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SENATE BILL 6284

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State of Washington                      62nd Legislature                      2012 Regular Session

By Senators Kline, Harper, Litzow, Kohl-Welles, Keiser, and Hargrove

Read first time 01/16/12. Referred to Committee on Judiciary.

1            AN ACT Relating to reforming Washington's approach to certain  
2 nonsafety civil traffic infractions by authorizing a civil collection  
3 process for unpaid traffic fines and removing the requirement for law  
4 enforcement intervention for the failure to appear and pay a traffic  
5 ticket; amending RCW 46.20.342, 46.20.291, 46.63.070, 46.63.110,  
6 46.20.311, and 46.20.391; repealing RCW 46.20.289 and 46.64.025; and  
7 providing an effective date.

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

9            **Sec. 1.** RCW 46.20.342 and 2011 c 372 s 2 are each amended to read  
10 as follows:

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

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

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

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

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

27 (ii) A previous conviction under this section;

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

33 (iv) A conviction of RCW 46.20.410, relating to the violation of  
34 restrictions of an occupational driver's license, a temporary  
35 restricted driver's license, or an ignition interlock driver's license;

36 (v) A conviction of RCW 46.20.345, relating to the operation of a  
37 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 46.61.212(4), relating to reckless  
6 endangerment of emergency zone workers;  
7 (ix) A conviction of RCW 46.61.500, relating to reckless driving;  
8 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
9 person under the influence of intoxicating liquor or drugs;  
10 (xi) A conviction of RCW 46.61.520, relating to vehicular homicide;  
11 (xii) A conviction of RCW 46.61.522, relating to vehicular assault;  
12 (xiii) A conviction of RCW 46.61.527(4), relating to reckless  
13 endangerment of roadway workers;  
14 (xiv) A conviction of RCW 46.61.530, relating to racing of vehicles  
15 on highways;  
16 (xv) A conviction of RCW 46.61.685, relating to leaving children in  
17 an unattended vehicle with motor running;  
18 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
19 vehicle fuel;  
20 (xvii) A conviction of RCW 46.64.048, relating to attempting,  
21 aiding, abetting, coercing, and committing crimes;  
22 (xviii) An administrative action taken by the department under  
23 chapter 46.20 RCW;  
24 (xix) A conviction of a local law, ordinance, regulation, or  
25 resolution of a political subdivision of this state, the federal  
26 government, or any other state, of an offense substantially similar to  
27 a violation included in this subsection; or  
28 (xx) A finding that a person has committed a traffic infraction  
29 under RCW 46.61.526 and suspension of driving privileges pursuant to  
30 RCW 46.61.526 (4)(b) or (7)(a)(ii).  
31 (c) A person who violates this section when his or her driver's  
32 license or driving privilege is, at the time of the violation,  
33 suspended or revoked solely because (i) the person must furnish proof  
34 of satisfactory progress in a required alcoholism or drug treatment  
35 program, (ii) the person must furnish proof of financial responsibility  
36 for the future as provided by chapter 46.29 RCW, (iii) the person has  
37 failed to comply with the provisions of chapter 46.29 RCW relating to  
38 uninsured accidents, (iv) ~~((the person has failed to respond to a~~

1 ~~notice of traffic infraction, failed to appear at a requested hearing,~~  
2 ~~violated a written promise to appear in court, or has failed to comply~~  
3 ~~with the terms of a notice of traffic infraction or citation, as~~  
4 ~~provided in RCW 46.20.289, (~~v~~))~~ the person has committed an offense in  
5 another state that, if committed in this state, would not be grounds  
6 for the suspension or revocation of the person's driver's license,  
7 (~~(vi)~~) (v) the person has been suspended or revoked by reason of one  
8 or more of the items listed in (b) of this subsection, but was eligible  
9 to reinstate his or her driver's license or driving privilege at the  
10 time of the violation, or (~~(vii)~~) (vi) the person has received  
11 traffic citations or notices of traffic infraction that have resulted  
12 in a suspension under RCW 46.20.267 relating to intermediate drivers'  
13 licenses, or any combination of (c)(i) through (~~(vii)~~) (vi) of this  
14 subsection, is guilty of driving while license suspended or revoked in  
15 the third degree, a misdemeanor. For the purposes of this subsection,  
16 a person is not considered to be eligible to reinstate his or her  
17 driver's license or driving privilege if the person is eligible to  
18 obtain an ignition interlock driver's license but did not obtain such  
19 a license.

