
HOUSE BILL 1895

State of Washington

57th Legislature

2001 Regular Session

By Representatives Esser, Morris, Barlean, Cooper, Mielke, O'Brien, Mulliken, Ericksen, Hatfield, B. Chandler, Linville and Kirby

Read first time 02/08/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to theft of motor vehicle fuel; amending RCW
2 46.20.311, 46.20.342, and 46.63.020; adding a new section to
3 chapter 46.61 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61
6 RCW under the subchapter heading "miscellaneous rules" to read as
7 follows:

8 (1) Any person who refuses to pay or evades payment for motor
9 vehicle fuel that is pumped into a motor vehicle is guilty of
10 theft of motor vehicle fuel. A violation of this subsection is a
11 gross misdemeanor punishable under chapter 9A.20 RCW.

12 (2) The license, permit, or nonresident driving privilege of
13 any person convicted of theft of motor vehicle fuel must be
14 suspended by the department for six months.

15 **Sec. 2.** RCW 46.20.311 and 2000 c 115 s 7 are each amended to read
16 as follows:

17 (1)(a) The department shall not suspend a driver's license or

1 privilege to drive a motor vehicle on the public highways for a
2 fixed period of more than one year, except as specifically
3 permitted under RCW 46.20.267, 46.20.342, or other provision of
4 law. Except for a suspension under RCW 46.20.267, 46.20.289,
5 46.20.291(5), 46.61.--- (section 1 of this act), or 74.20A.320,
6 whenever the license or driving privilege of any person is
7 suspended by reason of a conviction, a finding that a traffic
8 infraction has been committed, pursuant to chapter 46.29 RCW, or
9 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall
10 remain in effect until the person gives and thereafter maintains
11 proof of financial responsibility for the future as provided in
12 chapter 46.29 RCW. If the suspension is the result of a violation
13 of RCW 46.61.502 or 46.61.504, the department shall determine the
14 person's eligibility for licensing based upon the reports provided
15 by the alcoholism agency or probation department designated under
16 RCW 46.61.5056 and shall deny reinstatement until enrollment and
17 participation in an approved program has been established and the
18 person is otherwise qualified. Whenever the license or driving
19 privilege of any person is suspended as a result of certification
20 of noncompliance with a child support order under chapter 74.20A
21 RCW or a residential or visitation order, the suspension shall
22 remain in effect until the person provides a release issued by the
23 department of social and health services stating that the person
24 is in compliance with the order.

25 (b)(i) The department shall not issue to the person a new,
26 duplicate, or renewal license until the person pays a reissue fee
27 of twenty dollars.

28 (ii) If the suspension is the result of a violation of RCW
29 46.61.502 or 46.61.504, or is the result of administrative action
30 under RCW 46.20.308, the reissue fee shall be one hundred fifty
31 dollars.

32 (2)(a) Any person whose license or privilege to drive a motor
33 vehicle on the public highways has been revoked, unless the
34 revocation was for a cause which has been removed, is not entitled
35 to have the license or privilege renewed or restored until: (i)
36 After the expiration of one year from the date the license or
37 privilege to drive was revoked; (ii) after the expiration of the
38 applicable revocation period provided by RCW 46.20.3101 or

1 46.61.5055; (iii) after the expiration of two years for persons
2 convicted of vehicular homicide; or (iv) after the expiration of
3 the applicable revocation period provided by RCW 46.20.265.

4 (b)(i) After the expiration of the appropriate period, the
5 person may make application for a new license as provided by law
6 together with a reissue fee in the amount of twenty dollars.

7 (ii) If the revocation is the result of a violation of RCW
8 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
9 hundred fifty dollars. If the revocation is the result of a
10 violation of RCW 46.61.502 or 46.61.504, the department shall
11 determine the person's eligibility for licensing based upon the
12 reports provided by the alcoholism agency or probation department
13 designated under RCW 46.61.5056 and shall deny reissuance of a
14 license, permit, or privilege to drive until enrollment and
15 participation in an approved program has been established and the
16 person is otherwise qualified.

17 (c) Except for a revocation under RCW 46.20.265, the department
18 shall not then issue a new license unless it is satisfied after
19 investigation of the driving ability of the person that it will be
20 safe to grant the privilege of driving a motor vehicle on the
21 public highways, and until the person gives and thereafter
22 maintains proof of financial responsibility for the future as
23 provided in chapter 46.29 RCW. For a revocation under RCW
24 46.20.265, the department shall not issue a new license unless it
25 is satisfied after investigation of the driving ability of the
26 person that it will be safe to grant that person the privilege of
27 driving a motor vehicle on the public highways.

28 (3)(a) Whenever the driver's license of any person is suspended
29 pursuant to Article IV of the nonresident violators compact or RCW
30 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not
31 issue to the person any new or renewal license until the person
32 pays a reissue fee of twenty dollars.

