

---

SENATE BILL 6420

---

State of Washington

65th Legislature

2018 Regular Session

By Senators Braun, Takko, and Fain

1 AN ACT Relating to criminal justice; amending RCW 46.20.342,  
2 10.37.015, 10.37.015, 46.20.005, 46.20.341, 46.20.341, 46.55.113,  
3 46.55.120, 46.63.020, 10.101.050, and 10.101.060; reenacting and  
4 amending RCW 10.31.100; adding a new section to chapter 10.101 RCW;  
5 repealing RCW 10.101.070 and 10.101.080; prescribing penalties;  
6 providing an effective date; and providing an expiration date.

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

8 **Sec. 1.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
9 read as follows:

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

15 (a) A person found to be a habitual offender under chapter 46.65  
16 RCW, who violates this section while an order of revocation issued  
17 under chapter 46.65 RCW prohibiting such operation is in effect, is  
18 guilty of driving while license suspended or revoked in the first  
19 degree, a gross misdemeanor. Upon the first such conviction, the  
20 person shall be punished by imprisonment for not less than ten days.  
21 Upon the second conviction, the person shall be punished by

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

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

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

24 (ii) A previous conviction under this section;

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

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

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

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

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

1 (viii) A conviction of RCW 46.61.212(4), relating to reckless  
2 endangerment of emergency zone workers;

3 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

4 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
5 person under the influence of intoxicating liquor or drugs;

6 (xi) A conviction of RCW 46.61.520, relating to vehicular  
7 homicide;

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

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

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

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

16 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
17 vehicle fuel;

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

20 (xviii) An administrative action taken by the department under  
21 chapter 46.20 RCW;

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

26 (xx) A finding that a person has committed a traffic infraction  
27 under RCW 46.61.526 and suspension of driving privileges pursuant to  
28 RCW 46.61.526 (4)(b) or (7)(a)(ii).

29 (c) A person who violates this section when his or her driver's  
30 license or driving privilege is, at the time of the violation,  
31 suspended or revoked solely because (i) the person must furnish proof  
32 of satisfactory progress in a required alcoholism or drug treatment  
33 program, (ii) the person must furnish proof of financial  
34 responsibility for the future as provided by chapter 46.29 RCW, (iii)  
35 the person has failed to comply with the provisions of chapter 46.29  
36 RCW relating to uninsured accidents, (iv) the person has failed to  
37 respond to a notice of traffic infraction, failed to appear at a  
38 requested hearing, violated a written promise to appear in court, or  
39 has failed to comply with the terms of a notice of traffic infraction  
40 or citation, as provided in RCW 46.20.289, (v) the person has

1 committed an offense in another state that, if committed in this  
2 state, would not be grounds for the suspension or revocation of the  
3 person's driver's license, (vi) the person has been suspended or  
4 revoked by reason of one or more of the items listed in (b) of this  
5 subsection, but was eligible to reinstate his or her driver's license  
6 or driving privilege at the time of the violation, (vii) the person  
7 has received traffic citations or notices of traffic infraction that  
8 have resulted in a suspension under RCW 46.20.267 relating to  
9 intermediate drivers' licenses, or (viii) the person has been  
10 certified by the department of social and health services as a person  
11 who is not in compliance with a child support order as provided in  
12 RCW 74.20A.320, or any combination of (c)(i) through (viii) of this  
13 subsection, (~~is guilty of~~) has committed driving while license  
14 suspended or revoked in the third degree, a (~~misdemeanor~~) traffic  
15 infraction subject to a penalty of two hundred fifty dollars. If the  
16 person appears in person before the court or submits by mail written  
17 proof that he or she has reinstated his or her license after being  
18 cited, the court shall reduce the penalty to fifty dollars. For the  
19 purposes of this subsection, a person is not considered to be  
20 eligible to reinstate his or her driver's license or driving  
21 privilege if the person is eligible to obtain an ignition interlock  
22 driver's license but did not obtain such a license.

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

27 (a) For a conviction of driving while suspended or revoked in the  
28 first degree, as provided by subsection (1)(a) of this section,  
29 extend the period of administrative revocation imposed under chapter  
30 46.65 RCW for an additional period of one year from and after the  
31 date the person would otherwise have been entitled to apply for a new  
32 license or have his or her driving privilege restored; or

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

39 (c) Not extend the period of suspension or revocation (~~if the~~  
40 ~~conviction was~~) for an infraction under subsection (1)(c) of this

1 section. (~~If the~~) For a conviction (~~was~~) under subsection (1)(a)  
2 or (b) of this section (~~and~~), if the court recommends against the  
3 extension and the convicted person has obtained a valid driver's  
4 license, the period of suspension or revocation shall not be  
5 extended.

6 **Sec. 2.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are  
7 each reenacted and amended to read as follows:

8 A police officer having probable cause to believe that a person  
9 has committed or is committing a felony shall have the authority to  
10 arrest the person without a warrant. A police officer may arrest a  
11 person without a warrant for committing a misdemeanor or gross  
12 misdemeanor only when the offense is committed in the presence of an  
13 officer, except as provided in subsections (1) through (11) of this  
14 section.

15 (1) Any police officer having probable cause to believe that a  
16 person has committed or is committing a misdemeanor or gross  
17 misdemeanor, involving physical harm or threats of harm to any person  
18 or property or the unlawful taking of property or involving the use  
19 or possession of cannabis, or involving the acquisition, possession,  
20 or consumption of alcohol by a person under the age of twenty-one  
21 years under RCW 66.44.270, or involving criminal trespass under RCW  
22 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
23 person.

24 (2) A police officer shall arrest and take into custody, pending  
25 release on bail, personal recognizance, or court order, a person  
26 without a warrant when the officer has probable cause to believe  
27 that:

28 (a) An order has been issued of which the person has knowledge  
29 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,  
30 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the  
31 person has violated the terms of the order restraining the person  
32 from acts or threats of violence, or restraining the person from  
33 going onto the grounds of or entering a residence, workplace, school,  
34 or day care, or prohibiting the person from knowingly coming within,  
35 or knowingly remaining within, a specified distance of a location or,  
36 in the case of an order issued under RCW 26.44.063, imposing any  
37 other restrictions or conditions upon the person; or

38 (b) A foreign protection order, as defined in RCW 26.52.010, has  
39 been issued of which the person under restraint has knowledge and the

1 person under restraint has violated a provision of the foreign  
2 protection order prohibiting the person under restraint from  
3 contacting or communicating with another person, or excluding the  
4 person under restraint from a residence, workplace, school, or day  
5 care, or prohibiting the person from knowingly coming within, or  
6 knowingly remaining within, a specified distance of a location, or a  
7 violation of any provision for which the foreign protection order  
8 specifically indicates that a violation will be a crime; or

9 (c) The person is eighteen years or older and within the  
10 preceding four hours has assaulted a family or household member as  
11 defined in RCW 10.99.020 and the officer believes: (i) A felonious  
12 assault has occurred; (ii) an assault has occurred which has resulted  
13 in bodily injury to the victim, whether the injury is observable by  
14 the responding officer or not; or (iii) that any physical action has  
15 occurred which was intended to cause another person reasonably to  
16 fear imminent serious bodily injury or death. Bodily injury means  
17 physical pain, illness, or an impairment of physical condition. When  
18 the officer has probable cause to believe that family or household  
19 members have assaulted each other, the officer is not required to  
20 arrest both persons. The officer shall arrest the person whom the  
21 officer believes to be the primary physical aggressor. In making this  
22 determination, the officer shall make every reasonable effort to  
23 consider: (A) The intent to protect victims of domestic violence  
24 under RCW 10.99.010; (B) the comparative extent of injuries inflicted  
25 or serious threats creating fear of physical injury; and (C) the  
26 history of domestic violence of each person involved, including  
27 whether the conduct was part of an ongoing pattern of abuse.