20 (2) Upon receiving a record of conviction of any person or upon  
21 receiving an order by any juvenile court or any duly authorized court  
22 officer of the conviction of any juvenile under this section, the  
23 department shall:

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

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

36 (c) Not extend the period of suspension or revocation if the  
37 conviction was under subsection (1)(c) of this section. If the  
38 conviction was under subsection (1)(a) or (b) of this section and the

1 court recommends against the extension and the convicted person has  
2 obtained a valid driver's license, the period of suspension or  
3 revocation shall not be extended.

4 **Sec. 2.** RCW 46.20.291 and 2007 c 393 s 2 are each amended to read  
5 as follows:

6 The department is authorized to suspend the license of a driver  
7 upon a showing by its records or other sufficient evidence that the  
8 licensee:

9 (1) Has committed an offense for which mandatory revocation or  
10 suspension of license is provided by law;

11 (2) Has, by reckless or unlawful operation of a motor vehicle,  
12 caused or contributed to an accident resulting in death or injury to  
13 any person or serious property damage;

14 (3) Has been convicted of offenses against traffic regulations  
15 governing the movement of vehicles, or found to have committed traffic  
16 infractions, with such frequency as to indicate a disrespect for  
17 traffic laws or a disregard for the safety of other persons on the  
18 highways;

19 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

20 ~~(5) ((Has failed to respond to a notice of traffic infraction,  
21 failed to appear at a requested hearing, violated a written promise to  
22 appear in court, or has failed to comply with the terms of a notice of  
23 traffic infraction or citation, as provided in RCW 46.20.289;~~

24 ~~(6))~~ Is subject to suspension under RCW 46.20.305 or 9A.56.078;

25 ~~((7))~~ (6) Has committed one of the prohibited practices relating  
26 to drivers' licenses defined in RCW 46.20.0921; or

27 ~~((8))~~ (7) Has been certified by the department of social and  
28 health services as a person who is not in compliance with a child  
29 support order or a residential or visitation order as provided in RCW  
30 74.20A.320.

31 **Sec. 3.** RCW 46.63.070 and 2011 c 372 s 3 are each amended to read  
32 as follows:

33 (1) Any person who receives a notice of traffic infraction shall  
34 respond to such notice as provided in this section within fifteen days  
35 of the date of the notice.

1 (2) If the person determined to have committed the infraction does  
2 not contest the determination the person shall respond by completing  
3 the appropriate portion of the notice of infraction and submitting it,  
4 either by mail or in person, to the court specified on the notice. A  
5 check or money order in the amount of the penalty prescribed for the  
6 infraction must be submitted with the response. When a response which  
7 does not contest the determination is received, an appropriate order  
8 shall be entered in the court's records(~~(, and a record of the response~~  
9 ~~and order shall be furnished to the department in accordance with RCW~~  
10 ~~46.20.270)~~).

11 (3) If the person determined to have committed the infraction  
12 wishes to contest the determination the person shall respond by  
13 completing the portion of the notice of infraction requesting a hearing  
14 and submitting it, either by mail or in person, to the court specified  
15 on the notice. The court shall notify the person in writing of the  
16 time, place, and date of the hearing, and that date shall not be sooner  
17 than seven days from the date of the notice, except by agreement.

18 (4) If the person determined to have committed the infraction does  
19 not contest the determination but wishes to explain mitigating  
20 circumstances surrounding the infraction the person shall respond by  
21 completing the portion of the notice of infraction requesting a hearing  
22 for that purpose and submitting it, either by mail or in person, to the  
23 court specified on the notice. The court shall notify the person in  
24 writing of the time, place, and date of the hearing.

25 (5)(a) Except as provided in (b), (c), and (d) of this subsection,  
26 in hearings conducted pursuant to subsections (3) and (4) of this  
27 section, the court may defer findings, or in a hearing to explain  
28 mitigating circumstances may defer entry of its order, for up to one  
29 year and impose conditions upon the defendant the court deems  
30 appropriate. Upon deferring findings, the court may assess costs as  
31 the court deems appropriate for administrative processing. If at the  
32 end of the deferral period the defendant has met all conditions and has  
33 not been determined to have committed another traffic infraction, the  
34 court may dismiss the infraction.

35 (b) A person may not receive more than one deferral within a seven-  
36 year period for traffic infractions for moving violations and more than  
37 one deferral within a seven-year period for traffic infractions for  
38 nonmoving violations.

