

SB 5944 - S AMD 251

By Senator Brandland

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** RCW 46.20.308 and 2005 c 314 s 307 and 2005 c 269 s 1 are  
4 each reenacted and amended to read as follows:

5       (1) Any person who operates a motor vehicle within this state is  
6 deemed to have given consent, subject to the provisions of RCW  
7 46.61.506, to a test or tests of his or her breath or blood for the  
8 purpose of determining the alcohol concentration or presence of any  
9 drug in his or her breath or blood if arrested for any offense where,  
10 at the time of the arrest, the arresting officer has reasonable grounds  
11 to believe the person had been driving or was in actual physical  
12 control of a motor vehicle while under the influence of intoxicating  
13 liquor or any drug or was in violation of RCW 46.61.503. Neither  
14 consent nor this section precludes a police officer from obtaining a  
15 search warrant for a person's breath or blood.

16       (2) The test or tests of breath shall be administered at the  
17 direction of a law enforcement officer having reasonable grounds to  
18 believe the person to have been driving or in actual physical control  
19 of a motor vehicle within this state while under the influence of  
20 intoxicating liquor or any drug or the person to have been driving or  
21 in actual physical control of a motor vehicle while having alcohol in  
22 a concentration in violation of RCW 46.61.503 in his or her system and  
23 being under the age of twenty-one. However, in those instances where  
24 the person is incapable due to physical injury, physical incapacity, or  
25 other physical limitation, of providing a breath sample or where the  
26 person is being treated in a hospital, clinic, doctor's office,  
27 emergency medical vehicle, ambulance, or other similar facility or  
28 where the officer has reasonable grounds to believe that the person is  
29 under the influence of a drug, a blood test shall be administered by a  
30 qualified person as provided in RCW 46.61.506(5). The officer shall

1 inform the person of his or her right to refuse the breath or blood  
2 test, and of his or her right to have additional tests administered by  
3 any qualified person of his or her choosing as provided in RCW  
4 46.61.506. The officer shall warn the driver, in substantially the  
5 following language, that:

6 (a) If the driver refuses to take the test, the driver's license,  
7 permit, or privilege to drive will be revoked or denied for at least  
8 one year; and

9 (b) If the driver refuses to take the test, the driver's refusal to  
10 take the test may be used in a criminal trial; and

11 (c) If the driver submits to the test and the test is administered,  
12 the driver's license, permit, or privilege to drive will be suspended,  
13 revoked, or denied for at least ninety days if the driver is age  
14 twenty-one or over and the test indicates the alcohol concentration of  
15 the driver's breath or blood is 0.08 or more, or if the driver is under  
16 age twenty-one and the test indicates the alcohol concentration of the  
17 driver's breath or blood is 0.02 or more, or if the driver is under age  
18 twenty-one and the driver is in violation of RCW 46.61.502 or  
19 46.61.504.

20 (3) Except as provided in this section, the test administered shall  
21 be of the breath only. If an individual is unconscious or is under  
22 arrest for the crime of vehicular homicide as provided in RCW 46.61.520  
23 or vehicular assault as provided in RCW 46.61.522, or if an individual  
24 is under arrest for the crime of driving while under the influence of  
25 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest  
26 results from an accident in which there has been serious bodily injury  
27 to another person, a breath or blood test may be administered without  
28 the consent of the individual so arrested.

29 (4) Any person who is dead, unconscious, or who is otherwise in a  
30 condition rendering him or her incapable of refusal, shall be deemed  
31 not to have withdrawn the consent provided by subsection (1) of this  
32 section and the test or tests may be administered, subject to the  
33 provisions of RCW 46.61.506, and the person shall be deemed to have  
34 received the warnings required under subsection (2) of this section.

35 (5) If, following his or her arrest and receipt of warnings under  
36 subsection (2) of this section, the person arrested refuses upon the  
37 request of a law enforcement officer to submit to a test or tests of

1 his or her breath or blood, no test shall be given except as authorized  
2 under subsection (3) or (4) of this section.

3 (6) If, after arrest and after the other applicable conditions and  
4 requirements of this section have been satisfied, a test or tests of  
5 the person's blood or breath is administered and the test results  
6 indicate that the alcohol concentration of the person's breath or blood  
7 is 0.08 or more if the person is age twenty-one or over, or 0.02 or  
8 more if the person is under the age of twenty-one, or the person  
9 refuses to submit to a test, the arresting officer or other law  
10 enforcement officer at whose direction any test has been given, or the  
11 department, where applicable, if the arrest results in a test of the  
12 person's blood, shall:

13 (a) Serve notice in writing on the person on behalf of the  
14 department of its intention to suspend, revoke, or deny the person's  
15 license, permit, or privilege to drive as required by subsection (7) of  
16 this section;

17 (b) Serve notice in writing on the person on behalf of the  
18 department of his or her right to a hearing, specifying the steps he or  
19 she must take to obtain a hearing as provided by subsection (8) of this  
20 section;

21 (c) Mark the person's Washington state driver's license or permit  
22 to drive, if any, in a manner authorized by the department;

23 (d) Serve notice in writing that the marked license or permit, if  
24 any, is a temporary license that is valid for sixty days from the date  
25 of arrest or from the date notice has been given in the event notice is  
26 given by the department following a blood test, or until the  
27 suspension, revocation, or denial of the person's license, permit, or  
28 privilege to drive is sustained at a hearing pursuant to subsection (8)  
29 of this section, whichever occurs first. No temporary license is valid  
30 to any greater degree than the license or permit that it replaces; and

31 (e) Immediately notify the department of the arrest and transmit to  
32 the department within seventy-two hours, except as delayed as the  
33 result of a blood test, a sworn report or report under a declaration  
34 authorized by RCW 9A.72.085 that states:

35 (i) That the officer had reasonable grounds to believe the arrested  
36 person had been driving or was in actual physical control of a motor  
37 vehicle within this state while under the influence of intoxicating

1 liquor or drugs, or both, or was under the age of twenty-one years and  
2 had been driving or was in actual physical control of a motor vehicle  
3 while having an alcohol concentration in violation of RCW 46.61.503;

4 (ii) That after receipt of the warnings required by subsection (2)  
5 of this section the person refused to submit to a test of his or her  
6 blood or breath, or a test was administered and the results indicated  
7 that the alcohol concentration of the person's breath or blood was 0.08  
8 or more if the person is age twenty-one or over, or was 0.02 or more if  
9 the person is under the age of twenty-one; and

10 (iii) Any other information that the director may require by rule.