28 (3) Any police officer having probable cause to believe that a  
29 person has committed or is committing a violation of any of the  
30 following traffic laws shall have the authority to arrest the person:

31 (a) RCW 46.52.010, relating to duty on striking an unattended car  
32 or other property;

33 (b) RCW 46.52.020, relating to duty in case of injury to or death  
34 of a person or damage to an attended vehicle;

35 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
36 racing of vehicles;

37 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
38 influence of intoxicating liquor or drugs;

39 (e) RCW 46.61.503 or 46.25.110, relating to persons having  
40 alcohol or THC in their system;

1 (f) RCW 46.20.342 (1)(a) or (b), relating to driving a motor  
2 vehicle while operator's license is suspended or revoked;

3 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
4 negligent manner.

5 (4) A law enforcement officer investigating at the scene of a  
6 motor vehicle accident may arrest the driver of a motor vehicle  
7 involved in the accident if the officer has probable cause to believe  
8 that the driver has committed in connection with the accident a  
9 violation of any traffic law or regulation.

10 (5)(a) A law enforcement officer investigating at the scene of a  
11 motor vessel accident may arrest the operator of a motor vessel  
12 involved in the accident if the officer has probable cause to believe  
13 that the operator has committed, in connection with the accident, a  
14 criminal violation of chapter 79A.60 RCW.

15 (b) A law enforcement officer investigating at the scene of a  
16 motor vessel accident may issue a citation for an infraction to the  
17 operator of a motor vessel involved in the accident if the officer  
18 has probable cause to believe that the operator has committed, in  
19 connection with the accident, a violation of any boating safety law  
20 of chapter 79A.60 RCW.

21 (6) Any police officer having probable cause to believe that a  
22 person has committed or is committing a violation of RCW 79A.60.040  
23 shall have the authority to arrest the person.

24 (7) An officer may act upon the request of a law enforcement  
25 officer in whose presence a traffic infraction was committed, to  
26 stop, detain, arrest, or issue a notice of traffic infraction to the  
27 driver who is believed to have committed the infraction. The request  
28 by the witnessing officer shall give an officer the authority to take  
29 appropriate action under the laws of the state of Washington.

30 (8) Any police officer having probable cause to believe that a  
31 person has committed or is committing any act of indecent exposure,  
32 as defined in RCW 9A.88.010, may arrest the person.

33 (9) A police officer may arrest and take into custody, pending  
34 release on bail, personal recognizance, or court order, a person  
35 without a warrant when the officer has probable cause to believe that  
36 an order has been issued of which the person has knowledge under  
37 chapter 10.14 RCW and the person has violated the terms of that  
38 order.

1 (10) Any police officer having probable cause to believe that a  
2 person has, within twenty-four hours of the alleged violation,  
3 committed a violation of RCW 9A.50.020 may arrest such person.

4 (11) A police officer having probable cause to believe that a  
5 person illegally possesses or illegally has possessed a firearm or  
6 other dangerous weapon on private or public elementary or secondary  
7 school premises shall have the authority to arrest the person.

8 For purposes of this subsection, the term "firearm" has the  
9 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has  
10 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

11 (12) A law enforcement officer having probable cause to believe  
12 that a person has committed a violation under RCW 77.15.160(~~(+4)~~)  
13 (5) may issue a citation for an infraction to the person in  
14 connection with the violation.

15 (13) A law enforcement officer having probable cause to believe  
16 that a person has committed a criminal violation under RCW 77.15.809  
17 or 77.15.811 may arrest the person in connection with the violation.

18 (14) Except as specifically provided in subsections (2), (3),  
19 (4), and (7) of this section, nothing in this section extends or  
20 otherwise affects the powers of arrest prescribed in Title 46 RCW.

21 (15) No police officer may be held criminally or civilly liable  
22 for making an arrest pursuant to subsection (2) or (9) of this  
23 section if the police officer acts in good faith and without malice.

24 (16)(a) Except as provided in (b) of this subsection, a police  
25 officer shall arrest and keep in custody, until release by a judicial  
26 officer on bail, personal recognizance, or court order, a person  
27 without a warrant when the officer has probable cause to believe that  
28 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
29 local ordinance and the police officer: (i) Has knowledge that the  
30 person has a prior offense as defined in RCW 46.61.5055 within ten  
31 years; or (ii) has knowledge, based on a review of the information  
32 available to the officer at the time of arrest, that the person is  
33 charged with or is awaiting arraignment for an offense that would  
34 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
35 conviction.

36 (b) A police officer is not required to keep in custody a person  
37 under (a) of this subsection if the person requires immediate medical  
38 attention and is admitted to a hospital.



1       **Sec. 3.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to read  
2 as follows:

3       (1) No person shall be held to answer in any court for an alleged  
4 crime or offense, unless upon an information filed by the prosecuting  
5 attorney, or upon an indictment by a grand jury, except in cases of  
6 misdemeanor or gross misdemeanor before a district or municipal  
7 judge, or before a court martial, except as provided in subsection  
8 (2) of this section.

9       (2) Violations of RCW 46.20.342(1)(c)(iv) that occur prior to the  
10 effective date of this section may be required by the prosecuting  
11 attorney to be referred to his or her office for consideration of  
12 filing an information or for entry into a precharge diversion  
13 program.

