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HOUSE BILL 1821

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State of Washington                      65th Legislature                      2017 Regular Session  
By Representatives Lovick, Irwin, Stanford, Pellicciotti, and Goodman

1            AN ACT Relating to attempting to elude a police vehicle; amending  
2 RCW 46.61.024, 13.40.0357, 46.20.342, 46.63.020, and 46.65.020;  
3 reenacting and amending RCW 9.94A.515; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 46.61.024 and 2010 c 8 s 9065 are each amended to  
6 read as follows:

7            (1) Any driver of a motor vehicle who willfully fails or refuses  
8 to immediately bring his or her vehicle to a stop and who drives his  
9 or her vehicle in a reckless manner (~~((while attempting))~~) in an  
10 attempt to elude a (~~((pursuing))~~) police vehicle, after being given a  
11 visual or audible signal to bring the vehicle to a stop, shall be  
12 guilty of a class C felony. The signal given by the police officer  
13 may be by hand, voice, emergency light, or siren. The officer giving  
14 such a signal shall be in uniform and the vehicle shall be equipped  
15 with lights and sirens.

16            (2) It is an affirmative defense to this section which must be  
17 established by a preponderance of the evidence that: (a) A reasonable  
18 person would not believe that the signal to stop was given by a  
19 police officer; and (b) driving after the signal to stop was  
20 reasonable under the circumstances.

1 (3) The license or permit to drive or any nonresident driving  
2 privilege of a person convicted of a violation of this section shall  
3 be revoked by the department of licensing.

4 **Sec. 2.** RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and  
5 2016 c 6 s 1 are each reenacted and amended to read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH  
8 SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW 10.95.020)
- 10 XV Homicide by abuse (RCW 9A.32.055)
- 11 Malicious explosion 1 (RCW  
12 70.74.280(1))
- 13 Murder 1 (RCW 9A.32.030)
- 14 XIV Murder 2 (RCW 9A.32.050)
- 15 Trafficking 1 (RCW 9A.40.100(1))
- 16 XIII Malicious explosion 2 (RCW  
17 70.74.280(2))
- 18 Malicious placement of an explosive 1  
19 (RCW 70.74.270(1))
- 20 XII Assault 1 (RCW 9A.36.011)
- 21 Assault of a Child 1 (RCW 9A.36.120)
- 22 Malicious placement of an imitation  
23 device 1 (RCW 70.74.272(1)(a))
- 24 Promoting Commercial Sexual Abuse of  
25 a Minor (RCW 9.68A.101)
- 26 Rape 1 (RCW 9A.44.040)
- 27 Rape of a Child 1 (RCW 9A.44.073)
- 28 Trafficking 2 (RCW 9A.40.100(3))
- 29 XI Manslaughter 1 (RCW 9A.32.060)
- 30 Rape 2 (RCW 9A.44.050)
- 31 Rape of a Child 2 (RCW 9A.44.076)
- 32 Vehicular Homicide, by being under the  
33 influence of intoxicating liquor or  
34 any drug (RCW 46.61.520)

1 Vehicular Homicide, by the operation of  
2 any vehicle in a reckless manner  
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)

7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW  
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW  
16 9A.76.115)

17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW  
21 70.74.180)

22 Hit and Run—Death (RCW  
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under  
25 the influence of intoxicating liquor  
26 or any drug (RCW 79A.60.050)

27 Inciting Criminal Profiteering (RCW  
28 9A.82.060(1)(b))

29 Malicious placement of an explosive 2  
30 (RCW 70.74.270(2))

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor  
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a reckless  
3 manner (RCW 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Promoting Prostitution 1 (RCW  
6 9A.88.070)  
7 Theft of Ammonia (RCW 69.55.010)  
8 VII Air bag diagnostic systems (causing  
9 bodily injury or death) (RCW  
10 46.37.660(2)(b))  
11 Air bag replacement requirements  
12 (causing bodily injury or death)  
13 (RCW 46.37.660(1)(b))  
14 Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))  
21 Drive-by Shooting (RCW 9A.36.045)  
22 Homicide by Watercraft, by disregard  
23 for the safety of others (RCW  
24 79A.60.050)  
25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1)  
27 (b) and (c))  
28 Introducing Contraband 1 (RCW  
29 9A.76.140)  
30 Malicious placement of an explosive 3  
31 (RCW 70.74.270(3))  
32 Manufacture or import counterfeit,  
33 nonfunctional, damaged, or  
34 previously deployed air bag  
35 (causing bodily injury or death)  
36 (RCW 46.37.650(1)(b))

1 Negligently Causing Death By Use of a  
2 Signal Preemption Device (RCW  
3 46.37.675)  
4 Sale, install, ~~((for))~~ or reinstall  
5 counterfeit, nonfunctional,  
6 damaged, or previously deployed  
7 airbag (RCW 46.37.650(2)(b))  
8 Sending, bringing into state depictions  
9 of minor engaged in sexually  
10 explicit conduct 1 (RCW  
11 9.68A.060(1))  
12 Unlawful Possession of a Firearm in the  
13 first degree (RCW 9.41.040(1))  
14 Use of a Machine Gun in Commission  
15 of a Felony (RCW 9.41.225)  
16 Vehicular Homicide, by disregard for  
17 the safety of others (RCW  
18 46.61.520)  
19 VI Bail Jumping with Murder 1 (RCW  
20 9A.76.170(3)(a))  
21 Bribery (RCW 9A.68.010)  
22 Incest 1 (RCW 9A.64.020(1))  
23 Intimidating a Judge (RCW 9A.72.160)  
24 Intimidating a Juror/Witness (RCW  
25 9A.72.110, 9A.72.130)  
26 Malicious placement of an imitation  
27 device 2 (RCW 70.74.272(1)(b))  
28 Possession of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 1 (RCW 9.68A.070(1))  
31 Rape of a Child 3 (RCW 9A.44.079)  
32 Theft of a Firearm (RCW 9A.56.300)  
33 Unlawful Storage of Ammonia (RCW  
34 69.55.020)  
35 V Abandonment of Dependent Person 2  
36 (RCW 9A.42.070)