1 (c) A person who is the holder of a commercial driver's license or  
2 who was operating a commercial motor vehicle at the time of the  
3 violation may not receive a deferral under this section.

4 (d) A person who commits negligent driving in the second degree  
5 with a vulnerable user victim may not receive a deferral for this  
6 infraction under this section.

7 (6) If any person issued a notice of traffic infraction((+)) (a)  
8 fails to respond to the notice of traffic infraction as provided in  
9 subsection (2) of this section((+)) or (b) fails to appear at a hearing  
10 requested pursuant to subsection (3) or (4) of this section((+)),  
11 the court shall enter an appropriate order assessing the monetary  
12 penalty prescribed for the traffic infraction and any other penalty  
13 authorized by this chapter ~~((and shall notify the department in~~  
14 ~~accordance with RCW 46.20.270, of the failure to respond to the notice~~  
15 ~~of infraction or to appear at a requested hearing))~~.

16 **Sec. 4.** RCW 46.63.110 and 2010 c 252 s 5 are each amended to read  
17 as follows:

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

22 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is  
23 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is  
24 five hundred dollars for each offense. No penalty assessed under this  
25 subsection (2) may be reduced.

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

32 (4) There shall be a penalty of twenty-five dollars for failure to  
33 respond to a notice of traffic infraction except where the infraction  
34 relates to parking as defined by local law, ordinance, regulation, or  
35 resolution or failure to pay a monetary penalty imposed pursuant to  
36 this chapter. A local legislative body may set a monetary penalty not  
37 to exceed twenty-five dollars for failure to respond to a notice of

1 traffic infraction relating to parking as defined by local law,  
2 ordinance, regulation, or resolution. The local court, whether a  
3 municipal, police, or district court, shall impose the monetary penalty  
4 set by the local legislative body.

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

10 (6) Whenever a monetary penalty, fee, cost, assessment, or other  
11 monetary obligation is imposed by a court under this chapter, it is  
12 immediately payable and is enforceable as a civil judgment under Title  
13 6 RCW. If the court determines, in its discretion, that a person is  
14 not able to pay a monetary obligation in full, and not more than one  
15 year has passed since the later of July 1, 2005, or the date the  
16 monetary obligation initially became due and payable, the court shall  
17 enter into a payment plan with the person, unless the person has  
18 previously been granted a payment plan with respect to the same  
19 monetary obligation, or unless the person is in noncompliance of any  
20 existing or prior payment plan, in which case the court may, at its  
21 discretion, implement a payment plan. If the court has notified the  
22 department that the person has failed to pay or comply and the person  
23 has subsequently entered into a payment plan and made an initial  
24 payment, the court shall notify the department that the infraction has  
25 been adjudicated, and the department shall rescind any suspension of  
26 the person's driver's license or driver's privilege based on failure to  
27 respond to that infraction. "Payment plan," as used in this section,  
28 means a plan that requires reasonable payments based on the financial  
29 ability of the person to pay. The person may voluntarily pay an amount  
30 at any time in addition to the payments required under the payment  
31 plan.

32 (a) If a payment required to be made under the payment plan is  
33 delinquent or the person fails to complete a community restitution  
34 program on or before the time established under the payment plan,  
35 unless the court determines good cause therefor and adjusts the payment  
36 plan or the community restitution plan accordingly, the court (~~shall~~  
37 ~~notify the department of the person's failure to meet the conditions of~~  
38 ~~the plan, and the department shall suspend the person's driver's~~

1 ~~license or driving privilege))~~ may refer the unpaid monetary penalty,  
2 fee, cost, assessment, or other monetary obligation for civil  
3 enforcement until all monetary obligations, including those imposed  
4 under subsections (3) and (4) of this section, have been paid, and  
5 court authorized community restitution has been completed, or until the  
6 ~~((department has been notified that the))~~ court has entered into a new  
7 time payment or community restitution agreement with the person.

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

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

22 (d) Nothing in this section precludes a court from contracting with  
23 outside entities to administer its payment plan system. When outside  
24 entities are used for the administration of a payment plan, the court  
25 may assess the person a reasonable fee for such administrative  
26 services, which fee may be calculated on a periodic, percentage, or  
27 other basis.

