

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6204

54th Legislature
1996 Regular Session

Passed by the Senate March 6, 1996
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 5, 1996
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6204** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6204

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Smith, Winsley, Hale and Schow)

Read first time 01/30/96.

1 AN ACT Relating to penalties for driving without a driver's license
2 and negligent driving; amending RCW 46.61.525, 46.61.5055, 46.52.130;
3 reenacting and amending RCW 46.20.021 and 46.63.020; creating a new
4 creating; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended
7 to read as follows:

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

16 ~~The offense of operating a vehicle in a negligent manner shall be~~
17 ~~considered to be a lesser offense than, but included in, the offense of~~
18 ~~operating a vehicle in a reckless manner, and any person charged with~~
19 ~~operating a vehicle in a reckless manner may be convicted of the lesser~~

~~1 offense of operating a vehicle in a negligent manner. Any person~~
~~2 violating the provisions of this section will be guilty of a~~
~~3 misdemeanor: PROVIDED, That the director may not revoke any license~~
~~4 under this section, and such offense is not punishable by imprisonment~~
~~5 or by a fine exceeding two hundred fifty dollars.))~~ (1)(a) A person is
6 guilty of negligent driving in the first degree if he or she operates
7 a motor vehicle in a manner that is both negligent and endangers or is
8 likely to endanger any person or property, and exhibits the effects of
9 having consumed liquor or an illegal drug.

10 (b) It is an affirmative defense to negligent driving in the first
11 degree by means of exhibiting the effects of having consumed an illegal
12 drug that must be proved by the defendant by a preponderance of the
13 evidence, that the driver has a valid prescription for the drug
14 consumed, and has been consuming it according to the prescription
15 directions and warnings.

16 (c) Negligent driving in the first degree is a misdemeanor.

17 (2)(a) A person is guilty of negligent driving in the second degree
18 if, under circumstances not constituting negligent driving in the first
19 degree, he or she operates a motor vehicle in a manner that is both
20 negligent and endangers or is likely to endanger any person or
21 property.

22 (b) It is an affirmative defense to negligent driving in the second
23 degree that must be proved by the defendant by a preponderance of the
24 evidence, that the driver was operating the motor vehicle on private
25 property with the consent of the owner in a manner consistent with the
26 owner's consent.

27 (c) Negligent driving in the second degree is a traffic infraction
28 and is subject to a penalty of two hundred fifty dollars.

29 (3) For the purposes of this section:

30 (a) "Negligent" means the failure to exercise ordinary care, and is
31 the doing of some act that a reasonably careful person would not do
32 under the same or similar circumstances or the failure to do something
33 that a reasonably careful person would do under the same or similar
34 circumstances.

35 (b) "Exhibiting the effects of having consumed liquor" means that
36 a person has the odor of liquor on his or her breath, or that by
37 speech, manner, appearance, behavior, lack of coordination, or
38 otherwise exhibits that he or she has consumed liquor, and either:

1 (i) Is in possession of or in close proximity to a container that
2 has or recently had liquor in it; or

3 (ii) Is shown by other evidence to have recently consumed liquor.

4 (c) "Exhibiting the effects of having consumed an illegal drug"
5 means that a person by speech, manner, appearance, behavior, lack of
6 coordination, or otherwise exhibits that he or she has consumed an
7 illegal drug and either:

8 (i) Is in possession of an illegal drug; or

9 (ii) Is shown by other evidence to have recently consumed an
10 illegal drug.

11 (d) "Illegal drug" means a controlled substance under chapter 69.50
12 RCW for which the driver does not have a valid prescription or that is
13 not being consumed in accordance with the prescription directions and
14 warnings, or a legend drug under chapter 69.41 RCW for which the driver
15 does not have a valid prescription or that is not being consumed in
16 accordance with the prescription directions and warnings.

17 (4) Any act prohibited by this section that also constitutes a
18 crime under any other law of this state may be the basis of prosecution
19 under such other law notwithstanding that it may also be the basis for
20 prosecution under this section.

