

WAC 308-101-240 Probation in habitual traffic offender matters.

(1) Upon reinstatement after a habitual traffic offender revocation, a person must be placed on probation for one year.

(2) Every stay order issued under RCW 46.65.060 and any reinstatement order of the driving privilege granted under RCW 46.65.080 or 46.65.100 are granted subject to the following probationary terms and conditions:

(a) The individual must not be convicted of or found to have committed any of the following types of offenses during the period of probation or the duration of the stay:

- (i) Vehicular homicide - RCW 46.61.520;
- (ii) Vehicular assault - RCW 46.61.522;
- (iii) Driving under the influence - RCW 46.61.502;
- (iv) Driver under twenty-one consuming alcohol or marijuana - RCW 46.61.503;
- (v) Physical control of vehicle under the influence - RCW 46.61.504;
- (vi) Driving a commercial motor vehicle with alcohol or THC in system;
- (vii) Driving while license suspended or revoked 1st or 2nd degree (includes driving violation of an occupational/restricted driver's license) - RCW 46.20.342;
- (viii) Hit and run (occupied) - RCW 46.52.020;
- (ix) Reckless driving - RCW 46.61.500;
- (x) Attempting to elude a police vehicle - RCW 46.61.024;
- (xi) Felony involving motor vehicle - RCW 46.20.285(4);
- (xii) Ignition interlock violation - RCW 46.20.720;
- (xiii) Violation of an occupational or restricted license - RCW 46.20.410;
- (xiv) Operating a vehicle without an ignition interlock device - RCW 46.20.740;
- (xv) Circumventing ignition interlock device - RCW 46.20.750;
- (xvi) Open container violation (alcoholic beverages) - RCW 46.61.519;
- (xvii) Open container violation (marijuana) - RCW 46.61.745;
- (xviii) A conviction for any reduced or amended alcohol or drug-related driving offense.

(b) Two or more moving violations received within a twelve-month period as defined in WAC 308-104-160 during the period of probation or the duration of the stay;

(c) Any of the following:

- (i) A reported driving incident with a detectable alcohol concentration;
- (ii) A revocation or disqualification for refusing a breath or blood test as provided by RCW 46.20.308, 46.20.3101, 46.25.090, or 46.25.120 from an incident;
- (iii) Entry into a deferred prosecution program for any alcohol or drug-related offense;
- (iv) A report of positive drug/alcohol test or refusal - RCW 46.25.090;
- (v) A violation of the terms of any mandatory court probation - RCW 46.61.5055.

(d) Compliance with a state approved alcohol/drug treatment program as set forth in chapter 70.96A RCW and WAC 308-104-170.

(3) A violation of these terms will result in:

(a) If on probation as a habitual traffic offender: The revocation of the driving privilege for the balance of the habitual traffic

offender revocation period as well as any further driving while revoked revocation(s), or for one year, whichever is longer;

(b) If subject to a stay: Cancellation of the stay and revocation of the driving privilege for seven years.

(4) Review of violations of the terms and conditions of the probation or stay may be sought via the procedure provided in RCW 46.20.245.

[Statutory Authority: RCW 46.01.110. WSR 18-11-098, § 308-101-240, filed 5/21/18, effective 9/4/18.]