
ENGROSSED SENATE BILL 6710

State of Washington

58th Legislature

2004 Regular Session

By Senators Horn, Haugen, Swecker, Spanel and Esser

Read first time 02/03/2004. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to transportation fees; amending RCW 46.16.237,
2 46.16.270, 46.20.117, 46.20.120, 46.20.311, 46.20.380, 46.63.110, and
3 46.64.025; reenacting and amending RCW 46.20.055, 46.20.070, and
4 46.20.308; adding a new section to chapter 46.16 RCW; creating a new
5 section; and providing effective dates.

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

7 **Sec. 1.** RCW 46.16.237 and 1987 c 52 s 1 are each amended to read
8 as follows:

9 All vehicle license number plates issued after January 1, 1968, or
10 such earlier date as the director may prescribe with respect to plates
11 issued in any county, shall be treated with fully reflectorized
12 materials designed to increase the visibility and legibility of such
13 plates at night. In addition to all other fees prescribed by law,
14 there shall be paid and collected for each vehicle license number plate
15 treated with such materials, the sum of (~~fifty cents~~) two dollars and
16 for each set of two plates, the sum of (~~one dollar~~; ~~PROVIDED,~~
17 ~~HOWEVER,~~) four dollars. However, one plate is available only to those
18 vehicles that by law require only one plate. Such fees shall be
19 deposited in the motor vehicle fund.

1 **Sec. 2.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to read
2 as follows:

3 The total replacement plate fee shall be deposited in the motor
4 vehicle fund.

5 Upon the loss, defacement, or destruction of one or both of the
6 vehicle license number plates issued for any vehicle where more than
7 one plate was originally issued or where one or both have become so
8 illegible or in such a condition as to be difficult to distinguish, or
9 upon the owner's option, the owner of the vehicle shall make
10 application for new vehicle license number plates upon a form furnished
11 by the director. The application shall be filed with the director or
12 the director's authorized agent, accompanied by the certificate of
13 license registration of the vehicle and a fee in the amount of
14 (~~three~~) ten dollars per plate, whereupon the director, or the
15 director's authorized agent, shall issue new vehicle license number
16 plates to the applicant. It shall be accompanied by a fee of two
17 dollars for a new motorcycle license number plate. In the event the
18 director has issued license period tabs or a windshield emblem instead
19 of vehicle license number plates, and upon the loss, defacement, or
20 destruction of the tabs or windshield emblem, application shall be made
21 on a form provided by the director and in the same manner as above
22 described, and shall be accompanied by a fee of one dollar for each
23 pair of tabs or for each windshield emblem, whereupon the director
24 shall issue to the applicant a duplicate pair of tabs, year tabs, and
25 when necessary month tabs or a windshield emblem to replace those lost,
26 defaced, or destroyed. For vehicles owned, rented, or leased by the
27 state of Washington or by any county, city, town, school district, or
28 other political subdivision of the state of Washington or United States
29 government, or owned or leased by the governing body of an Indian tribe
30 as defined in RCW 46.16.020, a fee shall be charged for replacement of
31 a vehicle license number plate only to the extent required by the
32 provisions of RCW 46.16.020, (~~(46.16.061,)~~) 46.16.237, and 46.01.140.
33 For vehicles owned, rented, or leased by foreign countries or
34 international bodies to which the United States government is a
35 signatory by treaty, the payment of any fee for the replacement of a
36 vehicle license number plate shall not be required.

1 **Sec. 3.** RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are
2 each reenacted and amended to read as follows:

3 (1) **Driver's instruction permit.** The department may issue a
4 driver's instruction permit with or without a photograph to an
5 applicant who has successfully passed all parts of the examination
6 other than the driving test, provided the information required by RCW
7 46.20.091, paid a fee of ((fifteen)) twenty dollars, and meets the
8 following requirements:

9 (a) Is at least fifteen and one-half years of age; or

10 (b) Is at least fifteen years of age and:

11 (i) Has submitted a proper application; and

12 (ii) Is enrolled in a traffic safety education program offered,
13 approved, and accredited by the superintendent of public instruction or
14 offered by a ((~~driving [driver]~~)) driver training school licensed and
15 inspected by the department of licensing under chapter 46.82 RCW, that
16 includes practice driving.

17 (2) **Waiver of written examination for instruction permit.** The
18 department may waive the written examination, if, at the time of
19 application, an applicant is enrolled in:

20 (a) A traffic safety education course as defined by RCW
21 28A.220.020(2); or

22 (b) A course of instruction offered by a licensed driver training
23 school as defined by RCW 46.82.280(1).

