
HOUSE BILL 2474

State of Washington

57th Legislature

2002 Regular Session

By Representatives Carrell, O'Brien, Holmquist, Ballasiotes, Mielke, Darneille, Roach, Simpson, Campbell, Morell, Sullivan, Barlean, Esser, Conway, Talcott, Eickmeyer, Kirby, Boldt, Jarrett, Cox, Woods, Mulliken, Sump, Bush, Ahern, Schoesler, Delvin, Lisk, Orcutt, Schmidt, Edwards, Jackley, Nixon, Anderson, Lovick and Alexander

Read first time 01/18/2002. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.285, 46.20.311, 46.61.024, 46.61.520, and 46.61.522;
3 reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.285 and 2001 c 64 s 6 are each amended to read
6 as follows:

7 The department shall forthwith revoke the license of any driver for
8 the period of one calendar year unless otherwise provided in this
9 section, upon receiving a record of the driver's conviction of any of
10 the following offenses, when the conviction has become final:

11 (1) For vehicular homicide the period of revocation shall be two
12 years. The revocation period shall be tolled during any period of
13 total confinement for the offense;

14 (2) Vehicular assault. The revocation period shall be tolled
15 during any period of total confinement for the offense;

16 (3) Driving a motor vehicle while under the influence of
17 intoxicating liquor or a narcotic drug, or under the influence of any
18 other drug to a degree which renders the driver incapable of safely
19 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

1 (4) For attempting to elude a pursuing police vehicle the period of
2 revocation shall be two years;

3 (5) Any felony in the commission of which a motor vehicle is used;

4 (~~(+5)~~) (6) Failure to stop and give information or render aid as
5 required under the laws of this state in the event of a motor vehicle
6 accident resulting in the death or personal injury of another or
7 resulting in damage to a vehicle that is driven or attended by another;

8 (~~(+6)~~) (7) Perjury or the making of a false affidavit or statement
9 under oath to the department under Title 46 RCW or under any other law
10 relating to the ownership or operation of motor vehicles;

11 (~~(+7)~~) (8) Reckless driving upon a showing by the department's
12 records that the conviction is the third such conviction for the driver
13 within a period of two years.

14 **Sec. 2.** RCW 46.20.311 and 2001 c 325 s 2 are each amended to read
15 as follows:

16 (1)(a) The department shall not suspend a driver's license or
17 privilege to drive a motor vehicle on the public highways for a fixed
18 period of more than one year, except as specifically permitted under
19 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
20 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
21 74.20A.320, whenever the license or driving privilege of any person is
22 suspended by reason of a conviction, a finding that a traffic
23 infraction has been committed, pursuant to chapter 46.29 RCW, or
24 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
25 effect until the person gives and thereafter maintains proof of
26 financial responsibility for the future as provided in chapter 46.29
27 RCW. If the suspension is the result of a violation of RCW 46.61.502
28 or 46.61.504, the department shall determine the person's eligibility
29 for licensing based upon the reports provided by the alcoholism agency
30 or probation department designated under RCW 46.61.5056 and shall deny
31 reinstatement until enrollment and participation in an approved program
32 has been established and the person is otherwise qualified. Whenever
33 the license or driving privilege of any person is suspended as a result
34 of certification of noncompliance with a child support order under
35 chapter 74.20A RCW or a residential or visitation order, the suspension
36 shall remain in effect until the person provides a release issued by
37 the department of social and health services stating that the person is
38 in compliance with the order.

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

4 (ii) If the suspension is the result of a violation of RCW
5 46.61.502 or 46.61.504, or is the result of administrative action under
6 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

7 (2)(a) Any person whose license or privilege to drive a motor
8 vehicle on the public highways has been revoked, unless the revocation
9 was for a cause which has been removed, is not entitled to have the
10 license or privilege renewed or restored until: (i) After the
11 expiration of one year from the date the license or privilege to drive
12 was revoked; or (ii) after the expiration of the applicable revocation
13 period provided by RCW 46.20.265, 46.20.285, 46.20.3101, or
14 46.61.5055~~((; (iii) after the expiration of two years for persons~~
15 ~~convicted of vehicular homicide; or (iv) after the expiration of the~~
16 ~~applicable revocation period provided by RCW 46.20.265)).~~

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

20 (ii) If the revocation is the result of a violation of RCW
21 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
22 hundred fifty dollars. If the revocation is the result of a violation
23 of RCW 46.61.502 or 46.61.504, the department shall determine the
24 person's eligibility for licensing based upon the reports provided by
25 the 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.

