

2 **HB 1895** - S AMD 231

3 By Senator Zarelli

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW  
8 under the subchapter heading "miscellaneous rules" to read as follows:

9 (1) Any person who refuses to pay or evades payment for motor  
10 vehicle fuel that is pumped into a motor vehicle is guilty of theft of  
11 motor vehicle fuel. A violation of this subsection is a gross  
12 misdemeanor punishable under chapter 9A.20 RCW.

13 (2) The court shall order the department to suspend the person's  
14 license, permit, or nonresident privilege to drive for a period  
15 specified by the court of up to six months.

16 **Sec. 2.** RCW 46.20.311 and 2000 c 115 s 7 are each amended to read  
17 as follows:

18 (1)(a) The department shall not suspend a driver's license or  
19 privilege to drive a motor vehicle on the public highways for a fixed  
20 period of more than one year, except as specifically permitted under  
21 RCW 46.20.267, 46.20.342, or other provision of law. Except for a  
22 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.---  
23 (section 1 of this act), or 74.20A.320, whenever the license or driving  
24 privilege of any person is suspended by reason of a conviction, a  
25 finding that a traffic infraction has been committed, pursuant to  
26 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
27 suspension shall remain in effect until the person gives and thereafter  
28 maintains proof of financial responsibility for the future as provided  
29 in chapter 46.29 RCW. If the suspension is the result of a violation  
30 of RCW 46.61.502 or 46.61.504, the department shall determine the  
31 person's eligibility for licensing based upon the reports provided by  
32 the alcoholism agency or probation department designated under RCW  
33 46.61.5056 and shall deny reinstatement until enrollment and  
34 participation in an approved program has been established and the  
35 person is otherwise qualified. Whenever the license or driving

1 privilege of any person is suspended as a result of certification of  
2 noncompliance with a child support order under chapter 74.20A RCW or a  
3 residential or visitation order, the suspension shall remain in effect  
4 until the person provides a release issued by the department of social  
5 and health services stating that the person is in compliance with the  
6 order.

7 (b)(i) The department shall not issue to the person a new,  
8 duplicate, or renewal license until the person pays a reissue fee of  
9 twenty dollars.

10 (ii) If the suspension is the result of a violation of RCW  
11 46.61.502 or 46.61.504, or is the result of administrative action under  
12 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

13 (2)(a) Any person whose license or privilege to drive a motor  
14 vehicle on the public highways has been revoked, unless the revocation  
15 was for a cause which has been removed, is not entitled to have the  
16 license or privilege renewed or restored until: (i) After the  
17 expiration of one year from the date the license or privilege to drive  
18 was revoked; (ii) after the expiration of the applicable revocation  
19 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the  
20 expiration of two years for persons convicted of vehicular homicide; or  
21 (iv) after the expiration of the applicable revocation period provided  
22 by RCW 46.20.265.

23 (b)(i) After the expiration of the appropriate period, the person  
24 may make application for a new license as provided by law together with  
25 a reissue fee in the amount of twenty dollars.

26 (ii) If the revocation is the result of a violation of RCW  
27 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one  
28 hundred fifty dollars. If the revocation is the result of a violation  
29 of RCW 46.61.502 or 46.61.504, the department shall determine the  
30 person's eligibility for licensing based upon the reports provided by  
31 the alcoholism agency or probation department designated under RCW  
32 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
33 to drive until enrollment and participation in an approved program has  
34 been established and the person is otherwise qualified.

35 (c) Except for a revocation under RCW 46.20.265, the department  
36 shall not then issue a new license unless it is satisfied after  
37 investigation of the driving ability of the person that it will be safe  
38 to grant the privilege of driving a motor vehicle on the public  
39 highways, and until the person gives and thereafter maintains proof of

1 financial responsibility for the future as provided in chapter 46.29  
2 RCW. For a revocation under RCW 46.20.265, the department shall not  
3 issue a new license unless it is satisfied after investigation of the  
4 driving ability of the person that it will be safe to grant that person  
5 the privilege of driving a motor vehicle on the public highways.