24 The department may require proof of registration in such a course
25 as it deems necessary.

26 (3) **Effect of instruction permit.** A person holding a driver's
27 instruction permit may drive a motor vehicle, other than a motorcycle,
28 upon the public highways if:

29 (a) The person has immediate possession of the permit; and

30 (b) An approved instructor, or a licensed driver with at least five
31 years of driving experience, occupies the seat beside the driver.

32 (4) **Term of instruction permit.** A driver's instruction permit is
33 valid for one year from the date of issue.

34 (a) The department may issue one additional one-year permit.

35 (b) The department may issue a third driver's permit if it finds
36 after an investigation that the permittee is diligently seeking to
37 improve driving proficiency.

1 **Sec. 4.** RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are
2 each reenacted and amended to read as follows:

3 (1) **Agricultural driving permit authorized.** The director may issue
4 a juvenile agricultural driving permit to a person under the age of
5 eighteen years if:

6 (a) The application is signed by the applicant and the applicant's
7 father, mother, or legal guardian;

8 (b) The applicant has passed the driving examination required by
9 RCW 46.20.120;

10 (c) The department has investigated the applicant's need for the
11 permit and determined that the need justifies issuance;

12 (d) The department has determined the applicant is capable of
13 operating a motor vehicle without endangering himself or herself or
14 other persons and property; and

15 (e) The applicant has paid a fee of (~~fifteen~~) twenty dollars.

16 The permit must contain a photograph of the person.

17 (2) **Effect of agricultural driving permit.** (a) The permit
18 authorizes the holder to:

19 (i) Drive a motor vehicle on the public highways of this state in
20 connection with farm work. The holder may drive only within a
21 restricted farming locality described on the permit; and

22 (ii) Participate in the classroom portion of a traffic safety
23 education course authorized under RCW 28A.220.030 or the classroom
24 portion of a traffic safety education course offered by a driver
25 training school licensed and inspected by the department of licensing
26 under chapter 46.82 RCW offered in the community where the holder
27 resides.

28 (b) The director may transfer the permit from one farming locality
29 to another. A transfer is not a renewal of the permit.

30 (3) **Term and renewal of agricultural driving permit.** An
31 agricultural driving permit expires one year from the date of issue.

32 (a) A person under the age of eighteen who holds a permit may renew
33 the permit by paying a fee of fifteen dollars.

34 (b) An agricultural driving permit is invalidated when a permittee
35 attains age eighteen. In order to drive a motor vehicle on a highway
36 he or she must obtain a motor vehicle driver's license under this
37 chapter.

1 (4) **Suspension, revocation, or cancellation.** The director has sole
2 discretion to suspend, revoke, or cancel a juvenile agricultural
3 driving permit if:

4 (a) The permittee has been found to have committed an offense that
5 requires mandatory suspension or revocation of a driver's license; or

6 (b) The director is satisfied that the permittee has violated the
7 permit's restrictions.

8 **Sec. 5.** RCW 46.20.117 and 2002 c 352 s 12 are each amended to read
9 as follows:

10 (1) **Issuance.** The department shall issue an identicard, containing
11 a picture, if the applicant:

12 (a) Does not hold a valid Washington driver's license;

13 (b) Proves his or her identity as required by RCW 46.20.035; and

14 (c) Pays the required fee. The fee is (~~fifteen~~) twenty dollars
15 unless an applicant is a recipient of continuing public assistance
16 grants under Title 74 RCW, who is referred in writing by the secretary
17 of social and health services. For those persons the fee must be the
18 actual cost of production of the identicard.

19 (2) **Design and term.** The identicard must:

20 (a) Be distinctly designed so that it will not be confused with the
21 official driver's license; and

22 (b) Expire on the fifth anniversary of the applicant's birthdate
23 after issuance.

24 (3) **Cancellation.** The department may cancel an identicard if the
25 holder of the identicard used the card or allowed others to use the
26 card in violation of RCW 46.20.0921.

27 **Sec. 6.** RCW 46.20.120 and 2002 c 352 s 13 are each amended to read
28 as follows:

29 An applicant for a new or renewed driver's license must
30 successfully pass a driver licensing examination to qualify for a
31 driver's license. The department shall give examinations at places and
32 times reasonably available to the people of this state.

33 (1) **Waiver.** The department may waive:

34 (a) All or any part of the examination of any person applying for
35 the renewal of a driver's license unless the department determines that

1 the applicant is not qualified to hold a driver's license under this
2 title; or

3 (b) The actual demonstration of the ability to operate a motor
4 vehicle if the applicant:

5 (i) Surrenders a valid driver's license issued by the person's
6 previous home state; and

7 (ii) Is otherwise qualified to be licensed.

8 (2) **Fee.** Each applicant for a new license must pay an examination
9 fee of (~~ten~~) twenty dollars.

10 (a) The examination fee is in addition to the fee charged for
11 issuance of the license.