1 Advancing money or property for  
2 extortionate extension of credit  
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW  
5 46.37.660(2)(c))

6 Air bag replacement requirements  
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony  
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW  
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW  
14 9A.44.160)

15 Dealing in Depictions of Minor  
16 Engaged in Sexually Explicit  
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order  
19 Violation (RCW 10.99.040,  
20 10.99.050, 26.09.300, 26.10.220,  
21 26.26.138, 26.50.110, 26.52.070, or  
22 74.34.145)

23 Driving While Under the Influence  
24 (RCW 46.61.502(6))

25 Extortion 1 (RCW 9A.56.120)

26 Extortionate Extension of Credit (RCW  
27 9A.82.020)

28 Extortionate Means to Collect  
29 Extensions of Credit (RCW  
30 9A.82.040)

31 Incest 2 (RCW 9A.64.020(2))

32 Kidnapping 2 (RCW 9A.40.030)

33 Manufacture or import counterfeit,  
34 nonfunctional, damaged, or  
35 previously deployed air bag (RCW  
36 46.37.650(1)(c))

1 Perjury 1 (RCW 9A.72.020)  
2 Persistent prison misbehavior (RCW  
3 9.94.070)  
4 Physical Control of a Vehicle While  
5 Under the Influence (RCW  
6 46.61.504(6))  
7 Possession of a Stolen Firearm (RCW  
8 9A.56.310)  
9 Rape 3 (RCW 9A.44.060)  
10 Rendering Criminal Assistance 1 (RCW  
11 9A.76.070)  
12 Sale, install, ~~((for))~~ or reinstall  
13 counterfeit, nonfunctional,  
14 damaged, or previously deployed  
15 airbag (RCW 46.37.650(2)(c))  
16 Sending, Bringing into State Depictions  
17 of Minor Engaged in Sexually  
18 Explicit Conduct 2 (RCW  
19 9.68A.060(2))  
20 Sexual Misconduct with a Minor 1  
21 (RCW 9A.44.093)  
22 Sexually Violating Human Remains  
23 (RCW 9A.44.105)  
24 Stalking (RCW 9A.46.110)  
25 Taking Motor Vehicle Without  
26 Permission 1 (RCW 9A.56.070)  
27 IV Arson 2 (RCW 9A.48.030)  
28 Assault 2 (RCW 9A.36.021)  
29 Assault 3 (of a Peace Officer with a  
30 Projectile Stun Gun) (RCW  
31 9A.36.031(1)(h))  
32 Assault by Watercraft (RCW  
33 79A.60.060)  
34 Bribing a Witness/Bribe Received by  
35 Witness (RCW 9A.72.090,  
36 9A.72.100)

1 Cheating 1 (RCW 9.46.1961)  
2 Commercial Bribery (RCW 9A.68.060)  
3 Counterfeiting (RCW 9.16.035(4))  
4 Endangerment with a Controlled  
5 Substance (RCW 9A.42.100)  
6 Escape 1 (RCW 9A.76.110)  
7 Hit and Run—Injury (RCW  
8 46.52.020(4)(b))  
9 Hit and Run with Vessel—Injury  
10 Accident (RCW 79A.60.200(3))  
11 Identity Theft 1 (RCW 9.35.020(2))  
12 Indecent Exposure to Person Under Age  
13 Fourteen (subsequent sex offense)  
14 (RCW 9A.88.010)  
15 Influencing Outcome of Sporting Event  
16 (RCW 9A.82.070)  
17 Malicious Harassment (RCW  
18 9A.36.080)  
19 Possession of Depictions of a Minor  
20 Engaged in Sexually Explicit  
21 Conduct 2 (RCW 9.68A.070(2))  
22 Residential Burglary (RCW 9A.52.025)  
23 Robbery 2 (RCW 9A.56.210)  
24 Theft of Livestock 1 (RCW 9A.56.080)  
25 Threats to Bomb (RCW 9.61.160)  
26 Trafficking in Stolen Property 1 (RCW  
27 9A.82.050)  
28 Unlawful factoring of a credit card or  
29 payment card transaction (RCW  
30 9A.56.290(4)(b))  
31 Unlawful transaction of health coverage  
32 as a health care service contractor  
33 (RCW 48.44.016(3))

1 Unlawful transaction of health coverage  
2 as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(2))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicle Prowling 2 (third or subsequent  
12 offense) (RCW 9A.52.100(3))  
13 Vehicular Assault, by being under the  
14 influence of intoxicating liquor or  
15 any drug, or by the operation or  
16 driving of a vehicle in a reckless  
17 manner (RCW 46.61.522)  
18 Viewing of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.075(1))  
21 Willful Failure to Return from Furlough  
22 (RCW 72.66.060)  
23 III Animal Cruelty 1 (Sexual Conduct or  
24 Contact) (RCW 16.52.205(3))  
25 Assault 3 (Except Assault 3 of a Peace  
26 Officer With a Projectile Stun Gun)  
27 (RCW 9A.36.031 except subsection  
28 (1)(h))  
29 Assault of a Child 3 (RCW 9A.36.140)  
30 Bail Jumping with class B or C Felony  
31 (RCW 9A.76.170(3)(c))  
32 Burglary 2 (RCW 9A.52.030)  
33 Communication with a Minor for  
34 Immoral Purposes (RCW  
35 9.68A.090)