21 NEW SECTION. Sec. 2. (1) The office of the administrator for the
22 courts shall collect data on the following after the effective date of
23 this act:

24 (a) The number of arrests, charges, and convictions for negligent
25 driving in the first degree;

26 (b) The number of notices of infraction issued for negligent
27 driving in the second degree; and

28 (c) The number of charges for negligent driving that were the
29 result of an amended charge from some other offense, and the numbers
30 for each such other offense.

31 (2) The office of the administrator for the courts shall compile
32 the collected data and make a report to the legislature no later than
33 October 1, 1998.

34 **Sec. 3.** RCW 46.61.5055 and 1995 1st sp.s. c 17 s 2 are each
35 amended to read as follows:

1 (1) A person who is convicted of a violation of RCW 46.61.502 or
2 46.61.504 and who has no prior offense within five years shall be
3 punished as follows:

4 (a) In the case of a person whose alcohol concentration was less
5 than 0.15, or for whom for reasons other than the person's refusal to
6 take a test offered pursuant to RCW 46.20.308 there is no test result
7 indicating the person's alcohol concentration:

8 (i) By imprisonment for not less than one day nor more than one
9 year. Twenty-four consecutive hours of the imprisonment may not be
10 suspended or deferred unless the court finds that the imposition of
11 this mandatory minimum sentence would impose a substantial risk to the
12 offender's physical or mental well-being. Whenever the mandatory
13 minimum sentence is suspended or deferred, the court shall state in
14 writing the reason for granting the suspension or deferral and the
15 facts upon which the suspension or deferral is based; and

16 (ii) By a fine of not less than three hundred fifty dollars nor
17 more than five thousand dollars. Three hundred fifty dollars of the
18 fine may not be suspended or deferred unless the court finds the
19 offender to be indigent; and

20 (iii) By suspension of the offender's license or permit to drive,
21 or suspension of any nonresident privilege to drive, for a period of
22 ninety days. The period of license, permit, or privilege suspension
23 may not be suspended. The court shall notify the department of
24 licensing of the conviction, and upon receiving notification of the
25 conviction the department shall suspend the offender's license, permit,
26 or privilege; or

27 (b) In the case of a person whose alcohol concentration was at
28 least 0.15, or for whom by reason of the person's refusal to take a
29 test offered pursuant to RCW 46.20.308 there is no test result
30 indicating the person's alcohol concentration:

31 (i) By imprisonment for not less than two days nor more than one
32 year. Two consecutive days of the imprisonment may not be suspended or
33 deferred unless the court finds that the imposition of this mandatory
34 minimum sentence would impose a substantial risk to the offender's
35 physical or mental well-being. Whenever the mandatory minimum sentence
36 is suspended or deferred, the court shall state in writing the reason
37 for granting the suspension or deferral and the facts upon which the
38 suspension or deferral is based; and

1 (ii) By a fine of not less than five hundred dollars nor more than
2 five thousand dollars. Five hundred dollars of the fine may not be
3 suspended or deferred unless the court finds the offender to be
4 indigent; and

5 (iii) By suspension of the offender's license or permit to drive,
6 or suspension of any nonresident privilege to drive, for a period of
7 one hundred twenty days. The period of license, permit, or privilege
8 suspension may not be suspended. The court shall notify the department
9 of licensing of the conviction, and upon receiving notification of the
10 conviction the department shall suspend the offender's license, permit,
11 or privilege.

12 (2) A person who is convicted of a violation of RCW 46.61.502 or
13 46.61.504 and who has one prior offense within five years shall be
14 punished as follows:

15 (a) In the case of a person whose alcohol concentration was less
16 than 0.15, or for whom for reasons other than the person's refusal to
17 take a test offered pursuant to RCW 46.20.308 there is no test result
18 indicating the person's alcohol concentration:

19 (i) By imprisonment for not less than thirty days nor more than one
20 year. Thirty days of the imprisonment may not be suspended or deferred
21 unless the court finds that the imposition of this mandatory minimum
22 sentence would impose a substantial risk to the offender's physical or
23 mental well-being. Whenever the mandatory minimum sentence is
24 suspended or deferred, the court shall state in writing the reason for
25 granting the suspension or deferral and the facts upon which the
26 suspension or deferral is based; and