12 (b) "New license" means a license issued to a driver:

13 (i) Who has not been previously licensed in this state; or

14 (ii) Whose last previous Washington license has been expired for
15 more than five years.

16 (3) A person whose license expired or will expire on or after
17 January 1, 1998, while he or she was or is living outside the state
18 may:

19 (a) Apply to the department to extend the validity of his or her
20 license for no more than twelve months. If the person establishes to
21 the department's satisfaction that he or she is unable to return to
22 Washington before the date his or her license expires, the department
23 shall extend the person's license. The department may grant
24 consecutive extensions, but in no event may the cumulative total of
25 extensions exceed twelve months. An extension granted under this
26 section does not change the expiration date of the license for purposes
27 of RCW 46.20.181. The department shall charge a fee of five dollars
28 for each license extension;

29 (b) Apply to the department to renew his or her license by mail.
30 If the person establishes to the department's satisfaction that he or
31 she is unable to return to Washington within twelve months of the date
32 that his or her license expires, the department shall renew the
33 person's license by mail. If a person qualifies for a mail-in renewal
34 he or she is not required to pass an examination nor provide an updated
35 photograph. He or she must, however, pay the fee required by RCW
36 46.20.181 plus an additional five-dollar mail-in renewal fee. A
37 license renewed by mail that does not include a photograph of the
38 licensee must be labeled "not valid for identification purposes."

1 (4) If a person's driver's license is extended or renewed under
2 subsection (3) of this section while he or she is outside the state, he
3 or she must submit to the examination required under this section
4 within sixty days of returning to this state. The department will not
5 assess a penalty or examination fee for the examination.

6 **Sec. 7.** RCW 46.20.308 and 1999 c 331 s 2 and 1999 c 274 s 2 are
7 each reenacted and amended to read as follows:

8 (1) Any person who operates a motor vehicle within this state is
9 deemed to have given consent, subject to the provisions of RCW
10 46.61.506, to a test or tests of his or her breath or blood for the
11 purpose of determining the alcohol concentration or presence of any
12 drug in his or her breath or blood if arrested for any offense where,
13 at the time of the arrest, the arresting officer has reasonable grounds
14 to believe the person had been driving or was in actual physical
15 control of a motor vehicle while under the influence of intoxicating
16 liquor or any drug or was in violation of RCW 46.61.503.

17 (2) The test or tests of breath shall be administered at the
18 direction of a law enforcement officer having reasonable grounds to
19 believe the person to have been driving or in actual physical control
20 of a motor vehicle within this state while under the influence of
21 intoxicating liquor or any drug or the person to have been driving or
22 in actual physical control of a motor vehicle while having alcohol in
23 a concentration in violation of RCW 46.61.503 in his or her system and
24 being under the age of twenty-one. However, in those instances where
25 the person is incapable due to physical injury, physical incapacity, or
26 other physical limitation, of providing a breath sample or where the
27 person is being treated in a hospital, clinic, doctor's office,
28 emergency medical vehicle, ambulance, or other similar facility in
29 which a breath testing instrument is not present or where the officer
30 has reasonable grounds to believe that the person is under the
31 influence of a drug, a blood test shall be administered by a qualified
32 person as provided in RCW 46.61.506(4). The officer shall inform the
33 person of his or her right to refuse the breath or blood test, and of
34 his or her right to have additional tests administered by any qualified
35 person of his or her choosing as provided in RCW 46.61.506. The
36 officer shall warn the driver that:

1 (a) His or her license, permit, or privilege to drive will be
2 revoked or denied if he or she refuses to submit to the test;

3 (b) His or her license, permit, or privilege to drive will be
4 suspended, revoked, or denied if the test is administered and the test
5 indicates the alcohol concentration of the person's breath or blood is
6 0.08 or more, in the case of a person age twenty-one or over, or in
7 violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a
8 person under age twenty-one; and

9 (c) His or her refusal to take the test may be used in a criminal
10 trial.

11 (3) Except as provided in this section, the test administered shall
12 be of the breath only. If an individual is unconscious or is under
13 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
14 or vehicular assault as provided in RCW 46.61.522, or if an individual
15 is under arrest for the crime of driving while under the influence of
16 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
17 results from an accident in which there has been serious bodily injury
18 to another person, a breath or blood test may be administered without
19 the consent of the individual so arrested.

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

26 (5) If, following his or her arrest and receipt of warnings under
27 subsection (2) of this section, the person arrested refuses upon the
28 request of a law enforcement officer to submit to a test or tests of
29 his or her breath or blood, no test shall be given except as authorized
30 under subsection (3) or (4) of this section.