1 Criminal Gang Intimidation (RCW  
2 9A.46.120)  
3 Custodial Assault (RCW 9A.36.100)  
4 Cyberstalking (subsequent conviction or  
5 threat of death) (RCW 9.61.260(3))  
6 Escape 2 (RCW 9A.76.120)  
7 Extortion 2 (RCW 9A.56.130)  
8 Harassment (RCW 9A.46.020)  
9 Intimidating a Public Servant (RCW  
10 9A.76.180)  
11 Introducing Contraband 2 (RCW  
12 9A.76.150)  
13 Malicious Injury to Railroad Property  
14 (RCW 81.60.070)  
15 Mortgage Fraud (RCW 19.144.080)  
16 Negligently Causing Substantial Bodily  
17 Harm By Use of a Signal  
18 Preemption Device (RCW  
19 46.37.674)  
20 Organized Retail Theft 1 (RCW  
21 9A.56.350(2))  
22 Perjury 2 (RCW 9A.72.030)  
23 Possession of Incendiary Device (RCW  
24 9.40.120)  
25 Possession of Machine Gun or Short-  
26 Barreled Shotgun or Rifle (RCW  
27 9.41.190)  
28 Promoting Prostitution 2 (RCW  
29 9A.88.080)  
30 Retail Theft with Special Circumstances  
31 1 (RCW 9A.56.360(2))  
32 Securities Act violation (RCW  
33 21.20.400)  
34 Tampering with a Witness (RCW  
35 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death) (RCW  
3 9.61.230(2))  
4 Theft of Livestock 2 (RCW 9A.56.083)  
5 Theft with the Intent to Resell 1 (RCW  
6 9A.56.340(2))  
7 Trafficking in Stolen Property 2 (RCW  
8 9A.82.055)  
9 Unlawful Hunting of Big Game 1 (RCW  
10 77.15.410(3)(b))  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful Misbranding of Food Fish or  
14 Shellfish 1 (RCW 69.04.938(3))  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(2))  
17 Unlawful Taking of Endangered Fish or  
18 Wildlife 1 (RCW 77.15.120(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 1 (RCW  
21 77.15.260(3)(b))  
22 Unlawful Use of a Nondesigned  
23 Vessel (RCW 77.15.530(4))  
24 Vehicular Assault, by the operation or  
25 driving of a vehicle with disregard  
26 for the safety of others (RCW  
27 46.61.522)  
28 Willful Failure to Return from Work  
29 Release (RCW 72.65.070)  
30 II Commercial Fishing Without a License  
31 1 (RCW 77.15.500(3)(b))  
32 Computer Trespass 1 (RCW 9A.90.040)  
33 Counterfeiting (RCW 9.16.035(3))  
34 Electronic Data Service Interference  
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW  
2 9A.90.080)  
3 Electronic Data Theft (RCW 9A.90.100)  
4 Engaging in Fish Dealing Activity  
5 Unlicensed 1 (RCW 77.15.620(3))  
6 Escape from Community Custody  
7 (RCW 72.09.310)  
8 Failure to Register as a Sex Offender  
9 (second or subsequent offense)  
10 (RCW 9A.44.130 prior to June 10,  
11 2010, and RCW 9A.44.132)  
12 Health Care False Claims (RCW  
13 48.80.030)  
14 Identity Theft 2 (RCW 9.35.020(3))  
15 Improperly Obtaining Financial  
16 Information (RCW 9.35.010)  
17 Malicious Mischief 1 (RCW 9A.48.070)  
18 Organized Retail Theft 2 (RCW  
19 9A.56.350(3))  
20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)  
22 Possession of a Stolen Vehicle (RCW  
23 9A.56.068)  
24 Retail Theft with Special Circumstances  
25 2 (RCW 9A.56.360(3))  
26 Scrap Processing, Recycling, or  
27 Supplying Without a License  
28 (second or subsequent offense)  
29 (RCW 19.290.100)  
30 Theft 1 (RCW 9A.56.030)  
31 Theft of a Motor Vehicle (RCW  
32 9A.56.065)  
33 Theft of Rental, Leased, Lease-  
34 purchased, or Loaned Property  
35 (valued at five thousand dollars or  
36 more) (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW  
2 9A.56.340(3))  
3 Trafficking in Insurance Claims (RCW  
4 48.30A.015)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(a))  
8 Unlawful Participation of Non-Indians  
9 in Indian Fishery (RCW  
10 77.15.570(2))  
11 Unlawful Practice of Law (RCW  
12 2.48.180)  
13 Unlawful Purchase or Use of a License  
14 (RCW 77.15.650(3)(b))  
15 Unlawful Trafficking in Fish, Shellfish,  
16 or Wildlife 2 (RCW  
17 77.15.260(3)(a))  
18 Unlicensed Practice of a Profession or  
19 Business (RCW 18.130.190(7))  
20 Voyeurism (RCW 9A.44.115)  
21 I Attempting to Elude a ((~~Pursuing~~)  
22 Police Vehicle (RCW 46.61.024)  
23 False Verification for Welfare (RCW  
24 74.08.055)  
25 Forgery (RCW 9A.60.020)  
26 Fraudulent Creation or Revocation of a  
27 Mental Health Advance Directive  
28 (RCW 9A.60.060)  
29 Malicious Mischief 2 (RCW 9A.48.080)  
30 Mineral Trespass (RCW 78.44.330)  
31 Possession of Stolen Property 2 (RCW  
32 9A.56.160)  
33 Reckless Burning 1 (RCW 9A.48.040)  
34 Spotlighting Big Game 1 (RCW  
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1  
2 (RCW 77.15.670(3)(b))  
3 Taking Motor Vehicle Without  
4 Permission 2 (RCW 9A.56.075)  
5 Theft 2 (RCW 9A.56.040)  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property  
8 (valued at seven hundred fifty  
9 dollars or more but less than five  
10 thousand dollars) (RCW  
11 9A.56.096(5)(b))  
12 Transaction of insurance business  
13 beyond the scope of licensure  
14 (RCW 48.17.063)  
15 Unlawful Fish and Shellfish Catch  
16 Accounting (RCW 77.15.630(3)(b))  
17 Unlawful Issuance of Checks or Drafts  
18 (RCW 9A.56.060)  
19 Unlawful Possession of Fictitious  
20 Identification (RCW 9A.56.320)  
21 Unlawful Possession of Instruments of  
22 Financial Fraud (RCW 9A.56.320)  
23 Unlawful Possession of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Possession of a Personal  
26 Identification Device (RCW  
27 9A.56.320)  
28 Unlawful Production of Payment  
29 Instruments (RCW 9A.56.320)  
30 Unlawful Releasing, Planting,  
31 Possessing, or Placing Deleterious  
32 Exotic Wildlife (RCW  
33 77.15.250(2)(b))  
34 Unlawful Trafficking in Food Stamps  
35 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW  
 2 9.91.144)  
 3 Unlawful Use of Net to Take Fish 1  
 4 (RCW 77.15.580(3)(b))  
 5 Unlawful Use of Prohibited Aquatic  
 6 Animal Species (RCW  
 7 77.15.253(3))  
 8 Vehicle Prowl 1 (RCW 9A.52.095)  
 9 Violating Commercial Fishing Area or  
 10 Time 1 (RCW 77.15.550(3)(b))

