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SENATE BILL 6204

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State of Washington                      54th Legislature                      1996 Regular Session

By Senators Haugen, Smith, Winsley, Hale and Schow

Read first time 01/09/96. Referred to Committee on Law & Justice.

1            AN ACT Relating to penalties for driving without a driver's license  
2 and negligent driving; amending RCW 46.61.525; reenacting and amending  
3 RCW 46.20.021 and 46.63.020; adding a new section to chapter 46.61 RCW;  
4 and prescribing penalties.

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

6            **Sec. 1.** RCW 46.20.021 and 1991 c 293 s 3 and 1991 c 73 s 1 are  
7 each reenacted and amended to read as follows:

8            (1) No person, except as expressly exempted by this chapter, may  
9 drive any motor vehicle upon a highway in this state unless the person  
10 has a valid driver's license issued to Washington residents under the  
11 provisions of this chapter. A violation of this subsection is ((a  
12 misdemeanor and is a lesser included offense within the offenses  
13 described in RCW 46.20.342(1) or 46.20.420)) an infraction and is  
14 subject to penalties as set by the supreme court under RCW 46.63.110 or  
15 community service.

16            (2) For the purposes of obtaining a valid driver's license, a  
17 resident is a person who manifests an intent to live or be located in  
18 this state on more than a temporary or transient basis. Evidence of  
19 residency includes but is not limited to:

- 1 (a) Becoming a registered voter in this state; or  
2 (b) Receiving benefits under one of the Washington public  
3 assistance programs; or  
4 (c) Declaring that he or she is a resident for the purpose of  
5 obtaining a state license or tuition fees at resident rates.

6 (3) The term "Washington public assistance programs" referred to in  
7 subsection (2)(b) of this section includes only public assistance  
8 programs for which more than fifty percent of the combined costs of  
9 benefits and administration are paid from state funds. Programs which  
10 are not included within the term "Washington public assistance  
11 programs" pursuant to the above criteria include, but are not limited  
12 to the food stamp program under the federal food stamp act of 1964;  
13 programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771  
14 through 1788; and aid to families with dependent children, 42 U.S.C.  
15 Secs. 601 through 606.

16 (4) No person shall receive a driver's license unless and until he  
17 or she surrenders to the department all valid driver's licenses in his  
18 or her possession issued to him or her by any other jurisdiction. The  
19 department shall establish a procedure to invalidate the surrendered  
20 photograph license and return it to the person. The invalidated  
21 license, along with the valid temporary Washington driver's license  
22 provided for in RCW 46.20.055(3), shall be accepted as proper  
23 identification. The department shall notify the issuing department  
24 that the licensee is now licensed in a new jurisdiction. No person  
25 shall be permitted to have more than one valid driver's license at any  
26 time.

27 (5) New Washington residents are allowed thirty days from the date  
28 they become residents as defined in this section to procure a valid  
29 Washington driver's license.

30 (6) Any person licensed as a driver under this chapter may exercise  
31 the privilege thereby granted upon all streets and highways in this  
32 state and shall not be required to obtain any other license to exercise  
33 such privilege by any county, municipal or local board, or body having  
34 authority to adopt local police regulations.

35 (7) If a person cited for a violation of subsection (1) of this  
36 section appears in person before the court and provides written  
37 evidence that at the time the person was cited, he or she had a valid  
38 driver's license, the court shall dismiss the notice of infraction. In  
39 lieu of personal appearance, a person cited for a violation of

1 subsection (1) of this section may, before the date scheduled for the  
2 person's appearance before the court, submit by mail to the court  
3 written evidence that at the time the person was cited, he or she had  
4 a valid driver's license in which case the court shall dismiss the  
5 notice of infraction. The court may assess court administrative costs  
6 of twenty-five dollars at the time of dismissal.

