

2 **ESSB 6204** - H COMM AMD **NOT CONSIDERED 3-1-96**  
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

17 The offense of operating a vehicle in a negligent manner shall be  
18 considered to be a lesser offense than, but included in, the offense of  
19 operating a vehicle in a reckless manner, and any person charged with  
20 operating a vehicle in a reckless manner may be convicted of the lesser  
21 offense of operating a vehicle in a negligent manner. Any person  
22 violating the provisions of this section will be guilty of a  
23 misdemeanor(~~(: PROVIDED, That the director may not revoke any license~~  
24 ~~under this section, and such offense is not punishable by imprisonment~~  
25 ~~or by a fine exceeding two hundred fifty dollars)).~~

26 **Sec. 2.** RCW 46.20.021 and 1991 c 293 s 3 and 1991 c 73 s 1 are  
27 each reenacted and amended to read as follows:

28 (1) No person, except as expressly exempted by this chapter, may  
29 drive any motor vehicle upon a highway in this state unless the person  
30 has a valid driver's license issued to Washington residents under the  
31 provisions of this chapter. A violation of this subsection is a  
32 misdemeanor and is a lesser included offense within the offenses  
33 described in RCW 46.20.342(1) or 46.20.420. However, if a person in  
34 violation of this section provides the citing officer with an expired  
35 driver's license or other valid identifying documentation under RCW

1 46.20.035 at the time of the stop and is not in violation of RCW  
2 46.20.342(1) or 46.20.420, the violation of this section is an  
3 infraction and is subject to a penalty of two hundred fifty dollars.  
4 If the person appears in person before the court or submits by mail  
5 written proof that he or she obtained a valid license after being  
6 cited, the court shall reduce the penalty to fifty dollars.

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

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

12 (b) Receiving benefits under one of the Washington public  
13 assistance programs; or

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

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

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

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

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

6 **Sec. 3.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s  
7 16, and 1995 c 256 s 25 are each reenacted and amended to read as  
8 follows:

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

17 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
18 vehicle while under the influence of intoxicating liquor or a  
19 controlled substance;

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

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

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

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

28 (6) RCW 46.16.010 relating to initial registration of motor  
29 vehicles;

30 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
31 drive;

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

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

36 (10) RCW 46.20.021 relating to driving without a valid driver's  
37 license, unless the person cited for the violation provided the citing  
38 officer with an expired driver's license or other valid identifying

1 documentation under RCW 46.20.035 at the time of the stop and was not  
2 in violation of RCW 46.20.342(1) or 46.20.420, in which case the  
3 violation is an infraction;

4 (11) RCW 46.20.336 relating to the unlawful possession and use of  
5 a driver's license;

6 (12) RCW 46.20.342 relating to driving with a suspended or revoked  
7 license or status;

8 (13) RCW 46.20.410 relating to the violation of restrictions of an  
9 occupational driver's license;

10 (14) RCW 46.20.420 relating to the operation of a motor vehicle  
11 with a suspended or revoked license;

12 (15) RCW 46.20.750 relating to assisting another person to start a  
13 vehicle equipped with an ignition interlock device;

14 (16) RCW 46.25.170 relating to commercial driver's licenses;

15 (17) Chapter 46.29 RCW relating to financial responsibility;

16 (18) RCW 46.30.040 relating to providing false evidence of  
17 financial responsibility;

18 (19) RCW 46.37.435 relating to wrongful installation of  
19 sunscreening material;

20 (20) RCW 46.44.180 relating to operation of mobile home pilot  
21 vehicles;

22 (21) RCW 46.48.175 relating to the transportation of dangerous  
23 articles;

24 (22) RCW 46.52.010 relating to duty on striking an unattended car  
25 or other property;

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

28 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,  
29 and appraisers;

30 (25) RCW 46.52.100 relating to driving under the influence of  
31 liquor or drugs;

32 (26) RCW 46.52.130 relating to confidentiality of the driving  
33 record to be furnished to an insurance company, an employer, and an  
34 alcohol/drug assessment or treatment agency;

35 (27) RCW 46.55.020 relating to engaging in the activities of a  
36 registered tow truck operator without a registration certificate;

37 (28) RCW 46.55.035 relating to prohibited practices by tow truck  
38 operators;

1 (29) RCW 46.61.015 relating to obedience to police officers,  
2 flagmen, or fire fighters;  
3 (30) RCW 46.61.020 relating to refusal to give information to or  
4 cooperate with an officer;  
5 (31) RCW 46.61.022 relating to failure to stop and give  
6 identification to an officer;  
7 (32) RCW 46.61.024 relating to attempting to elude pursuing police  
8 vehicles;  
9 (33) RCW 46.61.500 relating to reckless driving;  
10 (34) RCW 46.61.502 and 46.61.504 relating to persons under the  
11 influence of intoxicating liquor or drugs;  
12 (35) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute Senate~~  
13 ~~Bill No. 5141), Laws of 1995~~)) 46.61.503 relating to a person under  
14 age twenty-one driving a motor vehicle after consuming alcohol;  
15 (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
16 (37) RCW 46.61.522 relating to vehicular assault;  
17 (38) RCW 46.61.525 relating to negligent driving;  
18 (39) RCW 46.61.527(4) relating to reckless endangerment of roadway  
19 workers;  
20 (40) RCW 46.61.530 relating to racing of vehicles on highways;  
21 (41) RCW 46.61.685 relating to leaving children in an unattended  
22 vehicle with the motor running;  
23 (42) RCW 46.64.010 relating to unlawful cancellation of or attempt  
24 to cancel a traffic citation;  
25 (43) RCW 46.64.048 relating to attempting, aiding, abetting,  
26 coercing, and committing crimes;  
27 (44) Chapter 46.65 RCW relating to habitual traffic offenders;  
28 (45) Chapter 46.70 RCW relating to unfair motor vehicle business  
29 practices, except where that chapter provides for the assessment of  
30 monetary penalties of a civil nature;  
31 (46) Chapter 46.72 RCW relating to the transportation of passengers  
32 in for hire vehicles;  
33 (47) Chapter 46.80 RCW relating to motor vehicle wreckers;  
34 (48) Chapter 46.82 RCW relating to driver's training schools;  
35 (49) RCW 46.87.260 relating to alteration or forgery of a cab card,  
36 letter of authority, or other temporary authority issued under chapter  
37 46.87 RCW;

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

--- **END** ---