31 (6) If, after arrest and after the other applicable conditions and
32 requirements of this section have been satisfied, a test or tests of
33 the person's blood or breath is administered and the test results
34 indicate that the alcohol concentration of the person's breath or blood
35 is 0.08 or more if the person is age twenty-one or over, or is in
36 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is
37 under the age of twenty-one, or the person refuses to submit to a test,

1 the arresting officer or other law enforcement officer at whose
2 direction any test has been given, or the department, where applicable,
3 if the arrest results in a test of the person's blood, shall:

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

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

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

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

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

26 (i) That the officer had reasonable grounds to believe the arrested
27 person had been driving or was in actual physical control of a motor
28 vehicle within this state while under the influence of intoxicating
29 liquor or drugs, or both, or was under the age of twenty-one years and
30 had been driving or was in actual physical control of a motor vehicle
31 while having an alcohol concentration in violation of RCW 46.61.503;

32 (ii) That after receipt of the warnings required by subsection (2)
33 of this section the person refused to submit to a test of his or her
34 blood or breath, or a test was administered and the results indicated
35 that the alcohol concentration of the person's breath or blood was 0.08
36 or more if the person is age twenty-one or over, or was in violation of
37 RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age
38 of twenty-one; and

1 (iii) Any other information that the director may require by rule.
2 (7) The department of licensing, upon the receipt of a sworn report
3 or report under a declaration authorized by RCW 9A.72.085 under
4 subsection (6)(e) of this section, shall suspend, revoke, or deny the
5 person's license, permit, or privilege to drive or any nonresident
6 operating privilege, as provided in RCW 46.20.3101, such suspension,
7 revocation, or denial to be effective beginning sixty days from the
8 date of arrest or from the date notice has been given in the event
9 notice is given by the department following a blood test, or when
10 sustained at a hearing pursuant to subsection (8) of this section,
11 whichever occurs first.

12 (8) A person receiving notification under subsection (6)(b) of this
13 section may, within thirty days after the notice has been given,
14 request in writing a formal hearing before the department. The person
15 shall pay a fee of (~~one~~) two hundred dollars as part of the request.
16 If the request is mailed, it must be postmarked within thirty days
17 after receipt of the notification. Upon timely receipt of such a
18 request for a formal hearing, including receipt of the required (~~one~~)
19 two hundred dollar fee, the department shall afford the person an
20 opportunity for a hearing. The department may waive the required
21 (~~one~~) two hundred dollar fee if the person is an indigent as defined
22 in RCW 10.101.010. Except as otherwise provided in this section, the
23 hearing is subject to and shall be scheduled and conducted in
24 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be
25 conducted in the county of the arrest, except that all or part of the
26 hearing may, at the discretion of the department, be conducted by
27 telephone or other electronic means. The hearing shall be held within
28 sixty days following the arrest or following the date notice has been
29 given in the event notice is given by the department following a blood
30 test, unless otherwise agreed to by the department and the person, in
31 which case the action by the department shall be stayed, and any valid
32 temporary license marked under subsection (6)(c) of this section
33 extended, if the person is otherwise eligible for licensing. For the
34 purposes of this section, the scope of the hearing shall cover the
35 issues of whether a law enforcement officer had reasonable grounds to
36 believe the person had been driving or was in actual physical control
37 of a motor vehicle within this state while under the influence of
38 intoxicating liquor or any drug or had been driving or was in actual

1 physical control of a motor vehicle within this state while having
2 alcohol in his or her system in a concentration in violation of RCW
3 46.61.503 and was under the age of twenty-one, whether the person was
4 placed under arrest, and (a) whether the person refused to submit to
5 the test or tests upon request of the officer after having been
6 informed that such refusal would result in the revocation of the
7 person's license, permit, or privilege to drive, or (b) if a test or
8 tests were administered, whether the applicable requirements of this
9 section were satisfied before the administration of the test or tests,
10 whether the person submitted to the test or tests, or whether a test
11 was administered without express consent as permitted under this
12 section, and whether the test or tests indicated that the alcohol
13 concentration of the person's breath or blood was 0.08 or more if the
14 person was age twenty-one or over at the time of the arrest, or was in
15 violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was
16 under the age of twenty-one at the time of the arrest. The sworn
17 report or report under a declaration authorized by RCW 9A.72.085
18 submitted by a law enforcement officer is prima facie evidence that the
19 officer had reasonable grounds to believe the person had been driving
20 or was in actual physical control of a motor vehicle within this state
21 while under the influence of intoxicating liquor or drugs, or both, or
22 the person had been driving or was in actual physical control of a
23 motor vehicle within this state while having alcohol in his or her
24 system in a concentration in violation of RCW 46.61.503 and was under
25 the age of twenty-one and that the officer complied with the
26 requirements of this section.