11 **Sec. 3.** RCW 13.40.0357 and 2016 c 106 s 2 are each amended to  
 12 read as follows:

13 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

19 .....  
 20

20 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

33 **Assault and Other Crimes Involving**  
 34 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
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1	B+	Assault 2 (9A.36.021)	C+
2	C+	Assault 3 (9A.36.031)	D+
3	D+	Assault 4 (9A.36.041)	E
4	B+	Drive-By Shooting (9A.36.045)	C+
5	D+	Reckless Endangerment (9A.36.050)	E
6	C+	Promoting Suicide Attempt (9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		<b>Burglary and Trespass</b>	
10	B+	Burglary 1 (9A.52.020)	C+
11	B	Residential Burglary (9A.52.025)	C
12	B	Burglary 2 (9A.52.030)	C
13	D	Burglary Tools (Possession of) (9A.52.060)	E
14	D	Criminal Trespass 1 (9A.52.070)	E
15	E	Criminal Trespass 2 (9A.52.080)	E
16	C	Mineral Trespass (78.44.330)	C
17	C	Vehicle Prowling 1 (9A.52.095)	D
18	D	Vehicle Prowling 2 (9A.52.100)	E
19		<b>Drugs</b>	
20	E	Possession/Consumption of Alcohol	
21		(66.44.270)	E
22	C	Illegally Obtaining Legend Drug	
23		(69.41.020)	D
24	C+	Sale, Delivery, Possession of Legend Drug	
25		with Intent to Sell (69.41.030(2)(a))	D+
26	E	Possession of Legend Drug	
27		(69.41.030(2)(b))	E
28	B+	Violation of Uniform Controlled	
29		Substances Act - Narcotic,	
30		Methamphetamine, or Flunitrazepam Sale	
31		(69.50.401(2) (a) or (b))	B+
32	C	Violation of Uniform Controlled	
33		Substances Act - Nonnarcotic Sale	
34		(69.50.401(2)(c))	C
35	E	Possession of Marihuana <40 grams	
36		(69.50.4014)	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance for Profit	
4		(69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled	
7		Substances Act - Narcotic,	
8		Methamphetamine, or Flunitrazepam	
9		Counterfeit Substances (69.50.4011(2) (a)	
10		or (b))	B
11	C	Violation of Uniform Controlled	
12		Substances Act - Nonnarcotic Counterfeit	
13		Substances (69.50.4011(2) (c), (d), or (e))	C
14	C	Violation of Uniform Controlled	
15		Substances Act - Possession of a Controlled	
16		Substance (69.50.4013)	C
17	C	Violation of Uniform Controlled	
18		Substances Act - Possession of a Controlled	
19		Substance (69.50.4012)	C
20		<b>Firearms and Weapons</b>	
21	B	Theft of Firearm (9A.56.300)	C
22	B	Possession of Stolen Firearm (9A.56.310)	C
23	E	Carrying Loaded Pistol Without Permit	
24		(9.41.050)	E
25	C	Possession of Firearms by Minor (<18)	
26		(9.41.040(2)(a) (iv))	C
27	D+	Possession of Dangerous Weapon	
28		(9.41.250)	E
29	D	Intimidating Another Person by use of	
30		Weapon (9.41.270)	E
31		<b>Homicide</b>	
32	A+	Murder 1 (9A.32.030)	A
33	A+	Murder 2 (9A.32.050)	B+
34	B+	Manslaughter 1 (9A.32.060)	C+
35	C+	Manslaughter 2 (9A.32.070)	D+
36	B+	Vehicle Homicide (46.61.520)	C+
37		<b>Kidnapping</b>	