27 (ii) By a fine of not less than five hundred dollars nor more than
28 five thousand dollars. Five hundred dollars of the fine may not be
29 suspended or deferred unless the court finds the offender to be
30 indigent; and

31 (iii) By revocation of the offender's license or permit to drive,
32 or suspension of any nonresident privilege to drive, for a period of
33 one year. The period of license, permit, or privilege revocation may
34 not be suspended. The court shall notify the department of licensing
35 of the conviction, and upon receiving notification of the conviction
36 the department shall revoke the offender's license, permit, or
37 privilege; or

38 (b) In the case of a person whose alcohol concentration was at
39 least 0.15, or for whom by reason of the person's refusal to take a

1 test offered pursuant to RCW 46.20.308 there is no test result
2 indicating the person's alcohol concentration:

3 (i) By imprisonment for not less than forty-five days nor more than
4 one year. Forty-five days of the imprisonment may not be suspended or
5 deferred unless the court finds that the imposition of this mandatory
6 minimum sentence would impose a substantial risk to the offender's
7 physical or mental well-being. Whenever the mandatory minimum sentence
8 is suspended or deferred, the court shall state in writing the reason
9 for granting the suspension or deferral and the facts upon which the
10 suspension or deferral is based; and

11 (ii) By a fine of not less than seven hundred fifty dollars nor
12 more than five thousand dollars. Seven hundred fifty dollars of the
13 fine may not be suspended or deferred unless the court finds the
14 offender to be indigent; and

15 (iii) By revocation of the offender's license or permit to drive,
16 or suspension of any nonresident privilege to drive, for a period of
17 four hundred fifty days. The period of license, permit, or privilege
18 revocation may not be suspended. The court shall notify the department
19 of licensing of the conviction, and upon receiving notification of the
20 conviction the department shall revoke the offender's license, permit,
21 or privilege.

22 (3) A person who is convicted of a violation of RCW 46.61.502 or
23 46.61.504 and who has two or more prior offenses within five years
24 shall be punished as follows:

25 (a) In the case of a person whose alcohol concentration was less
26 than 0.15, or for whom for reasons other than the person's refusal to
27 take a test offered pursuant to RCW 46.20.308 there is no test result
28 indicating the person's alcohol concentration:

29 (i) By imprisonment for not less than ninety days nor more than one
30 year. Ninety days of the imprisonment may not be suspended or deferred
31 unless the court finds that the imposition of this mandatory minimum
32 sentence would impose a substantial risk to the offender's physical or
33 mental well-being. Whenever the mandatory minimum sentence is
34 suspended or deferred, the court shall state in writing the reason for
35 granting the suspension or deferral and the facts upon which the
36 suspension or deferral is based; and

37 (ii) By a fine of not less than one thousand dollars nor more than
38 five thousand dollars. One thousand dollars of the fine may not be

1 suspended or deferred unless the court finds the offender to be
2 indigent; and

3 (iii) By revocation of the offender's license or permit to drive,
4 or suspension of any nonresident privilege to drive, for a period of
5 two years. The period of license, permit, or privilege revocation may
6 not be suspended. The court shall notify the department of licensing
7 of the conviction, and upon receiving notification of the conviction
8 the department shall revoke the offender's license, permit, or
9 privilege; or

10 (b) In the case of a person whose alcohol concentration was at
11 least 0.15, or for whom by reason of the person's refusal to take a
12 test offered pursuant to RCW 46.20.308 there is no test result
13 indicating the person's alcohol concentration:

14 (i) By imprisonment for not less than one hundred twenty days nor
15 more than one year. One hundred twenty days of the imprisonment may
16 not be suspended or deferred unless the court finds that the imposition
17 of this mandatory minimum sentence would impose a substantial risk to
18 the offender's physical or mental well-being. Whenever the mandatory
19 minimum sentence is suspended or deferred, the court shall state in
20 writing the reason for granting the suspension or deferral and the
21 facts upon which the suspension or deferral is based; and

22 (ii) By a fine of not less than one thousand five hundred dollars
23 nor more than five thousand dollars. One thousand five hundred dollars
24 of the fine may not be suspended or deferred unless the court finds the
25 offender to be indigent; and

26 (iii) By revocation of the offender's license or permit to drive,
27 or suspension of any nonresident privilege to drive, for a period of
28 three years. The period of license, permit, or privilege revocation
29 may not be suspended. The court shall notify the department of
30 licensing of the conviction, and upon receiving notification of the
31 conviction the department shall revoke the offender's license, permit,
32 or privilege.