14       **Sec. 4.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to read  
15 as follows:

16       (~~((1))~~) No person shall be held to answer in any court for an  
17 alleged crime or offense, unless upon an information filed by the  
18 prosecuting attorney, or upon an indictment by a grand jury, except  
19 in cases of misdemeanor or gross misdemeanor before a district or  
20 municipal judge, or before a court martial(~~(, except as provided in~~  
21 ~~subsection (2) of this section.~~

22       ~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the~~  
23 ~~prosecuting attorney to be referred to his or her office for~~  
24 ~~consideration of filing an information or for entry into a precharge~~  
25 ~~diversion program)).~~

26       **Sec. 5.** RCW 46.20.005 and 1997 c 66 s 1 are each amended to read  
27 as follows:

28       Except as expressly exempted by this chapter, it is a misdemeanor  
29 for a person to drive any motor vehicle upon a highway in this state  
30 without a valid driver's license issued to Washington residents under  
31 this chapter. This section does not apply if at the time of the stop  
32 the person is not in violation of RCW 46.20.342(1) or (~~46.20.420~~)  
33 46.20.345 and has in his or her possession an expired driver's  
34 license or other valid identifying documentation under RCW 46.20.035.  
35 A violation of this section is a lesser included offense within the  
36 offenses described in RCW 46.20.342(1) (~~or 46.20.420~~) (a) and (b)  
37 and 46.20.345.

1       **Sec. 6.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to  
2 read as follows:

3       (1)(a) A person who violates RCW 46.20.342(1)(c)(iv) in a  
4 jurisdiction that does not have a relicensing (~~((diversion))~~) program  
5 shall be provided with an abstract of his or her driving record by  
6 the court or the prosecuting attorney, in addition to a list of his  
7 or her unpaid traffic offense related fines and the contact  
8 information for each jurisdiction or collection agency to which money  
9 is owed.

10       (b) A fee of up to twenty dollars may be imposed by the court in  
11 addition to any fee required by the department for provision of the  
12 driving abstract.

13       (2)(a) Superior courts or courts of limited jurisdiction in  
14 counties or cities are authorized to participate or provide  
15 relicensing (~~((diversion))~~) programs to persons who violate RCW  
16 46.20.342(1)(c)(iv).

17       (b) Eligibility for the relicensing (~~((diversion))~~) program shall  
18 be limited to violators with no more than four convictions or  
19 infractions under RCW 46.20.342(1)(c)(iv) in the ten years preceding  
20 the date of entering the relicensing (~~((diversion))~~) program, subject  
21 to a less restrictive rule imposed by the presiding judge of the  
22 county district court or municipal court. People subject to arrest  
23 under a warrant are not eligible for the (~~((diversion))~~) relicensing  
24 program.

25       (c) (~~((The diversion option))~~) (i) For violations that occurred  
26 prior to the effective date of this section, participation in a  
27 relicensing program may be offered at the discretion of the  
28 prosecuting attorney before charges are filed, or by the court after  
29 charges are filed.

30       (ii) For violations that occurred on or after the effective date  
31 of this section, participation in a relicensing program may be  
32 offered at the discretion of the court.

33       (d) A person who is the holder of a commercial driver's license  
34 or who was operating a commercial motor vehicle at the time of the  
35 violation of RCW 46.20.342(1)(c)(iv) may not participate in the  
36 (~~((diversion))~~) relicensing program under this section.

37       (e) A relicensing (~~((diversion))~~) program that is structured to  
38 occur after charges are filed may charge participants a one-time fee  
39 of up to one hundred dollars, which is not subject to chapters 3.50,  
40 3.62, and 35.20 RCW, and shall be used to support administration of

1 the program. The fee of up to one hundred dollars shall be included  
2 in the total to be paid by the participant in the relicensing  
3 ((~~diversion~~)) program.

4 (3) A relicensing ((~~diversion~~)) program shall be designed to  
5 assist suspended drivers to regain their license and insurance and  
6 pay outstanding fines.

7 (4)(a) Counties and cities that operate relicensing ((~~diversion~~))  
8 programs shall, subject to available funds, provide information to  
9 the administrative office of the courts on an annual basis regarding  
10 the eligibility criteria used for the program, the number of  
11 referrals from law enforcement, the number of participants accepted  
12 into the program, the number of participants who regain their  
13 driver's license and insurance, the total amount of fines collected,  
14 the costs associated with the program, and other information as  
15 determined by the office.

16 (b) The administrative office of the courts is directed, subject  
17 to available funds, to compile and analyze the data required to be  
18 submitted in this section and develop recommendations for a best  
19 practices model for relicensing ((~~diversion~~)) programs.

20 **Sec. 7.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to  
21 read as follows:

22 (1)(a) A person who violates RCW 46.20.342(1)(c)(iv) in a  
23 jurisdiction that does not have a relicensing ((~~diversion~~)) program  
24 shall be provided with an abstract of his or her driving record by  
25 the court ((~~or the prosecuting attorney~~)), in addition to a list of  
26 his or her unpaid traffic offense related fines and the contact  
27 information for each jurisdiction or collection agency to which money  
28 is owed.

29 (b) A fee of up to twenty dollars may be imposed by the court in  
30 addition to any fee required by the department for provision of the  
31 driving abstract.

32 (2)(a) Superior courts or courts of limited jurisdiction in  
33 counties or cities are authorized to participate or provide  
34 relicensing ((~~diversion~~)) programs to persons who violate RCW  
35 46.20.342(1)(c)(iv).

36 (b) Eligibility for the relicensing ((~~diversion~~)) program shall  
37 be limited to violators with no more than four convictions or  
38 infractions under RCW 46.20.342(1)(c)(iv) in the ten years preceding  
39 the date of entering the relicensing ((~~diversion~~)) program, subject

1 to a less restrictive rule imposed by the presiding judge of the  
2 county district court or municipal court. People subject to arrest  
3 under a warrant are not eligible for the ~~((diversion))~~ relicensing  
4 program.

5 ~~((The diversion option may be offered at the discretion of~~  
6 ~~the prosecuting attorney before charges are filed, or by the court~~  
7 ~~after charges are filed.))~~ Participation in a relicensing program may  
8 be offered at the discretion of the court.

9 (d) A person who is the holder of a commercial driver's license  
10 or who was operating a commercial motor vehicle at the time of the  
11 violation of RCW 46.20.342(1)(c)(iv) may not participate in the  
12 ~~((diversion))~~ relicensing program under this section.

13 (e) A relicensing ~~((diversion))~~ program ~~((that is structured to~~  
14 ~~occur after charges are filed))~~ may charge participants a one-time  
15 fee of up to one hundred dollars, which is not subject to chapters  
16 3.50, 3.62, and 35.20 RCW, and shall be used to support  
17 administration of the program. The fee of up to one hundred dollars  
18 shall be included in the total to be paid by the participant in the  
19 relicensing ~~((diversion))~~ program.

20 (3) A relicensing ~~((diversion))~~ program shall be designed to  
21 assist suspended drivers to regain their license and insurance and  
22 pay outstanding fines.

23 (4)(a) Counties and cities that operate relicensing ~~((diversion))~~  
24 programs shall, subject to available funds, provide information to  
25 the administrative office of the courts on an annual basis regarding  
26 the eligibility criteria used for the program, the number of  
27 referrals from law enforcement, the number of participants accepted  
28 into the program, the number of participants who regain their  
29 driver's license and insurance, the total amount of fines collected,  
30 the costs associated with the program, and other information as  
31 determined by the office.

