

CHAPTER 148

[House Bill No. 1482]

JUVENILE DRIVING PRIVILEGES—ALCOHOL OR DRUG VIOLATIONS

AN ACT Relating to alcohol or drug violations by juveniles; amending RCW 46.04.480; reenacting and amending RCW 46.20.311; adding a new section to chapter 13.40 RCW; adding a new section to chapter 66.44 RCW; adding a new section to chapter 69.41 RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.52 RCW; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature finds that many persons under the age of eighteen unlawfully use intoxicating liquor and controlled substances. The use of these substances by juveniles can cause serious damage to their physical, mental, and emotional well-being, and in some instances results in life-long disabilities.

The legislature also finds that juveniles who unlawfully use alcohol and controlled substances frequently operate motor vehicles while under the influence of and impaired by alcohol or drugs. Juveniles who use these substances often have seriously impaired judgment and motor skills and pose an unduly high risk of causing injury or death to themselves or other persons on the public highways.

The legislature also finds that juveniles will be deterred from the unlawful use of alcohol and controlled substances if their driving privileges are suspended or revoked for using illegal drugs or alcohol.

NEW SECTION. Sec. 2. A new section is added to chapter 13.40 RCW to read as follows:

(1) (a) If a juvenile under eighteen years of age, but thirteen or over, is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, a court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under section 7 of this act, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of

chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

NEW SECTION. Sec. 3. A new section is added to chapter 66.44 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 4. A new section is added to chapter 69.41 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 5. A new section is added to chapter 69.50 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 6. A new section is added to chapter 69.52 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 7. A new section is added to chapter 46.20 RCW to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to section 2, 3, 4, 5, or 6 of this act or from a diversion unit pursuant to section 2 of this act. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for one year or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4) If the department receives notice pursuant to section 2(2)(b) of this act from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section. The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

Sec. 8. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 1, chapter 407, Laws of 1985 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, section 7 of this act, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 9. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 211, Laws of 1985 and by section 4, chapter 407, Laws of 1985 and RCW 46.20.311 are each reenacted and 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, pursuant to chapter 46.29 RCW, 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, 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; ((σ)) (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; or (f) after the expiration of the applicable revocation period provided by section 7 of this act. 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. Except for a revocation under section 7 of this act, 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. For a revocation under section 7 of this act, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. A resident without a license or permit whose license or permit was revoked under RCW 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.

NEW SECTION. Sec. 10. 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.

Passed the House March 5, 1988.

Passed the Senate March 1, 1988.

Approved by the Governor March 21, 1988.

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