33 (b) If the suspension is the result of a violation of the laws
34 of this or any other state, province, or other jurisdiction
35 involving (i) the operation or physical control of a motor vehicle
36 upon the public highways while under the influence of intoxicating
37 liquor or drugs, or (ii) the refusal to submit to a chemical test

1 of the driver's blood alcohol content, the reissue fee shall be
2 one hundred fifty dollars.

3 **Sec. 3.** RCW 46.20.342 and 2000 c 115 s 8 are each amended to read
4 as follows:

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

10 (a) A person found to be an habitual offender under chapter
11 46.65 RCW, who violates this section while an order of revocation
12 issued under chapter 46.65 RCW prohibiting such operation is in
13 effect, is guilty of driving while license suspended or revoked in
14 the first degree, a gross misdemeanor. Upon the first such
15 conviction, the person shall be punished by imprisonment for not
16 less than ten days. Upon the second conviction, the person shall be
17 punished by imprisonment for not less than ninety days. Upon the
18 third or subsequent conviction, the person shall be punished by
19 imprisonment for not less than one hundred eighty days. If the
20 person is also convicted of the offense defined in RCW 46.61.502
21 or 46.61.504, when both convictions arise from the same event, the
22 minimum sentence of confinement shall be not less than ninety
23 days. The minimum sentence of confinement required shall not be
24 suspended or deferred. A conviction under this subsection does not
25 prevent a person from petitioning for reinstatement as provided by
26 RCW 46.65.080.

27 (b) A person who violates this section while an order of
28 suspension or revocation prohibiting such operation is in effect
29 and while the person is not eligible to reinstate his or her
30 driver's license or driving privilege, other than for a suspension
31 for the reasons described in (c) of this subsection, is guilty of
32 driving while license suspended or revoked in the second degree, a
33 gross misdemeanor. This subsection applies when a person's driver's
34 license or driving privilege has been suspended or revoked by
35 reason of:

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

1 (ii) A previous conviction under this section;

2 (iii) A notice received by the department from a court or
3 diversion unit as provided by RCW 46.20.265, relating to a minor
4 who has committed, or who has entered a diversion unit concerning
5 an offense relating to alcohol, legend drugs, controlled
6 substances, or imitation controlled substances;

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

9 (v) A conviction of RCW 46.20.345, relating to the operation of
10 a motor vehicle with a suspended or revoked license;

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

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

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

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

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

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

23 (xii) A conviction of RCW 46.61.527(4), relating to reckless
24 endangerment of roadway workers;

25 (xiii) A conviction of RCW 46.61.530, relating to racing of
26 vehicles on highways;

27 (xiv) A conviction of RCW 46.61.685, relating to leaving
28 children in an unattended vehicle with motor running;

29 (xv) A conviction of RCW 46.61.--- (section 1 of this act),
30 relating to theft of motor vehicle fuel;

31 (xvi) A conviction of RCW 46.64.048, relating to attempting,
32 aiding, abetting, coercing, and committing crimes;

33 (~~(xvi)~~) (xvii) An administrative action taken by the
34 department under chapter 46.20 RCW; or

35 (~~(xvii)~~) (xviii) A conviction of a local law, ordinance,
36 regulation, or resolution of a political subdivision of this
37 state, the federal government, or any other state, of an offense
38 substantially similar to a violation included in this subsection.

1 (c) A person who violates this section when his or her driver's
2 license or driving privilege is, at the time of the violation,
3 suspended or revoked solely because (i) the person must furnish
4 proof of satisfactory progress in a required alcoholism or drug
5 treatment program, (ii) the person must furnish proof of financial
6 responsibility for the future as provided by chapter 46.29 RCW,
7 (iii) the person has failed to comply with the provisions of
8 chapter 46.29 RCW relating to uninsured accidents, (iv) the person
9 has failed to respond to a notice of traffic infraction, failed to
10 appear at a requested hearing, violated a written promise to
11 appear in court, or has failed to comply with the terms of a
12 notice of traffic infraction or citation, as provided in RCW
13 46.20.289, (v) the person has committed an offense in another
14 state that, if committed in this state, would not be grounds for
15 the suspension or revocation of the person's driver's license,
16 (vi) the person has been suspended or revoked by reason of one or
17 more of the items listed in (b) of this subsection, but was
18 eligible to reinstate his or her driver's license or driving
19 privilege at the time of the violation, or (vii) the person has
20 received traffic citations or notices of traffic infraction that
21 have resulted in a suspension under RCW 46.20.267 relating to
22 intermediate drivers' licenses, or any combination of (i) through
23 (vii), is guilty of driving while license suspended or revoked in
24 the third degree, a misdemeanor.