33 (4) In exercising its discretion in setting penalties within the
34 limits allowed by this section, the court shall particularly consider
35 whether the person's driving at the time of the offense was responsible
36 for injury or damage to another or another's property.

37 (5) An offender punishable under this section is subject to the
38 alcohol assessment and treatment provisions of RCW 46.61.5056.

1 (6) After expiration of any period of suspension or revocation of
2 the offender's license, permit, or privilege to drive required by this
3 section, the department shall place the offender's driving privilege in
4 probationary status pursuant to RCW 46.20.355.

5 (7)(a) In addition to any nonsuspendable and nondeferrable jail
6 sentence required by this section, whenever the court imposes less than
7 one year in jail, the court shall also suspend but shall not defer a
8 period of confinement for a period not exceeding two years. The court
9 shall impose conditions of probation that include: (i) Not driving a
10 motor vehicle within this state without a valid license to drive and
11 proof of financial responsibility for the future; (ii) not driving a
12 motor vehicle within this state while having an alcohol concentration
13 of 0.08 or more within two hours after driving; and (iii) not refusing
14 to submit to a test of his or her breath or blood to determine alcohol
15 concentration upon request of a law enforcement officer who has
16 reasonable grounds to believe the person was driving or was in actual
17 physical control of a motor vehicle within this state while under the
18 influence of intoxicating liquor. The court may impose conditions of
19 probation that include nonrepetition, alcohol or drug treatment,
20 supervised probation, or other conditions that may be appropriate. The
21 sentence may be imposed in whole or in part upon violation of a
22 condition of probation during the suspension period.

23 (b) For each violation of mandatory conditions of probation under
24 (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall
25 order the convicted person to be confined for thirty days, which shall
26 not be suspended or deferred.

27 (c) For each incident involving a violation of a mandatory
28 condition of probation imposed under this subsection, the license,
29 permit, or privilege to drive of the person shall be suspended by the
30 court for thirty days or, if such license, permit, or privilege to
31 drive already is suspended, revoked, or denied at the time the finding
32 of probation violation is made, the suspension, revocation, or denial
33 then in effect shall be extended by thirty days. The court shall
34 notify the department of any suspension, revocation, or denial or any
35 extension of a suspension, revocation, or denial imposed under this
36 subsection.

37 (8)(a) A "prior offense" means any of the following:

38 (i) A conviction for a violation of RCW 46.61.502 or an equivalent
39 local ordinance;

1 (ii) A conviction for a violation of RCW 46.61.504 or an equivalent
2 local ordinance;

3 (iii) A conviction for a violation of RCW 46.61.520 committed while
4 under the influence of intoxicating liquor or any drug;

5 (iv) A conviction for a violation of RCW 46.61.522 committed while
6 under the influence of intoxicating liquor or any drug;

7 (v) A conviction for a violation of RCW 46.61.525(1) or an
8 equivalent local ordinance, if the conviction is the result of a charge
9 that was originally filed as a violation of RCW 46.61.502 or 46.61.504,
10 or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

11 (vi) An out-of-state conviction for a violation that would have
12 been a violation of (a)(i), (ii), (iii), ~~((or))~~ (iv), or (v) of this
13 subsection if committed in this state; ~~((or~~

14 ~~(vi)))~~ (vii) A deferred prosecution under chapter 10.05 RCW granted
15 in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an
16 equivalent local ordinance; or

17 (viii) A deferred prosecution under chapter 10.05 RCW granted in a
18 prosecution for a violation of RCW 46.61.525(1), or an equivalent local
19 ordinance, if the charge under which the deferred prosecution was
20 granted was originally filed as a violation of RCW 46.61.502 or
21 46.61.502, or an equivalent local ordinance, or of RCW 46.61.520 or
22 46.61.522.