32 (b) The administrative office of the courts is directed, subject  
33 to available funds, to compile and analyze the data required to be  
34 submitted in this section and develop recommendations for a best  
35 practices model for relicensing ~~((diversion))~~ programs.

36 **Sec. 8.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to  
37 read as follows:

38 (1) Whenever the driver of a vehicle is arrested for a violation  
39 of RCW 46.20.342(1) (a) or (b) or 46.20.345, the vehicle is subject

1 to summary impoundment, pursuant to the terms and conditions of an  
2 applicable local ordinance or state agency rule at the direction of a  
3 law enforcement officer.

4 (2) In addition, a police officer may take custody of a vehicle,  
5 at his or her discretion, and provide for its prompt removal to a  
6 place of safety under any of the following circumstances:

7 (a) Whenever a police officer finds a vehicle standing upon the  
8 roadway in violation of any of the provisions of RCW 46.61.560, the  
9 officer may provide for the removal of the vehicle or require the  
10 driver or other person in charge of the vehicle to move the vehicle  
11 to a position off the roadway;

12 (b) Whenever a police officer finds a vehicle unattended upon a  
13 highway where the vehicle constitutes an obstruction to traffic or  
14 jeopardizes public safety;

15 (c) Whenever a police officer finds an unattended vehicle at the  
16 scene of an accident or when the driver of a vehicle involved in an  
17 accident is physically or mentally incapable of deciding upon steps  
18 to be taken to protect his or her property;

19 (d) Whenever the driver of a vehicle is arrested and taken into  
20 custody by a police officer;

21 (e) Whenever a police officer discovers a vehicle that the  
22 officer determines to be a stolen vehicle;

23 (f) Whenever a vehicle without a special license plate, placard,  
24 or decal indicating that the vehicle is being used to transport a  
25 person with disabilities under RCW 46.19.010 is parked in a stall or  
26 space clearly and conspicuously marked under RCW 46.61.581 which  
27 space is provided on private property without charge or on public  
28 property;

29 (g) Upon determining that a person is operating a motor vehicle  
30 without a valid and, if required, a specially endorsed driver's  
31 license or with a license that has been expired for ninety days or  
32 more;

33 (h) When a vehicle is illegally occupying a truck, commercial  
34 loading zone, restricted parking zone, bus, loading, hooded-meter,  
35 taxi, street construction or maintenance, or other similar zone  
36 where, by order of the director of transportation or chiefs of police  
37 or fire or their designees, parking is limited to designated classes  
38 of vehicles or is prohibited during certain hours, on designated days  
39 or at all times, if the zone has been established with signage for at  
40 least twenty-four hours and where the vehicle is interfering with the

1 proper and intended use of the zone. Signage must give notice to the  
2 public that a vehicle will be removed if illegally parked in the  
3 zone;

4 (i) When a vehicle with an expired registration of more than  
5 forty-five days is parked on a public street.

6 (3) When an arrest is made for a violation of RCW 46.20.342(1)  
7 (a) or (b), if the vehicle is a commercial vehicle or farm transport  
8 vehicle and the driver of the vehicle is not the owner of the  
9 vehicle, before the summary impoundment directed under subsection (1)  
10 of this section, the police officer shall attempt in a reasonable and  
11 timely manner to contact the owner of the vehicle and may release the  
12 vehicle to the owner if the owner is reasonably available, as long as  
13 the owner was not in the vehicle at the time of the stop and arrest  
14 and the owner has not received a prior release under this subsection  
15 or RCW 46.55.120(1)(~~(a)~~) (b)(ii).

16 (4) Nothing in this section may derogate from the powers of  
17 police officers under the common law. For the purposes of this  
18 section, a place of safety may include the business location of a  
19 registered tow truck operator.

20 (5) For purposes of this section "farm transport vehicle" means a  
21 motor vehicle owned by a farmer and that is being actively used in  
22 the transportation of the farmer's or another farmer's farm, orchard,  
23 aquatic farm, or dairy products, including livestock and plant or  
24 animal wastes, from point of production to market or disposal, or  
25 supplies or commodities to be used on the farm, orchard, aquatic  
26 farm, or dairy, and that has a gross vehicle weight rating of 7,258  
27 kilograms (16,001 pounds) or more.

28 **Sec. 9.** RCW 46.55.120 and 2017 c 152 s 1 are each amended to  
29 read as follows:

30 (1)(a) Vehicles or other items of personal property registered or  
31 titled with the department that are impounded by registered tow truck  
32 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or  
33 9A.88.140 may be redeemed only by the following persons or entities:

- 34 (i) The legal owner;  
35 (ii) The registered owner;  
36 (iii) A person authorized in writing by the registered owner;  
37 (iv) The vehicle's insurer or a vendor working on behalf of the  
38 vehicle's insurer;

1 (v) A third-party insurer that has a duty to repair or replace  
2 the vehicle, has obtained consent from the registered owner or the  
3 owner's agent to move the vehicle, and has documented that consent in  
4 the insurer's claim file, or a vendor working on behalf of a third-  
5 party insurer that has received such consent; provided, however, that  
6 at all times the registered owner must be granted access to and may  
7 reclaim possession of the vehicle. For the purposes of this  
8 subsection, "owner's agent" means the legal owner of the vehicle, a  
9 driver in possession of the vehicle with the registered owner's  
10 permission, or an adult member of the registered owner's family;

11 (vi) A person who is determined and verified by the operator to  
12 have the permission of the registered owner of the vehicle or other  
13 item of personal property registered or titled with the department;

14 (vii) A person who has purchased a vehicle or item of personal  
15 property registered or titled with the department from the registered  
16 owner who produces proof of ownership or written authorization and  
17 signs a receipt therefor; or

18 (viii) If (a)(i) through (vii) of this subsection do not apply, a  
19 person, who is known to the registered or legal owner of a motorcycle  
20 or moped, as each are defined in chapter 46.04 RCW, that was towed  
21 from the scene of an accident, may redeem the motorcycle or moped as  
22 a bailment in accordance with RCW 46.55.125 while the registered or  
23 legal owner is admitted as a patient in a hospital due to the  
24 accident.

25 (b) In addition, a vehicle impounded because the operator is  
26 (~~is~~) arrested for a violation of RCW 46.20.342(1)(c) prior to the  
27 effective date of this section shall not be released until a person  
28 eligible to redeem it under (a) of this subsection satisfies the  
29 requirements of (f) of this subsection, including paying all towing,  
30 removal, and storage fees, notwithstanding the fact that the hold was  
31 ordered by a government agency. If the department's records show that  
32 the operator has been convicted of a violation of RCW 46.20.342 or a  
33 similar local ordinance within the past five years, the vehicle may  
34 be held for up to thirty days at the written direction of the agency  
35 ordering the vehicle impounded. A vehicle impounded because the  
36 operator is arrested for a violation of RCW 46.20.342 may be released  
37 only pursuant to a written order from the agency that ordered the  
38 vehicle impounded or from the court having jurisdiction. An agency  
39 shall issue a written order to release pursuant to a provision of an

1 applicable state agency rule or local ordinance authorizing release  
2 on the basis of the following:

3 (i) Economic or personal hardship to the spouse of the operator,  
4 taking into consideration public safety factors, including the  
5 operator's criminal history and driving record; or

6 (ii) The owner of the vehicle was not the driver, the owner did  
7 not know that the driver's license was suspended or revoked, and the  
8 owner has not received a prior release under this subsection or RCW  
9 46.55.113(3).