6 (3)(a) Whenever the driver's license of any person is suspended  
7 pursuant to Article IV of the nonresident violators compact or RCW  
8 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
9 to the person any new or renewal license until the person pays a  
10 reissue fee of twenty dollars.

11 (b) If the suspension is the result of a violation of the laws of  
12 this or any other state, province, or other jurisdiction involving (i)  
13 the operation or physical control of a motor vehicle upon the public  
14 highways while under the influence of intoxicating liquor or drugs, or  
15 (ii) the refusal to submit to a chemical test of the driver's blood  
16 alcohol content, the reissue fee shall be one hundred fifty dollars.

17 **Sec. 3.** RCW 46.20.342 and 2000 c 115 s 8 are each amended to read  
18 as follows:

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

24 (a) A person found to be an habitual offender under chapter 46.65  
25 RCW, who violates this section while an order of revocation issued  
26 under chapter 46.65 RCW prohibiting such operation is in effect, is  
27 guilty of driving while license suspended or revoked in the first  
28 degree, a gross misdemeanor. Upon the first such conviction, the  
29 person shall be punished by imprisonment for not less than ten days.  
30 Upon the second conviction, the person shall be punished by  
31 imprisonment for not less than ninety days. Upon the third or  
32 subsequent conviction, the person shall be punished by imprisonment for  
33 not less than one hundred eighty days. If the person is also convicted  
34 of the offense defined in RCW 46.61.502 or 46.61.504, when both  
35 convictions arise from the same event, the minimum sentence of  
36 confinement shall be not less than ninety days. The minimum sentence  
37 of confinement required shall not be suspended or deferred. A

1 conviction under this subsection does not prevent a person from  
2 petitioning for reinstatement as provided by RCW 46.65.080.

3 (b) A person who violates this section while an order of suspension  
4 or revocation prohibiting such operation is in effect and while the  
5 person is not eligible to reinstate his or her driver's license or  
6 driving privilege, other than for a suspension for the reasons  
7 described in (c) of this subsection, is guilty of driving while license  
8 suspended or revoked in the second degree, a gross misdemeanor. This  
9 subsection applies when a person's driver's license or driving  
10 privilege has been suspended or revoked by reason of:

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

13 (ii) A previous conviction under this section;

14 (iii) A notice received by the department from a court or diversion  
15 unit as provided by RCW 46.20.265, relating to a minor who has  
16 committed, or who has entered a diversion unit concerning an offense  
17 relating to alcohol, legend drugs, controlled substances, or imitation  
18 controlled substances;

19 (iv) A conviction of RCW 46.20.410, relating to the violation of  
20 restrictions of an occupational driver's license;

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

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

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

27 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

28 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
29 person under the influence of intoxicating liquor or drugs;

30 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

31 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

32 (xii) A conviction of RCW 46.61.527(4), relating to reckless  
33 endangerment of roadway workers;

34 (xiii) A conviction of RCW 46.61.530, relating to racing of  
35 vehicles on highways;

36 (xiv) A conviction of RCW 46.61.685, relating to leaving children  
37 in an unattended vehicle with motor running;

38 (xv) A conviction of RCW 46.61.--- (section 1 of this act),  
39 relating to theft of motor vehicle fuel;

1        ~~(xvi)~~ A conviction of RCW 46.64.048, relating to attempting,  
2 aiding, abetting, coercing, and committing crimes;

3        ~~((xvi))~~ (xvii) An administrative action taken by the department  
4 under chapter 46.20 RCW; or

5        ~~((xvii))~~ (xviii) A conviction of a local law, ordinance,  
6 regulation, or resolution of a political subdivision of this state, the  
7 federal government, or any other state, of an offense substantially  
8 similar to a violation included in this subsection.

