

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1895

Chapter 325, Laws of 2001

57th Legislature
2001 Regular Legislative Session

THEFT OF MOTOR VEHICLE FUEL

EFFECTIVE DATE: 7/22/01

Passed by the House April 16, 2001
Yeas 94 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 5, 2001
Yeas 46 Nays 3

BRAD OWEN
President of the Senate

Approved May 15, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1895** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 15, 2001 - 2:49 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1895

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

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

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

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

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

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

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

11 (2) The court shall order the department to suspend the person's
12 license, permit, or nonresident privilege to drive for a period
13 specified by the court of up to six months.

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

16 (1)(a) The department shall not suspend a driver's license or
17 privilege to drive a motor vehicle on the public highways for a fixed
18 period of more than one year, except as specifically permitted under

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

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

25 (ii) If the suspension is the result of a violation of RCW
26 46.61.502 or 46.61.504, or is the result of administrative action under
27 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

28 (2)(a) Any person whose license or privilege to drive a motor
29 vehicle on the public highways has been revoked, unless the revocation
30 was for a cause which has been removed, is not entitled to have the
31 license or privilege renewed or restored until: (i) After the
32 expiration of one year from the date the license or privilege to drive
33 was revoked; (ii) after the expiration of the applicable revocation
34 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
35 expiration of two years for persons convicted of vehicular homicide; or
36 (iv) after the expiration of the applicable revocation period provided
37 by RCW 46.20.265.

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

4 (ii) If the revocation is the result of a violation of RCW
5 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
6 hundred fifty dollars. If the revocation is the result of a violation
7 of RCW 46.61.502 or 46.61.504, the department shall determine the
8 person's eligibility for licensing based upon the reports provided by
9 the alcoholism agency or probation department designated under RCW
10 46.61.5056 and shall deny reissuance of a license, permit, or privilege
11 to drive until enrollment and participation in an approved program has
12 been established and the person is otherwise qualified.

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

23 (3)(a) Whenever the driver's license of any person is suspended
24 pursuant to Article IV of the nonresident violators compact or RCW
25 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
26 to the person any new or renewal license until the person pays a
27 reissue fee of twenty dollars.

28 (b) If the suspension is the result of a violation of the laws of
29 this or any other state, province, or other jurisdiction involving (i)
30 the operation or physical control of a motor vehicle upon the public
31 highways while under the influence of intoxicating liquor or drugs, or
32 (ii) the refusal to submit to a chemical test of the driver's blood
33 alcohol content, the reissue fee shall be one hundred fifty dollars.

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

36 (1) It is unlawful for any person to drive a motor vehicle in this
37 state while that person is in a suspended or revoked status or when his
38 or her privilege to drive is suspended or revoked in this or any other

1 state. Any person who has a valid Washington driver's license is not
2 guilty of a violation of this section.

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

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

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

29 (ii) A previous conviction under this section;

30 (iii) A notice received by the department from a court or diversion
31 unit as provided by RCW 46.20.265, relating to a minor who has
32 committed, or who has entered a diversion unit concerning an offense
33 relating to alcohol, legend drugs, controlled substances, or imitation
34 controlled substances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) A person who violates this section when his or her driver's
27 license or driving privilege is, at the time of the violation,
28 suspended or revoked solely because (i) the person must furnish proof
29 of satisfactory progress in a required alcoholism or drug treatment
30 program, (ii) the person must furnish proof of financial responsibility
31 for the future as provided by chapter 46.29 RCW, (iii) the person has
32 failed to comply with the provisions of chapter 46.29 RCW relating to
33 uninsured accidents, (iv) the person has failed to respond to a notice
34 of traffic infraction, failed to appear at a requested hearing,
35 violated a written promise to appear in court, or has failed to comply
36 with the terms of a notice of traffic infraction or citation, as
37 provided in RCW 46.20.289, (v) the person has committed an offense in
38 another state that, if committed in this state, would not be grounds
39 for the suspension or revocation of the person's driver's license, (vi)

1 the person has been suspended or revoked by reason of one or more of
2 the items listed in (b) of this subsection, but was eligible to
3 reinstate his or her driver's license or driving privilege at the time
4 of the violation, or (vii) the person has received traffic citations or
5 notices of traffic infraction that have resulted in a suspension under
6 RCW 46.20.267 relating to intermediate drivers' licenses, or any
7 combination of (i) through (vii), is guilty of driving while license
8 suspended or revoked in the third degree, a misdemeanor.