10 In order to avoid discriminatory application, other than for the  
11 reasons for release set forth in (b)(i) and (ii) of this subsection,  
12 an agency shall, under a provision of an applicable state agency rule  
13 or local ordinance, deny release in all other circumstances without  
14 discretion.

15 If a vehicle is impounded because the operator is in violation of  
16 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty  
17 days at the written direction of the agency ordering the vehicle  
18 impounded. However, if the department's records show that the  
19 operator has been convicted of a violation of RCW 46.20.342(1) (a) or  
20 (b) or a similar local ordinance within the past five years, the  
21 vehicle may be held at the written direction of the agency ordering  
22 the vehicle impounded for up to sixty days, and for up to ninety days  
23 if the operator has two or more such prior offenses. If a vehicle is  
24 impounded because the operator is arrested for a violation of RCW  
25 46.20.342(1) (a) or (b), the vehicle may not be released until a  
26 person eligible to redeem it under (a) of this subsection satisfies  
27 the requirements of (f) of this subsection, including paying all  
28 towing, removal, and storage fees, notwithstanding the fact that the  
29 hold was ordered by a government agency.

30 (c) If the vehicle is directed to be held for a suspended license  
31 impound, a person who desires to redeem the vehicle at the end of the  
32 period of impound shall within five days of the impound at the  
33 request of the tow truck operator pay a security deposit to the tow  
34 truck operator of not more than one-half of the applicable impound  
35 storage rate for each day of the proposed suspended license impound.  
36 The tow truck operator shall credit this amount against the final  
37 bill for removal, towing, and storage upon redemption. The tow truck  
38 operator may accept other sufficient security in lieu of the security  
39 deposit. If the person desiring to redeem the vehicle does not pay  
40 the security deposit or provide other security acceptable to the tow



1 truck operator, the tow truck operator may process and sell at  
2 auction the vehicle as an abandoned vehicle within the normal time  
3 limits set out in RCW 46.55.130(1). The security deposit required by  
4 this section may be paid and must be accepted at any time up to  
5 twenty-four hours before the beginning of the auction to sell the  
6 vehicle as abandoned. The registered owner is not eligible to  
7 purchase the vehicle at the auction, and the tow truck operator shall  
8 sell the vehicle to the highest bidder who is not the registered  
9 owner.

10 (d) Notwithstanding (c) of this subsection, a rental car business  
11 may immediately redeem a rental vehicle it owns by payment of the  
12 costs of removal, towing, and storage, whereupon the vehicle will not  
13 be held for a suspended license impound.

14 (e) Notwithstanding (c) of this subsection, a motor vehicle  
15 dealer or lender with a perfected security interest in the vehicle  
16 may redeem or lawfully repossess a vehicle immediately by payment of  
17 the costs of removal, towing, and storage, whereupon the vehicle will  
18 not be held for a suspended license impound. A motor vehicle dealer  
19 or lender with a perfected security interest in the vehicle may not  
20 knowingly and intentionally engage in collusion with a registered  
21 owner to repossess and then return or resell a vehicle to the  
22 registered owner in an attempt to avoid a suspended license impound.  
23 However, this provision does not preclude a vehicle dealer or a  
24 lender with a perfected security interest in the vehicle from  
25 repossessing the vehicle and then selling, leasing, or otherwise  
26 disposing of it in accordance with chapter 62A.9A RCW, including  
27 providing redemption rights to the debtor under RCW 62A.9A-623. If  
28 the debtor is the registered owner of the vehicle, the debtor's right  
29 to redeem the vehicle under chapter 62A.9A RCW is conditioned upon  
30 the debtor obtaining and providing proof from the impounding  
31 authority or court having jurisdiction that any fines, penalties, and  
32 forfeitures owed by the registered owner, as a result of the  
33 suspended license impound, have been paid, and proof of the payment  
34 must be tendered to the vehicle dealer or lender at the time the  
35 debtor tenders all other obligations required to redeem the vehicle.  
36 Vehicle dealers or lenders are not liable for damages if they rely in  
37 good faith on an order from the impounding agency or a court in  
38 releasing a vehicle held under a suspended license impound.

39 (f) The vehicle or other item of personal property registered or  
40 titled with the department shall be released upon the presentation to

1 any person having custody of the vehicle of commercially reasonable  
2 tender sufficient to cover the costs of towing, storage, or other  
3 services rendered during the course of towing, removing, impounding,  
4 or storing any such vehicle, with credit being given for the amount  
5 of any security deposit paid under (c) of this subsection. In  
6 addition, if a vehicle is impounded because the operator was arrested  
7 for a violation of RCW 46.20.342 or 46.20.345 and was being operated  
8 by the registered owner when it was impounded under local ordinance  
9 or agency rule, it must not be released to any person until the  
10 registered owner establishes with the agency that ordered the vehicle  
11 impounded or the court having jurisdiction that any penalties, fines,  
12 or forfeitures owed by him or her have been satisfied. Registered tow  
13 truck operators are not liable for damages if they rely in good faith  
14 on an order from the impounding agency or a court in releasing a  
15 vehicle held under a suspended license impound. Commercially  
16 reasonable tender shall include, without limitation, cash, major bank  
17 credit cards issued by financial institutions, or personal checks  
18 drawn on Washington state branches of financial institutions if  
19 accompanied by two pieces of valid identification, one of which may  
20 be required by the operator to have a photograph. If the towing firm  
21 cannot determine through the customer's bank or a check verification  
22 service that the presented check would be paid by the bank or  
23 guaranteed by the service, the towing firm may refuse to accept the  
24 check. Any person who stops payment on a personal check or credit  
25 card, or does not make restitution within ten days from the date a  
26 check becomes insufficient due to lack of funds, to a towing firm  
27 that has provided a service pursuant to this section or in any other  
28 manner defrauds the towing firm in connection with services rendered  
29 pursuant to this section shall be liable for damages in the amount of  
30 twice the towing and storage fees, plus costs and reasonable  
31 attorney's fees.

32 (2)(a) The registered tow truck operator shall give to each  
33 person who seeks to redeem an impounded vehicle, or item of personal  
34 property registered or titled with the department, written notice of  
35 the right of redemption and opportunity for a hearing, which notice  
36 shall be accompanied by a form to be used for requesting a hearing,  
37 the name of the person or agency authorizing the impound, and a copy  
38 of the towing and storage invoice. The registered tow truck operator  
39 shall maintain a record evidenced by the redeeming person's signature  
40 that such notification was provided.