9        (c) A person who violates this section when his or her driver's  
10 license or driving privilege is, at the time of the violation,  
11 suspended or revoked solely because (i) the person must furnish proof  
12 of satisfactory progress in a required alcoholism or drug treatment  
13 program, (ii) the person must furnish proof of financial responsibility  
14 for the future as provided by chapter 46.29 RCW, (iii) the person has  
15 failed to comply with the provisions of chapter 46.29 RCW relating to  
16 uninsured accidents, (iv) the person has failed to respond to a notice  
17 of traffic infraction, failed to appear at a requested hearing,  
18 violated a written promise to appear in court, or has failed to comply  
19 with the terms of a notice of traffic infraction or citation, as  
20 provided in RCW 46.20.289, (v) the person has committed an offense in  
21 another state that, if committed in this state, would not be grounds  
22 for the suspension or revocation of the person's driver's license, (vi)  
23 the person has been suspended or revoked by reason of one or more of  
24 the items listed in (b) of this subsection, but was eligible to  
25 reinstate his or her driver's license or driving privilege at the time  
26 of the violation, or (vii) the person has received traffic citations or  
27 notices of traffic infraction that have resulted in a suspension under  
28 RCW 46.20.267 relating to intermediate drivers' licenses, or any  
29 combination of (i) through (vii), is guilty of driving while license  
30 suspended or revoked in the third degree, a misdemeanor.

31        (2) Upon receiving a record of conviction of any person or upon  
32 receiving an order by any juvenile court or any duly authorized court  
33 officer of the conviction of any juvenile under this section, the  
34 department shall:

35        (a) For a conviction of driving while suspended or revoked in the  
36 first degree, as provided by subsection (1)(a) of this section, extend  
37 the period of administrative revocation imposed under chapter 46.65 RCW  
38 for an additional period of one year from and after the date the person

1 would otherwise have been entitled to apply for a new license or have  
2 his or her driving privilege restored; or

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

9 (c) Not extend the period of suspension or revocation if the  
10 conviction was under subsection (1)(c) of this section. If the  
11 conviction was under subsection (1)(a) or (b) of this section and the  
12 court recommends against the extension and the convicted person has  
13 obtained a valid driver's license, the period of suspension or  
14 revocation shall not be extended.

15 **Sec. 4.** RCW 46.63.020 and 1999 c 86 s 6 are each amended to read  
16 as follows:

17 Failure to perform any act required or the performance of any act  
18 prohibited by this title or an equivalent administrative regulation or  
19 local law, ordinance, regulation, or resolution relating to traffic  
20 including parking, standing, stopping, and pedestrian offenses, is  
21 designated as a traffic infraction and may not be classified as a  
22 criminal offense, except for an offense contained in the following  
23 provisions of this title or a violation of an equivalent administrative  
24 regulation or local law, ordinance, regulation, or resolution:

25 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
26 vehicle while under the influence of intoxicating liquor or a  
27 controlled substance;

28 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

29 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
30 while under the influence of intoxicating liquor or narcotics or  
31 habit-forming drugs or in a manner endangering the person of another;

32 (4) RCW 46.10.130 relating to the operation of snowmobiles;

33 (5) Chapter 46.12 RCW relating to certificates of ownership and  
34 registration and markings indicating that a vehicle has been destroyed  
35 or declared a total loss;

36 (6) RCW 46.16.010 relating to initial registration of motor  
37 vehicles;

1 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
2 drive;

3 (8) RCW 46.16.160 relating to vehicle trip permits;

4 (9) RCW 46.16.381(2) relating to knowingly providing false  
5 information in conjunction with an application for a special placard or  
6 license plate for disabled persons' parking;

7 (10) RCW 46.20.005 relating to driving without a valid driver's  
8 license;

9 (11) RCW 46.20.091 relating to false statements regarding a  
10 driver's license or instruction permit;

11 (12) RCW (~~46.20.336~~) 46.20.0921 relating to the unlawful  
12 possession and use of a driver's license;

13 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
14 license or status;

15 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
16 with a suspended or revoked license;

17 (~~15~~) RCW 46.20.410 relating to the violation of restrictions of an  
18 occupational driver's license;

19 (~~((15) RCW 46.20.420 relating to the operation of a motor vehicle~~  
20 ~~with a suspended or revoked license;))~~

21 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
22 an ignition interlock device in violation of a license notation that  
23 the device is required;

24 (17) RCW 46.20.750 relating to assisting another person to start a  
25 vehicle equipped with an ignition interlock device;

26 (18) RCW 46.25.170 relating to commercial driver's licenses;

27 (19) Chapter 46.29 RCW relating to financial responsibility;