1	A	Kidnap 1 (9A.40.020)	B+
2	B+	Kidnap 2 (9A.40.030)	C+
3	C+	Unlawful Imprisonment (9A.40.040)	D+
4		<b>Obstructing Governmental Operation</b>	
5	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
6			
7	E	Resisting Arrest (9A.76.040)	E
8	B	Introducing Contraband 1 (9A.76.140)	C
9	C	Introducing Contraband 2 (9A.76.150)	D
10	E	Introducing Contraband 3 (9A.76.160)	E
11	B+	Intimidating a Public Servant (9A.76.180)	C+
12	B+	Intimidating a Witness (9A.72.110)	C+
13		<b>Public Disturbance</b>	
14	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
15			
16	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
17			
18	E	Failure to Disperse (9A.84.020)	E
19	E	Disorderly Conduct (9A.84.030)	E
20		<b>Sex Crimes</b>	
21	A	Rape 1 (9A.44.040)	B+
22	A-	Rape 2 (9A.44.050)	B+
23	C+	Rape 3 (9A.44.060)	D+
24	A-	Rape of a Child 1 (9A.44.073)	B+
25	B+	Rape of a Child 2 (9A.44.076)	C+
26	B	Incest 1 (9A.64.020(1))	C
27	C	Incest 2 (9A.64.020(2))	D
28	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
29			
30	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
31			
32	B+	Promoting Prostitution 1 (9A.88.070)	C+
33	C+	Promoting Prostitution 2 (9A.88.080)	D+
34	E	O & A (Prostitution) (9A.88.030)	E
35	B+	Indecent Liberties (9A.44.100)	C+
36	A-	Child Molestation 1 (9A.44.083)	B+

1	B	Child Molestation 2 (9A.44.086)	C+
2	C	Failure to Register as a Sex Offender	
3		(9A.44.132)	D
4		<b>Theft, Robbery, Extortion, and Forgery</b>	
5	B	Theft 1 (9A.56.030)	C
6	C	Theft 2 (9A.56.040)	D
7	D	Theft 3 (9A.56.050)	E
8	B	Theft of Livestock 1 and 2 (9A.56.080 and	
9		9A.56.083)	C
10	C	Forgery (9A.60.020)	D
11	A	Robbery 1 (9A.56.200)	B+
12	B+	Robbery 2 (9A.56.210)	C+
13	B+	Extortion 1 (9A.56.120)	C+
14	C+	Extortion 2 (9A.56.130)	D+
15	C	Identity Theft 1 (9.35.020(2))	D
16	D	Identity Theft 2 (9.35.020(3))	E
17	D	Improperly Obtaining Financial	
18		Information (9.35.010)	E
19	B	Possession of a Stolen Vehicle (9A.56.068)	C
20	B	Possession of Stolen Property 1	
21		(9A.56.150)	C
22	C	Possession of Stolen Property 2	
23		(9A.56.160)	D
24	D	Possession of Stolen Property 3	
25		(9A.56.170)	E
26	B	Taking Motor Vehicle Without Permission	
27		1 (9A.56.070)	C
28	C	Taking Motor Vehicle Without Permission	
29		2 (9A.56.075)	D
30	B	Theft of a Motor Vehicle (9A.56.065)	C
31		<b>Motor Vehicle Related Crimes</b>	
32	E	Driving Without a License (46.20.005)	E
33	B+	Hit and Run - Death (46.52.020(4)(a))	C+
34	C	Hit and Run - Injury (46.52.020(4)(b))	D
35	D	Hit and Run-Attended (46.52.020(5))	E
36	E	Hit and Run-Unattended (46.52.010)	E

1	C	Vehicular Assault (46.61.522)	D
2	C	Attempting to Elude (( <del>Pursuing</del> ) a Police	
3		Vehicle (46.61.024)	D
4	E	Reckless Driving (46.61.500)	E
5	D	Driving While Under the Influence	
6		(46.61.502 and 46.61.504)	E
7	B+	Felony Driving While Under the Influence	
8		(46.61.502(6))	B
9	B+	Felony Physical Control of a Vehicle While	
10		Under the Influence (46.61.504(6))	B
11		<b>Other</b>	
12	B	Animal Cruelty 1 (16.52.205)	C
13	B	Bomb Threat (9.61.160)	C
14	C	Escape 1 <sup>1</sup> (9A.76.110)	C
15	C	Escape 2 <sup>1</sup> (9A.76.120)	C
16	D	Escape 3 (9A.76.130)	E
17	E	Obscene, Harassing, Etc., Phone Calls	
18		(9.61.230)	E
19	A	Other Offense Equivalent to an Adult Class	
20		A Felony	B+
21	B	Other Offense Equivalent to an Adult Class	
22		B Felony	C
23	C	Other Offense Equivalent to an Adult Class	
24		C Felony	D
25	D	Other Offense Equivalent to an Adult Gross	
26		Misdemeanor	E
27	E	Other Offense Equivalent to an Adult	
28		Misdemeanor	E
29	V	Violation of Order of Restitution,	
30		Community Supervision, or Confinement	
31		(13.40.200) <sup>2</sup>	V

32 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
33 and the standard range is established as follows:

34 1st escape or attempted escape during 12-month period - 4 weeks  
35 confinement

1 2nd escape or attempted escape during 12-month period - 8 weeks  
2 confinement

3 3rd and subsequent escape or attempted escape during 12-month  
4 period - 12 weeks confinement

5 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
6 it may impose a penalty of up to 30 days of confinement.

7 **JUVENILE SENTENCING STANDARDS**

8 This schedule must be used for juvenile offenders. The court may  
9 select sentencing option A, B, C, or D.

10 **OPTION A**

11 **JUVENILE OFFENDER SENTENCING GRID**

12 **STANDARD RANGE**

13	A+	180 weeks to age 21 for all category A+ offenses					
14	A	103-129 weeks for all category A offenses					
15	A-	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
16		Except 30-40 weeks					
17		for 15 to 17 year olds					
18	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
19	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
20	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
21		C	LS	LS	LS	LS	15-36 weeks
22		D+	LS	LS	LS	LS	LS
23		D	LS	LS	LS	LS	LS
24		E	LS	LS	LS	LS	LS
25	PRIOR		0	1	2	3	4 or more
26	ADJUDICATIONS						

27 NOTE: References in the grid to days or weeks mean periods of  
28 confinement. "LS" means "local sanctions" as defined in RCW  
29 13.40.020.