1 (b) Any person seeking to redeem an impounded vehicle under this  
2 section has a right to a hearing in the district or municipal court  
3 for the jurisdiction in which the vehicle was impounded to contest  
4 the validity of the impoundment or the amount of towing and storage  
5 charges. The district court has jurisdiction to determine the issues  
6 involving all impoundments including those authorized by the state or  
7 its agents. The municipal court has jurisdiction to determine the  
8 issues involving impoundments authorized by agents of the  
9 municipality. Any request for a hearing shall be made in writing on  
10 the form provided for that purpose and must be received by the  
11 appropriate court within ten days of the date the opportunity was  
12 provided for in (a) of this subsection and more than five days before  
13 the date of the auction. At the time of the filing of the hearing  
14 request, the petitioner shall pay to the court clerk a filing fee in  
15 the same amount required for the filing of a suit in district court.  
16 If the hearing request is not received by the court within the ten-  
17 day period, the right to a hearing is waived and the registered owner  
18 is liable for any towing, storage, or other impoundment charges  
19 permitted under this chapter. Upon receipt of a timely hearing  
20 request, the court shall proceed to hear and determine the validity  
21 of the impoundment.

22 (3)(a) The court, within five days after the request for a  
23 hearing, shall notify the registered tow truck operator, the person  
24 requesting the hearing if not the owner, the registered and legal  
25 owners of the vehicle or other item of personal property registered  
26 or titled with the department, and the person or agency authorizing  
27 the impound in writing of the hearing date and time.

28 (b) At the hearing, the person or persons requesting the hearing  
29 may produce any relevant evidence to show that the impoundment,  
30 towing, or storage fees charged were not proper. The court may  
31 consider a written report made under oath by the officer who  
32 authorized the impoundment in lieu of the officer's personal  
33 appearance at the hearing.

34 (c) At the conclusion of the hearing, the court shall determine  
35 whether the impoundment was proper, whether the towing or storage  
36 fees charged were in compliance with the posted rates, and who is  
37 responsible for payment of the fees. The court may not adjust fees or  
38 charges that are in compliance with the posted or contracted rates.

39 (d) If the impoundment is found proper, the impoundment, towing,  
40 and storage fees as permitted under this chapter together with court

1 costs shall be assessed against the person or persons requesting the  
2 hearing, unless the operator did not have a signed and valid  
3 impoundment authorization from a private property owner or an  
4 authorized agent.

5 (e) If the impoundment is determined to be in violation of this  
6 chapter, then the registered and legal owners of the vehicle or other  
7 item of personal property registered or titled with the department  
8 shall bear no impoundment, towing, or storage fees, and any security  
9 shall be returned or discharged as appropriate, and the person or  
10 agency who authorized the impoundment shall be liable for any towing,  
11 storage, or other impoundment fees permitted under this chapter. The  
12 court shall enter judgment in favor of the registered tow truck  
13 operator against the person or agency authorizing the impound for the  
14 impoundment, towing, and storage fees paid. In addition, the court  
15 shall enter judgment in favor of the registered and legal owners of  
16 the vehicle, or other item of personal property registered or titled  
17 with the department, for the amount of the filing fee required by law  
18 for the impound hearing petition as well as reasonable damages for  
19 loss of the use of the vehicle during the time the same was impounded  
20 against the person or agency authorizing the impound. However, if an  
21 impoundment arising from an arrest for an alleged violation of RCW  
22 46.20.342 or 46.20.345 is determined to be in violation of this  
23 chapter, then the law enforcement officer directing the impoundment  
24 and the government employing the officer are not liable for damages  
25 if the officer relied in good faith and without gross negligence on  
26 the records of the department in ascertaining that the operator of  
27 the vehicle had a suspended or revoked driver's license. If any  
28 judgment entered is not paid within fifteen days of notice in writing  
29 of its entry, the court shall award reasonable attorneys' fees and  
30 costs against the defendant in any action to enforce the judgment.  
31 Notice of entry of judgment may be made by registered or certified  
32 mail, and proof of mailing may be made by affidavit of the party  
33 mailing the notice. Notice of the entry of the judgment shall read  
34 essentially as follows:

35 TO: . . . . .  
36 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in  
37 the . . . . . Court located at . . . . . in the sum of  
38 \$. . . . ., in an action entitled . . . . ., Case  
39 No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and

1 costs will be awarded against you under RCW . . . if the  
2 judgment is not paid within 15 days of the date of this  
3 notice.

4 DATED this . . . day of . . . . ., (year) . . .

5 Signature . . . . .

6 Typed name and address  
7 of party mailing notice

8 (4) Any impounded abandoned vehicle or item of personal property  
9 registered or titled with the department that is not redeemed within  
10 fifteen days of mailing of the notice of custody and sale as required  
11 by RCW 46.55.110(3) shall be sold at public auction in accordance  
12 with all the provisions and subject to all the conditions of RCW  
13 46.55.130. A vehicle or item of personal property registered or  
14 titled with the department may be redeemed at any time before the  
15 start of the auction upon payment of the applicable towing and  
16 storage fees.

17 **Sec. 10.** RCW 46.63.020 and 2016 c 213 s 4 are each amended to  
18 read as follows:

19 Failure to perform any act required or the performance of any act  
20 prohibited by this title or an equivalent administrative regulation  
21 or local law, ordinance, regulation, or resolution relating to  
22 traffic including parking, standing, stopping, and pedestrian  
23 offenses, is designated as a traffic infraction and may not be  
24 classified as a criminal offense, except for an offense contained in  
25 the following provisions of this title or a violation of an  
26 equivalent administrative regulation or local law, ordinance,  
27 regulation, or resolution:

28 (1) RCW 46.09.457(1)(b)(i) relating to a false statement  
29 regarding the inspection of and installation of equipment on wheeled  
30 all-terrain vehicles;

31 (2) RCW 46.09.470(2) relating to the operation of a nonhighway  
32 vehicle while under the influence of intoxicating liquor or a  
33 controlled substance;

34 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

35 (4) RCW 46.10.490(2) relating to the operation of a snowmobile  
36 while under the influence of intoxicating liquor or narcotics or  
37 habit-forming drugs or in a manner endangering the person of another;

38 (5) RCW 46.10.495 relating to the operation of snowmobiles;