11 (7) The department of licensing, upon the receipt of a sworn report  
12 or report under a declaration authorized by RCW 9A.72.085 under  
13 subsection (6)(e) of this section, shall:

14 (a) Suspend, revoke, or deny the person's license, permit, or  
15 privilege to drive or any nonresident operating privilege, as provided  
16 in RCW 46.20.3101, such suspension, revocation, or denial to be  
17 effective beginning sixty days from the date of arrest or from the date  
18 notice has been given in the event notice is given by the department  
19 following a blood test, or when sustained at a hearing pursuant to  
20 subsection (8) of this section, whichever occurs first; and

21 (b) Upon the effective date of a suspension, revocation, or denial  
22 under (a) of this subsection, require that a person may drive only a  
23 motor vehicle equipped with a functioning ignition interlock device as  
24 provided in RCW 46.20.720.

25 (8) A person receiving notification under subsection (6)(b) of this  
26 section may, within thirty days after the notice has been given,  
27 request in writing a formal hearing before the department. The person  
28 shall pay a fee of two hundred dollars as part of the request. If the  
29 request is mailed, it must be postmarked within thirty days after  
30 receipt of the notification. Upon timely receipt of such a request for  
31 a formal hearing, including receipt of the required two hundred dollar  
32 fee, the department shall afford the person an opportunity for a  
33 hearing. The department may waive the required two hundred dollar fee  
34 if the person is an indigent as defined in RCW 10.101.010. Except as  
35 otherwise provided in this section, the hearing is subject to and shall  
36 be scheduled and conducted in accordance with RCW 46.20.329 and  
37 46.20.332. The hearing shall be conducted in the county of the arrest,  
38 except that all or part of the hearing may, at the discretion of the

1 department, be conducted by telephone or other electronic means. The  
2 hearing shall be held within sixty days following the arrest or  
3 following the date notice has been given in the event notice is given  
4 by the department following a blood test, unless otherwise agreed to by  
5 the department and the person, in which case the action by the  
6 department shall be stayed, and any valid temporary license marked  
7 under subsection (6)(c) of this section extended, if the person is  
8 otherwise eligible for licensing. For the purposes of this section,  
9 the scope of the hearing shall cover the issues of whether a law  
10 enforcement officer had reasonable grounds to believe the person had  
11 been driving or was in actual physical control of a motor vehicle  
12 within this state while under the influence of intoxicating liquor or  
13 any drug or had been driving or was in actual physical control of a  
14 motor vehicle within this state while having alcohol in his or her  
15 system in a concentration of 0.02 or more if the person was under the  
16 age of twenty-one, whether the person was placed under arrest, and (a)  
17 whether the person refused to submit to the test or tests upon request  
18 of the officer after having been informed that such refusal would  
19 result in the revocation of the person's license, permit, or privilege  
20 to drive, or (b) if a test or tests were administered, whether the  
21 applicable requirements of this section were satisfied before the  
22 administration of the test or tests, whether the person submitted to  
23 the test or tests, or whether a test was administered without express  
24 consent as permitted under this section, and whether the test or tests  
25 indicated that the alcohol concentration of the person's breath or  
26 blood was 0.08 or more if the person was age twenty-one or over at the  
27 time of the arrest, or 0.02 or more if the person was under the age of  
28 twenty-one at the time of the arrest. The sworn report or report under  
29 a declaration authorized by RCW 9A.72.085 submitted by a law  
30 enforcement officer is prima facie evidence that the officer had  
31 reasonable grounds to believe the person had been driving or was in  
32 actual physical control of a motor vehicle within this state while  
33 under the influence of intoxicating liquor or drugs, or both, or the  
34 person had been driving or was in actual physical control of a motor  
35 vehicle within this state while having alcohol in his or her system in  
36 a concentration of 0.02 or more and was under the age of twenty-one and  
37 that the officer complied with the requirements of this section.

1 A hearing officer shall conduct the hearing, may issue subpoenas  
2 for the attendance of witnesses and the production of documents, and  
3 shall administer oaths to witnesses. The hearing officer shall not  
4 issue a subpoena for the attendance of a witness at the request of the  
5 person unless the request is accompanied by the fee required by RCW  
6 5.56.010 for a witness in district court. The sworn report or report  
7 under a declaration authorized by RCW 9A.72.085 of the law enforcement  
8 officer and any other evidence accompanying the report shall be  
9 admissible without further evidentiary foundation and the  
10 certifications authorized by the criminal rules for courts of limited  
11 jurisdiction shall be admissible without further evidentiary  
12 foundation. The person may be represented by counsel, may question  
13 witnesses, may present evidence, and may testify. The department shall  
14 order that the suspension, revocation, or denial either be rescinded or  
15 sustained.

