

incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

The salmon advisory council shall cease to exist on December 31, 1989.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. 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 March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

## CHAPTER 61

[Engrossed Senate Bill No. 2067]

### MOTOR VEHICLES—DRIVER LICENSING

AN ACT Relating to motor vehicles; amending section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 46.20.070, chapter 12, Laws of 1961 as last amended by section 9, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.070; amending section 46.20.102, chapter 12, Laws of 1961 as last amended by section 2, chapter 167, Laws of 1967 and RCW 46.20.102; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.120; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270; amending section 9, chapter 167, Laws of 1967 and RCW 46.20.292; amending section 10, chapter 167, Laws of 1967 as last amended by section 2, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.293; amending section 29, chapter 121, Laws of 1965 ex. sess. as last amended by section 88, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.322; amending section 35, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.328; amending section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380; amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391; and amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390.

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

Section 1. Section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090 are each amended to read as follows:

"Cancel," in all its forms, means ~~((the))~~ invalidation indefinitely ~~((and until successful application, but shall be for a period of not less than one year))~~.

Sec. 2. Section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041 are each amended to read as follows:

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect ~~((his))~~ that person's ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he or she is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department. The certificate shall be for the confidential use of the director and the chief of the Washington state patrol and for such other cognizant public officials as may be designated by law. It shall be exempt from public inspection and copying notwithstanding the provisions of chapter 42.17 RCW. The certificate may not be offered as evidence in any court except when appeal is taken from the order of the director suspending, revoking, canceling, or refusing a vehicle driver's license.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same, but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

Sec. 3. Section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in ~~((his))~~ immediate possession to drive a motor vehicle upon

the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience (~~and is licensed in the state of Washington~~) and who is occupying a seat beside the driver, except (~~in the event~~) if the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve (~~his~~) driving proficiency.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee (~~when he has such~~) having the permit in (~~his~~) immediate possession to drive a motor vehicle only when an approved instructor or other driver (~~licensed in Washington~~) with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting (~~him~~) the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in (~~his~~) the applicant's immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Sec. 4. Section 46.20.070, chapter 12, Laws of 1961 as last amended by section 9, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle (~~under twenty thousand pounds gross weight~~) over and upon the public highways of this state in connection with farm work, the director (~~is hereby authorized to~~) may issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother, or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit (~~shall~~) authorizes the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the traffic safety education account in the general fund.

The director (~~shall have authority to~~) may transfer this permit from one farming locality to another, but this does not constitute a renewal of the permit.

The director (~~shall have authority to~~) may deny the issuance of a juvenile agricultural driving permit to any person whom (~~he shall determine~~) the director determines to be incapable of operating a motor vehicle with safety to himself or herself and to persons and property.

The director (~~shall have authority to~~) may suspend, revoke, or cancel the juvenile agricultural driving permit of any person when in (~~his~~) the director's sound discretion (~~he~~) the director has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director (~~shall have authority to~~) may suspend, cancel, or revoke a juvenile agricultural driving permit when in (~~his~~) the director's sound discretion (~~he~~) the director is satisfied the restricted character of the permit has been violated.

Sec. 5. Section 46.20.102, chapter 12, Laws of 1961 as last amended by section 2, chapter 167, Laws of 1967 and RCW 46.20.102 are each amended to read as follows: -

The (~~juvenile driver's license~~;) minor driver's license(;) and adult driver's license as provided for in this chapter shall each be distinguishable in color or design.

Sec. 6. Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.120 are each amended to read as follows:

No new driver's license (~~shall~~) may be issued and no previously issued license (~~shall~~) may be renewed until the applicant therefor has successfully passed a driver licensing examination: PROVIDED, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license (~~or the issuance of a minor driver's license when the applicant previously held a juvenile driver's license or the issuance~~

of an adult driver's license when the applicant previously held a minor driver's license issued under the laws of this state;)) except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of three dollars shall be paid by each applicant, in addition to the fee charged for issuance of ~~((his))~~ the license. A new license ~~((shall be))~~ is one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is ~~((without))~~ outside the state at the time his or her driver's license expires or who is unable to renew ~~((his))~~ the license due to any incapacity may renew the license within sixty days after ~~((his))~~ returning to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 7. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That ~~((in the event such))~~ if the convicted person ~~((shall testify))~~ testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, ~~((then))~~ the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department ~~((shall))~~ may not issue a driver's license to such persons during the period of ~~((such))~~ suspension or revocation: PROVIDED, ALSO, That ~~((in the event that))~~ if the driver's license of such convicted person has been lost or destroyed and such convicted person ~~((shall))~~ makes an affidavit to that effect, sworn to before the judge, ~~((he shall))~~ the convicted person may not be so confined, but the department ~~((shall))~~ may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall

stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, or a payment of a fine, or a plea of guilty or a finding of guilt, an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking(~~(, and may recommend the suspension of the driver's license of the person so convicted)~~).