7 **Sec. 2.** RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended  
8 to read as follows:

9 It shall be unlawful for any person to operate a motor vehicle in  
10 a negligent manner. For the purpose of this section to "operate in a  
11 negligent manner" shall be construed to mean the operation of a vehicle  
12 in such a manner as to endanger or be likely to endanger any persons or  
13 property: PROVIDED HOWEVER, That any person operating a motor vehicle  
14 on private property with the consent of the owner in a manner  
15 consistent with the owner's consent shall not be guilty of negligent  
16 driving.

17 ~~((The offense of operating a vehicle in a negligent manner shall be~~  
18 ~~considered to be a lesser offense than, but included in, the offense of~~  
19 ~~operating a vehicle in a reckless manner, and any person charged with~~  
20 ~~operating a vehicle in a reckless manner may be convicted of the lesser~~  
21 ~~offense of operating a vehicle in a negligent manner. Any person~~  
22 ~~violating the provisions of this section will be guilty of a~~  
23 ~~misdemeanor: PROVIDED, That the director may not revoke any license~~  
24 ~~under this section, and such offense is not punishable by imprisonment~~  
25 ~~or by a fine exceeding two hundred fifty dollars)) A violation of this  
26 section is an infraction and is subject to penalties as set by the  
27 supreme court under RCW 46.63.110 or community service.~~

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW  
29 to read as follows:

30 (1) It is unlawful for a person to operate a motor vehicle in a  
31 negligent manner and exhibit the effects of having consumed liquor or  
32 an illegal drug.

33 (2) For purposes of this section:

34 (a) "To operate in a negligent manner" means the operation of a  
35 vehicle in such a manner as to endanger or be likely to endanger  
36 persons or property.

1 (b) "Exhibiting the effects of having consumed liquor" means that  
2 a person has the odor of liquor on his or her breath and either: (i)  
3 Is in possession of or close proximity to a container that has or  
4 recently had liquor in it; or (ii) is shown by other evidence to have  
5 recently consumed liquor.

6 (c) "Exhibiting the effects of having consumed an illegal drug"  
7 means that a person by speech, manner, appearance, behavior, lack of  
8 coordination, or otherwise, exhibits that he or she has consumed an  
9 illegal drug and either: (i) Is in possession of an illegal drug; or  
10 (ii) is shown by other evidence to have recently consumed an illegal  
11 drug.

12 (d) "Illegal drug" means a controlled substance under chapter 69.50  
13 RCW for which the driver does not have a valid prescription or a legend  
14 drug under chapter 69.41 RCW for which the driver does not have a valid  
15 prescription.

16 (3) It is an affirmative defense to negligent driving while  
17 exhibiting the effects of having consumed an illegal drug that the  
18 driver has a valid prescription for the drug consumed.

19 (4) A violation of this section is a misdemeanor.

20 **Sec. 4.** RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are  
21 each reenacted and amended to read as follows:

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

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

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

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

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

1 (5) Chapter 46.12 RCW relating to certificates of ownership and  
2 registration;

3 (6) RCW 46.16.010 relating to initial registration of motor  
4 vehicles;

5 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
6 drive;

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

8 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
9 acquisition of a special placard or license plate for disabled persons'  
10 parking;

11 (10) (~~RCW 46.20.021 relating to driving without a valid driver's~~  
12 ~~license;~~

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

15 (~~(12)~~) (11) RCW 46.20.342 relating to driving with a suspended or  
16 revoked license or status;

17 (~~(13)~~) (12) RCW 46.20.410 relating to the violation of  
18 restrictions of an occupational driver's license;

19 (~~(14)~~) (13) RCW 46.20.420 relating to the operation of a motor  
20 vehicle with a suspended or revoked license;

21 (~~(15)~~) (14) RCW 46.20.750 relating to assisting another person to  
22 start a vehicle equipped with an ignition interlock device;

23 (~~(16)~~) (15) RCW 46.25.170 relating to commercial driver's  
24 licenses;

25 (~~(17)~~) (16) Chapter 46.29 RCW relating to financial  
26 responsibility;

27 (~~(18)~~) (17) RCW 46.30.040 relating to providing false evidence of  
28 financial responsibility;

