

bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, ((1985)) 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10-.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in RCW 47.05.030.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

Passed the House March 1, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 407

[House Bill No. 593]

ADMINISTRATIVE REVOCATION OF DRIVER'S' LICENSES

AN ACT Relating to the administrative revocation of drivers' licenses; amending RCW 46.04.480, 46.20.285, 46.20.308, 46.20.311, and 46.20.391; repealing RCW 46.20.393, 46.20-.600, 46.20.610, 46.20.620, 46.20.630, 46.20.640, 46.20.650, 46.20.660, 46.20.670, 46.20.680, 46.20.690, 46.20.700, and 46.68.062; decodifying RCW 46.68.055; declaring an emergency; and providing effective dates.

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

Sec. 1. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 14, chapter 165, Laws of 1983 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515(~~(, or 46.20.610)~~) and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 2. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 324, chapter 258, Laws of 1984 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years(~~(A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to RCW 46.20.610 or 46.61.515(3) arising out of the same arrest)~~);
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 3. Section 11, chapter 260, Laws of 1981 as last amended by section 2, chapter 165, Laws of 1983 and RCW 46.20.308 are each amended to read as follows:

- (1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506,

to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) ~~((that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, and~~ (c)) that his or her refusal to take the test may be used against him or her in a subsequent criminal trial.

(3) Except as provided in this subsection and subsection (4) of this section, the chemical test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

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

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

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence

of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that refusal would result in the revocation of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. Within ten days after receiving such notice the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation of his privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

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

Sec. 4. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 325, chapter 258, Laws of 1984 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a

finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 (~~or was imposed under RCW 46.20.610(1) (a) or (b)~~), the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was (~~denied~~) revoked under RCW (~~46.20.610~~) 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

Sec. 5. Section 1, chapter 5, Laws of 1973 as last amended by section 24, chapter 165, Laws of 1983 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter (~~whose driving privilege has been suspended or revoked under RCW 46.20.610(1)(b)(i) or~~) who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 (~~or pursuant to RCW 46.20.610(1)(b)(i)~~). A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction (~~or administrative action~~), the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction (~~or administrative action~~), the applicant has not been convicted (~~more than once~~) of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522 (~~or had a license administratively suspended or revoked under RCW 46.20.610~~); and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has (~~had a driver's license administratively suspended or revoked under RCW 46.20.610 or has~~) been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction (~~or administrative action~~), and continues with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 25, chapter 165, Laws of 1983 and RCW 46.20.393;
- (2) Section 3, chapter 165, Laws of 1983 and RCW 46.20.600;
- (3) Section 4, chapter 165, Laws of 1983 and RCW 46.20.610;
- (4) Section 5, chapter 165, Laws of 1983 and RCW 46.20.620;
- (5) Section 6, chapter 165, Laws of 1983 and RCW 46.20.630;
- (6) Section 7, chapter 165, Laws of 1983 and RCW 46.20.640;
- (7) Section 8, chapter 165, Laws of 1983 and RCW 46.20.650;
- (8) Section 9, chapter 165, Laws of 1983 and RCW 46.20.660;
- (9) Section 10, chapter 165, Laws of 1983 and RCW 46.20.670;
- (10) Section 11, chapter 165, Laws of 1983, section 326, chapter 258, Laws of 1984 and RCW 46.20.680;
- (11) Section 12, chapter 165, Laws of 1983 and RCW 46.20.690;
- (12) Section 22, chapter 165, Laws of 1983 and RCW 46.20.700; and
- (13) Section 20, chapter 165, Laws of 1983 and RCW 46.68.062.

NEW SECTION. Sec. 7. RCW 46.68.055 is decodified.

NEW SECTION. Sec. 8. Sections 2 and 4 of this act are 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 July 1, 1985. The remainder of the act shall take effect January 1, 1986.

Passed the House April 26, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 408

[Substitute House Bill No. 1190]

JOINT CENTER FOR EDUCATION—THE EVERGREEN STATE COLLEGE AND LOWER COLUMBIA COMMUNITY COLLEGE AUTHORIZED TO PARTICIPATE

AN ACT Relating to the joint center for education; and amending RCW 28B.30.510.

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

Sec. 1. Section 13, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.30.510 are each amended to read as follows:

The board of regents of Washington State University and the board of trustees of The Evergreen State College, in cooperation with the boards of trustees of Clark Community College ~~(-is)~~ and Lower Columbia Community College are hereby authorized to ~~((establish))~~ operate a Southwest Washington joint center for education to ~~((provide))~~ coordinate undergraduate, graduate, and continuing education in high-technology fields ~~((to the~~