16 (9) If the suspension, revocation, or denial is sustained after  
17 such a hearing, the person whose license, privilege, or permit is  
18 suspended, revoked, or denied has the right to file a petition in the  
19 superior court of the county of arrest to review the final order of  
20 revocation by the department in the same manner as an appeal from a  
21 decision of a court of limited jurisdiction. Notice of appeal must be  
22 filed within thirty days after the date the final order is served or  
23 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
24 1.1, or other statutes or rules referencing de novo review, the appeal  
25 shall be limited to a review of the record of the administrative  
26 hearing. The appellant must pay the costs associated with obtaining  
27 the record of the hearing before the hearing officer. The filing of  
28 the appeal does not stay the effective date of the suspension,  
29 revocation, or denial. A petition filed under this subsection must  
30 include the petitioner's grounds for requesting review. Upon granting  
31 petitioner's request for review, the court shall review the  
32 department's final order of suspension, revocation, or denial as  
33 expeditiously as possible. The review must be limited to a  
34 determination of whether the department has committed any errors of  
35 law. The superior court shall accept those factual determinations  
36 supported by substantial evidence in the record: (a) That were  
37 expressly made by the department; or (b) that may reasonably be  
38 inferred from the final order of the department. The superior court

1 may reverse, affirm, or modify the decision of the department or remand  
2 the case back to the department for further proceedings. The decision  
3 of the superior court must be in writing and filed in the clerk's  
4 office with the other papers in the case. The court shall state the  
5 reasons for the decision. If judicial relief is sought for a stay or  
6 other temporary remedy from the department's action, the court shall  
7 not grant such relief unless the court finds that the appellant is  
8 likely to prevail in the appeal and that without a stay the appellant  
9 will suffer irreparable injury. If the court stays the suspension,  
10 revocation, or denial it may impose conditions on such stay.

11 (10)(a) If a person whose driver's license, permit, or privilege to  
12 drive has been or will be suspended, revoked, or denied under  
13 subsection (7) of this section, other than as a result of a breath or  
14 blood test refusal, and who has not committed an offense for which he  
15 or she was granted a deferred prosecution under chapter 10.05 RCW,  
16 petitions a court for a deferred prosecution on criminal charges  
17 arising out of the arrest for which action has been or will be taken  
18 under subsection (7) of this section, or notifies the department of  
19 licensing of the intent to seek such a deferred prosecution, then the  
20 license suspension or revocation shall be stayed pending entry of the  
21 deferred prosecution. The stay shall not be longer than one hundred  
22 fifty days after the date charges are filed, or two years after the  
23 date of the arrest, whichever time period is shorter. If the court  
24 stays the suspension, revocation, or denial, it may impose conditions  
25 on such stay. If the person is otherwise eligible for licensing, the  
26 department shall issue a temporary license, or extend any valid  
27 temporary license marked under subsection (6) of this section, for the  
28 period of the stay. If a deferred prosecution treatment plan is not  
29 recommended in the report made under RCW 10.05.050, or if treatment is  
30 rejected by the court, or if the person declines to accept an offered  
31 treatment plan, or if the person violates any condition imposed by the  
32 court, then the court shall immediately direct the department to cancel  
33 the stay and any temporary marked license or extension of a temporary  
34 license issued under this subsection.

35 (b) A suspension, revocation, or denial imposed under this section,  
36 other than as a result of a breath or blood test refusal, shall be  
37 stayed if the person is accepted for deferred prosecution as provided  
38 in chapter 10.05 RCW for the incident upon which the suspension,

1 revocation, or denial is based. If the deferred prosecution is  
2 terminated, the stay shall be lifted and the suspension, revocation, or  
3 denial reinstated. If the deferred prosecution is completed, the stay  
4 shall be lifted and the suspension, revocation, or denial canceled.

5 (c) The provisions of (b) of this subsection relating to a stay of  
6 a suspension, revocation, or denial and the cancellation of any  
7 suspension, revocation, or denial do not apply to the suspension,  
8 revocation, denial, or disqualification of a person's commercial  
9 driver's license or privilege to operate a commercial motor vehicle.

10 (11) When it has been finally determined under the procedures of  
11 this section that a nonresident's privilege to operate a motor vehicle  
12 in this state has been suspended, revoked, or denied, the department  
13 shall give information in writing of the action taken to the motor  
14 vehicle administrator of the state of the person's residence and of any  
15 state in which he or she has a license.

16 **Sec. 2.** RCW 46.20.720 and 2004 c 95 s 11 are each amended to read  
17 as follows:

18 (1) The court may order that after a period of suspension,  
19 revocation, or denial of driving privileges, and for up to as long as  
20 the court has jurisdiction, any person convicted of any offense  
21 involving the use, consumption, or possession of alcohol while  
22 operating a motor vehicle may drive only a motor vehicle equipped with  
23 a functioning ignition interlock. The court shall establish a specific  
24 calibration setting at which the interlock will prevent the vehicle  
25 from being started. The court shall also establish the period of time  
26 for which interlock use will be required.

27 (2) The department shall require that, (~~after~~) upon the effective  
28 date of any applicable period of suspension, revocation, or denial of  
29 driving privileges imposed under RCW 46.20.308 and 46.20.3101, or upon  
30 conviction of an alcohol-related violation of RCW 46.61.502 or  
31 46.61.504 or an equivalent local ordinance, a person may drive only a  
32 motor vehicle equipped with a functioning ignition interlock device  
33 (~~(if the person is convicted of an alcohol-related violation of RCW~~  
34 ~~46.61.502 or 46.61.504 or an equivalent local ordinance)~~).

35 The department may waive the requirement for the use of such a  
36 device if it concludes that such devices are not reasonably available



1 in the local area. The device is not necessary on vehicles owned by a  
2 person's employer and driven as a requirement of employment during  
3 working hours.

4 The ignition interlock device shall be calibrated to prevent the  
5 motor vehicle from being started when the breath sample provided has an  
6 alcohol concentration of 0.025 or more. The period of time of the  
7 restriction will be for the duration of any suspension, revocation, or  
8 denial of driving privileges imposed under RCW 46.20.308, 46.20.3101,  
9 or 46.61.5055, and for an additional period after any applicable period  
10 of suspension, revocation, or denial of driving privileges as follows:

11 (a) For a person who has not previously been restricted under this  
12 section, a period of one year;

13 (b) For a person who has previously been restricted under (a) of  
14 this subsection, a period of five years;

15 (c) For a person who has previously been restricted under (b) of  
16 this subsection, a period of ten years.