28 (e) If a court authorized community restitution program for  
29 offenders is available in the jurisdiction, the court may allow  
30 conversion of all or part of the monetary obligations due under this  
31 section to court authorized community restitution in lieu of time  
32 payments if the person is unable to make 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) A fee of five dollars per infraction. Under no circumstances  
37 shall 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 (b) A fee of ten dollars per infraction. Under no circumstances  
4 shall this fee be reduced or waived. Revenue from this fee shall be  
5 forwarded to the state treasurer for deposit in the Washington auto  
6 theft prevention authority account; and

7 (c) A fee of two dollars per infraction. Revenue from this fee  
8 shall be forwarded to the state treasurer for deposit in the traumatic  
9 brain injury account established in RCW 74.31.060.

10 (8)(a) In addition to any other penalties imposed under this  
11 section and not subject to the limitation of subsection (1) of this  
12 section, a person found to have committed a traffic infraction other  
13 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
14 penalty of twenty dollars. The court may not reduce, waive, or suspend  
15 the additional penalty unless the court finds the offender to be  
16 indigent. If a court authorized community restitution program for  
17 offenders is available in the jurisdiction, the court shall allow  
18 offenders to offset all or a part of the penalty due under this  
19 subsection (8) by participation in the court authorized community  
20 restitution program.

21 (b) Eight dollars and fifty cents of the additional penalty under  
22 (a) of this subsection shall be remitted to the state treasurer. The  
23 remaining revenue from the additional penalty must be remitted under  
24 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
25 under this subsection to the state treasurer must be deposited in the  
26 state general fund. The balance of the revenue received by the county  
27 or city treasurer under this subsection must be deposited into the  
28 county or city current expense fund. Moneys retained by the city or  
29 county under this subsection shall constitute reimbursement for any  
30 liabilities under RCW 43.135.060.

31 (9) If a legal proceeding, such as garnishment, has commenced to  
32 collect any delinquent amount owed by the person for any penalty  
33 imposed by the court under this section, the court may, at its  
34 discretion, enter into a payment plan.

35 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
36 hundred fifty dollars for the first violation; (b) five hundred dollars  
37 for the second violation; and (c) seven hundred fifty dollars for each  
38 violation thereafter.

1       **Sec. 5.** RCW 46.20.311 and 2006 c 73 s 15 are each amended to read  
2 as follows:

3       (1)(a) The department shall not suspend a driver's license or  
4 privilege to drive a motor vehicle on the public highways for a fixed  
5 period of more than one year, except as specifically permitted under  
6 RCW 46.20.267, 46.20.342, or other provision of law.

7       (b) Except for a suspension under RCW 46.20.267, (~~46.20.289,~~  
8 ~~46.20.291(5),~~) 46.61.740, or 74.20A.320, whenever the license or  
9 driving privilege of any person is suspended by reason of a conviction,  
10 a finding that a traffic infraction has been committed, pursuant to  
11 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
12 suspension shall remain in effect until the person gives and thereafter  
13 maintains proof of financial responsibility for the future as provided  
14 in chapter 46.29 RCW.

15       (c) If the suspension is the result of a nonfelony violation of RCW  
16 46.61.502 or 46.61.504, the department shall determine the person's  
17 eligibility for licensing based upon the reports provided by the  
18 alcoholism agency or probation department designated under RCW  
19 46.61.5056 and shall deny reinstatement until enrollment and  
20 participation in an approved program has been established and the  
21 person is otherwise qualified. If the suspension is the result of a  
22 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall  
23 determine the person's eligibility for licensing based upon the reports  
24 provided by the alcohol or drug dependency agency required under RCW  
25 46.61.524 and shall deny reinstatement until satisfactory progress in  
26 an approved program has been established and the person is otherwise  
27 qualified. If the suspension is the result of a violation of RCW  
28 46.61.502 or 46.61.504, and the person is required pursuant to RCW  
29 46.20.720 to drive only a motor vehicle equipped with a functioning  
30 ignition interlock, the department shall determine the person's  
31 eligibility for licensing based upon written verification by a company  
32 doing business in the state that it has installed the required device  
33 on a vehicle owned or operated by the person seeking reinstatement.  
34 If, based upon notification from the interlock provider or otherwise,  
35 the department determines that an interlock required under RCW  
36 46.20.720 is no longer installed or functioning as required, the  
37 department shall suspend the person's license or privilege to drive.  
38 Whenever the license or driving privilege of any person is suspended or

1 revoked as a result of noncompliance with an ignition interlock  
2 requirement, the suspension shall remain in effect until the person  
3 provides notice issued by a company doing business in the state that a  
4 vehicle owned or operated by the person is equipped with a functioning  
5 ignition interlock device.