23 (b) "Within five years" means that the arrest for a prior offense
24 occurred within five years of the arrest for the current offense.

25 **Sec. 4.** RCW 46.52.130 and 1994 c 275 s 16 are each amended to read
26 as follows:

27 A certified abstract of the driving record shall be furnished only
28 to the individual named in the abstract, an employer, the insurance
29 carrier that has insurance in effect covering the employer or a
30 prospective employer, the insurance carrier that has insurance in
31 effect covering the named individual, the insurance carrier to which
32 the named individual has applied, an alcohol/drug assessment or
33 treatment agency approved by the department of social and health
34 services, to which the named individual has applied or been assigned
35 for evaluation or treatment, or city and county prosecuting attorneys.
36 City attorneys and county prosecuting attorneys may provide the driving
37 record to alcohol/drug assessment or treatment agencies approved by the
38 department of social and health services to which the named individual

1 has applied or been assigned for evaluation or treatment. The
2 director, upon proper request, shall furnish a certified abstract
3 covering the period of not more than the last three years to insurance
4 companies. Upon proper request, the director shall furnish a certified
5 abstract covering a period of not more than the last five years to
6 state approved alcohol/drug assessment or treatment agencies, except
7 that the certified abstract shall also include records of alcohol-
8 related offenses as defined in RCW 46.01.260(2) covering a period of
9 not more than the last ten years. Upon proper request, a certified
10 abstract of the full driving record maintained by the department shall
11 be furnished to a city or county prosecuting attorney, to the
12 individual named in the abstract or to an employer or prospective
13 employer of the named individual. The abstract, whenever possible,
14 shall include an enumeration of motor vehicle accidents in which the
15 person was driving; the total number of vehicles involved; whether the
16 vehicles were legally parked or moving; whether the vehicles were
17 occupied at the time of the accident; any reported convictions,
18 forfeitures of bail, or findings that an infraction was committed based
19 upon a violation of any motor vehicle law; and the status of the
20 person's driving privilege in this state. The enumeration shall
21 include any reports of failure to appear in response to a traffic
22 citation or failure to respond to a notice of infraction served upon
23 the named individual by an arresting officer. Certified abstracts
24 furnished to prosecutors and alcohol/drug assessment or treatment
25 agencies shall also indicate whether a recorded violation is an
26 alcohol-related offense as defined in RCW 46.01.260(2) that was
27 originally charged as one of the alcohol-related offenses designated in
28 RCW 46.01.260(2)(a)(i).

29 The abstract provided to the insurance company shall exclude any
30 information, except that related to the commission of misdemeanors or
31 felonies by the individual, pertaining to law enforcement officers or
32 fire fighters as defined in RCW 41.26.030, or any officer of the
33 Washington state patrol, while driving official vehicles in the
34 performance of occupational duty. The abstract provided to the
35 insurance company shall include convictions for RCW 46.61.525 (1) and
36 (2) except that the abstract shall report them only as negligent
37 driving without reference to whether they are for first or second
38 degree negligent driving. The abstract provided to the insurance
39 company shall exclude any deferred prosecution under RCW 10.05.060,

1 except that if a person is removed from a deferred prosecution under
2 RCW 10.05.090, the abstract shall show the deferred prosecution as well
3 as the removal.

4 The director shall collect for each abstract the sum of four
5 dollars and fifty cents which shall be deposited in the highway safety
6 fund.

7 Any insurance company or its agent receiving the certified abstract
8 shall use it exclusively for its own underwriting purposes and shall
9 not divulge any of the information contained in it to a third party.
10 No policy of insurance may be canceled, nonrenewed, denied, or have the
11 rate increased on the basis of such information unless the policyholder
12 was determined to be at fault. No insurance company or its agent for
13 underwriting purposes relating to the operation of commercial motor
14 vehicles may use any information contained in the abstract relative to
15 any person's operation of motor vehicles while not engaged in such
16 employment, nor may any insurance company or its agent for underwriting
17 purposes relating to the operation of noncommercial motor vehicles use
18 any information contained in the abstract relative to any person's
19 operation of commercial motor vehicles.