27 A hearing officer shall conduct the hearing, may issue subpoenas
28 for the attendance of witnesses and the production of documents, and
29 shall administer oaths to witnesses. The hearing officer shall not
30 issue a subpoena for the attendance of a witness at the request of the
31 person unless the request is accompanied by the fee required by RCW
32 5.56.010 for a witness in district court. The sworn report or report
33 under a declaration authorized by RCW 9A.72.085 of the law enforcement
34 officer and any other evidence accompanying the report shall be
35 admissible without further evidentiary foundation and the
36 certifications authorized by the criminal rules for courts of limited
37 jurisdiction shall be admissible without further evidentiary
38 foundation. The person may be represented by counsel, may question

1 witnesses, may present evidence, and may testify. The department shall
2 order that the suspension, revocation, or denial either be rescinded or
3 sustained.

4 (9) If the suspension, revocation, or denial is sustained after
5 such a hearing, the person whose license, privilege, or permit is
6 suspended, revoked, or denied has the right to file a petition in the
7 superior court of the county of arrest to review the final order of
8 revocation by the department in the same manner as an appeal from a
9 decision of a court of limited jurisdiction. Notice of appeal must be
10 filed within thirty days after the date the final order is served or
11 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
12 1.1, or other statutes or rules referencing de novo review, the appeal
13 shall be limited to a review of the record of the administrative
14 hearing. The appellant must pay the costs associated with obtaining
15 the record of the hearing before the hearing officer. The filing of
16 the appeal does not stay the effective date of the suspension,
17 revocation, or denial. A petition filed under this subsection must
18 include the petitioner's grounds for requesting review. Upon granting
19 petitioner's request for review, the court shall review the
20 department's final order of suspension, revocation, or denial as
21 expeditiously as possible. The review must be limited to a
22 determination of whether the department has committed any errors of
23 law. The superior court shall accept those factual determinations
24 supported by substantial evidence in the record: (a) That were
25 expressly made by the department; or (b) that may reasonably be
26 inferred from the final order of the department. The superior court
27 may reverse, affirm, or modify the decision of the department or remand
28 the case back to the department for further proceedings. The decision
29 of the superior court must be in writing and filed in the clerk's
30 office with the other papers in the case. The court shall state the
31 reasons for the decision. If judicial relief is sought for a stay or
32 other temporary remedy from the department's action, the court shall
33 not grant such relief unless the court finds that the appellant is
34 likely to prevail in the appeal and that without a stay the appellant
35 will suffer irreparable injury. If the court stays the suspension,
36 revocation, or denial it may impose conditions on such stay.

37 (10) If a person whose driver's license, permit, or privilege to
38 drive has been or will be suspended, revoked, or denied under

1 subsection (7) of this section, other than as a result of a breath or
2 blood test refusal, and who has not committed an offense for which he
3 or she was granted a deferred prosecution under chapter 10.05 RCW,
4 petitions a court for a deferred prosecution on criminal charges
5 arising out of the arrest for which action has been or will be taken
6 under subsection (7) of this section, the court may direct the
7 department to stay any actual or proposed suspension, revocation, or
8 denial for at least forty-five days but not more than ninety days. If
9 the court stays the suspension, revocation, or denial, it may impose
10 conditions on such stay. If the person is otherwise eligible for
11 licensing, the department shall issue a temporary license, or extend
12 any valid temporary license marked under subsection (6) of this
13 section, for the period of the stay. If a deferred prosecution
14 treatment plan is not recommended in the report made under RCW
15 10.05.050, or if treatment is rejected by the court, or if the person
16 declines to accept an offered treatment plan, or if the person violates
17 any condition imposed by the court, then the court shall immediately
18 direct the department to cancel the stay and any temporary marked
19 license or extension of a temporary license issued under this
20 subsection.

21 A suspension, revocation, or denial imposed under this section,
22 other than as a result of a breath or blood test refusal, shall be
23 stayed if the person is accepted for deferred prosecution as provided
24 in chapter 10.05 RCW for the incident upon which the suspension,
25 revocation, or denial is based. If the deferred prosecution is
26 terminated, the stay shall be lifted and the suspension, revocation, or
27 denial reinstated. If the deferred prosecution is completed, the stay
28 shall be lifted and the suspension, revocation, or denial canceled.