6 (d) Whenever the license or driving privilege of any person is  
7 suspended as a result of certification of noncompliance with a child  
8 support order under chapter 74.20A RCW or a residential or visitation  
9 order, the suspension shall remain in effect until the person provides  
10 a release issued by the department of social and health services  
11 stating that the person is in compliance with the order.

12 (e)(i) The department shall not issue to the person a new,  
13 duplicate, or renewal license until the person pays a reissue fee of  
14 seventy-five dollars.

15 (ii) If the suspension is the result of a violation of RCW  
16 46.61.502 or 46.61.504, or is the result of administrative action under  
17 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

18 (2)(a) Any person whose license or privilege to drive a motor  
19 vehicle on the public highways has been revoked, unless the revocation  
20 was for a cause which has been removed, is not entitled to have the  
21 license or privilege renewed or restored until: (i) After the  
22 expiration of one year from the date the license or privilege to drive  
23 was revoked; (ii) after the expiration of the applicable revocation  
24 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the  
25 expiration of two years for persons convicted of vehicular homicide; or  
26 (iv) after the expiration of the applicable revocation period provided  
27 by RCW 46.20.265.

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

31 (ii) If the revocation is the result of a violation of RCW  
32 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one  
33 hundred fifty dollars. If the revocation is the result of a nonfelony  
34 violation of RCW 46.61.502 or 46.61.504, the department shall determine  
35 the person's eligibility for licensing based upon the reports provided  
36 by the alcoholism agency or probation department designated under RCW  
37 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
38 to drive until enrollment and participation in an approved program has

1 been established and the person is otherwise qualified. If the  
2 suspension is the result of a violation of RCW 46.61.502(6) or  
3 46.61.504(6), the department shall determine the person's eligibility  
4 for licensing based upon the reports provided by the alcohol or drug  
5 dependency agency required under RCW 46.61.524 and shall deny  
6 reinstatement until satisfactory progress in an approved program has  
7 been established and the person is otherwise qualified. If the  
8 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,  
9 and the person is required pursuant to RCW 46.20.720 to drive only a  
10 motor vehicle equipped with a functioning ignition interlock or other  
11 biological or technical device, the department shall determine the  
12 person's eligibility for licensing based upon written verification by  
13 a company doing business in the state that it has installed the  
14 required device on a vehicle owned or operated by the person applying  
15 for a new license. If, following issuance of a new license, the  
16 department determines, based upon notification from the interlock  
17 provider or otherwise, that an interlock required under RCW 46.20.720  
18 is no longer functioning, the department shall suspend the person's  
19 license or privilege to drive until the department has received written  
20 verification from an interlock provider that a functioning interlock is  
21 installed.

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

32 (3)(a) Whenever the driver's license of any person is suspended  
33 pursuant to Article IV of the nonresident violators compact or RCW  
34 46.23.020 (~~or 46.20.289 or 46.20.291(5)~~), the department shall not  
35 issue to the person any new or renewal license until the person pays a  
36 reissue fee of seventy-five dollars.

37 (b) If the suspension is the result of a violation of the laws of  
38 this or any other state, province, or other jurisdiction involving (i)

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

5 **Sec. 6.** RCW 46.20.391 and 2010 c 269 s 2 are each amended to read  
6 as follows:

7 (1) Any person licensed under this chapter who is convicted of an  
8 offense relating to motor vehicles for which suspension or revocation  
9 of the driver's license is mandatory, other than vehicular homicide,  
10 vehicular assault, driving while under the influence of intoxicating  
11 liquor or any drug, or being in actual physical control of a motor  
12 vehicle while under the influence of intoxicating liquor or any drug,  
13 may submit to the department an application for a temporary restricted  
14 driver's license. The department, upon receipt of the prescribed fee  
15 and upon determining that the petitioner is eligible to receive the  
16 license, may issue a temporary restricted driver's license and may set  
17 definite restrictions as provided in RCW 46.20.394.

18 (2)(a) A person licensed under this chapter whose driver's license  
19 is suspended administratively due to (~~failure to appear or pay a~~  
20 ~~traffic ticket under RCW 46.20.289~~) a violation of the financial  
21 responsibility laws under chapter 46.29 RCW(~~+~~) or for multiple  
22 violations within a specified period of time under RCW 46.20.291(~~+~~)  
23 may apply to the department for an occupational driver's license.

