

CHAPTER 130

[Engrossed Substitute Senate Bill No. 3118]

DRIVING OR PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED—
SPECIAL PENALTY ASSESSMENT

AN ACT Relating to highway safety; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 284, Laws of 1971 ex. sess. and RCW 46.61.515; amending section 1, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.015; adding a new section to chapter 46.61 RCW; providing penalties; and declaring an emergency.

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

Section 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 284, Laws of 1971 ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended: PROVIDED, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: PROVIDED, FURTHER, That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation

of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: PROVIDED, That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(3) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62 or 35.20 RCW, or any other section, the penalty assessment provided for in subsection (2) of this section shall not be suspended, waived, modified, or deferred in any respect and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (2) of this section.

~~((2))~~ (4) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

~~((3))~~ (5) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

Sec. 2. Section 1. chapter 199, Laws of 1969 ex. sess. and RCW 3.62.015 are each amended to read as follows:

The state auditor shall establish distribution percentages for use by the county treasurer and state treasurer in remitting justice court income, except for (1) fines, forfeitures, and penalties assessed and collected because of the violation of city and/or county ordinances ~~((and))~~ (2) fees and costs assessed and collected because of a civil action and (3) penalty assessments assessed and collected

pursuant to section 1 (2) of this 1974 amendatory act. A separate percentage shall be established for each city within the county, and for each county, and for the amount that each county shall remit to the state treasurer. These percentages shall be established by reviewing the financial records of each county for the six years prior to January 1, 1969, and determining the average percentage of the net income, from that county's justice courts, that each city, and the county, and the state has received for that period of time. The percentages determined by this procedure shall then be provided to each county treasurer for his use in distributing justice court income. Percentages shall be established for each state fund, now receiving justice court income, by determining the average percentage of justice court income that each fund has received from the total income remitted to the state by the counties for this period of time, except that any state fund receiving less than five hundred dollars each year for the two years 1967 and 1968 shall not have a percentage established for it and the amounts of income in such situation shall be added to the amounts remitted to the state general fund for the purpose of calculating average distribution percentages.

The state auditor, with the assistance of the administrator for the courts, shall review the distribution percentages annually. This review shall be based upon the annual percentages of types of violations, in relationship to the total cases processed, to determine if the original percentages established by this section are still proportionately accurate within a margin of plus or minus five percent. In the event the annual review indicates that the existing percentages are not proportionately accurate, the state auditor shall revise the distribution percentages to the percentages indicated in the annual review and notify the county and state treasurer within fifteen days in advance of any quarterly distribution of the revised percentages and the statistics supporting the revision.

NEW SECTION. Sec. 3. There is added to chapter 46.61 RCW a new section to read as follows:

The gross proceeds of the penalty assessments provided for in section 1 (2) of this 1974 amendatory act shall be separately accounted for and transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall also separately account for such moneys, place them in a separate fund, and shall transmit to the state treasurer monthly and without deduction the gross amount of such penalty assessments received, which shall be credited forthwith to the highway safety fund of the state treasury.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 4, 1974.
Passed the House February 13, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 131

[Engrossed Senate Bill No. 3135]

PROPERTY TAXES—VALUATION OF REALTY—
OWNERS' REPORTS—ADJUSTMENTS

AN ACT Relating to real property taxes; amending section 84.41.040, chapter 15, Laws of 1961 as amended by section 7, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.040; and adding a new section to chapter 84.41 RCW.

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

Section 1. Section 84.41.040, chapter 15, Laws of 1961 as amended by section 7, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.040 are each amended to read as follows:

Each county assessor shall (1) cause real property being valued to be physically inspected, and/or (2) require property owners to report pertinent data at least once every four years in order to provide adequate data from which to make accurate valuations. During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data.

Any county assessor in class A counties west of the Cascades electing to require property owners to report pertinent data, pursuant to subsection (2) of paragraph 1 of this section, may employ any reporting system approved by the Department of Revenue and the Ways and Means Committees of the Senate and House of Representatives including, but not limited to, (1) a system by which the assessor sends his current data to each property owner, who checks the data and reports incorrect data and additional changes; or (2) a system of straight self-reporting of assessment data by each property owner to the assessor.

The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the