.502 or 46.61.504 only if
17 the person has successfully completed all parts of the driver's license
18 examination in accordance with RCW 46.20.120 and has paid a fee of
19 three hundred dollars in addition to any fee required elsewhere.

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

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

29 The impaired driving safety account is created in the custody of
30 the state treasurer. All receipts from fees collected under RCW
31 46.20.311 (1), (2), and (3) and 46.20.391(4) shall be deposited in the
32 account. Expenditures from this account may be used only to fund
33 projects to reduce impaired driving and to provide funding to local
34 governments for costs associated with enforcing laws relating to
35 driving and boating while under the influence of intoxicating liquor or
36 any drug. The account is subject to allotment procedures under chapter
37 43.88 RCW. Moneys in the account may be spent only after
38 appropriation.

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

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

8 (2) Seventy-five percent of each fee collected by the department
9 under RCW 46.20.311 (1), (2), and (3) and 46.20.391(4) shall be
10 deposited in the impaired driving safety account.

11 NEW SECTION. **Sec. 7. FOR THE STATE TREASURER--FOR TRANSFER TO THE**
12 **COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

13 Impaired Driving Account Appropriation \$ 1,500,000

14 This funding is provided during the biennium ending June 30, 1999,
15 to reimburse county governments for the costs of implementing
16 legislation passed during the 1998 legislative session related to
17 driving or boating while under the influence of intoxicating liquor or
18 any drug. The amount appropriated under this section shall be
19 distributed to counties in accordance with RCW 82.14.310.

20 NEW SECTION. **Sec. 8. FOR THE STATE TREASURER--FOR TRANSFER TO THE**
21 **MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

22 Impaired Driving Account Appropriation \$ 1,000,000

23 This funding is provided during the biennium ending June 30, 1999,
24 to reimburse city governments for the costs of implementing legislation
25 passed during the 1998 legislative session related to driving or
26 boating while under the influence of intoxicating liquor or any drug.
27 The amount appropriated under this section shall be distributed to
28 cities in accordance with RCW 82.14.320.

29 **Sec. 9.** 1997 c 454 s 801 (uncodified) is amended to read as
30 follows:

31 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

32 General Fund Appropriation for fire insurance
33 premiums distribution \$ 6,617,250
34 General Fund Appropriation for public utility

1	district excise tax distribution	\$	35,183,803
2	General Fund Appropriation for prosecuting		
3	attorneys salaries	\$	2,960,000
4	General Fund Appropriation for motor vehicle		
5	excise tax distribution	\$	84,721,573
6	General Fund Appropriation for local mass transit		
7	assistance	\$	383,208,166
8	General Fund Appropriation for camper and travel		
9	trailer excise tax distribution	\$	3,904,937
10	General Fund Appropriation for boating		
11	safety/education and law enforcement		
12	distribution	\$	3,616,000
13	Aquatic Lands Enhancement Account Appropriation		
14	for harbor improvement revenue		
15	distribution	\$	142,000
16	Liquor Excise Tax Account Appropriation for		
17	liquor excise tax distribution	\$	22,287,746
18	Liquor Revolving Fund Appropriation for liquor		
19	profits distribution	\$	36,989,000
20	Timber Tax Distribution Account Appropriation		
21	for distribution to "Timber" counties	\$	107,146,000
22	Municipal Sales and Use Tax Equalization Account		
23	Appropriation	\$	66,860,014
24	County Sales and Use Tax Equalization Account		
25	Appropriation	\$	11,843,224
26	Death Investigations Account Appropriation for		
27	distribution to counties for publicly		
28	funded autopsies	\$	1,266,000
29	County Criminal Justice Account		
30	Appropriation	\$	((80,634,471))
31			<u>82,134,471</u>
32	Municipal Criminal Justice Account		
33	Appropriation	\$	((32,042,450))
34			<u>33,042,450</u>
35	County Public Health Account Appropriation	\$	((43,773,588))
36			<u>43,854,588</u>
37	TOTAL APPROPRIATION	\$	((923,196,222))
38			<u>925,777,222</u>

1 The total expenditures from the state treasury under the
2 appropriations in this section shall not exceed the funds available
3 under statutory distributions for the stated purposes.

4 NEW SECTION. **Sec. 10.** If this act mandates an increased level of
5 service by local governments, the local government may, under RCW
6 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the
7 legislature. The claims shall be subject to verification by the office
8 of financial management.

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