24 (b) (~~If the suspension is for failure to respond, pay, or comply~~  
25 ~~with a notice of traffic infraction or conviction, the applicant must~~  
26 ~~enter into a payment plan with the court.~~

27 (~~e~~)) An occupational driver's license issued to an applicant  
28 described in (a) of this subsection shall be valid for the period of  
29 the suspension or revocation.

30 (3) An applicant for an occupational or temporary restricted  
31 driver's license who qualifies under subsection (1) or (2) of this  
32 section is eligible to receive such license only if:

33 (a) Within seven years immediately preceding the date of the  
34 offense that gave rise to the present conviction or incident, the  
35 applicant has not committed vehicular homicide under RCW 46.61.520 or  
36 vehicular assault under RCW 46.61.522; and

1 (b) The applicant demonstrates that it is necessary for him or her  
2 to operate a motor vehicle because he or she:

3 (i) Is engaged in an occupation or trade that makes it essential  
4 that he or she operate a motor vehicle;

5 (ii) Is undergoing continuing health care or providing continuing  
6 care to another who is dependent upon the applicant;

7 (iii) Is enrolled in an educational institution and pursuing a  
8 course of study leading to a diploma, degree, or other certification of  
9 successful educational completion;

10 (iv) Is undergoing substance abuse treatment or is participating in  
11 meetings of a twelve-step group such as Alcoholics Anonymous that  
12 requires the petitioner to drive to or from the treatment or meetings;

13 (v) Is fulfilling court-ordered community service responsibilities;

14 (vi) Is in a program that assists persons who are enrolled in a  
15 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully  
16 employed and the program requires a driver's license;

17 (vii) Is in an apprenticeship, on-the-job training, or welfare-to-  
18 work program; or

19 (viii) Presents evidence that he or she has applied for a position  
20 in an apprenticeship or on-the-job training program for which a  
21 driver's license is required to begin the program, provided that a  
22 license granted under this provision shall be in effect for no longer  
23 than fourteen days; and

24 (c) The applicant files satisfactory proof of financial  
25 responsibility under chapter 46.29 RCW; and

26 (d) Upon receipt of evidence that a holder of an occupational  
27 driver's license granted under this subsection is no longer enrolled in  
28 an apprenticeship or on-the-job training program, the director shall  
29 give written notice by first-class mail to the driver that the  
30 occupational driver's license shall be canceled. If at any time  
31 before the cancellation goes into effect the driver submits evidence of  
32 continued enrollment in the program, the cancellation shall be stayed.  
33 If the cancellation becomes effective, the driver may obtain, at no  
34 additional charge, a new occupational driver's license upon submittal  
35 of evidence of enrollment in another program that meets the criteria  
36 set forth in this subsection; and

37 (e) The department shall not issue an occupational driver's license

1 under (b)(iv) of this subsection if the applicant is able to receive  
2 transit services sufficient to allow for the applicant's participation  
3 in the programs referenced under (b)(iv) of this subsection.

4 (4) A person aggrieved by the decision of the department on the  
5 application for an occupational or temporary restricted driver's  
6 license may request a hearing as provided by rule of the department.

7 (5) The director shall cancel an occupational or temporary  
8 restricted driver's license after receiving notice that the holder  
9 thereof has been convicted of operating a motor vehicle in violation of  
10 its restrictions, no longer meets the eligibility requirements, or has  
11 been convicted of or found to have committed a separate offense or any  
12 other act or omission that under this chapter would warrant suspension  
13 or revocation of a regular driver's license. The department must give  
14 notice of the cancellation as provided under RCW 46.20.245. A person  
15 whose occupational or temporary restricted driver's license has been  
16 canceled under this section may reapply for a new occupational or  
17 temporary restricted driver's license if he or she is otherwise  
18 qualified under this section and pays the fee required under RCW  
19 46.20.380.

20 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each  
21 repealed:

22 (1) RCW 46.20.289 (Suspension for failure to respond, appear, etc)  
23 and 2005 c 288 s 5, 2002 c 279 s 4, 1999 c 274 s 1, 1995 c 219 s 2, &  
24 1993 c 501 s 1; and

25 (2) RCW 46.64.025 (Failure to appear--Notice to department) and  
26 2006 c 270 s 4, 1999 c 86 s 7, 1979 c 158 s 175, 1967 c 32 s 71, & 1965  
27 ex.s. c 121 s 23.

28 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2012.

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