
SENATE BILL 5408

State of Washington

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By Senators Prentice, M. Rasmussen, Nelson, Barr and Vognild; by request of Department of Licensing

Read first time 01/27/93. Referred to Committee on Transportation.

1 AN ACT Relating to provisional driver licensing; amending RCW
2 46.04.480, 46.20.161, 46.20.311, and 46.20.342; adding new sections to
3 chapter 46.20 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.04.480 and 1988 c 148 s 8 are each amended to read
6 as follows:

7 "Revoke," in all its forms, means the invalidation for a period of
8 one calendar year and thereafter until reissue: PROVIDED, That under
9 the provisions of section 4 of this act, RCW 46.20.285, 46.20.311,
10 46.20.265, or 46.61.515 and chapter 46.65 RCW the invalidation may last
11 for a period other than one calendar year.

12 **Sec. 2.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read
13 as follows:

14 (1) The department, upon receipt of a fee of fourteen dollars,
15 which includes the fee for the required photograph, shall issue to
16 every applicant qualifying therefor a driver's license, which license
17 shall bear thereon a distinguishing number assigned to the licensee,
18 the full name, date of birth, Washington residence address, and a brief

1 description of the licensee, and either a facsimile of the signature of
2 the licensee or a space upon which the licensee shall write his or her
3 usual signature with pen and ink immediately upon receipt of the
4 license. No license is valid until it has been so signed by the
5 licensee.

6 (2) A driver's license issued under this section to a person who is
7 under eighteen years of age, or to a person who has not held a valid
8 driver's license issued by this or any other state within the five
9 years immediately preceding the issuance of this license, is a
10 provisional driver's license subject to the provisions of sections 3
11 and 4 of this act. The department shall provide a method to
12 distinguish provisional driver's licenses from the regular driver's
13 licenses issued under this section.

14 NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW
15 to read as follows:

16 Any person who has been issued a provisional driver's license and
17 who has maintained a satisfactory driving record for two years may,
18 upon proper application and payment of a fee set by the director in
19 rule, be issued a regular driver's license for the balance of the
20 period for which the provisional license was issued. For the purposes
21 of this section, a person's driving record is deemed satisfactory if he
22 or she has not been found to have committed or been convicted of more
23 than one offense against traffic regulations governing the movement of
24 vehicles, has not been subject to the restrictions of section 4 of this
25 act, and has not had his or her provisional driver's license suspended,
26 revoked, or canceled.

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

29 (1) In addition to any other provision of law, if a person issued
30 a provisional driver's license pursuant to RCW 46.20.161:

31 (a) Has been convicted of, found to have committed, or has failed
32 to appear or comply in response to two offenses against traffic
33 regulations governing the movement of vehicles, or has had his or her
34 driver's license or driving privilege revoked pursuant to RCW
35 46.20.265, or has been convicted of, found to have committed, or has
36 failed to appear or comply in response to any other alcohol-related
37 offense against traffic regulations, the department shall require the

1 person to attend an informal interview, and shall restrict the person's
2 provisional driver's license to use between the hours of 5:00 a.m. and
3 midnight, unless accompanied by a passenger who possesses a valid
4 regular Washington driver's license;

5 (b) Has been convicted of, found to have committed, or has failed
6 to appear or comply in response to three offenses against traffic
7 regulations governing the movement of vehicles or has failed to appear
8 for an informal interview under (a) of this subsection, the department
9 shall revoke the driving privilege of the person for thirty days. Upon
10 reinstatement from a revocation under this subsection, the person's
11 provisional driver's license shall be restricted to use between the
12 hours of 5:00 a.m. and midnight;

13 (c) Has been convicted of, found to have committed, or has failed
14 to appear or comply in response to four or more offenses against
15 traffic regulations governing the movement of vehicles, the department
16 shall revoke the driving privilege of the person for ninety days. Upon
17 reinstatement from a revocation under this subsection, the person's
18 provisional driver's license shall be restricted to use between the
19 hours of 5:00 a.m. and midnight; or

20 (d) Violates any restriction placed on the person's driving
21 privilege, the department shall revoke the driving privilege of the
22 person for an additional ninety days. Upon reinstatement from a
23 revocation under this subsection, the person's provisional driver's
24 license shall be restricted to use between the hours of 5:00 a.m. and
25 midnight.

