

NEW SECTION. Sec. 8. There is added to chapter 51.24 RCW a new section to read as follows:

The department may adopt, amend, and rescind under chapter 34.04 RCW such rules as may be necessary to the administration of this chapter.

NEW SECTION. Sec. 9. There is added to chapter 51.24 RCW a new section to read as follows:

This act applies to all causes of action against third persons in which judgment or settlement of the underlying action has not taken place before the effective date of this act.

Passed the House March 7, 1984.

Passed the Senate March 5, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

## CHAPTER 219

[Substitute House Bill No. 977]

### DRUNK DRIVING

AN ACT Relating to driving while intoxicated; amending section 47, chapter 165, Laws of 1983 (uncodified); adding a new section to chapter 46.20 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 47, chapter 165, Laws of 1983 (uncodified) is amended to read as follows:

Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of ~~((this act))~~ chapter 165, Laws of 1983 shall take effect on January 1, ~~((+1985))~~ 1986. The remainder of ~~((this act))~~ chapter 165, Laws of 1983 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 on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of ~~((this act))~~ chapter 165, Laws of 1983 are implemented on their respective effective dates.

NEW SECTION. Sec. 2. There is added to chapter 46.20 RCW a new section to read as follows:

(1) Whenever any person is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer shall, at the time of arrest, confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit.

(2) Within twenty-four hours of the arrest, the arresting officer shall transmit any confiscated license or permit to the department with a report indicating the date and location of the arrest.

(3) Any temporary license issued under this section shall be dated with the same expiration date as the confiscated license or permit. A temporary license shall be valid only until the sooner of:

(a) Its expiration date; or

(b) The suspension, revocation, or denial by judicial or administrative action for any reason of the license, permit, or privilege to drive of the person holding the temporary license.

(4) The department shall return, replace, or authorize renewal of any confiscated license or permit that has not been suspended or revoked for any reason upon notification:

(a) By the law enforcement agency that made the arrest that a charge has not been filed for the offense for which the license or permit was confiscated;

(b) By the prosecuting authority of the jurisdiction in which the offense occurred that the charge has been dropped or changed to other than one for which confiscation is required under this section; or

(c) By the court in which the case has been or was to be heard that the charge has been dismissed or that the person charged has been found not guilty of the charge; or

(d) By a court that the person has been convicted of the offense for which the license or permit was confiscated, but the suspension or revocation of the license or permit has been stayed pending appeal of the conviction.

(5) If a temporary license issued under this section expires before the department receives notification under subsection (4) of this section, the department shall authorize the driver to seek renewal of the license. If the driver is qualified for renewal, the department shall issue a new temporary license with the same expiration date as the driver would have received had his or her license or permit not been confiscated.

(6) Upon receipt of a returned or replaced confiscated license from the department, the driver shall return any temporary license in his or her possession or shall sign an affidavit that the temporary license has been lost, stolen, or destroyed.

(7) No temporary license issued under this section is valid to any greater degree than the confiscated license or permit that it replaces.

(8) The department shall provide courts and law enforcement agencies with the appropriate temporary license and notice forms for use under this section.

(9) This section shall expire on December 31, 1985.

Passed the House March 7, 1984.

Passed the Senate March 3, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.