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SENATE BILL 5301

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State of Washington                      57th Legislature                      2001 Regular Session

By Senators Patterson, Haugen, Oke, Jacobsen and Carlson

Read first time 01/18/2001. Referred to Committee on Transportation.

1            AN ACT Relating to driver's license examinations and restrictions;  
2 amending RCW 46.20.305 and 46.63.020; adding a new section to chapter  
3 42.17 RCW; and prescribing penalties.

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

5            **Sec. 1.** RCW 46.20.305 and 1999 c 351 s 3 are each amended to read  
6 as follows:

7            (1) The department, having good cause to believe that a licensed  
8 driver is incompetent or otherwise not qualified to be licensed may  
9 upon notice require him or her to submit to an examination.

10            (a) The director has good cause to believe that a driver is  
11 incompetent or unqualified to retain his or her license on the basis of  
12 a report by:

13            (i) A law enforcement officer;

14            (ii) A physician;

15            (iii) A physical therapist;

16            (iv) An occupational therapist;

17            (v) A registered nurse;

18            (vi) A psychiatrist;

19            (vii) A psychologist; or

1 (viii) A member of the driver's immediate family, who has reached  
2 the age of eighteen years, except that no person may report the same  
3 family member under this section more than once during a three-month  
4 period.

5 (b) The report must state that the person reasonably and in good  
6 faith believes the driver cannot safely operate a motor vehicle, based  
7 upon personal observation or physical evidence that must be described  
8 in the report, or the report must be based upon an investigation by a  
9 law enforcement officer. The report must be a written declaration in  
10 the form prescribed by the department and must contain the name,  
11 address, telephone number, and signature of the person making the  
12 report. The department must review the report and the driver's record  
13 to determine whether a driver must submit to an examination.

14 (c) A report received by the department under this subsection is  
15 exempt from public inspection and copying under chapter 42.17 RCW. The  
16 department shall not divulge the identity of the person making the  
17 report without that person's permission, except upon order of a court  
18 of competent jurisdiction. A person who makes a report in good faith  
19 may not be held liable in a civil action based upon the contents of the  
20 report, the fact that it was made, or the consequences of the report.

21 (d) A person who intentionally files a false report under this  
22 section is guilty of a misdemeanor and is liable for damages that  
23 proximately result.

24 (2) The department shall require a driver reported under RCW  
25 46.52.070 (2) and (3) to submit to an examination. The examination  
26 must be completed no later than one hundred twenty days after the  
27 accident report required under RCW 46.52.070(2) is received by the  
28 department unless the department, at the request of the operator,  
29 extends the time for examination.

30 (3) The department may in addition to an examination under this  
31 section require such person to obtain a certificate showing his or her  
32 condition signed by a licensed physician or other proper authority  
33 designated by the department.

34 (4) Upon the conclusion of an examination under this section the  
35 department shall take driver improvement action as may be appropriate  
36 and may suspend or revoke the license of such person or permit him or  
37 her to retain such license, or may issue a license subject to  
38 restrictions as permitted under RCW 46.20.041. The department may

1 suspend or revoke the license of such person who refuses or neglects to  
2 submit to such examination.

3       (5) A driver whose condition is temporary in nature may petition  
4 the director for total or partial reinstatement of his or her license  
5 at the end of the temporary condition. The request must be made on a  
6 form prescribed by the department and accompanied by a statement from  
7 a health care provider. The director must decide the petition within  
8 thirty days of receipt of the petition. A person whose petition for  
9 license reinstatement is denied may, within thirty days after the  
10 notice of denial has been given, request in writing a formal hearing  
11 before the department. Except as otherwise provided in this section,  
12 the hearing is subject to and must be scheduled and conducted in  
13 accordance with RCW 46.20.329 and 46.20.332.

14       (6) The department may require payment of a fee by a person subject  
15 to examination under this section. The department shall set the fee in  
16 an amount that is sufficient to cover the additional cost of  
17 administering examinations required by this section.

18       **Sec. 2.** RCW 46.63.020 and 1999 c 86 s 6 are each amended to read  
19 as follows:

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

28       (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
29 vehicle while under the influence of intoxicating liquor or a  
30 controlled substance;

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

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

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

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

1 (6) RCW 46.16.010 relating to initial registration of motor  
2 vehicles;

3 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
4 drive;

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

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

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

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

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

15 (13) RCW 46.20.305 relating to false reporting of an incompetent  
16 driver;

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

19 ~~((14) RCW 46.20.410 relating to the violation of restrictions of  
20 an occupational driver's license;))~~

21 (15) RCW (~~46.20.420~~) 46.20.345 relating to the operation of a  
22 motor vehicle with a suspended or revoked license;

23 (16) RCW 46.20.410 relating to the violation of restrictions of an  
24 occupational driver's license;

25 ~~(17)~~ RCW 46.20.740 relating to operation of a motor vehicle without  
26 an ignition interlock device in violation of a license notation that  
27 the device is required;

28 ~~((17))~~ ~~(18)~~ RCW 46.20.750 relating to assisting another person to  
29 start a vehicle equipped with an ignition interlock device;