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

35 **Sec. 8.** RCW 46.20.311 and 2003 c 366 s 2 are each amended to read
36 as follows:

37 (1)(a) The department shall not suspend a driver's license or

1 privilege to drive a motor vehicle on the public highways for a fixed
2 period of more than one year, except as specifically permitted under
3 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
4 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
5 74.20A.320, whenever the license or driving privilege of any person is
6 suspended by reason of a conviction, a finding that a traffic
7 infraction has been committed, pursuant to chapter 46.29 RCW, or
8 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
9 effect until the person gives and thereafter maintains proof of
10 financial responsibility for the future as provided in chapter 46.29
11 RCW. If the suspension is the result of a violation of RCW 46.61.502
12 or 46.61.504, the department shall determine the person's eligibility
13 for licensing based upon the reports provided by the alcoholism agency
14 or probation department designated under RCW 46.61.5056 and shall deny
15 reinstatement until enrollment and participation in an approved program
16 has been established and the person is otherwise qualified. If the
17 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
18 and the person is required pursuant to RCW 46.20.720 to drive only a
19 motor vehicle equipped with a functioning ignition interlock or other
20 biological or technical device, the department shall determine the
21 person's eligibility for licensing based upon written verification by
22 a company doing business in the state that it has installed the
23 required device on a vehicle owned and/or operated by the person
24 seeking reinstatement. Whenever the license or driving privilege of
25 any person is suspended as a result of certification of noncompliance
26 with a child support order under chapter 74.20A RCW or a residential or
27 visitation order, the suspension shall remain in effect until the
28 person provides a release issued by the department of social and health
29 services stating that the person is in compliance with the order.

30 (b)(i) The department shall not issue to the person a new,
31 duplicate, or renewal license until the person pays a reissue fee of
32 (~~twenty~~) seventy-five dollars.

33 (ii) If the suspension is the result of a violation of RCW
34 46.61.502 or 46.61.504, or is the result of administrative action under
35 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

36 (2)(a) Any person whose license or privilege to drive a motor
37 vehicle on the public highways has been revoked, unless the revocation
38 was for a cause which has been removed, is not entitled to have the

1 license or privilege renewed or restored until: (i) After the
2 expiration of one year from the date the license or privilege to drive
3 was revoked; (ii) after the expiration of the applicable revocation
4 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
5 expiration of two years for persons convicted of vehicular homicide; or
6 (iv) after the expiration of the applicable revocation period provided
7 by RCW 46.20.265.

8 (b)(i) After the expiration of the appropriate period, the person
9 may make application for a new license as provided by law together with
10 a reissue fee in the amount of (~~twenty~~) seventy-five dollars.

11 (ii) If the revocation is the result of a violation of RCW
12 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
13 hundred fifty dollars. If the revocation is the result of a violation
14 of RCW 46.61.502 or 46.61.504, the department shall determine the
15 person's eligibility for licensing based upon the reports provided by
16 the alcoholism agency or probation department designated under RCW
17 46.61.5056 and shall deny reissuance of a license, permit, or privilege
18 to drive until enrollment and participation in an approved program has
19 been established and the person is otherwise qualified. If the
20 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
21 and the person is required pursuant to RCW 46.20.720 to drive only a
22 motor vehicle equipped with a functioning ignition interlock or other
23 biological or technical device, the department shall determine the
24 person's eligibility for licensing based upon written verification by
25 a company doing business in the state that it has installed the
26 required device on a vehicle owned and/or operated by the person
27 applying for a new license.

28 (c) Except for a revocation under RCW 46.20.265, the department
29 shall not then issue a new license unless it is satisfied after
30 investigation of the driving ability of the person that it will be safe
31 to grant the privilege of driving a motor vehicle on the public
32 highways, and until the person gives and thereafter maintains proof of
33 financial responsibility for the future as provided in chapter 46.29
34 RCW. For a revocation under RCW 46.20.265, the department shall not
35 issue a new license unless it is satisfied after investigation of the
36 driving ability of the person that it will be safe to grant that person
37 the privilege of driving a motor vehicle on the public highways.

1 (3)(a) Whenever the driver's license of any person is suspended
2 pursuant to Article IV of the nonresident violators compact or RCW
3 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
4 to the person any new or renewal license until the person pays a
5 reissue fee of (~~twenty~~) seventy-five dollars.

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

12 **Sec. 9.** RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to
13 read as follows:

14 No person may file an application for an occupational driver's
15 license as provided in RCW 46.20.391 unless he or she first pays to the
16 director or other person authorized to accept applications and fees for
17 driver's licenses a fee of (~~twenty-five~~) one hundred dollars. The
18 applicant shall receive upon payment an official receipt for the
19 payment of such fee. All such fees shall be forwarded to the director
20 who shall transmit such fees to the state treasurer in the same manner
21 as other driver's license fees.

22 **Sec. 10.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
23 as follows:

24 (1) A person found to have committed a traffic infraction shall be
25 assessed a monetary penalty. No penalty may exceed two hundred and
26 fifty dollars for each offense unless authorized by this chapter or
27 title.

28 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two
29 hundred fifty dollars for each offense. No penalty assessed under this
30 subsection (2) may be reduced.