20 Any employer or prospective employer receiving the certified
21 abstract shall use it exclusively for his or her own purpose to
22 determine whether the licensee should be permitted to operate a
23 commercial vehicle or school bus upon the public highways of this state
24 and shall not divulge any information contained in it to a third party.

25 Any alcohol/drug assessment or treatment agency approved by the
26 department of social and health services receiving the certified
27 abstract shall use it exclusively for the purpose of assisting its
28 employees in making a determination as to what level of treatment, if
29 any, is appropriate. The agency, or any of its employees, shall not
30 divulge any information contained in the abstract to a third party.

31 Any violation of this section is a gross misdemeanor.

32 **Sec. 5.** RCW 46.20.021 and 1991 c 293 s 3 and 1991 c 73 s 1 are
33 each reenacted and amended to read as follows:

34 (1) No person, except as expressly exempted by this chapter, may
35 drive any motor vehicle upon a highway in this state unless the person
36 has a valid driver's license issued to Washington residents under the
37 provisions of this chapter. A violation of this subsection is a
38 misdemeanor and is a lesser included offense within the offenses

1 described in RCW 46.20.342(1) or 46.20.420. However, if a person in
2 violation of this section provides the citing officer with an expired
3 driver's license or other valid identifying documentation under RCW
4 46.20.035 at the time of the stop and is not in violation of RCW
5 46.20.342(1) or 46.20.420, the violation of this section is an
6 infraction and is subject to a penalty of two hundred fifty dollars.
7 If the person appears in person before the court or submits by mail
8 written proof that he or she obtained a valid license after being
9 cited, the court shall reduce the penalty to fifty dollars.

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

14 (a) Becoming a registered voter in this state; or

15 (b) Receiving benefits under one of the Washington public
16 assistance programs; or

17 (c) Declaring that he or she is a resident for the purpose of
18 obtaining a state license or tuition fees at resident rates.

19 (3) The term "Washington public assistance programs" referred to in
20 subsection (2)(b) of this section includes only public assistance
21 programs for which more than fifty percent of the combined costs of
22 benefits and administration are paid from state funds. Programs which
23 are not included within the term "Washington public assistance
24 programs" pursuant to the above criteria include, but are not limited
25 to the food stamp program under the federal food stamp act of 1964;
26 programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771
27 through 1788; and aid to families with dependent children, 42 U.S.C.
28 Secs. 601 through 606.

29 (4) No person shall receive a driver's license unless and until he
30 or she surrenders to the department all valid driver's licenses in his
31 or her possession issued to him or her by any other jurisdiction. The
32 department shall establish a procedure to invalidate the surrendered
33 photograph license and return it to the person. The invalidated
34 license, along with the valid temporary Washington driver's license
35 provided for in RCW 46.20.055(3), shall be accepted as proper
36 identification. The department shall notify the issuing department
37 that the licensee is now licensed in a new jurisdiction. No person
38 shall be permitted to have more than one valid driver's license at any
39 time.

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

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

9 **Sec. 6.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
10 16, and 1995 c 256 s 25 are each reenacted and amended to read as
11 follows:

12 Failure to perform any act required or the performance of any act
13 prohibited by this title or an equivalent administrative regulation or
14 local law, ordinance, regulation, or resolution relating to traffic
15 including parking, standing, stopping, and pedestrian offenses, is
16 designated as a traffic infraction and may not be classified as a
17 criminal offense, except for an offense contained in the following
18 provisions of this title or a violation of an equivalent administrative
19 regulation or local law, ordinance, regulation, or resolution:

20 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
21 vehicle while under the influence of intoxicating liquor or a
22 controlled substance;

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

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

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

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

31 (6) RCW 46.16.010 relating to initial registration of motor
32 vehicles;

33 (7) RCW 46.16.011 relating to permitting unauthorized persons to
34 drive;