26 (2) A restriction placed on the use of a person's provisional
27 driver's license shall remain in effect for one year from the date the
28 restriction was imposed.

29 **Sec. 5.** RCW 46.20.311 and 1990 c 250 s 45 are each amended to read
30 as follows:

31 (1) The department shall not suspend a driver's license or
32 privilege to drive a motor vehicle on the public highways for a fixed
33 period of more than one year, except as permitted under RCW 46.20.342
34 or 46.61.515. Whenever the license or driving privilege of any person
35 is suspended by reason of a conviction, a finding that a traffic
36 infraction has been committed, pursuant to chapter 46.29 RCW, or
37 pursuant to RCW 46.20.291, the suspension shall remain in effect until
38 the person gives and thereafter maintains proof of financial

1 responsibility for the future as provided in chapter 46.29 RCW. The
2 department shall not issue to the person a new, duplicate, or renewal
3 license until the person pays a reissue fee of twenty dollars. If the
4 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
5 the reissue fee shall be fifty dollars.

6 (2) Any person whose license or privilege to drive a motor vehicle
7 on the public highways has been revoked, unless the revocation was for
8 a cause which has been removed, is not entitled to have the license or
9 privilege renewed or restored until: (a) After the expiration of one
10 year from the date the license or privilege to drive was revoked; (b)
11 after the expiration of the applicable revocation period provided by
12 RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for
13 persons convicted of vehicular homicide; (d) after the expiration of
14 one year in cases of revocation for the first refusal within five years
15 to submit to a chemical test under RCW 46.20.308; (e) after the
16 expiration of two years in cases of revocation for the second or
17 subsequent refusal within five years to submit to a chemical test under
18 RCW 46.20.308; or (f) after the expiration of the applicable revocation
19 period provided by RCW 46.20.265 or section 4 of this act. After the
20 expiration of the appropriate period, the person may make application
21 for a new license as provided by law together with a reissue fee in the
22 amount of twenty dollars, but if the revocation is the result of a
23 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
24 shall be fifty dollars. Except for a revocation under RCW 46.20.265 or
25 section 4 of this act, the department shall not then issue a new
26 license unless it is satisfied after investigation of the driving
27 ability of the person that it will be safe to grant the privilege of
28 driving a motor vehicle on the public highways, and until the person
29 gives and thereafter maintains proof of financial responsibility for
30 the future as provided in chapter 46.29 RCW. For a revocation under
31 RCW 46.20.265 or section 4 of this act, the department shall not issue
32 a new license unless it is satisfied after investigation of the driving
33 ability of the person that it will be safe to grant that person the
34 privilege of driving a motor vehicle on the public highways.

35 (3) Whenever the driver's license of any person is suspended
36 pursuant to Article IV of the nonresident violators compact or RCW
37 46.23.020, the department shall not issue to the person any new or
38 renewal license until the person pays a reissue fee of twenty dollars.
39 If the suspension is the result of a violation of the laws of another

1 state, province, or other jurisdiction involving (a) the operation or
2 physical control of a motor vehicle upon the public highways while
3 under the influence of intoxicating liquor or drugs, or (b) the refusal
4 to submit to a chemical test of the driver's blood alcohol content, the
5 reissue fee shall be fifty dollars.

6 **Sec. 6.** RCW 46.20.342 and 1992 c 130 s 1 are each amended to read
7 as follows:

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

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

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

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

1 (ii) A previous conviction under this section;

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

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

9 (v) A conviction of RCW 46.20.420, relating to the operation of a
10 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 driving;

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

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

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

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

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

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

26 (xv) An action taken under section 4 of this act; or

27 (xvi) An administrative action taken by the department under
28 chapter 46.20 RCW.

29 (c) A person who violates this section when his or her driver's
30 license or driving privilege is, at the time of the violation,
31 suspended or revoked solely because (i) the person must furnish proof
32 of satisfactory progress in a required alcoholism or drug treatment
33 program, (ii) the person must furnish proof of financial responsibility
34 for the future as provided by chapter 46.29 RCW, (iii) the person has
35 failed to comply with the provisions of chapter 46.29 RCW relating to
36 uninsured accidents, (iv) the person has committed an offense in
37 another state that, if committed in this state, would not be grounds
38 for the suspension or revocation of the person's driver's license, or
39 (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 (v), is guilty of
4 driving while license suspended or revoked in the third degree, a
5 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.

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