
SENATE BILL 5840

State of Washington

54th Legislature

1995 Regular Session

By Senator Smith

Read first time 02/08/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to penalties for driving with a suspended or
2 revoked license; and amending RCW 46.20.342.

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

4 **Sec. 1.** RCW 46.20.342 and 1993 c 501 s 6 are each amended to read
5 as follows:

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

11 (a) A person found to be an habitual offender under chapter 46.65
12 RCW, who violates this section while an order of revocation issued
13 under chapter 46.65 RCW prohibiting such operation is in effect, is
14 guilty of driving while license suspended or revoked in the first
15 degree, a gross misdemeanor. Upon the first such conviction, the
16 person shall be punished by imprisonment for not less than ten days.
17 Upon the second conviction, the person shall be punished by
18 imprisonment for not less than ninety days. Upon the third or
19 subsequent conviction, the person shall be punished by imprisonment for

1 not less than one hundred eighty days. If the person is also convicted
2 of the offense defined in RCW 46.61.502 or 46.61.504, when both
3 convictions arise from the same event, the minimum sentence of
4 confinement shall be not less than ninety days. The minimum sentence
5 of confinement required shall not be suspended or deferred. A
6 conviction under this subsection does not prevent a person from
7 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

18 (ii) A previous conviction under this section;

19 (iii) A notice received by the department from a court or diversion
20 unit as provided by RCW 46.20.265, relating to a minor who has
21 committed, or who has entered a diversion unit concerning an offense
22 relating to alcohol, legend drugs, controlled substances, or imitation
23 controlled substances;

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

26 (v) A conviction of RCW 46.20.420, relating to the operation of a
27 motor vehicle with a suspended or revoked license;

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

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

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

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

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

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

37 (xii) A conviction of RCW 46.61.530, relating to racing of vehicles
38 on highways;

1 (xiii) A conviction of RCW 46.61.685, relating to leaving children
2 in an unattended vehicle with motor running;

3 (xiv) A conviction of RCW 46.64.048, relating to attempting,
4 aiding, abetting, coercing, and committing crimes; or

5 (xv) An administrative action taken by the department under chapter
6 46.20 RCW.

7 (c) A person who violates this section when his or her driver's
8 license or driving privilege is, at the time of the violation,
9 suspended or revoked solely because (i) the person must furnish proof
10 of satisfactory progress in a required alcoholism or drug treatment
11 program, (ii) the person must furnish proof of financial responsibility
12 for the future as provided by chapter 46.29 RCW, (iii) the person has
13 failed to comply with the provisions of chapter 46.29 RCW relating to
14 uninsured accidents, (iv) the person has failed to respond to a notice
15 of traffic infraction, failed to appear at a requested hearing,
16 violated a written promise to appear in court, or has failed to comply
17 with the terms of a notice of traffic infraction or citation, as
18 provided in RCW 46.20.289, (v) the person has committed an offense in
19 another state that, if committed in this state, would not be grounds
20 for the suspension or revocation of the person's driver's license, or
21 (vi) the person has been suspended or revoked by reason of one or more
22 of the items listed in (b) of this subsection, but was eligible to
23 reinstate his or her driver's license or driving privilege at the time
24 of the violation, or any combination of (i) through (vi), is guilty of
25 driving while license suspended or revoked in the third degree, a
26 misdemeanor. A person cited for a violation of subsection (1)(c) of
27 this section may, before the date scheduled for the person's
28 appearance, submit by mail to the court written verifiable evidence of
29 having obtained a valid Washington state driver's license, in which
30 case the charge shall be reduced to a violation of RCW 46.20.021(1).

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.

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