30 ~~((18))~~ ~~(19)~~ RCW 46.25.170 relating to commercial driver's  
31 licenses;

32 ~~((19))~~ ~~(20)~~ Chapter 46.29 RCW relating to financial  
33 responsibility;

34 ~~((20))~~ ~~(21)~~ RCW 46.30.040 relating to providing false evidence of  
35 financial responsibility;

36 ~~((21))~~ ~~(22)~~ RCW 46.37.435 relating to wrongful installation of  
37 sunscreening material;

38 ~~((22))~~ ~~(23)~~ RCW 46.44.180 relating to operation of mobile home  
39 pilot vehicles;

1        (~~(23)~~) (24) RCW 46.48.175 relating to the transportation of  
2 dangerous articles;

3        (~~(24)~~) (25) RCW 46.52.010 relating to duty on striking an  
4 unattended car or other property;

5        (~~(25)~~) (26) RCW 46.52.020 relating to duty in case of injury to  
6 or death of a person or damage to an attended vehicle;

7        (~~(26)~~) (27) RCW 46.52.090 relating to reports by repairmen,  
8 storagemen, and appraisers;

9        (~~(27)~~) (28) RCW 46.52.130 relating to confidentiality of the  
10 driving record to be furnished to an insurance company, an employer,  
11 and an alcohol/drug assessment or treatment agency;

12        (~~(28)~~) (29) RCW 46.55.020 relating to engaging in the activities  
13 of a registered tow truck operator without a registration certificate;

14        (~~(29)~~) (30) RCW 46.55.035 relating to prohibited practices by tow  
15 truck operators;

16        (~~(30)~~) (31) RCW 46.61.015 relating to obedience to police  
17 officers, (~~(flagmen)~~) flaggers, or fire fighters;

18        (~~(31)~~) (32) RCW 46.61.020 relating to refusal to give information  
19 to or cooperate with an officer;

20        (~~(32)~~) (33) RCW 46.61.022 relating to failure to stop and give  
21 identification to an officer;

22        (~~(33)~~) (34) RCW 46.61.024 relating to attempting to elude  
23 pursuing police vehicles;

24        (~~(34)~~) (35) RCW 46.61.500 relating to reckless driving;

25        (~~(35)~~) (36) RCW 46.61.502 and 46.61.504 relating to persons under  
26 the influence of intoxicating liquor or drugs;

27        (~~(36)~~) (37) RCW 46.61.503 relating to a person under age twenty-  
28 one driving a motor vehicle after consuming alcohol;

29        (~~(37)~~) (38) RCW 46.61.520 relating to vehicular homicide by motor  
30 vehicle;

31        (~~(38)~~) (39) RCW 46.61.522 relating to vehicular assault;

32        (~~(39)~~) (40) RCW 46.61.5249 relating to first degree negligent  
33 driving;

34        (~~(40)~~) (41) RCW 46.61.527(4) relating to reckless endangerment of  
35 roadway workers;

36        (~~(41)~~) (42) RCW 46.61.530 relating to racing of vehicles on  
37 highways;

38        (~~(42)~~) (43) RCW 46.61.685 relating to leaving children in an  
39 unattended vehicle with the motor running;

1       (~~(43)~~) (44) RCW 46.64.010 relating to unlawful cancellation of or  
2 attempt to cancel a traffic citation;  
3       (~~(44)~~) (45) RCW 46.64.048 relating to attempting, aiding,  
4 abetting, coercing, and committing crimes;  
5       (~~(45)~~) (46) Chapter 46.65 RCW relating to habitual traffic  
6 offenders;  
7       (~~(46)~~) (47) RCW 46.68.010 relating to false statements made to  
8 obtain a refund;  
9       (~~(47)~~) (48) Chapter 46.70 RCW relating to unfair motor vehicle  
10 business practices, except where that chapter provides for the  
11 assessment of monetary penalties of a civil nature;  
12       (~~(48)~~) (49) Chapter 46.72 RCW relating to the transportation of  
13 passengers in for hire vehicles;  
14       (~~(49)~~) (50) RCW 46.72A.060 relating to limousine carrier  
15 insurance;  
16       (~~(50)~~) (51) RCW 46.72A.070 relating to operation of a limousine  
17 without a vehicle certificate;  
18       (~~(51)~~) (52) RCW 46.72A.080 relating to false advertising by a  
19 limousine carrier;  
20       (~~(52)~~) (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
21       (~~(53)~~) (54) Chapter 46.82 RCW relating to driver's training  
22 schools;  
23       (~~(54)~~) (55) RCW 46.87.260 relating to alteration or forgery of a  
24 cab card, letter of authority, or other temporary authority issued  
25 under chapter 46.87 RCW;  
26       (~~(55)~~) (56) RCW 46.87.290 relating to operation of an  
27 unregistered or unlicensed vehicle under chapter 46.87 RCW.

28       NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW  
29 to read as follows:

30       A report filed with the department of licensing under RCW 46.20.305  
31 that causes the director to commence an inquiry into a person's driving  
32 ability is exempt from the disclosure requirements of this chapter.

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