29 (c) Except for a revocation under RCW 46.20.265, the department
30 shall not then issue a new license unless it is satisfied after
31 investigation of the driving ability of the person that it will be safe
32 to grant the privilege of driving a motor vehicle on the public
33 highways, and until the person gives and thereafter maintains proof of
34 financial responsibility for the future as provided in chapter 46.29
35 RCW. For a revocation under RCW 46.20.265, the department shall not
36 issue a new license unless it is satisfied after investigation of the
37 driving ability of the person that it will be safe to grant that person
38 the privilege of driving a motor vehicle on the public highways.

1 (3)(a) 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.

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

12 **Sec. 3.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
13 as follows:

14 Any driver of a motor vehicle who willfully fails or refuses to
15 immediately bring his vehicle to a stop and who drives his vehicle in
16 a manner indicating a wanton or willful disregard for the lives or
17 property of others while attempting to elude a pursuing police vehicle,
18 after being given a visual or audible signal to bring the vehicle to a
19 stop, shall be guilty of a class ((C)) B felony. The signal given by
20 the police officer may be by hand, voice, emergency light, or siren.
21 The officer giving such a signal shall be in uniform and ((his
22 vehicle)) shall be ((appropriately marked showing it to be)) driving an
23 official police vehicle. An official police vehicle means any
24 municipal, county, or state police vehicle appropriately equipped with
25 emergency lights and siren.

26 The license or permit to drive or any nonresident driving privilege
27 of a person convicted of a violation of this section shall be revoked
28 for two years by the department of licensing.

29 **Sec. 4.** RCW 46.61.520 and 1998 c 211 s 2 are each amended to read
30 as follows:

31 (1) When the death of any person ensues within three years as a
32 proximate result of injury proximately caused by the driving of any
33 vehicle by any person, the driver is guilty of vehicular homicide if
34 the driver was operating a motor vehicle:

35 (a) While under the influence of intoxicating liquor or any drug,
36 as defined by RCW 46.61.502; or

37 (b) In a reckless manner; or

1 (c) With disregard for the safety of others; or
2 (d) While attempting to elude a pursuing police vehicle as defined
3 in RCW 46.61.024.

4 (2) Vehicular homicide is a class A felony punishable under chapter
5 9A.20 RCW, except that, for a conviction under subsection (1)(a) of
6 this section, an additional two years shall be added to the sentence
7 for each prior offense as defined in RCW 46.61.5055.

8 **Sec. 5.** RCW 46.61.522 and 2001 c 300 s 1 are each amended to read
9 as follows:

10 (1) A person is guilty of vehicular assault if he or she operates
11 or drives any vehicle:

12 (a) In a reckless manner and causes substantial bodily harm to
13 another; or

14 (b) While under the influence of intoxicating liquor or any drug,
15 as defined by RCW 46.61.502, and causes substantial bodily harm to
16 another; or

17 (c) With disregard for the safety of others and causes substantial
18 bodily harm to another; or

19 (d) While attempting to elude a pursuing police vehicle as defined
20 in RCW 46.61.024 and causes substantial bodily harm to another.

21 (2) Vehicular assault is a class B felony punishable under chapter
22 9A.20 RCW.

23 (3) As used in this section, "substantial bodily harm" has the same
24 meaning as in RCW 9A.04.110.