30 (1) The vertical axis of the grid is the current offense  
31 category. The current offense category is determined by the offense  
32 of adjudication.

1 (2) The horizontal axis of the grid is the number of prior  
2 adjudications included in the juvenile's criminal history. Each prior  
3 felony adjudication shall count as one point. Each prior violation,  
4 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
5 point. Fractional points shall be rounded down.

6 (3) The standard range disposition for each offense is determined  
7 by the intersection of the column defined by the prior adjudications  
8 and the row defined by the current offense category.

9 (4) RCW 13.40.180 applies if the offender is being sentenced for  
10 more than one offense.

11 (5) A current offense that is a violation is equivalent to an  
12 offense category of E. However, a disposition for a violation shall  
13 not include confinement.

14 **OR**

15 **OPTION B**

16 **SUSPENDED DISPOSITION ALTERNATIVE**

17 (1) If the offender is subject to a standard range disposition  
18 involving confinement by the department, the court may impose the  
19 standard range and suspend the disposition on condition that the  
20 offender comply with one or more local sanctions and any educational  
21 or treatment requirement. The treatment programs provided to the  
22 offender must be either research-based best practice programs as  
23 identified by the Washington state institute for public policy or the  
24 joint legislative audit and review committee, or for chemical  
25 dependency treatment programs or services, they must be evidence-  
26 based or research-based best practice programs. For the purposes of  
27 this subsection:

28 (a) "Evidence-based" means a program or practice that has had  
29 multiple site random controlled trials across heterogeneous  
30 populations demonstrating that the program or practice is effective  
31 for the population; and

32 (b) "Research-based" means a program or practice that has some  
33 research demonstrating effectiveness, but that does not yet meet the  
34 standard of evidence-based practices.

35 (2) If the offender fails to comply with the suspended  
36 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
37 or may revoke the suspended disposition and order the disposition's  
38 execution.

1 (3) An offender is ineligible for the suspended disposition  
2 option under this section if the offender is:

3 (a) Adjudicated of an A+ offense;

4 (b) Fourteen years of age or older and is adjudicated of one or  
5 more of the following offenses:

6 (i) A class A offense, or an attempt, conspiracy, or solicitation  
7 to commit a class A offense;

8 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

9 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
10 the first degree (RCW 9A.56.120), kidnapping in the second degree  
11 (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210),  
12 residential burglary (RCW 9A.52.025), burglary in the second degree  
13 (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular  
14 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)),  
15 intimidating a witness (RCW 9A.72.110), violation of the uniform  
16 controlled substances act (RCW 69.50.401 (2)(a) and (b)), or  
17 manslaughter 2 (RCW 9A.32.070), when the offense includes infliction  
18 of bodily harm upon another or when during the commission or  
19 immediate withdrawal from the offense the respondent was armed with a  
20 deadly weapon;

21 (c) Ordered to serve a disposition for a firearm violation under  
22 RCW 13.40.193; or

23 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

24 **OR**

25 **OPTION C**

26 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

27 If the juvenile offender is subject to a standard range  
28 disposition of local sanctions or 15 to 36 weeks of confinement and  
29 has not committed an A- or B+ offense, the court may impose a  
30 disposition under RCW 13.40.160(4) and 13.40.165.

31 **OR**

32 **OPTION D**

33 **MANIFEST INJUSTICE**

34 If the court determines that a disposition under option A, B, or C  
35 would effectuate a manifest injustice, the court shall impose a  
36 disposition outside the standard range under RCW 13.40.160(2).

1       **Sec. 4.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
2 read as follows:

3       (1) It is unlawful for any person to drive a motor vehicle in  
4 this state while that person is in a suspended or revoked status or  
5 when his or her privilege to drive is suspended or revoked in this or  
6 any other state. Any person who has a valid Washington driver's  
7 license is not guilty of a violation of this section.

8       (a) A person found to be a habitual offender under chapter 46.65  
9 RCW, who violates this section while an order of revocation issued  
10 under chapter 46.65 RCW prohibiting such operation is in effect, is  
11 guilty of driving while license suspended or revoked in the first  
12 degree, a gross misdemeanor. Upon the first such conviction, the  
13 person shall be punished by imprisonment for not less than ten days.  
14 Upon the second conviction, the person shall be punished by  
15 imprisonment for not less than ninety days. Upon the third or  
16 subsequent conviction, the person shall be punished by imprisonment  
17 for not less than one hundred eighty days. If the person is also  
18 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when  
19 both convictions arise from the same event, the minimum sentence of  
20 confinement shall be not less than ninety days. The minimum sentence  
21 of confinement required shall not be suspended or deferred. A  
22 conviction under this subsection does not prevent a person from  
23 petitioning for reinstatement as provided by RCW 46.65.080.