17 (3) Companies doing business in Washington that install ignition  
18 interlock devices shall notify the department in writing with the name  
19 of the owner, vehicle license number plate, and vehicle registration  
20 information for any vehicle for which the company removes an ignition  
21 interlock device.

22 **Sec. 3.** RCW 46.20.740 and 2004 c 95 s 12 are each amended to read  
23 as follows:

24 (1) The department shall attach or imprint a notation on the  
25 driving record of any person restricted under RCW 46.20.720 stating  
26 that the person may operate only a motor vehicle equipped with a  
27 functioning ignition interlock device. The department shall determine  
28 the person's eligibility for licensing based upon written verification  
29 by a company doing business in the state that it has installed the  
30 required device on a vehicle owned or operated by the person seeking  
31 reinstatement. If, based upon notification from the interlock provider  
32 or otherwise, the department determines that an ignition interlock  
33 required under this section is no longer installed or functioning as  
34 required, the department shall suspend the person's license or  
35 privilege to drive. Whenever the license or driving privilege of any  
36 person is suspended or revoked as a result of noncompliance with an  
37 ignition interlock requirement, the suspension shall remain in effect

1 until the person provides notice issued by a company doing business in  
2 the state that a vehicle owned or operated by the person is equipped  
3 with a functioning ignition interlock device.

4 (2) It is a misdemeanor for a person with such a notation on his or  
5 her driving record to operate a motor vehicle that is not so equipped.

6 (3) The arresting officer shall immediately notify the department  
7 of the arrest and transmit to the department within seventy-two hours  
8 a sworn report or report under a declaration authorized by RCW  
9 9A.72.085 that states:

10 (a) That the person was driving a motor vehicle in violation of a  
11 requirement to drive only a motor vehicle equipped with a functioning  
12 ignition interlock device;

13 (b) The vehicle license number plate applicable to the motor  
14 vehicle being driven at the time of the arrest; and

15 (c) Whenever the driver of a vehicle is arrested for a violation of  
16 subsection (2) of this section, the vehicle is subject to summary  
17 impoundment, pursuant to the terms and conditions of an applicable  
18 local ordinance or state agency rule at the direction of a law  
19 enforcement officer.

20 NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW  
21 to read as follows:

22 The department, upon the receipt of a sworn report or report under  
23 declaration authorized by RCW 9A.72.085 under RCW 46.20.740(3), shall  
24 cause the certificate of license registration that corresponds to the  
25 vehicle license number plate under RCW 46.20.740(3)(b) to be canceled.

26 It is a misdemeanor to drive a motor vehicle with a canceled  
27 certificate of license registration.

28 **Sec. 5.** RCW 46.20.750 and 2005 c 200 s 2 are each amended to read  
29 as follows:

30 (1)(a) A person who is restricted to the use of a vehicle equipped  
31 with an ignition interlock device and who tampers with the device or  
32 directs, authorizes, or requests another to tamper with the device, in  
33 order to circumvent the device by modifying, detaching, disconnecting,  
34 or otherwise disabling it, is guilty of a gross misdemeanor.

35 (b) The department shall suspend, revoke, or deny the driver's  
36 license of any person who is restricted to the use of a vehicle

1 equipped with an ignition interlock device for the period of time of  
2 court-ordered interlock restriction if the person tampers with the  
3 device or directs, authorizes, or requests another to tamper or remove  
4 the device.

5 (2) A person who knowingly assists another person who is restricted  
6 to the use of a vehicle equipped with an ignition interlock device to  
7 circumvent the device or to start and operate that vehicle in violation  
8 of a court order is guilty of a gross misdemeanor. The provisions of  
9 this subsection do not apply if the starting of a motor vehicle, or the  
10 request to start a motor vehicle, equipped with an ignition interlock  
11 device is done for the purpose of safety or mechanical repair of the  
12 device or the vehicle and the person subject to the court order does  
13 not operate the vehicle.

14 **Sec. 6.** RCW 46.55.113 and 2005 c 390 s 5 are each amended to read  
15 as follows:

16 (1) Whenever the driver of a vehicle is arrested for a violation of  
17 RCW 46.61.502, 46.61.504, 46.20.342, (~~(or)~~) 46.20.345, 46.20.740(2), or  
18 section 4 of this act, the vehicle is subject to summary impoundment,  
19 pursuant to the terms and conditions of an applicable local ordinance  
20 or state agency rule at the direction of a law enforcement officer.

21 (2) In addition, a police officer may take custody of a vehicle, at  
22 his or her discretion, and provide for its prompt removal to a place of  
23 safety under any of the following circumstances:

24 (a) Whenever a police officer finds a vehicle standing upon the  
25 roadway in violation of any of the provisions of RCW 46.61.560, the  
26 officer may provide for the removal of the vehicle or require the  
27 driver or other person in charge of the vehicle to move the vehicle to  
28 a position off the roadway;

29 (b) Whenever a police officer finds a vehicle unattended upon a  
30 highway where the vehicle constitutes an obstruction to traffic or  
31 jeopardizes public safety;

32 (c) Whenever a police officer finds an unattended vehicle at the  
33 scene of an accident or when the driver of a vehicle involved in an  
34 accident is physically or mentally incapable of deciding upon steps to  
35 be taken to protect his or her property;

36 (d) Whenever the driver of a vehicle is arrested and taken into  
37 custody by a police officer;

1 (e) Whenever a police officer discovers a vehicle that the officer  
2 determines to be a stolen vehicle;