25 **Sec. 6.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
26 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
27 read as follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

30 XVI	Aggravated Murder 1 (RCW 10.95.020)
31 XV	Homicide by abuse (RCW 9A.32.055)
32	Malicious explosion 1 (RCW 70.74.280(1))
33	Murder 1 (RCW 9A.32.030)
34 XIV	Murder 2 (RCW 9A.32.050)

1 XIII Malicious explosion 2 (RCW 70.74.280(2))
2 Malicious placement of an explosive 1 (RCW
3 70.74.270(1))

4 XII Assault 1 (RCW 9A.36.011)
5 Assault of a Child 1 (RCW 9A.36.120)
6 Malicious placement of an imitation device
7 1 (RCW 70.74.272(1)(a))
8 Rape 1 (RCW 9A.44.040)
9 Rape of a Child 1 (RCW 9A.44.073)

10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 (RCW 9A.44.076)

13 X Child Molestation 1 (RCW 9A.44.083)
14 Indecent Liberties (with forcible
15 compulsion) (RCW 9A.44.100(1)(a))
16 Kidnapping 1 (RCW 9A.40.020)
17 Leading Organized Crime (RCW
18 9A.82.060(1)(a))
19 Malicious explosion 3 (RCW 70.74.280(3))
20 Manufacture of methamphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Over 18 and deliver heroin,
23 methamphetamine, a narcotic from
24 Schedule I or II, or flunitrazepam
25 from Schedule IV to someone under 18
26 (RCW 69.50.406)
27 Sexually Violent Predator Escape (RCW
28 9A.76.115)
29 Vehicular Homicide, by attempting to elude
30 a pursuing police vehicle (RCW
31 46.61.520)

32 IX Assault of a Child 2 (RCW 9A.36.130)
33 Controlled Substance Homicide (RCW
34 69.50.415)
35 Explosive devices prohibited (RCW
36 70.74.180)
37 Hit and Run--Death (RCW 46.52.020(4)(a))

1 Homicide by Watercraft, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 79A.60.050)
4 Inciting Criminal Profiteering (RCW
5 9A.82.060(1)(b))
6 Malicious placement of an explosive 2 (RCW
7 70.74.270(2))
8 Over 18 and deliver narcotic from Schedule
9 III, IV, or V or a nonnarcotic, except
10 flunitrazepam or methamphetamine, from
11 Schedule I-V to someone under 18 and 3
12 years junior (RCW 69.50.406)
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)

18 VIII Arson 1 (RCW 9A.48.020)
19 Deliver or possess with intent to deliver
20 m e t h a m p h e t a m i n e (R C W
21 69.50.401(a)(1)(ii))
22 Homicide by Watercraft, by the operation of
23 any vessel in a reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Manufacture, deliver, or possess with
27 intent to deliver amphetamine (RCW
28 69.50.401(a)(1)(ii))
29 Manufacture, deliver, or possess with
30 intent to deliver heroin or cocaine
31 (RCW 69.50.401(a)(1)(i))
32 Possession of Ephedrine, Pseudoephedrine,
33 or Anhydrous Ammonia with intent to
34 manufacture methamphetamine (RCW
35 69.50.440)
36 Promoting Prostitution 1 (RCW 9A.88.070)
37 Selling for profit (controlled or
38 counterfeit) any controlled substance
39 (RCW 69.50.410)

1 Theft of Anhydrous Ammonia (RCW 69.55.010)
2 Vehicular Homicide, by the operation of any
3 vehicle in a reckless manner (RCW
4 46.61.520)

5 VII Burglary 1 (RCW 9A.52.020)
6 Child Molestation 2 (RCW 9A.44.086)
7 Dealing in depictions of minor engaged in
8 sexually explicit conduct (RCW
9 9.68A.050)

10 Drive-by Shooting (RCW 9A.36.045)
11 Homicide by Watercraft, by disregard for
12 the safety of others (RCW 79A.60.050)
13 Indecent Liberties (without forcible
14 compulsion) (RCW 9A.44.100(1) (b) and
15 (c))

16 Introducing Contraband 1 (RCW 9A.76.140)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))

19 Malicious placement of an explosive 3 (RCW
20 70.74.270(3))

21 Sending, bringing into state depictions of
22 minor engaged in sexually explicit
23 conduct (RCW 9.68A.060)

24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1)(a))