(3) For the purposes of Title 46 RCW the term "conviction" (~~(shall)~~) means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 8. Section 9, chapter 167, Laws of 1967 and RCW 46.20.292 are each amended to read as follows:

The department may suspend, revoke, restrict, or condition any (~~(juvenile)~~) driver's license upon a showing of its records that the (~~(juvenile)~~) licensee has been found by a juvenile court, chief probation officer, or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action.

Sec. 9. Section 10, chapter 167, Laws of 1967 as last amended by section 2, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and (~~(13.04.120)~~) 13.04.278, against any (~~(juvenile)~~) minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against said person and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund.

Sec. 10. Section 29, chapter 121, Laws of 1965 ex. sess. as last amended by section 88, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.322 are each amended to read as follows:

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on ~~((his))~~ a person's driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict, or condition a ~~((juvenile))~~ minor driver's driving privilege the department may require the appearance of the ~~((juvenile's))~~ minor's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor.

Sec. 11. Section 35, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.328 are each amended to read as follows:

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and ~~((may prepare and submit recommendations to the department. After a review of the referee's report together with the department's records, the department shall render its decision concerning the matter under consideration and))~~ shall notify the person involved in writing by personal service ~~((or by registered or certified mail))~~ of the findings. The referee's findings shall be final unless the person involved is notified to the contrary by personal service or by certified mail within fifteen days. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days, request a formal hearing.

Sec. 12. Section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380 are each amended to read as follows:

No person ~~((shall))~~ may file ~~((a petition))~~ an application for an occupational ~~((operator's))~~ driver's license as provided in RCW ~~((46.20.390))~~ 46.20.391 unless he ~~((shall))~~ or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ten dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 13. Section 1, chapter 5, Laws of 1973 and RCW 46.20.391 are each amended to read as follows:

(1) ~~((A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his driver's license is mandatory. PROVIDED, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.))~~ Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than negligent homicide, may petition the court for a stay of the effect of the mandatory suspension or revocation for the purpose of submitting to the department an application for an occupational driver's license. The court upon determining that the petitioner is engaged in an occupation or trade which makes it essential that the petitioner operate a motor vehicle may stay the effect of the mandatory suspension or revocation, notwithstanding RCW 46.20.270, for a period of not more than thirty days and may set definite restrictions as to hours of the day which may not exceed twelve hours in any one day, days of the week, type of occupation, and areas or routes of travel permitted under the occupational driver's license.

(2) ~~((A petitioner))~~ 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 ~~((he))~~ 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) ~~((He))~~ The applicant is engaged in an occupation or trade which makes it essential that he or she operate a motor vehicle; and

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

(3) ~~((A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2)(a) and (2)(c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence.~~

~~If such petitioner is qualified under the provisions of subsection (2)(b) of this section, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner. PROVIDED, That an~~



~~occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade. PROVIDED FURTHER, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate.~~

~~A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director. PROVIDED, That the director shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.~~

~~(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.~~

~~(5)) The department, upon receipt of an application and the prescribed fee, may issue an occupational driver's license to any person eligible under this section for a period of not more than one year which permits the operation of a motor vehicle only within the limits established by the court and only when the operation is essential to the licensee's occupation or trade.~~

~~(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title.~~

Sec. 14. Section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390 are each amended to read as follows:

(1) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(a) When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of ~~((ten))~~ fifteen thousand dollars because of bodily injury to or death of one person, the sum of thirty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

(2) Provided, however, payments made in settlements of any claims because of bodily injury, death, or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

Passed the Senate February 14, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

## CHAPTER 62

[Engrossed Senate Bill No. 2068]

### HABITUAL TRAFFIC OFFENDERS

AN ACT Relating to habitual traffic offenders; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060; amending section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070; amending section 11, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 138, Laws of 1977 ex. sess. and RCW 46.65.090; amending section 46.04.480, chapter 12, Laws of 1961 and RCW 46.04.480; adding a new section to chapter 284, Laws of 1971 ex. sess. and to chapter 46.65 RCW; repealing section 6, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.040; repealing section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050; and repealing section 13, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.110.

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

Section 1. Section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions as defined in RCW 46.20.270 or, if a minor, shall have violations recorded with the department of (~~motor vehicles, or forfeited bait~~) licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of (~~motor vehicles~~) licensing: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520; ((or))

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; ((or))