- 1 (6) Chapter 46.12 RCW relating to certificates of title,  
2 registration certificates, and markings indicating that a vehicle has  
3 been destroyed or declared a total loss;
- 4 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment  
5 of taxes and fees by failure to register a vehicle and falsifying  
6 residency when registering a motor vehicle;
- 7 (8) RCW 46.16A.520 relating to permitting unauthorized persons to  
8 drive;
- 9 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 10 (10) RCW 46.19.050(1) relating to knowingly providing false  
11 information in conjunction with an application for a special placard  
12 or license plate for disabled persons' parking;
- 13 (11) RCW 46.19.050(8) relating to illegally obtaining a parking  
14 placard, special license plate, special year tab, or identification  
15 card;
- 16 (12) RCW 46.19.050(9) relating to sale of a parking placard,  
17 special license plate, special year tab, or identification card;
- 18 (13) RCW 46.20.005 relating to driving without a valid driver's  
19 license;
- 20 (14) RCW 46.20.091 relating to false statements regarding a  
21 driver's license or instruction permit;
- 22 (15) RCW 46.20.0921 relating to the unlawful possession and use  
23 of a driver's license;
- 24 (16) RCW 46.20.342(1) (a) and (b) relating to driving with a  
25 suspended or revoked license or status;
- 26 (17) RCW 46.20.345 relating to the operation of a motor vehicle  
27 with a suspended or revoked license;
- 28 (18) RCW 46.20.410 relating to the violation of restrictions of  
29 an occupational driver's license, temporary restricted driver's  
30 license, or ignition interlock driver's license;
- 31 (19) RCW 46.20.740 relating to operation of a motor vehicle  
32 without an ignition interlock device in violation of a license  
33 notation that the device is required;
- 34 (20) RCW 46.20.750 relating to circumventing an ignition  
35 interlock device;
- 36 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (22) Chapter 46.29 RCW relating to financial responsibility;
- 38 (23) RCW 46.30.040 relating to providing false evidence of  
39 financial responsibility;
- 40 (24) RCW 46.35.030 relating to recording device information;

1 (25) RCW 46.37.435 relating to wrongful installation of  
2 sunscreening material;

3 (26) RCW 46.37.650 relating to the manufacture, importation,  
4 sale, distribution, or installation of a counterfeit air bag,  
5 nonfunctional air bag, or previously deployed or damaged air bag;

6 (27) RCW 46.37.660 relating to the sale or installation of a  
7 device that causes a vehicle's diagnostic system to inaccurately  
8 indicate that the vehicle has a functional air bag when a counterfeit  
9 air bag, nonfunctional air bag, or no air bag is installed;

10 (28) RCW 46.37.671 through 46.37.675 relating to signal  
11 preemption devices;

12 (29) RCW 46.37.685 relating to switching or flipping license  
13 plates, utilizing technology to flip or change the appearance of a  
14 license plate, selling a license plate flipping device or technology  
15 used to change the appearance of a license plate, or falsifying a  
16 vehicle registration;

17 (30) RCW 46.44.180 relating to operation of mobile home pilot  
18 vehicles;

19 (31) RCW 46.48.175 relating to the transportation of dangerous  
20 articles;

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

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

25 (34) RCW 46.52.090 relating to reports by repairers, storage  
26 persons, and appraisers;

27 (35) RCW 46.52.130 relating to confidentiality of the driving  
28 record to be furnished to an insurance company, an employer, and an  
29 alcohol/drug assessment or treatment agency;

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

32 (37) RCW 46.55.035 relating to prohibited practices by tow truck  
33 operators;

34 (38) RCW 46.55.300 relating to vehicle immobilization;

35 (39) RCW 46.61.015 relating to obedience to police officers,  
36 flaggers, or firefighters;

37 (40) RCW 46.61.020 relating to refusal to give information to or  
38 cooperate with an officer;

39 (41) RCW 46.61.022 relating to failure to stop and give  
40 identification to an officer;

1 (42) RCW 46.61.024 relating to attempting to elude pursuing  
2 police vehicles;

3 (43) RCW 46.61.212(4) relating to reckless endangerment of  
4 emergency zone workers;

5 (44) RCW 46.61.500 relating to reckless driving;

6 (45) RCW 46.61.502 and 46.61.504 relating to persons under the  
7 influence of intoxicating liquor or drugs;

8 (46) RCW 46.61.503 relating to a person under age twenty-one  
9 driving a motor vehicle after consuming alcohol;

10 (47) RCW 46.61.520 relating to vehicular homicide by motor  
11 vehicle;

12 (48) RCW 46.61.522 relating to vehicular assault;

13 (49) RCW 46.61.5249 relating to first degree negligent driving;

14 (50) RCW 46.61.527(4) relating to reckless endangerment of  
15 roadway workers;

16 (51) RCW 46.61.530 relating to racing of vehicles on highways;

17 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a  
18 load;

19 (53) RCW 46.61.685 relating to leaving children in an unattended  
20 vehicle with the motor running;

21 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;

22 (55) RCW 46.64.010 relating to unlawful cancellation of or  
23 attempt to cancel a traffic citation;

24 (56) RCW 46.64.048 relating to attempting, aiding, abetting,  
25 coercing, and committing crimes;

26 (57) Chapter 46.65 RCW relating to habitual traffic offenders;

27 (58) RCW 46.68.010 relating to false statements made to obtain a  
28 refund;

29 (59) Chapter 46.70 RCW relating to unfair motor vehicle business  
30 practices, except where that chapter provides for the assessment of  
31 monetary penalties of a civil nature;

32 (60) Chapter 46.72 RCW relating to the transportation of  
33 passengers in for hire vehicles;

34 (61) RCW 46.72A.060 relating to limousine carrier insurance;

35 (62) RCW 46.72A.070 relating to operation of a limousine without  
36 a vehicle certificate;

37 (63) RCW 46.72A.080 relating to false advertising by a limousine  
38 carrier;

39 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;

40 (65) Chapter 46.82 RCW relating to driver's training schools;



1 (66) RCW 46.87.260 relating to alteration or forgery of a cab  
2 card, letter of authority, or other temporary authority issued under  
3 chapter 46.87 RCW;

4 (67) RCW 46.87.290 relating to operation of an unregistered or  
5 unlicensed vehicle under chapter 46.87 RCW.

6 **Sec. 11.** RCW 10.101.050 and 2005 c 157 s 3 are each amended to  
7 read as follows:

8 (1) The Washington state office of public defense shall disburse  
9 appropriated funds to counties and cities for the purpose of  
10 improving the quality of public defense services. (~~Counties may~~  
11 apply for up to their pro rata share as set forth in RCW 10.101.060  
12 provided that counties conform to application procedures established  
13 by the office of public defense and improve the quality of services  
14 for both juveniles and adults. Cities may apply for moneys pursuant  
15 to the grant program set forth in RCW 10.101.080.))