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

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

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

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

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

33 Failure to perform any act required or the performance of any act
34 prohibited by this title or an equivalent administrative regulation or
35 local law, ordinance, regulation, or resolution relating to traffic
36 including parking, standing, stopping, and pedestrian offenses, is
37 designated as a traffic infraction and may not be classified as a
38 criminal offense, except for an offense contained in the following

1 provisions of this title or a violation of an equivalent administrative
2 regulation or local law, ordinance, regulation, or resolution:

3 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
4 vehicle while under the influence of intoxicating liquor or a
5 controlled substance;

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

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

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

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

14 (6) RCW 46.16.010 relating to initial registration of motor
15 vehicles;

16 (7) RCW 46.16.011 relating to permitting unauthorized persons to
17 drive;

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

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

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

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

26 (12) RCW (~~46.20.336~~) 46.20.0921 relating to the unlawful
27 possession and use of a driver's license;

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

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

32 (15) RCW 46.20.410 relating to the violation of restrictions of an
33 occupational driver's license;

34 (~~(15) RCW 46.20.420 relating to the operation of a motor vehicle
35 with a suspended or revoked license;~~)

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

- 1 (17) RCW 46.20.750 relating to assisting another person to start a
2 vehicle equipped with an ignition interlock device;
- 3 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 4 (19) Chapter 46.29 RCW relating to financial responsibility;
- 5 (20) RCW 46.30.040 relating to providing false evidence of
6 financial responsibility;
- 7 (21) RCW 46.37.435 relating to wrongful installation of
8 sunscreening material;
- 9 (22) RCW 46.44.180 relating to operation of mobile home pilot
10 vehicles;
- 11 (23) RCW 46.48.175 relating to the transportation of dangerous
12 articles;
- 13 (24) RCW 46.52.010 relating to duty on striking an unattended car
14 or other property;
- 15 (25) RCW 46.52.020 relating to duty in case of injury to or death
16 of a person or damage to an attended vehicle;
- 17 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,
18 and appraisers;
- 19 (27) RCW 46.52.130 relating to confidentiality of the driving
20 record to be furnished to an insurance company, an employer, and an
21 alcohol/drug assessment or treatment agency;
- 22 (28) RCW 46.55.020 relating to engaging in the activities of a
23 registered tow truck operator without a registration certificate;
- 24 (29) RCW 46.55.035 relating to prohibited practices by tow truck
25 operators;
- 26 (30) RCW 46.61.015 relating to obedience to police officers,
27 (~~flagmen~~) flaggers, or fire fighters;
- 28 (31) RCW 46.61.020 relating to refusal to give information to or
29 cooperate with an officer;
- 30 (32) RCW 46.61.022 relating to failure to stop and give
31 identification to an officer;
- 32 (33) RCW 46.61.024 relating to attempting to elude pursuing police
33 vehicles;
- 34 (34) RCW 46.61.500 relating to reckless driving;
- 35 (35) RCW 46.61.502 and 46.61.504 relating to persons under the
36 influence of intoxicating liquor or drugs;
- 37 (36) RCW 46.61.503 relating to a person under age twenty-one
38 driving a motor vehicle after consuming alcohol;
- 39 (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

1 (38) RCW 46.61.522 relating to vehicular assault;
2 (39) RCW 46.61.5249 relating to first degree negligent driving;
3 (40) RCW 46.61.527(4) relating to reckless endangerment of roadway
4 workers;
5 (41) RCW 46.61.530 relating to racing of vehicles on highways;
6 (42) RCW 46.61.685 relating to leaving children in an unattended
7 vehicle with the motor running;
8 (43) RCW 46.61.--- (section 1 of this act) relating to theft of
9 motor vehicle fuel;
10 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt
11 to cancel a traffic citation;
12 ~~((44))~~ (45) RCW 46.64.048 relating to attempting, aiding,
13 abetting, coercing, and committing crimes;
14 ~~((45))~~ (46) Chapter 46.65 RCW relating to habitual traffic
15 offenders;
16 ~~((46))~~ (47) RCW 46.68.010 relating to false statements made to
17 obtain a refund;
18 ~~((47))~~ (48) Chapter 46.70 RCW relating to unfair motor vehicle
19 business practices, except where that chapter provides for the
20 assessment of monetary penalties of a civil nature;
21 ~~((48))~~ (49) Chapter 46.72 RCW relating to the transportation of
22 passengers in for hire vehicles;
23 ~~((49))~~ (50) RCW 46.72A.060 relating to limousine carrier
24 insurance;
25 ~~((50))~~ (51) RCW 46.72A.070 relating to operation of a limousine
26 without a vehicle certificate;
27 ~~((51))~~ (52) RCW 46.72A.080 relating to false advertising by a
28 limousine carrier;
29 ~~((52))~~ (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
30 ~~((53))~~ (54) Chapter 46.82 RCW relating to driver's training
31 schools;
32 ~~((54))~~ (55) RCW 46.87.260 relating to alteration or forgery of a
33 cab card, letter of authority, or other temporary authority issued
34 under chapter 46.87 RCW;
35 ~~((55))~~ (56) RCW 46.87.290 relating to operation of an
36 unregistered or unlicensed vehicle under chapter 46.87 RCW.

Passed the House April 16, 2001.

Passed the Senate April 5, 2001.

Approved by the Governor May 15, 2001.

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