3 (f) Whenever a vehicle without a special license plate, placard, or  
4 decal indicating that the vehicle is being used to transport a person  
5 with disabilities under RCW 46.16.381 is parked in a stall or space  
6 clearly and conspicuously marked under RCW 46.61.581 which space is  
7 provided on private property without charge or on public property;

8 (g) Upon determining that a person is operating a motor vehicle  
9 without a valid driver's license in violation of RCW 46.20.005 or with  
10 a license that has been expired for ninety days or more;

11 (h) When a vehicle is illegally occupying a truck, commercial  
12 loading zone, restricted parking zone, bus, loading, hooded-meter,  
13 taxi, street construction or maintenance, or other similar zone where,  
14 by order of the director of transportation or chiefs of police or fire  
15 or their designees, parking is limited to designated classes of  
16 vehicles or is prohibited during certain hours, on designated days or  
17 at all times, if the zone has been established with signage for at  
18 least twenty-four hours and where the vehicle is interfering with the  
19 proper and intended use of the zone. Signage must give notice to the  
20 public that a vehicle will be removed if illegally parked in the zone.

21 (3) When an arrest is made for a violation of RCW 46.20.342, if the  
22 vehicle is a commercial vehicle and the driver of the vehicle is not  
23 the owner of the vehicle, before the summary impoundment directed under  
24 subsection (1) of this section, the police officer shall attempt in a  
25 reasonable and timely manner to contact the owner of the vehicle and  
26 may release the vehicle to the owner if the owner is reasonably  
27 available, as long as the owner was not in the vehicle at the time of  
28 the stop and arrest and the owner has not received a prior release  
29 under this subsection or RCW 46.55.120(1)(a)(ii).

30 (4) Nothing in this section may derogate from the powers of police  
31 officers under the common law. For the purposes of this section, a  
32 place of safety may include the business location of a registered tow  
33 truck operator.

34 **Sec. 7.** RCW 46.61.5055 and 2006 c 73 s 3 are each amended to read  
35 as follows:

36 (1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a

1 person who is convicted of a violation of RCW 46.61.502 or 46.61.504  
2 and who has no prior offense within seven years shall be punished as  
3 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. In lieu of the  
16 mandatory minimum term of imprisonment required under this subsection  
17 (1)(a)(i), the court may order not less than fifteen days of electronic  
18 home monitoring. The offender shall pay the cost of electronic home  
19 monitoring. The county or municipality in which the penalty is being  
20 imposed shall determine the cost. The court may also require the  
21 offender's electronic home monitoring device to include an alcohol  
22 detection breathalyzer, and the court may restrict the amount of  
23 alcohol the offender may consume during the time the offender is on  
24 electronic home monitoring; and

25 (ii) By a fine of not less than three hundred fifty dollars nor  
26 more than five thousand dollars. Three hundred fifty dollars of the  
27 fine may not be suspended or deferred unless the court finds the  
28 offender to be indigent. The court shall credit, up to three hundred  
29 fifty dollars, the cost of installation and lease of an ignition  
30 interlock device against the fine imposed if it receives written  
31 verification by a company doing business in the state that it has  
32 installed an ignition interlock device on a vehicle owned or operated  
33 by the offender; or

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

1 (i) By imprisonment for not less than two days nor more than one  
2 year. Two consecutive days of the imprisonment may not be suspended or  
3 deferred unless the court finds that the imposition of this mandatory  
4 minimum sentence would impose a substantial risk to the offender's  
5 physical or mental well-being. Whenever the mandatory minimum sentence  
6 is suspended or deferred, the court shall state in writing the reason  
7 for granting the suspension or deferral and the facts upon which the  
8 suspension or deferral is based. In lieu of the mandatory minimum term  
9 of imprisonment required under this subsection (1)(b)(i), the court may  
10 order not less than thirty days of electronic home monitoring. The  
11 offender shall pay the cost of electronic home monitoring. The county  
12 or municipality in which the penalty is being imposed shall determine  
13 the cost. The court may also require the offender's electronic home  
14 monitoring device to include an alcohol detection breathalyzer, and the  
15 court may restrict the amount of alcohol the offender may consume  
16 during the time the offender is on electronic home monitoring; and

17 (ii) By a fine of not less than five hundred dollars nor more than  
18 five thousand dollars. Five hundred dollars of the fine may not be  
19 suspended or deferred unless the court finds the offender to be  
20 indigent. The court shall credit, up to three hundred fifty dollars,  
21 the cost of installation and lease of an ignition interlock device  
22 against the fine imposed if it receives written verification by a  
23 company doing business in the state that it has installed an ignition  
24 interlock device on a vehicle owned or operated by the offender.

25 (2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a  
26 person who is convicted of a violation of RCW 46.61.502 or 46.61.504  
27 and who has one prior offense within seven years shall be punished as  
28 follows:

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

33 (i) By imprisonment for not less than thirty days nor more than one  
34 year and sixty days of electronic home monitoring. The offender shall  
35 pay for the cost of the electronic monitoring. The county or  
36 municipality where the penalty is being imposed shall determine the  
37 cost. The court may also require the offender's electronic home  
38 monitoring device include an alcohol detection breathalyzer, and may

1 restrict the amount of alcohol the offender may consume during the time  
2 the offender is on electronic home monitoring. Thirty days of  
3 imprisonment and sixty days of electronic home monitoring may not be  
4 suspended or deferred unless the court finds that the imposition of  
5 this mandatory minimum sentence would impose a substantial risk to the  
6 offender's physical or mental well-being. Whenever the mandatory  
7 minimum sentence is suspended or deferred, the court shall state in  
8 writing the reason for granting the suspension or deferral and the  
9 facts upon which the suspension or deferral is based; and