16 (2) In order to receive appropriated funds under RCW 10.101.060,  
17 each ((~~applying~~)) county or city must:

18 (a) Require that attorneys providing public defense services  
19 attend training approved by the office of public defense at least  
20 once per calendar year(~~(. Each applying county or city shall))~~);

21 (b) Report the expenditure for all public defense services in the  
22 previous calendar year, as well as case statistics for that year,  
23 including per attorney caseloads, and shall provide a copy of each  
24 current public defense contract to the office of public defense  
25 ((with its application. Each individual or organization that  
26 contracts to perform public defense services for a county or city  
27 shall report to the county or city));

28 (c) Provide documentation that attorneys providing public defense  
29 services are in compliance with the Washington supreme court  
30 standards for indigent defense; and

31 (d) Collect hours billed for nonpublic defense legal services in  
32 the previous calendar year, including number and types of private  
33 cases, from each individual or organization that contracts to perform  
34 public defense services.

35 NEW SECTION. **Sec. 12.** A new section is added to chapter 10.101  
36 RCW to read as follows:

1 (1) All funds appropriated for the cost of public defense  
2 services in cities and counties as specified in RCW 10.101.050 must  
3 be appropriated in the following manner:

4 (a) Beginning in fiscal year 2019, the state shall appropriate  
5 funds for not less than ten percent of the cost of public defense  
6 services;

7 (b) In fiscal year 2020, the state shall appropriate funds for  
8 not less than twenty percent of the cost of public defense services;

9 (c) In fiscal year 2021, the state shall appropriate funds for  
10 not less than thirty percent of the cost of public defense services;

11 (d) In fiscal year 2022, the state shall appropriate funds for  
12 not less than forty percent of the cost of public defense services;

13 (e) In fiscal year 2023, the state shall appropriate funds for  
14 not less than fifty percent of the cost of public defense services;

15 (f) In fiscal year 2024, the state shall appropriate funds for  
16 not less than sixty percent of the cost of public defense services;

17 (g) In fiscal year 2025, the state shall appropriate funds for  
18 not less than seventy percent of the cost of public defense services;

19 (h) In fiscal year 2026, the state shall appropriate funds for  
20 not less than eighty percent of the cost of public defense services;

21 (i) In fiscal year 2027, the state shall appropriate funds for  
22 not less than ninety percent of the cost of public defense services;

23 (j) In fiscal year 2028 and thereafter, the state shall  
24 appropriate funds for not less than one hundred percent of the cost  
25 of public defense services.

26 (2)(a) The office of public defense shall determine "the cost of  
27 public defense services" annually, based on an average of the actual  
28 expenditures for public defense services reported by counties and  
29 cities for the previous two years.

30 (b) Counties and cities shall annually provide information on the  
31 actual expenditures for public defense services to the office of  
32 public defense.

33 **Sec. 13.** RCW 10.101.060 and 2005 c 157 s 4 are each amended to  
34 read as follows:

35 (1)((~~a~~)) Subject to the availability of funds appropriated for  
36 this purpose, the office of public defense shall disburse to  
37 ((~~applying~~)) all counties and cities that meet the requirements of  
38 ((~~RCW 10.101.050~~)) this chapter designated funds under this chapter  
39 on a pro rata basis pursuant to the formula set forth in ((~~RCW~~

1 ~~10.101.070 and shall disburse to eligible cities, funds pursuant to~~  
2 ~~RCW 10.101.080)) subsection (3) of this section. Each fiscal year for~~  
3 ~~which it receives state ((funds)) reimbursement under this chapter, a~~  
4 ~~county or city must document to the office of public defense that it~~  
5 ~~is meeting the standards for provision of indigent defense services~~  
6 ~~as endorsed by the Washington state bar association ((or that the~~  
7 ~~funds received under this chapter have been used to make appreciable~~  
8 ~~demonstrable improvements in the delivery of public defense services,~~  
9 ~~including the following:~~

10 ~~(i) Adoption by ordinance of a legal representation plan that~~  
11 ~~addresses the factors in RCW 10.101.030. The plan must apply to any~~  
12 ~~contract or agency providing indigent defense services for the county~~  
13 ~~or city;~~

14 ~~(ii) Requiring attorneys who provide public defense services to~~  
15 ~~attend training under RCW 10.101.050;~~

16 ~~(iii) Requiring attorneys who handle the most serious cases to~~  
17 ~~meet specified qualifications as set forth in the Washington state~~  
18 ~~bar association endorsed standards for public defense services or~~  
19 ~~participate in at least one case consultation per case with office of~~  
20 ~~public defense resource attorneys who are so qualified. The most~~  
21 ~~serious cases include all cases of murder in the first or second~~  
22 ~~degree, persistent offender cases, and class A felonies. This~~  
23 ~~subsection (1)(a)(iii) does not apply to cities receiving funds under~~  
24 ~~RCW 10.101.050 through 10.101.080;~~

25 ~~(iv) Requiring contracts to address the subject of compensation~~  
26 ~~for extraordinary cases;~~

27 ~~(v) Identifying funding specifically for the purpose of paying~~  
28 ~~experts (A) for which public defense attorneys may file ex parte~~  
29 ~~motions, or (B) which should be specifically designated within a~~  
30 ~~public defender agency budget;~~

31 ~~(vi) Identifying funding specifically for the purpose of paying~~  
32 ~~investigators (A) for which public defense attorneys may file ex~~  
33 ~~parte motions, and (B) which should be specifically designated within~~  
34 ~~a public defender agency budget.~~

35 ~~(b) The cost of providing counsel in cases where there is a~~  
36 ~~conflict of interest shall not be borne by the attorney or agency who~~  
37 ~~has the conflict)).~~

38 (2) The office of public defense shall monitor trial level  
39 criminal public defense services to determine eligibility of counties  
40 and cities to receive state funds under this chapter. If a

1 determination is made that a county or city receiving state funds  
2 under this chapter did not substantially comply with this section,  
3 the office of public defense shall notify the county or city of the  
4 failure to comply and unless the county or city contacts the office  
5 of public defense and substantially corrects the deficiencies within  
6 ninety days after the date of notice, or some other mutually agreed  
7 period of time, the county's or city's eligibility to continue  
8 receiving funds under this chapter is terminated. If an applying  
9 county or city disagrees with the determination of the office of  
10 public defense as to the county's or city's eligibility, the county  
11 or city may file an appeal with the advisory committee of the office  
12 of public defense within thirty days of the eligibility  
13 determination. The decision of the advisory committee is final.

14 (3)(a) The moneys under RCW 10.101.050 shall be distributed to  
15 each county and city determined to be eligible under this section by  
16 the office of public defense.

17 (b) The office of public defense shall establish policies for the  
18 distribution of appropriated funds to eligible counties and cities.

19 NEW SECTION. Sec. 14. Sections 4 and 7 of this act take effect  
20 July 1, 2019.

21 NEW SECTION. Sec. 15. Sections 3 and 6 of this act expire July  
22 1, 2019.

23 NEW SECTION. Sec. 16. The following acts or parts of acts are  
24 each repealed:

- 25 (1) RCW 10.101.070 (County moneys) and 2005 c 157 s 5; and  
26 (2) RCW 10.101.080 (City moneys) and 2007 c 59 s 1 & 2005 c 157 s  
27 6.

--- END ---