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

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

- 1 (10) RCW 46.20.021 relating to driving without a valid driver's
2 license, unless the person cited for the violation provided the citing
3 officer with an expired driver's license or other valid identifying
4 documentation under RCW 46.20.035 at the time of the stop and was not
5 in violation of RCW 46.20.342(1) or 46.20.420, in which case the
6 violation is an infraction;
- 7 (11) RCW 46.20.336 relating to the unlawful possession and use of
8 a driver's license;
- 9 (12) RCW 46.20.342 relating to driving with a suspended or revoked
10 license or status;
- 11 (13) RCW 46.20.410 relating to the violation of restrictions of an
12 occupational driver's license;
- 13 (14) RCW 46.20.420 relating to the operation of a motor vehicle
14 with a suspended or revoked license;
- 15 (15) RCW 46.20.750 relating to assisting another person to start a
16 vehicle equipped with an ignition interlock device;
- 17 (16) RCW 46.25.170 relating to commercial driver's licenses;
- 18 (17) Chapter 46.29 RCW relating to financial responsibility;
- 19 (18) RCW 46.30.040 relating to providing false evidence of
20 financial responsibility;
- 21 (19) RCW 46.37.435 relating to wrongful installation of
22 sunscreening material;
- 23 (20) RCW 46.44.180 relating to operation of mobile home pilot
24 vehicles;
- 25 (21) RCW 46.48.175 relating to the transportation of dangerous
26 articles;
- 27 (22) RCW 46.52.010 relating to duty on striking an unattended car
28 or other property;
- 29 (23) RCW 46.52.020 relating to duty in case of injury to or death
30 of a person or damage to an attended vehicle;
- 31 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
32 and appraisers;
- 33 (25) RCW 46.52.100 relating to driving under the influence of
34 liquor or drugs;
- 35 (26) RCW 46.52.130 relating to confidentiality of the driving
36 record to be furnished to an insurance company, an employer, and an
37 alcohol/drug assessment or treatment agency;
- 38 (27) RCW 46.55.020 relating to engaging in the activities of a
39 registered tow truck operator without a registration certificate;

1 (28) RCW 46.55.035 relating to prohibited practices by tow truck
2 operators;

3 (29) RCW 46.61.015 relating to obedience to police officers,
4 flagmen, or fire fighters;

5 (30) RCW 46.61.020 relating to refusal to give information to or
6 cooperate with an officer;

7 (31) RCW 46.61.022 relating to failure to stop and give
8 identification to an officer;

9 (32) RCW 46.61.024 relating to attempting to elude pursuing police
10 vehicles;

11 (33) RCW 46.61.500 relating to reckless driving;

12 (34) RCW 46.61.502 and 46.61.504 relating to persons under the
13 influence of intoxicating liquor or drugs;

14 (35) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute Senate~~
15 ~~Bill No. 5141), Laws of 1995~~)) 46.61.503 relating to a person under
16 age twenty-one driving a motor vehicle after consuming alcohol;

17 (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

18 (37) RCW 46.61.522 relating to vehicular assault;

19 (38) RCW 46.61.525(1) relating to first degree negligent driving;

20 (39) RCW 46.61.527(4) relating to reckless endangerment of roadway
21 workers;

22 (40) RCW 46.61.530 relating to racing of vehicles on highways;

23 (41) RCW 46.61.685 relating to leaving children in an unattended
24 vehicle with the motor running;

25 (42) RCW 46.64.010 relating to unlawful cancellation of or attempt
26 to cancel a traffic citation;

27 (43) RCW 46.64.048 relating to attempting, aiding, abetting,
28 coercing, and committing crimes;

29 (44) Chapter 46.65 RCW relating to habitual traffic offenders;

30 (45) Chapter 46.70 RCW relating to unfair motor vehicle business
31 practices, except where that chapter provides for the assessment of
32 monetary penalties of a civil nature;

33 (46) Chapter 46.72 RCW relating to the transportation of passengers
34 in for hire vehicles;

35 (47) Chapter 46.80 RCW relating to motor vehicle wreckers;

36 (48) Chapter 46.82 RCW relating to driver's training schools;

37 (49) RCW 46.87.260 relating to alteration or forgery of a cab card,
38 letter of authority, or other temporary authority issued under chapter
39 46.87 RCW;

1 (50) RCW 46.87.290 relating to operation of an unregistered or
2 unlicensed vehicle under chapter 46.87 RCW.

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