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

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

18 (i) By imprisonment for not less than forty-five days nor more than  
19 one year and ninety days of electronic home monitoring. The offender  
20 shall pay for the cost of the electronic monitoring. The county or  
21 municipality where the penalty is being imposed shall determine the  
22 cost. The court may also require the offender's electronic home  
23 monitoring device include an alcohol detection breathalyzer, and may  
24 restrict the amount of alcohol the offender may consume during the time  
25 the offender is on electronic home monitoring. Forty-five days of  
26 imprisonment and ninety days of electronic home monitoring may not be  
27 suspended or deferred unless the court finds that the imposition of  
28 this mandatory minimum sentence would impose a substantial risk to the  
29 offender's physical or mental well-being. Whenever the mandatory  
30 minimum sentence is suspended or deferred, the court shall state in  
31 writing the reason for granting the suspension or deferral and the  
32 facts upon which the suspension or deferral is based; and

33 (ii) By a fine of not less than seven hundred fifty dollars nor  
34 more than five thousand dollars. Seven hundred fifty dollars of the  
35 fine may not be suspended or deferred unless the court finds the  
36 offender to be indigent.

37 (3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a

1 person who is convicted of a violation of RCW 46.61.502 or 46.61.504  
2 and who has two or three prior offenses within seven 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 ninety days nor more than one  
9 year and one hundred twenty days of electronic home monitoring. The  
10 offender shall pay for the cost of the electronic monitoring. The  
11 county or municipality where the penalty is being imposed shall  
12 determine the cost. The court may also require the offender's  
13 electronic home monitoring device include an alcohol detection  
14 breathalyzer, and may restrict the amount of alcohol the offender may  
15 consume during the time the offender is on electronic home monitoring.  
16 Ninety days of imprisonment and one hundred twenty days of electronic  
17 home monitoring may not be suspended or deferred unless the court finds  
18 that the imposition of this mandatory minimum sentence would impose a  
19 substantial risk to the offender's physical or mental well-being.  
20 Whenever the mandatory minimum sentence is suspended or deferred, the  
21 court shall state in writing the reason for granting the suspension or  
22 deferral and the facts upon which the suspension or deferral is based;  
23 and

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

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

32 (i) By imprisonment for not less than one hundred twenty days nor  
33 more than one year and one hundred fifty days of electronic home  
34 monitoring. The offender shall pay for the cost of the electronic  
35 monitoring. The county or municipality where the penalty is being  
36 imposed shall determine the cost. The court may also require the  
37 offender's electronic home monitoring device include an alcohol  
38 detection breathalyzer, and may restrict the amount of alcohol the



1 offender may consume during the time the offender is on electronic home  
2 monitoring. One hundred twenty days of imprisonment and one hundred  
3 fifty days of electronic home monitoring may not be suspended or  
4 deferred unless the court finds that the imposition of this mandatory  
5 minimum sentence would impose a substantial risk to the offender's  
6 physical or mental well-being. Whenever the mandatory minimum sentence  
7 is suspended or deferred, the court shall state in writing the reason  
8 for granting the suspension or deferral and the facts upon which the  
9 suspension or deferral is based; and

10 (ii) By a fine of not less than one thousand five hundred dollars  
11 nor more than five thousand dollars. One thousand five hundred dollars  
12 of the fine may not be suspended or deferred unless the court finds the  
13 offender to be indigent.

14 (4) A person who is convicted of a violation of RCW 46.61.502 or  
15 46.61.504 and who has four or more prior offenses within ten years, or  
16 who has ever previously been convicted of a violation of RCW 46.61.520  
17 committed while under the influence of intoxicating liquor or any drug  
18 or RCW 46.61.522 committed while under the influence of intoxicating  
19 liquor or any drug, shall be punished in accordance with chapter 9.94A  
20 RCW.

21 (5) If a person who is convicted of a violation of RCW 46.61.502 or  
22 46.61.504 committed the offense while a passenger under the age of  
23 sixteen was in the vehicle, the court shall:

24 (a) In any case in which the installation and use of an interlock  
25 or other device is not mandatory under RCW 46.20.720 or other law,  
26 order the use of such a device for not less than sixty days following  
27 the restoration of the person's license, permit, or nonresident driving  
28 privileges; and

29 (b) In any case in which the installation and use of such a device  
30 is otherwise mandatory, order the use of such a device for an  
31 additional sixty days.

32 (6) In exercising its discretion in setting penalties within the  
33 limits allowed by this section, the court shall particularly consider  
34 the following:

35 (a) Whether the person's driving at the time of the offense was  
36 responsible for injury or damage to another or another's property; and

37 (b) Whether at the time of the offense the person was driving or in  
38 physical control of a vehicle with one or more passengers.

1 (7) An offender punishable under this section is subject to the  
2 alcohol assessment and treatment provisions of RCW 46.61.5056.

3 (8) The license, permit, or nonresident privilege of a person  
4 convicted of driving or being in physical control of a motor vehicle  
5 while under the influence of intoxicating liquor or drugs must:

6 (a) If the person's alcohol concentration was less than 0.15, or if  
7 for reasons other than the person's refusal to take a test offered  
8 under RCW 46.20.308 there is no test result indicating the person's  
9 alcohol concentration:

10 (i) Where there has been no prior offense within seven years, be  
11 suspended or denied by the department for ninety days;

12 (ii) Where there has been one prior offense within seven years, be  
13 revoked or denied by the department for two years; or

14 (iii) Where there have been two or more prior offenses within seven  
15 years, be revoked or denied by the department for three years;

16 (b) If the person's alcohol concentration was at least 0.15:

17 (i) Where there has been no prior offense within seven years, be  
18 revoked or denied by the department for one year;

19 (ii) Where there has been one prior offense within seven years, be  
20 revoked or denied by the department for nine hundred days; or

21 (iii) Where there have been two or more prior offenses within seven  
22 years, be revoked or denied by the department for four years; or

23 (c) If by reason of the person's refusal to take a test offered  
24 under RCW 46.20.308, there is no test result indicating the person's  
25 alcohol concentration:

26 (i) Where there have been no prior offenses within seven years, be  
27 revoked or denied by the department for two years;

28 (ii) Where there has been one prior offense within seven years, be  
29 revoked or denied by the department for three years; or

30 (iii) Where there have been two or more previous offenses within  
31 seven years, be revoked or denied by the department for four years.