26 Use of a Machine Gun in Commission of a
27 Felony (RCW 9.41.225)

28 Vehicular Homicide, by disregard for the
29 safety of others (RCW 46.61.520)

30 VI Bail Jumping with Murder 1 (RCW
31 9A.76.170(3)(a))

32 Bribery (RCW 9A.68.010)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW 9A.72.160)
35 Intimidating a Juror/Witness (RCW
36 9A.72.110, 9A.72.130)
37 Malicious placement of an imitation device
38 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW 69.50.401(a)(1)(i))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Unlawful Storage of Anhydrous Ammonia (RCW
9 69.55.020)

10 V Abandonment of dependent person 1 (RCW
11 9A.42.060)

12 Advancing money or property for
13 extortionate extension of credit (RCW
14 9A.82.030)

15 Bail Jumping with class A Felony (RCW
16 9A.76.170(3)(b))

17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)

21 Delivery of imitation controlled substance
22 by person eighteen or over to person
23 under eighteen (RCW 69.52.030(2))

24 Domestic Violence Court Order Violation
25 (RCW 10.99.040, 10.99.050, 26.09.300,
26 26.10.220, 26.26.138, 26.50.110,
27 26.52.070, or 74.34.145)

28 Extortion 1 (RCW 9A.56.120)
29 Extortionate Extension of Credit (RCW
30 9A.82.020)

31 Extortionate Means to Collect Extensions of
32 Credit (RCW 9A.82.040)

33 Incest 2 (RCW 9A.64.020(2))
34 Kidnapping 2 (RCW 9A.40.030)
35 Perjury 1 (RCW 9A.72.020)
36 Persistent prison misbehavior (RCW
37 9.94.070)

38 Possession of a Stolen Firearm (RCW
39 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sexual Misconduct with a Minor 1 (RCW
5 9A.44.093)
6 Sexually Violating Human Remains (RCW
7 9A.44.105)
8 Stalking (RCW 9A.46.110)
9 Vehicular Assault, by attempting to elude a
10 pursuing police vehicle (RCW
11 46.61.522)

12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault by Watercraft (RCW 79A.60.060)
15 Bribing a Witness/Bribe Received by Witness
16 (RCW 9A.72.090, 9A.72.100)
17 Commercial Bribery (RCW 9A.68.060)
18 Counterfeiting (RCW 9.16.035(4))
19 Escape 1 (RCW 9A.76.110)
20 Hit and Run--Injury (RCW 46.52.020(4)(b))
21 Hit and Run with Vessel--Injury Accident
22 (RCW 79A.60.200(3))
23 Identity Theft 1 (RCW 9.35.020(2)(a))
24 Indecent Exposure to Person Under Age
25 Fourteen (subsequent sex offense) (RCW
26 9A.88.010)
27 Influencing Outcome of Sporting Event (RCW
28 9A.82.070)
29 Knowingly Trafficking in Stolen Property
30 (RCW 9A.82.050(2))
31 Malicious Harassment (RCW 9A.36.080)
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule III, IV, or V or nonnarcotics
35 from Schedule I-V (except marijuana,
36 amphetamine, methamphetamines, or
37 flunitrazepam) (RCW 69.50.401(a)(1)
38 (iii) through (v))
39 Residential Burglary (RCW 9A.52.025)

1 Robbery 2 (RCW 9A.56.210)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Threats to Bomb (RCW 9.61.160)
4 Use of Proceeds of Criminal Profiteering
5 (RCW 9A.82.080 (1) and (2))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Willful Failure to Return from Furlough
12 (RCW 72.66.060)