24       (b) A person who violates this section while an order of  
25 suspension or revocation prohibiting such operation is in effect and  
26 while the person is not eligible to reinstate his or her driver's  
27 license or driving privilege, other than for a suspension for the  
28 reasons described in (c) of this subsection, is guilty of driving  
29 while license suspended or revoked in the second degree, a gross  
30 misdemeanor. For the purposes of this subsection, a person is not  
31 considered to be eligible to reinstate his or her driver's license or  
32 driving privilege if the person is eligible to obtain an ignition  
33 interlock driver's license but did not obtain such a license. This  
34 subsection applies when a person's driver's license or driving  
35 privilege has been suspended or revoked by reason of:

36       (i) A conviction of a felony in the commission of which a motor  
37 vehicle was used;

38       (ii) A previous conviction under this section;

39       (iii) A notice received by the department from a court or  
40 diversion unit as provided by RCW 46.20.265, relating to a minor who

1 has committed, or who has entered a diversion unit concerning an  
2 offense relating to alcohol, legend drugs, controlled substances, or  
3 imitation controlled substances;

4 (iv) A conviction of RCW 46.20.410, relating to the violation of  
5 restrictions of an occupational driver's license, a temporary  
6 restricted driver's license, or an ignition interlock driver's  
7 license;

8 (v) A conviction of RCW 46.20.345, relating to the operation of a  
9 motor vehicle with a suspended or revoked license;

10 (vi) A conviction of RCW 46.52.020, relating to duty in case of  
11 injury to or death of a person or damage to an attended vehicle;

12 (vii) A conviction of RCW 46.61.024, relating to attempting to  
13 elude (~~pursuing~~) a police vehicle(~~s~~);

14 (viii) A conviction of RCW 46.61.212(4), relating to reckless  
15 endangerment of emergency zone workers;

16 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

17 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
18 person under the influence of intoxicating liquor or drugs;

19 (xi) A conviction of RCW 46.61.520, relating to vehicular  
20 homicide;

21 (xii) A conviction of RCW 46.61.522, relating to vehicular  
22 assault;

23 (xiii) A conviction of RCW 46.61.527(4), relating to reckless  
24 endangerment of roadway workers;

25 (xiv) A conviction of RCW 46.61.530, relating to racing of  
26 vehicles on highways;

27 (xv) A conviction of RCW 46.61.685, relating to leaving children  
28 in an unattended vehicle with motor running;

29 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
30 vehicle fuel;

31 (xvii) A conviction of RCW 46.64.048, relating to attempting,  
32 aiding, abetting, coercing, and committing crimes;

33 (xviii) An administrative action taken by the department under  
34 chapter 46.20 RCW;

35 (xix) A conviction of a local law, ordinance, regulation, or  
36 resolution of a political subdivision of this state, the federal  
37 government, or any other state, of an offense substantially similar  
38 to a violation included in this subsection; or

1 (xx) A finding that a person has committed a traffic infraction  
2 under RCW 46.61.526 and suspension of driving privileges pursuant to  
3 RCW 46.61.526 (4)(b) or (7)(a)(ii).

4 (c) A person who violates this section when his or her driver's  
5 license or driving privilege is, at the time of the violation,  
6 suspended or revoked solely because (i) the person must furnish proof  
7 of satisfactory progress in a required alcoholism or drug treatment  
8 program, (ii) the person must furnish proof of financial  
9 responsibility for the future as provided by chapter 46.29 RCW, (iii)  
10 the person has failed to comply with the provisions of chapter 46.29  
11 RCW relating to uninsured accidents, (iv) the person has failed to  
12 respond to a notice of traffic infraction, failed to appear at a  
13 requested hearing, violated a written promise to appear in court, or  
14 has failed to comply with the terms of a notice of traffic infraction  
15 or citation, as provided in RCW 46.20.289, (v) the person has  
16 committed an offense in another state that, if committed in this  
17 state, would not be grounds for the suspension or revocation of the  
18 person's driver's license, (vi) the person has been suspended or  
19 revoked by reason of one or more of the items listed in (b) of this  
20 subsection, but was eligible to reinstate his or her driver's license  
21 or driving privilege at the time of the violation, (vii) the person  
22 has received traffic citations or notices of traffic infraction that  
23 have resulted in a suspension under RCW 46.20.267 relating to  
24 intermediate drivers' licenses, or (viii) the person has been  
25 certified by the department of social and health services as a person  
26 who is not in compliance with a child support order as provided in  
27 RCW 74.20A.320, or any combination of (c)(i) through (viii) of this  
28 subsection, is guilty of driving while license suspended or revoked  
29 in the third degree, a misdemeanor. For the purposes of this  
30 subsection, a person is not considered to be eligible to reinstate  
31 his or her driver's license or driving privilege if the person is  
32 eligible to obtain an ignition interlock driver's license but did not  
33 obtain such a license.

34 (2) Upon receiving a record of conviction of any person or upon  
35 receiving an order by any juvenile court or any duly authorized court  
36 officer of the conviction of any juvenile under this section, the  
37 department shall:

38 (a) For a conviction of driving while suspended or revoked in the  
39 first degree, as provided by subsection (1)(a) of this section,  
40 extend the period of administrative revocation imposed under chapter

1 46.65 RCW for an additional period of one year from and after the  
2 date the person would otherwise have been entitled to apply for a new  
3 license or have his or her driving privilege restored; or

4 (b) For a conviction of driving while suspended or revoked in the  
5 second degree, as provided by subsection (1)(b) of this section, not  
6 issue a new license or restore the driving privilege for an  
7 additional period of one year from and after the date the person  
8 would otherwise have been entitled to apply for a new license or have  
9 his or her driving privilege restored; or

10 (c) Not extend the period of suspension or revocation if the  
11 conviction was under subsection (1)(c) of this section. If the  
12 conviction was under subsection (1)(a) or (b) of this section and the  
13 court recommends against the extension and the convicted person has  
14 obtained a valid driver's license, the period of suspension or  
15 revocation shall not be extended.