31 (3) The supreme court shall prescribe by rule a schedule of
32 monetary penalties for designated traffic infractions. This rule shall
33 also specify the conditions under which local courts may exercise
34 discretion in assessing fines and penalties for traffic infractions.
35 The legislature respectfully requests the supreme court to adjust this
36 schedule every two years for inflation.

1 (4) There shall be a penalty of twenty-five dollars for failure to
2 respond to a notice of traffic infraction except where the infraction
3 relates to parking as defined by local law, ordinance, regulation, or
4 resolution or failure to pay a monetary penalty imposed pursuant to
5 this chapter. A local legislative body may set a monetary penalty not
6 to exceed twenty-five dollars for failure to respond to a notice of
7 traffic infraction relating to parking as defined by local law,
8 ordinance, regulation, or resolution. The local court, whether a
9 municipal, police, or district court, shall impose the monetary penalty
10 set by the local legislative body.

11 (5) Monetary penalties provided for in chapter 46.70 RCW which are
12 civil in nature and penalties which may be assessed for violations of
13 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
14 are not subject to the limitation on the amount of monetary penalties
15 which may be imposed pursuant to this chapter.

16 (6) Whenever a monetary penalty, fee, cost, assessment, or other
17 monetary obligation is imposed by a court under this chapter it is
18 immediately payable. If the ~~((person is unable to pay at that time the~~
19 ~~court may, in its discretion, grant an extension of the period in which~~
20 ~~the penalty may be paid. If the penalty is not paid on or before the~~
21 ~~time established for payment the court shall notify the department of~~
22 ~~the failure to pay the penalty))~~ court determines, in its discretion
23 that a person is not able to pay a monetary obligation in full, and not
24 more than one year has passed since the effective date of this section
25 or the date the monetary obligation initially became due and payable,
26 the court shall enter into a payment plan with the person, unless the
27 person has previously been granted a payment plan with respect to the
28 same monetary obligation, in which case the court may implement a
29 payment plan. "Payment plan," as used in this section, means a plan
30 that requires reasonable payments based on the financial ability of the
31 person to pay. The person may voluntarily pay an amount at any time in
32 addition to the payments required under the payment plan:

33 (a) If a payment required to be made under the payment plan is
34 delinquent or the person fails to complete a community restitution
35 program on or before the time established under the payment plan, the
36 court shall notify the department of the person's failure to meet the
37 conditions of the plan, and the department shall suspend the person's
38 driver's license or driving privilege until ((the penalty has)) all

1 monetary obligations, including those imposed under subsections (3) and
2 (4) of this section, have been paid, and ((the penalty provided in
3 subsection (4) of this section has been paid)) court-authorized
4 community restitution has been completed or until the department has
5 been notified that the court has entered into a new time payment or
6 community restitution agreement with the person.

7 (b) If a person has not entered into a payment plan with the court
8 and has not paid the monetary obligation in full on or before the time
9 established for payment, the court shall notify the department of the
10 delinquency. The department shall suspend the person's driver's
11 license or driving privilege until all monetary obligations have been
12 paid, including those imposed under subsections (3) and (4) of this
13 section, or until the person has entered into a payment plan under this
14 section.

15 (c) If the payment plan is to be administered by the court, the
16 court may assess the person a reasonable administrative fee to be
17 wholly retained by the city or county with jurisdiction. The
18 administrative fee may not exceed ten dollars per infraction or twenty-
19 five dollars per payment plan, whichever is less.

20 (d) Nothing in this section precludes a court from contracting with
21 outside entities to administer its payment plan system. When outside
22 entities are used for the administration of a payment plan, the court
23 may assess the person a reasonable fee for the administrative services,
24 which fee may be calculated on a periodic, percentage, or other basis.
25 Fees collected under this subsection must be wholly retained by the
26 city or county with jurisdiction, for payment to its outside entity.

27 (e) If a court-authorized community restitution program for
28 offenders is available in the jurisdiction, the court may allow
29 conversion of all or part of the monetary obligations due under
30 subsection (5) of this section to court-authorized community
31 restitution in lieu of time payments if the person is unable to make
32 reasonable time payments.

33 (7) In addition to any other penalties imposed under this section
34 and not subject to the limitation of subsection (1) of this section, a
35 person found to have committed a traffic infraction shall be assessed
36 a fee of five dollars per infraction. Under no circumstances shall
37 this fee be reduced or waived. Revenue from this fee shall be

1 forwarded to the state treasurer for deposit in the emergency medical
2 services and trauma care system trust account under RCW 70.168.040.

