

An association may invest in obligations issued or guaranteed by any multilateral development bank in which the United States government formally participates. Such investment in any one multilateral development bank shall not exceed five percent of the association's assets.

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CHAPTER 302

[Senate Bill No. 3267]

DRIVERS' LICENSES—DRIVING WITHOUT A VALID LICENSE—
SUSPENSION—REVOCATION—DRIVING WHILE INTOXICATED—
REVISIONS

AN ACT Relating to drivers' licenses; amending RCW 46.20.315, 46.20.021, 46.20.342, 46.20.416, 46.20.420, 46.52.100, 46.63.020, and 46.65.090; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 28, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.315 are each amended to read as follows:

The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department (~~((except that at the end of the period of suspension such license so surrendered shall be returned to the licensee))~~).

Sec. 2. Section 2, chapter 121, Laws of 1965 ex. sess. as amended by section 53, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.021 are each amended to read as follows:

(1) No person, except ~~((those hereinafter))~~ as expressly exempted ~~((shall))~~ by this chapter, may drive any motor vehicle upon a highway in this state unless ~~((such))~~ the person has a valid driver's license issued under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1), 46.20.416, 46.20.420, and 46.65.090.

(2) No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time. ~~((Violation of the provisions of this section is a misdemeanor.~~

~~((2))~~ (3) Any person licensed as a driver ~~((hereunder))~~ under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license

to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 3. Section 3, chapter 148, Laws of 1980 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state (~~(at a time)~~) when his privilege so to do is suspended or revoked in this or any other state or when his policy of insurance or bond, when required under this chapter, (~~(shall have)~~) has been canceled or terminated, (~~(shall be)~~) is guilty of a gross misdemeanor(~~(-PROVIDED, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section)~~). Upon the first conviction (~~(therefor, he)~~) for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction (~~(therefor)~~), he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction (~~(therefor)~~), he shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) (~~The department~~) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension, the department shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

Sec. 4. Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess. and RCW 46.20.416 are each amended to read as follows:

Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status (~~(shall be)~~) is guilty of a gross misdemeanor. (~~Upon a first conviction therefor, the person shall be punished by imprisonment of not less than ten days, nor more than six months. Upon the second such conviction therefor, the person shall be punished by imprisonment of not less than twenty days, nor more than one~~

~~year. Upon the third such conviction therefor, the person shall be punished by imprisonment for one year. There may also be imposed in connection with each conviction a fine of not more than five hundred dollars.)) First, second, third, and subsequent violations of this section shall be punished in the same way as violations of RCW 46.20.342(1).~~

Sec. 5. Section 2, chapter 134, Laws of 1961 as amended by section 35, chapter 32, Laws of 1967 and RCW 46.20.420 are each amended to read as follows:

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. First, second, third, and subsequent violations of this section shall be punished in the same way as violations of RCW 46.20.342(1).

Sec. 6. Section 12, chapter 2, Laws of 1983 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the

judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

~~((If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.))~~

Sec. 7. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

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

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.160 relating to vehicle trip permits;
- (7) RCW 46.20.021 relating to driving without a valid driver's license;
- (8) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (9) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (10) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (11) RCW 46.20.416 relating to driving while in a suspended or revoked status;
- (12) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- ~~((12))~~ (13) Chapter 46.29 RCW relating to financial responsibility;
- ~~((13))~~ (14) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- ~~((14))~~ (15) RCW 46.48.175 relating to the transportation of dangerous articles;
- ~~((15))~~ (16) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- ~~((16))~~ (17) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- ~~((17))~~ (18) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- ~~((18))~~ (19) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- ~~((19))~~ (20) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;
- ~~((20))~~ (21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((21))~~ (22) RCW 46.52.210 relating to abandoned vehicles or hulks;
- ~~((22))~~ (23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((23))~~ (24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((24))~~ (25) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((25))~~ (26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((26))~~ (27) RCW 46.61.500 relating to reckless driving;
- ~~((27))~~ (28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((28))~~ (29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((29))~~ (30) RCW 46.61.522 relating to vehicular assault;

~~((30))~~ (31) RCW 46.61.525 relating to negligent driving;

~~((31))~~ (32) RCW 46.61.530 relating to racing of vehicles on highways;

~~((32))~~ (33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((33))~~ (34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((34))~~ (35) RCW 46.64.020 relating to nonappearance after a written promise;

~~((35))~~ (36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((36))~~ (37) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((37))~~ (38) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((38))~~ (39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((39))~~ (40) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((40))~~ (41) Chapter 46.82 RCW relating to driver's training schools.

Sec. 8. Section 11, chapter 284, Laws of 1971 ex. sess. as last amended by section 6, chapter 62, Laws of 1979 and RCW 46.65.090 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is ~~((thereafter))~~ convicted of operating a motor vehicle in this state while the order of revocation prohibiting such operation is in effect ~~((shall be))~~ is guilty of a gross misdemeanor~~((, the punishment for which shall be confinement in the county jail for not more than one year. PROVIDED, That any person who is convicted for the offense of operating a motor vehicle while under the influence of intoxicating liquor or drugs as defined in RCW 46.61.506, or the offense of failure to stop and give information or render aid as required in RCW 46.52.020, and is also convicted of operating a motor vehicle while the order of revocation is in effect, shall be confined in the county jail for not less than thirty days nor more than one year, and such sentence)).~~ First, second, third, and subsequent violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1), except that the minimum sentence of confinement required shall not be suspended or deferred.

(2) Any person convicted for a first violation of subsection (1) of this section who is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, shall be punished in the same way as provided in RCW 46.20.342(1) except that the minimum sentence of confinement shall be not less than thirty days and shall not be suspended or deferred.

NEW SECTION. Sec. 9. 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.

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