25 (2) Upon receiving a record of conviction of any person or upon
26 receiving an order by any juvenile court or any duly authorized
27 court officer of the conviction of any juvenile under this
28 section, the department shall:

29 (a) For a conviction of driving while suspended or revoked in
30 the first degree, as provided by subsection (1)(a) of this
31 section, extend the period of administrative revocation imposed
32 under chapter 46.65 RCW for an additional period of one year from
33 and after the date the person would otherwise have been entitled
34 to apply for a new license or have his or her driving privilege
35 restored; or

36 (b) For a conviction of driving while suspended or revoked in
37 the second degree, as provided by subsection (1)(b) of this
38 section, not issue a new license or restore the driving privilege

1 for an additional period of one year from and after the date the
2 person would otherwise have been entitled to apply for a new
3 license or have his or her driving privilege restored; or

4 (c) Not extend the period of suspension or revocation if the
5 conviction was under subsection (1)(c) of this section. If the
6 conviction was under subsection (1)(a) or (b) of this section and
7 the court recommends against the extension and the convicted
8 person has obtained a valid driver's license, the period of
9 suspension or revocation shall not be extended.

10 **Sec. 4.** RCW 46.63.020 and 1999 c 86 s 6 are each amended to read
11 as follows:

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

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

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

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

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

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

33 (6) RCW 46.16.010 relating to initial registration of motor
34 vehicles;

35 (7) RCW 46.16.011 relating to permitting unauthorized persons
36 to drive;

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

1 (9) RCW 46.16.381(2) relating to knowingly providing false
2 information in conjunction with an application for a special
3 placard or license plate for disabled persons' parking;
4 (10) RCW 46.20.005 relating to driving without a valid driver's
5 license;
6 (11) RCW 46.20.091 relating to false statements regarding a
7 driver's license or instruction permit;
8 (12) RCW (~~46.20.336~~) 46.20.0921 relating to the unlawful
9 possession and use of a driver's license;
10 (13) RCW 46.20.342 relating to driving with a suspended or
11 revoked license or status;
12 (14) RCW 46.20.345 relating to the operation of a motor vehicle
13 with a suspended or revoked license;
14 (15) RCW 46.20.410 relating to the violation of restrictions of
15 an occupational driver's license;
16 (~~(15) RCW 46.20.420 relating to the operation of a motor~~
17 ~~vehicle with a suspended or revoked license;~~)
18 (16) RCW 46.20.740 relating to operation of a motor vehicle
19 without an ignition interlock device in violation of a license
20 notation that the device is required;
21 (17) RCW 46.20.750 relating to assisting another person to
22 start a vehicle equipped with an ignition interlock device;
23 (18) RCW 46.25.170 relating to commercial driver's licenses;
24 (19) Chapter 46.29 RCW relating to financial responsibility;
25 (20) RCW 46.30.040 relating to providing false evidence of
26 financial responsibility;
27 (21) RCW 46.37.435 relating to wrongful installation of
28 sunscreening material;
29 (22) RCW 46.44.180 relating to operation of mobile home pilot
30 vehicles;
31 (23) RCW 46.48.175 relating to the transportation of dangerous
32 articles;
33 (24) RCW 46.52.010 relating to duty on striking an unattended
34 car or other property;
35 (25) RCW 46.52.020 relating to duty in case of injury to or
36 death of a person or damage to an attended vehicle;
37 (26) RCW 46.52.090 relating to reports by repairmen,
38 storagemen, and appraisers;

1 (27) RCW 46.52.130 relating to confidentiality of the driving
2 record to be furnished to an insurance company, an employer, and
3 an alcohol/drug assessment or treatment agency;
4 (28) RCW 46.55.020 relating to engaging in the activities of a
5 registered tow truck operator without a registration certificate;
6 (29) RCW 46.55.035 relating to prohibited practices by tow
7 truck operators;
8 (30) RCW 46.61.015 relating to obedience to police officers,
9 (~~flagmen~~) flaggers, or fire fighters;
10 (31) RCW 46.61.020 relating to refusal to give information to
11 or cooperate with an officer;
12 (32) RCW 46.61.022 relating to failure to stop and give
13 identification to an officer;
14 (33) RCW 46.61.024 relating to attempting to elude pursuing
15 police vehicles;
16 (34) RCW 46.61.500 relating to reckless driving;
17 (35) RCW 46.61.502 and 46.61.504 relating to persons under the
18 influence of intoxicating liquor or drugs;
19 (36) RCW 46.61.503 relating to a person under age twenty-one
20 driving a motor vehicle after consuming alcohol;
21 (37) RCW 46.61.520 relating to vehicular homicide by motor
22 vehicle;
23 (38) RCW 46.61.522 relating to vehicular assault;
24 (39) RCW 46.61.5249 relating to first degree negligent driving;
25 (40) RCW 46.61.527(4) relating to reckless endangerment of
26 roadway workers;
27 (41) RCW 46.61.530 relating to racing of vehicles on highways;
28 (42) RCW 46.61.685 relating to leaving children in an
29 unattended vehicle with the motor running;
30 (43) RCW 46.61.--- (section 1 of this act) relating to theft of
31 motor vehicle fuel;
32 (44) RCW 46.64.010 relating to unlawful cancellation of or
33 attempt to cancel a traffic citation;
34 (~~(44)~~) (45) RCW 46.64.048 relating to attempting, aiding,
35 abetting, coercing, and committing crimes;
36 (~~(45)~~) (46) Chapter 46.65 RCW relating to habitual traffic
37 offenders;

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

--- END ---