3 (8)(a) In addition to any other penalties imposed under this
4 section and not subject to the limitation of subsection (1) of this
5 section, a person found to have committed a traffic infraction other
6 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
7 dollars. The court may not reduce, waive, or suspend the additional
8 penalty unless the court finds the offender to be indigent. If a
9 court-authorized community restitution program for offenders is
10 available in the jurisdiction, the court (~~shall~~) may allow offenders
11 to offset all or a part of the penalty due under this subsection (8) by
12 participation in the court-authorized community restitution program.

13 (b) Eight dollars and fifty cents of the additional penalty under
14 (a) of this subsection shall be remitted to the state treasurer. The
15 remaining revenue from the additional penalty must be remitted under
16 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
17 under this subsection to the state treasurer must be deposited as
18 provided in RCW 43.08.250. The balance of the revenue received by the
19 county or city treasurer under this subsection must be deposited into
20 the county or city current expense fund. Moneys retained by the city
21 or county under this subsection shall constitute reimbursement for any
22 liabilities under RCW 43.135.060.

23 (9) A person may not enter into a second or subsequent payment plan
24 if the person is in noncompliance with the terms of any existing or
25 prior plan.

26 (10) A person is not eligible to enter into a payment plan if any
27 delinquent amount owed by the person for any penalty imposed by the
28 court under this section has been assigned to a collection agency and
29 legal action has commenced to collect the delinquent amount.

30 **Sec. 11.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
31 as follows:

32 (1) Whenever any person violates his or her written promise to
33 appear in court, (~~or~~) fails to appear for a scheduled court hearing,
34 or fails to comply with the terms of a citation, the court in which the
35 defendant failed to appear or comply shall promptly give notice of such
36 fact to the department of licensing. Whenever thereafter the case in

1 which the defendant failed to appear or comply is adjudicated, the
2 court hearing the case shall promptly file with the department a
3 certificate showing that the case has been adjudicated.

4 (2)(a) Where compliance with the terms of a misdemeanor citation is
5 limited to the payment of a monetary penalty, fee, cost, assessment, or
6 other monetary obligation, and the court determines, in its discretion,
7 that a person is not able to pay the monetary obligation in full, and
8 not more than one year has passed since the effective date of this
9 section or the date the monetary obligation initially became due and
10 payable, the court shall enter into a payment plan with the person,
11 unless the person has previously been granted a payment plan with
12 respect to the same monetary obligation, in which case the court may
13 implement a payment plan. "Payment plan," as used in this section,
14 means a plan that requires reasonable payments based on the financial
15 ability of the person to pay. The person may voluntarily pay any
16 amount at any time in addition to these payments. If a person has
17 entered into a payment plan under this subsection, the court shall not
18 notify the department of licensing that the person has failed to comply
19 with the terms of a citation as it applies to payment of the monetary
20 obligation unless a payment required to be made under the payment plan
21 is delinquent.

22 (b) If the payment plan is to be administered by the court, the
23 court may assess the person a reasonable administrative fee to be
24 wholly retained by the city or county with jurisdiction. The
25 administrative fee may not exceed ten dollars per infraction or twenty-
26 five dollars per payment plan, whichever is less.

27 (c) Nothing in this section precludes a court from contracting with
28 outside entities to administer its payment plan system. When outside
29 entities are used for the administration of a payment plan, the court
30 may assess the person a reasonable fee for the administrative services,
31 which fee may be calculated on a periodic, percentage, or other basis.
32 Fees collected under this subsection must be wholly retained by the
33 city or county with jurisdiction, for payment to its outside entity.

34 (d) A person may not enter into a second or subsequent payment plan
35 if the person is in noncompliance with the terms of any existing or
36 prior plan.

37 (e) A person is not eligible to enter into a payment plan if any

1 delinquent amount owed by the person for any penalty imposed by the
2 court under this section has been assigned to a collection agency and
3 legal action has commenced to collect the delinquent amount.

4 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.16 RCW
5 to read as follows:

6 In lieu of the license tab fees provided in RCW 46.16.0621, private
7 use single-axle trailers of two thousand pounds scale weight or less
8 may be licensed upon the payment of a license fee in the sum of fifteen
9 dollars, but only if the trailer is operated upon public highways. The
10 license fee must be collected annually for each registration year or
11 fraction of a registration year. This reduced license fee applies only
12 to trailers operated for personal use of the owners, and not trailers
13 held for rental to the public or used in any commercial or business
14 endeavor. The fee from this section must be deposited in the state
15 patrol highway account.

16 NEW SECTION. **Sec. 13.** Sections 1 and 2 of this act take effect
17 October 1, 2004.

18 NEW SECTION. **Sec. 14.** Sections 3 through 9 of this act take
19 effect July 1, 2004.

20 NEW SECTION. **Sec. 15.** Section 12 of this act is effective with
21 registration fees that are due or will become due January 1, 2005, and
22 thereafter.

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