28 (20) RCW 46.30.040 relating to providing false evidence of  
29 financial responsibility;

30 (21) RCW 46.37.435 relating to wrongful installation of  
31 sunscreening material;

32 (22) RCW 46.44.180 relating to operation of mobile home pilot  
33 vehicles;

34 (23) RCW 46.48.175 relating to the transportation of dangerous  
35 articles;

36 (24) RCW 46.52.010 relating to duty on striking an unattended car  
37 or other property;

38 (25) RCW 46.52.020 relating to duty in case of injury to or death  
39 of a person or damage to an attended vehicle;

1 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,  
2 and appraisers;

3 (27) RCW 46.52.130 relating to confidentiality of the driving  
4 record to be furnished to an insurance company, an employer, and an  
5 alcohol/drug assessment or treatment agency;

6 (28) RCW 46.55.020 relating to engaging in the activities of a  
7 registered tow truck operator without a registration certificate;

8 (29) RCW 46.55.035 relating to prohibited practices by tow truck  
9 operators;

10 (30) RCW 46.61.015 relating to obedience to police officers,  
11 (~~flagmen~~) flaggers, or fire fighters;

12 (31) RCW 46.61.020 relating to refusal to give information to or  
13 cooperate with an officer;

14 (32) RCW 46.61.022 relating to failure to stop and give  
15 identification to an officer;

16 (33) RCW 46.61.024 relating to attempting to elude pursuing police  
17 vehicles;

18 (34) RCW 46.61.500 relating to reckless driving;

19 (35) RCW 46.61.502 and 46.61.504 relating to persons under the  
20 influence of intoxicating liquor or drugs;

21 (36) RCW 46.61.503 relating to a person under age twenty-one  
22 driving a motor vehicle after consuming alcohol;

23 (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

24 (38) RCW 46.61.522 relating to vehicular assault;

25 (39) RCW 46.61.5249 relating to first degree negligent driving;

26 (40) RCW 46.61.527(4) relating to reckless endangerment of roadway  
27 workers;

28 (41) RCW 46.61.530 relating to racing of vehicles on highways;

29 (42) RCW 46.61.685 relating to leaving children in an unattended  
30 vehicle with the motor running;

31 (43) RCW 46.61.--- (section 1 of this act) relating to theft of  
32 motor vehicle fuel;

33 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt  
34 to cancel a traffic citation;

35 (~~(44)~~) (45) RCW 46.64.048 relating to attempting, aiding,  
36 abetting, coercing, and committing crimes;

37 (~~(45)~~) (46) Chapter 46.65 RCW relating to habitual traffic  
38 offenders;

1       (~~(46)~~) (47) RCW 46.68.010 relating to false statements made to  
2 obtain a refund;  
3       (~~(47)~~) (48) Chapter 46.70 RCW relating to unfair motor vehicle  
4 business practices, except where that chapter provides for the  
5 assessment of monetary penalties of a civil nature;  
6       (~~(48)~~) (49) Chapter 46.72 RCW relating to the transportation of  
7 passengers in for hire vehicles;  
8       (~~(49)~~) (50) RCW 46.72A.060 relating to limousine carrier  
9 insurance;  
10       (~~(50)~~) (51) RCW 46.72A.070 relating to operation of a limousine  
11 without a vehicle certificate;  
12       (~~(51)~~) (52) RCW 46.72A.080 relating to false advertising by a  
13 limousine carrier;  
14       (~~(52)~~) (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
15       (~~(53)~~) (54) Chapter 46.82 RCW relating to driver's training  
16 schools;  
17       (~~(54)~~) (55) RCW 46.87.260 relating to alteration or forgery of a  
18 cab card, letter of authority, or other temporary authority issued  
19 under chapter 46.87 RCW;  
20       (~~(55)~~) (56) RCW 46.87.290 relating to operation of an  
21 unregistered or unlicensed vehicle under chapter 46.87 RCW."

22 **HB 1895** - S AMD 231  
23 By Senator Zarelli

24

25 On page 1, line 1 of the title, after "fuel;" strike the remainder  
26 of the title and insert "amending RCW 46.20.311, 46.20.342, and  
27 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing  
28 penalties."

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