29 (~~(19)~~) (18) RCW 46.37.435 relating to wrongful installation of  
30 sunscreening material;

31 (~~(20)~~) (19) RCW 46.44.180 relating to operation of mobile home  
32 pilot vehicles;

33 (~~(21)~~) (20) RCW 46.48.175 relating to the transportation of  
34 dangerous articles;

35 (~~(22)~~) (21) RCW 46.52.010 relating to duty on striking an  
36 unattended car or other property;

37 (~~(23)~~) (22) RCW 46.52.020 relating to duty in case of injury to  
38 or death of a person or damage to an attended vehicle;

1        ~~((24))~~ (23) RCW 46.52.090 relating to reports by repairmen,  
2 storagemen, and appraisers;  
3        ~~((25))~~ (24) RCW 46.52.100 relating to driving under the influence  
4 of liquor or drugs;  
5        ~~((26))~~ (25) RCW 46.52.130 relating to confidentiality of the  
6 driving record to be furnished to an insurance company, an employer,  
7 and an alcohol/drug assessment or treatment agency;  
8        ~~((27))~~ (26) RCW 46.55.020 relating to engaging in the activities  
9 of a registered tow truck operator without a registration certificate;  
10        ~~((28))~~ (27) RCW 46.55.035 relating to prohibited practices by tow  
11 truck operators;  
12        ~~((29))~~ (28) RCW 46.61.015 relating to obedience to police  
13 officers, flagmen, or fire fighters;  
14        ~~((30))~~ (29) RCW 46.61.020 relating to refusal to give information  
15 to or cooperate with an officer;  
16        ~~((31))~~ (30) RCW 46.61.022 relating to failure to stop and give  
17 identification to an officer;  
18        ~~((32))~~ (31) RCW 46.61.024 relating to attempting to elude  
19 pursuing police vehicles;  
20        ~~((33))~~ (32) RCW 46.61.500 relating to reckless driving;  
21        ~~((34))~~ (33) RCW 46.61.502, 46.61.504, 46.61.5051, 46.61.5052, and  
22 46.61.5053 relating to persons under the influence of intoxicating  
23 liquor or drugs;  
24        ~~((35))~~ (34) RCW 46.61.520 relating to vehicular homicide by motor  
25 vehicle;  
26        ~~((36))~~ (35) RCW 46.61.522 relating to vehicular assault;  
27        ~~((37))~~ RCW 46.61.525 relating to negligent driving;  
28        ~~((38))~~ (36) Section 3 of this act relating to operating a vehicle  
29 in a negligent manner;  
30        (37) RCW 46.61.527(4) relating to reckless endangerment of roadway  
31 workers;  
32        ~~((39))~~ (38) RCW 46.61.530 relating to racing of vehicles on  
33 highways;  
34        ~~((40))~~ (39) RCW 46.61.685 relating to leaving children in an  
35 unattended vehicle with the motor running;  
36        ~~((41))~~ (40) RCW 46.64.010 relating to unlawful cancellation of or  
37 attempt to cancel a traffic citation;  
38        ~~((42))~~ (41) RCW 46.64.048 relating to attempting, aiding,  
39 abetting, coercing, and committing crimes;

1       (~~(43)~~) (42) Chapter 46.65 RCW relating to habitual traffic  
2 offenders;  
3       (~~(44)~~) (43) 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       (~~(45)~~) (44) Chapter 46.72 RCW relating to the transportation of  
7 passengers in for hire vehicles;  
8       (~~(46)~~) (45) Chapter 46.80 RCW relating to motor vehicle wreckers;  
9       (~~(47)~~) (46) Chapter 46.82 RCW relating to driver's training  
10 schools;  
11       (~~(48)~~) (47) RCW 46.87.260 relating to alteration or forgery of a  
12 cab card, letter of authority, or other temporary authority issued  
13 under chapter 46.87 RCW;  
14       (~~(49)~~) (48) RCW 46.87.290 relating to operation of an  
15 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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