32 The department shall grant credit on a day-for-day basis for any  
33 portion of a suspension, revocation, or denial already served under  
34 this subsection for a suspension, revocation, or denial imposed under  
35 RCW 46.20.3101 arising out of the same incident.

36 For purposes of this subsection (8), the department shall refer to  
37 the driver's record maintained under RCW 46.52.120 when determining the  
38 existence of prior offenses.

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

5 (10)(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 five 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, installation of an ignition  
20 interlock device on the probationer's motor vehicle, alcohol or drug  
21 treatment, supervised probation, or other conditions that may be  
22 appropriate. The sentence may be imposed in whole or in part upon  
23 violation of a condition of probation during the suspension period.

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

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

1 (11) A court may waive the electronic home monitoring requirements  
2 of this chapter when:

3 (a) The offender does not have a dwelling, telephone service, or  
4 any other necessity to operate an electronic home monitoring system;

5 (b) The offender does not reside in the state of Washington; or

6 (c) The court determines that there is reason to believe that the  
7 offender would violate the conditions of the electronic home monitoring  
8 penalty.

9 Whenever the mandatory minimum term of electronic home monitoring  
10 is waived, the court shall state in writing the reason for granting the  
11 waiver and the facts upon which the waiver is based, and shall impose  
12 an alternative sentence with similar punitive consequences. The  
13 alternative sentence may include, but is not limited to, additional  
14 jail time, work crew, or work camp.

15 Whenever the combination of jail time and electronic home  
16 monitoring or alternative sentence would exceed three hundred sixty-  
17 five days, the offender shall serve the jail portion of the sentence  
18 first, and the electronic home monitoring or alternative portion of the  
19 sentence shall be reduced so that the combination does not exceed three  
20 hundred sixty-five days.

21 (12) An offender serving a sentence under this section, whether or  
22 not a mandatory minimum term has expired, may be granted an  
23 extraordinary medical placement by the jail administrator subject to  
24 the standards and limitations set forth in RCW 9.94A.728(4).

25 (13) For purposes of this section and RCW 46.61.502 and 46.61.504:

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

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

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

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

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

35 (v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or  
36 9A.36.050 or an equivalent local ordinance, if the conviction is the  
37 result of a charge that was originally filed as a violation of RCW

1 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW  
2 46.61.520 or 46.61.522;

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

6 (vii) A deferred prosecution under chapter 10.05 RCW granted in a  
7 prosecution for a violation of RCW 46.61.502, 46.61.504, or an  
8 equivalent local ordinance; or

9 (viii) A deferred prosecution under chapter 10.05 RCW granted in a  
10 prosecution for a violation of RCW 46.61.5249, or an equivalent local  
11 ordinance, if the charge under which the deferred prosecution was  
12 granted was originally filed as a violation of RCW 46.61.502 or  
13 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
14 46.61.522; and

15 (b) "Within seven years" means that the arrest for a prior offense  
16 occurred within seven years of the arrest for the current offense.

17 **Sec. 8.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005  
18 c 183 s 10 are each reenacted and amended to read as follows:

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

27 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
28 vehicle while under the influence of intoxicating liquor or a  
29 controlled substance;

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

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

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

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

1 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by  
2 failure to register a vehicle and falsifying residency when registering  
3 a motor vehicle;

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

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

7 (9) RCW 46.16.381(2) relating to knowingly providing false  
8 information in conjunction with an application for a special placard or  
9 license plate for disabled persons' parking;

10 (10) RCW 46.20.005 relating to driving without a valid driver's  
11 license;

12 (11) RCW 46.20.091 relating to false statements regarding a  
13 driver's license or instruction permit;

14 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
15 a driver's license;

16 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
17 license or status;

18 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
19 with a suspended or revoked license;

20 (15) RCW 46.20.410 relating to the violation of restrictions of an  
21 occupational or temporary restricted driver's license;

22 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
23 an ignition interlock device in violation of a license notation that  
24 the device is required;

25 (17) RCW 46.20.750 relating to assisting another person to start a  
26 vehicle equipped with an ignition interlock device;

27 (18) Section 4 of this act relating to driving with a canceled  
28 certificate of license registration;

29 (19) RCW 46.25.170 relating to commercial driver's licenses;

30 ~~((+19+))~~ (20) Chapter 46.29 RCW relating to financial  
31 responsibility;

32 ~~((+20+))~~ (21) RCW 46.30.040 relating to providing false evidence of  
33 financial responsibility;

34 ~~((+21+))~~ (22) RCW 46.37.435 relating to wrongful installation of  
35 sunscreening material;

36 ~~((+22+))~~ (23) RCW 46.37.650 relating to the sale, resale,  
37 distribution, or installation of a previously deployed air bag;

1        ~~((+23+))~~ (24) RCW 46.44.180 relating to operation of mobile home  
2 pilot vehicles;

3        ~~((+24+))~~ (25) RCW 46.48.175 relating to the transportation of  
4 dangerous articles;

5        ~~((+25+))~~ (26) RCW 46.52.010 relating to duty on striking an  
6 unattended car or other property;

7        ~~((+26+))~~ (27) RCW 46.52.020 relating to duty in case of injury to  
8 or death of a person or damage to an attended vehicle;

9        ~~((+27+))~~ (28) RCW 46.52.090 relating to reports by repairmen,  
10 storagemen, and appraisers;

