

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6330

Chapter 130, Laws of 1992

52nd Legislature
1992 Regular Session

DRIVING WHILE SUSPENDED OR REVOKED IN THE THIRD DEGREE--REVISIONS

EFFECTIVE DATE: 3/31/92

Passed by the Senate February 12, 1992
Yeas 45 Nays 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 5, 1992
Yeas 97 Nays 0

JOE KING

Speaker of the
House of Representatives

Approved March 31, 1992

BOOTH GARDNER

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6330** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB

Secretary

FILED

March 31, 1992 - 12:31 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6330

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Bauer, McCaslin, Oke and Roach)

Read first time 02/06/92.

1 AN ACT Relating to driving while license suspended or revoked;
2 amending RCW 46.20.342; and declaring an emergency.

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

4 **Sec. 1.** RCW 46.20.342 and 1991 c 293 s 6 are each amended to read
5 as follows:

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

11 (a) A person found to be an habitual offender under chapter 46.65
12 RCW, who violates this section while an order of revocation issued
13 under chapter 46.65 RCW prohibiting such operation is in effect, is
14 guilty of driving while license suspended or revoked in the first

1 degree, a gross misdemeanor. Upon the first such conviction, the
2 person shall be punished by imprisonment for not less than ten days.
3 Upon the second conviction, the person shall be punished by
4 imprisonment for not less than ninety days. Upon the third or
5 subsequent conviction, the person shall be punished by imprisonment for
6 not less than one year. If the person is also convicted of the offense
7 defined in RCW 46.61.502 or 46.61.504, when both convictions arise from
8 the same event, the minimum sentence of confinement shall be not less
9 than ninety days. The minimum sentence of confinement required shall
10 not be suspended or deferred. A conviction under this subsection does
11 not prevent a person from petitioning for reinstatement as provided by
12 RCW 46.65.080.

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

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

23 (ii) A previous conviction under this section;

24 (iii) A notice received by the department from a court or diversion
25 unit as provided by RCW 46.20.265, relating to a minor who has
26 committed, or who has entered a diversion unit concerning an offense
27 relating to alcohol, legend drugs, controlled substances, or imitation
28 controlled substances;

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

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

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

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

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

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

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

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

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

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

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

18 (xv) An administrative action taken by the department under chapter
19 46.20 RCW.

20 (c) A person who violates this section when his or her driver's
21 license or driving privilege is, at the time of the violation,
22 suspended or revoked solely because (i) the person must furnish proof
23 of satisfactory progress in a required alcoholism or drug treatment
24 program, (ii) the person must furnish proof of financial responsibility
25 for the future as provided by chapter 46.29 RCW, (iii) the person has
26 failed to comply with the provisions of chapter 46.29 RCW relating to
27 uninsured accidents, (~~(iv)~~) (iv) the person has committed an offense in
28 another state that, if committed in this state, would not be grounds
29 for the suspension or revocation of the person's driver's license, or
30 (v) the person has been suspended or revoked by reason of one or more

1 of the items listed in (b) of this subsection, but was eligible to
2 reinstate his or her driver's license or driving privilege at the time
3 of the violation, or any combination of (i) through (~~(iv)~~) (v), is
4 guilty of driving while license suspended or revoked in the third
5 degree, a misdemeanor.

6 (2) Upon receiving a record of conviction of any person or upon
7 receiving an order by any juvenile court or any duly authorized court
8 officer of the conviction of any juvenile under this section, the
9 department shall:

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

16 (b) For a conviction of driving while suspended or revoked in the
17 second degree, as provided by subsection (1)(b) of this section, not
18 issue a new license or restore the driving privilege for an additional
19 period of one year from and after the date the person would otherwise
20 have been entitled to apply for a new license or have his or her
21 driving privilege restored; or

22 (c) Not extend the period of suspension or revocation if the
23 conviction was under subsection (1)(c) of this section. If the
24 conviction was under subsection (1) (a) or (b) of this section and the
25 court recommends against the extension and the convicted person has
26 obtained a valid driver's license, the period of suspension or
27 revocation shall not be extended.

28 NEW SECTION. Sec. 2. This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the

- 1 state government and its existing public institutions, and shall take
- 2 effect immediately.

Passed the Senate February 12, 1992.

Passed the House March 5, 1992.

Approved by the Governor March 31, 1992.

Filed in Office of Secretary of State March 31, 1992.