13 III Abandonment of dependent person 2 (RCW
14 9A.42.070)
15 Assault 3 (RCW 9A.36.031)
16 Assault of a Child 3 (RCW 9A.36.140)
17 Bail Jumping with class B or C Felony (RCW
18 9A.76.170(3)(c))
19 Burglary 2 (RCW 9A.52.030)
20 Communication with a Minor for Immoral
21 Purposes (RCW 9.68A.090)
22 Criminal Gang Intimidation (RCW 9A.46.120)
23 Criminal Mistreatment 2 (RCW 9A.42.030)
24 Custodial Assault (RCW 9A.36.100)
25 Delivery of a material in lieu of a
26 controlled substance (RCW
27 69.50.401(c))
28 Escape 2 (RCW 9A.76.120)
29 Extortion 2 (RCW 9A.56.130)
30 Harassment (RCW 9A.46.020)
31 Intimidating a Public Servant (RCW
32 9A.76.180)
33 Introducing Contraband 2 (RCW 9A.76.150)
34 Maintaining a Dwelling or Place for
35 Controlled Substances (RCW
36 69.50.402(a)(6))
37 Malicious Injury to Railroad Property (RCW
38 81.60.070)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(iii))
4 Manufacture, distribute, or possess with
5 intent to distribute an imitation
6 controlled substance (RCW
7 69.52.030(1))
8 Patronizing a Juvenile Prostitute (RCW
9 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-Barreled
14 Shotgun or Rifle (RCW 9.41.190)
15 Promoting Prostitution 2 (RCW 9A.88.080)
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Securities Act violation (RCW 21.20.400)
19 Tampering with a Witness (RCW 9A.72.120)
20 Telephone Harassment (subsequent conviction
21 or threat of death) (RCW 9.61.230)
22 Theft of Livestock 2 (RCW 9A.56.080)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(1)(b))
26 Unlawful Use of Building for Drug Purposes
27 (RCW 69.53.010)
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work Release
33 (RCW 72.65.070)
34 II Attempting to Elude a Pursuing Police
35 Vehicle (RCW 46.61.024)
36 Computer Trespass 1 (RCW 9A.52.110)
37 Counterfeiting (RCW 9.16.035(3))

1 Create, deliver, or possess a counterfeit
2 controlled substance (RCW
3 69.50.401(b))
4 Escape from Community Custody (RCW
5 72.09.310)
6 Health Care False Claims (RCW 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(2)(b))
8 Improperly Obtaining Financial Information
9 (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of controlled substance that is
12 either heroin or narcotics from
13 Schedule I or II or flunitrazepam from
14 Schedule IV (RCW 69.50.401(d))
15 Possession of phencyclidine (PCP) (RCW
16 69.50.401(d))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Theft 1 (RCW 9A.56.030)
20 Theft of Rental, Leased, or Lease-purchased
21 Property (valued at one thousand five
22 hundred dollars or more) (RCW
23 9A.56.096(4))
24 Trafficking in Insurance Claims (RCW
25 48.30A.015)
26 Unlawful Practice of Law (RCW 2.48.180)
27 Unlicensed Practice of a Profession or
28 Business (RCW 18.130.190(7))
29 I (~~(Attempting to Elude a Pursuing Police~~
30 ~~Vehicle (RCW 46.61.024))~~)
31 False Verification for Welfare (RCW
32 74.08.055)
33 Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)
36 Forgery (RCW 9A.60.020)
37 Malicious Mischief 2 (RCW 9A.48.080)
38 Possess Controlled Substance that is a
39 Narcotic from Schedule III, IV, or V

1 or Non-narcotic from Schedule I-V
2 (except phencyclidine or
3 flunitrazepam) (RCW 69.50.401(d))
4 Possession of Stolen Property 2 (RCW
5 9A.56.160)
6 Reckless Burning 1 (RCW 9A.48.040)
7 Taking Motor Vehicle Without Permission
8 (RCW 9A.56.070)
9 Theft 2 (RCW 9A.56.040)
10 Theft of Rental, Leased, or Lease-purchased
11 Property (valued at two hundred fifty
12 dollars or more but less than one
13 thousand five hundred dollars) (RCW
14 9A.56.096(4))
15 Unlawful Issuance of Checks or Drafts (RCW
16 9A.56.060)
17 Unlawful Use of Food Stamps (RCW 9.91.140
18 (2) and (3))
19 Vehicle Prowl 1 (RCW 9A.52.095)

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