11        ~~((+28+))~~ (29) RCW 46.52.130 relating to confidentiality of the  
12 driving record to be furnished to an insurance company, an employer,  
13 and an alcohol/drug assessment or treatment agency;

14        ~~((+29+))~~ (30) RCW 46.55.020 relating to engaging in the activities  
15 of a registered tow truck operator without a registration certificate;

16        ~~((+30+))~~ (31) RCW 46.55.035 relating to prohibited practices by tow  
17 truck operators;

18        ~~((+31+))~~ (32) RCW 46.61.015 relating to obedience to police  
19 officers, flaggers, or firefighters;

20        ~~((+32+))~~ (33) RCW 46.61.020 relating to refusal to give information  
21 to or cooperate with an officer;

22        ~~((+33+))~~ (34) RCW 46.61.022 relating to failure to stop and give  
23 identification to an officer;

24        ~~((+34+))~~ (35) RCW 46.61.024 relating to attempting to elude  
25 pursuing police vehicles;

26        ~~((+35+))~~ (36) RCW 46.61.500 relating to reckless driving;

27        ~~((+36+))~~ (37) RCW 46.61.502 and 46.61.504 relating to persons under  
28 the influence of intoxicating liquor or drugs;

29        ~~((+37+))~~ (38) RCW 46.61.503 relating to a person under age twenty-  
30 one driving a motor vehicle after consuming alcohol;

31        ~~((+38+))~~ (39) RCW 46.61.520 relating to vehicular homicide by motor  
32 vehicle;

33        ~~((+39+))~~ (40) RCW 46.61.522 relating to vehicular assault;

34        ~~((+40+))~~ (41) RCW 46.61.5249 relating to first degree negligent  
35 driving;

36        ~~((+41+))~~ (42) RCW 46.61.527(4) relating to reckless endangerment of  
37 roadway workers;

1        ~~((42))~~ (43) RCW 46.61.530 relating to racing of vehicles on  
2 highways;

3        ~~((43))~~ (44) RCW 46.61.655(7) (a) and (b) relating to failure to  
4 secure a load;

5        ~~((44))~~ (45) RCW 46.61.685 relating to leaving children in an  
6 unattended vehicle with the motor running;

7        ~~((45))~~ (46) RCW 46.61.740 relating to theft of motor vehicle  
8 fuel;

9        ~~((46))~~ (47) RCW 46.37.671 through 46.37.675 relating to signal  
10 preemption devices;

11        ~~((47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or  
12 attempt to cancel a traffic citation;

13        ~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding,  
14 abetting, coercing, and committing crimes;

15        ~~((49))~~ (50) Chapter 46.65 RCW relating to habitual traffic  
16 offenders;

17        ~~((50))~~ (51) RCW 46.68.010 relating to false statements made to  
18 obtain a refund;

19        ~~((51))~~ (52) Chapter 46.70 RCW relating to unfair motor vehicle  
20 business practices, except where that chapter provides for the  
21 assessment of monetary penalties of a civil nature;

22        ~~((52))~~ (53) Chapter 46.72 RCW relating to the transportation of  
23 passengers in for hire vehicles;

24        ~~((53))~~ (54) RCW 46.72A.060 relating to limousine carrier  
25 insurance;

26        ~~((54))~~ (55) RCW 46.72A.070 relating to operation of a limousine  
27 without a vehicle certificate;

28        ~~((55))~~ (56) RCW 46.72A.080 relating to false advertising by a  
29 limousine carrier;

30        ~~((56))~~ (57) Chapter 46.80 RCW relating to motor vehicle wreckers;

31        ~~((57))~~ (58) Chapter 46.82 RCW relating to driver's training  
32 schools;

33        ~~((58))~~ (59) RCW 46.87.260 relating to alteration or forgery of a  
34 cab card, letter of authority, or other temporary authority issued  
35 under chapter 46.87 RCW;

36        ~~((59))~~ (60) RCW 46.87.290 relating to operation of an  
37 unregistered or unlicensed vehicle under chapter 46.87 RCW."



1           On page 1, line 1 of the title, after "devices;" strike the  
2 remainder of the title and insert "amending RCW 46.20.720, 46.20.740,  
3 46.20.750, 46.55.113, and 46.61.5055; reenacting and amending RCW  
4 46.20.308 and 46.63.020; adding a new section to chapter 46.20 RCW; and  
5 prescribing penalties."

EFFECT:           (1) A person whose driver's license is suspended, revoked, or denied due to a violation of the implied consent law or a conviction of DUI is required to drive only a motor vehicle equipped with an ignition interlock device (IID) for the time periods set out in statute.

(2) When a person is arrested for driving a motor vehicle without an IID in violation of a restriction to drive only a vehicle equipped with an IID, the officer is required to transmit to the department of licensing (DOL) a sworn report stating the vehicle license number plate applicable to the vehicle driven by the arrested person and the vehicle is subject to summary impoundment.

(3) The DOL is required to cancel the certificate of license registration that corresponds to the vehicle license number plate included in the sworn report of the arresting officer. It is a misdemeanor to drive a vehicle with a canceled certificate of license registration.

(4) Companies doing business in Washington that install ignition interlock devices shall notify the DOL in writing of the name of the owner, vehicle license number plate, and vehicle registration of any vehicle for which the company removes an ignition interlock device.

(5) The DOL shall suspend, revoke, or deny the driver's license of any person who is restricted to the use of a vehicle equipped with an IID for the period of time of court ordered interlock restriction if the person tampers with the device or directs, authorizes, or requests another to tamper or remove the device.

(6) If a person convicted of DUI is able to supply written verification that he or she has had an ignition interlock device installed on a vehicle that he or she owns or operates, the fine imposed by the court for the DUI will be reduced up to \$350 for the cost of the installation and lease of the ignition interlock device. This option is only available to a person who has had no prior DUI conviction within the previous seven years.

--- END ---