16 **Sec. 5.** RCW 46.63.020 and 2016 c 213 s 4 are each amended to  
17 read as follows:

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

27 (1) RCW 46.09.457(1)(b)(i) relating to a false statement  
28 regarding the inspection of and installation of equipment on wheeled  
29 all-terrain vehicles;

30 (2) RCW 46.09.470(2) relating to the operation of a nonhighway  
31 vehicle while under the influence of intoxicating liquor or a  
32 controlled substance;

33 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

34 (4) RCW 46.10.490(2) relating to the operation of a snowmobile  
35 while under the influence of intoxicating liquor or narcotics or  
36 habit-forming drugs or in a manner endangering the person of another;

37 (5) RCW 46.10.495 relating to the operation of snowmobiles;

- 1 (6) Chapter 46.12 RCW relating to certificates of title,  
2 registration certificates, and markings indicating that a vehicle has  
3 been destroyed or declared a total loss;
- 4 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment  
5 of taxes and fees by failure to register a vehicle and falsifying  
6 residency when registering a motor vehicle;
- 7 (8) RCW 46.16A.520 relating to permitting unauthorized persons to  
8 drive;
- 9 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 10 (10) RCW 46.19.050(1) relating to knowingly providing false  
11 information in conjunction with an application for a special placard  
12 or license plate for disabled persons' parking;
- 13 (11) RCW 46.19.050(8) relating to illegally obtaining a parking  
14 placard, special license plate, special year tab, or identification  
15 card;
- 16 (12) RCW 46.19.050(9) relating to sale of a parking placard,  
17 special license plate, special year tab, or identification card;
- 18 (13) RCW 46.20.005 relating to driving without a valid driver's  
19 license;
- 20 (14) RCW 46.20.091 relating to false statements regarding a  
21 driver's license or instruction permit;
- 22 (15) RCW 46.20.0921 relating to the unlawful possession and use  
23 of a driver's license;
- 24 (16) RCW 46.20.342 relating to driving with a suspended or  
25 revoked license or status;
- 26 (17) RCW 46.20.345 relating to the operation of a motor vehicle  
27 with a suspended or revoked license;
- 28 (18) RCW 46.20.410 relating to the violation of restrictions of  
29 an occupational driver's license, temporary restricted driver's  
30 license, or ignition interlock driver's license;
- 31 (19) RCW 46.20.740 relating to operation of a motor vehicle  
32 without an ignition interlock device in violation of a license  
33 notation that the device is required;
- 34 (20) RCW 46.20.750 relating to circumventing an ignition  
35 interlock device;
- 36 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (22) Chapter 46.29 RCW relating to financial responsibility;
- 38 (23) RCW 46.30.040 relating to providing false evidence of  
39 financial responsibility;
- 40 (24) RCW 46.35.030 relating to recording device information;

1 (25) RCW 46.37.435 relating to wrongful installation of  
2 sunscreening material;

3 (26) RCW 46.37.650 relating to the manufacture, importation,  
4 sale, distribution, or installation of a counterfeit air bag,  
5 nonfunctional air bag, or previously deployed or damaged air bag;

6 (27) RCW 46.37.660 relating to the sale or installation of a  
7 device that causes a vehicle's diagnostic system to inaccurately  
8 indicate that the vehicle has a functional air bag when a counterfeit  
9 air bag, nonfunctional air bag, or no air bag is installed;

10 (28) RCW 46.37.671 through 46.37.675 relating to signal  
11 preemption devices;

12 (29) RCW 46.37.685 relating to switching or flipping license  
13 plates, utilizing technology to flip or change the appearance of a  
14 license plate, selling a license plate flipping device or technology  
15 used to change the appearance of a license plate, or falsifying a  
16 vehicle registration;

17 (30) RCW 46.44.180 relating to operation of mobile home pilot  
18 vehicles;

19 (31) RCW 46.48.175 relating to the transportation of dangerous  
20 articles;

21 (32) RCW 46.52.010 relating to duty on striking an unattended car  
22 or other property;

23 (33) RCW 46.52.020 relating to duty in case of injury to or death  
24 of a person or damage to an attended vehicle;

25 (34) RCW 46.52.090 relating to reports by repairers, storage  
26 persons, and appraisers;

27 (35) RCW 46.52.130 relating to confidentiality of the driving  
28 record to be furnished to an insurance company, an employer, and an  
29 alcohol/drug assessment or treatment agency;

30 (36) RCW 46.55.020 relating to engaging in the activities of a  
31 registered tow truck operator without a registration certificate;

32 (37) RCW 46.55.035 relating to prohibited practices by tow truck  
33 operators;

34 (38) RCW 46.55.300 relating to vehicle immobilization;

35 (39) RCW 46.61.015 relating to obedience to police officers,  
36 flaggers, or firefighters;

37 (40) RCW 46.61.020 relating to refusal to give information to or  
38 cooperate with an officer;

39 (41) RCW 46.61.022 relating to failure to stop and give  
40 identification to an officer;

- 1 (42) RCW 46.61.024 relating to attempting to elude (~~pursuing~~) a  
2 police vehicle(~~s~~);
- 3 (43) RCW 46.61.212(4) relating to reckless endangerment of  
4 emergency zone workers;
- 5 (44) RCW 46.61.500 relating to reckless driving;
- 6 (45) RCW 46.61.502 and 46.61.504 relating to persons under the  
7 influence of intoxicating liquor or drugs;
- 8 (46) RCW 46.61.503 relating to a person under age twenty-one  
9 driving a motor vehicle after consuming alcohol;
- 10 (47) RCW 46.61.520 relating to vehicular homicide by motor  
11 vehicle;
- 12 (48) RCW 46.61.522 relating to vehicular assault;
- 13 (49) RCW 46.61.5249 relating to first degree negligent driving;
- 14 (50) RCW 46.61.527(4) relating to reckless endangerment of  
15 roadway workers;
- 16 (51) RCW 46.61.530 relating to racing of vehicles on highways;
- 17 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a  
18 load;
- 19 (53) RCW 46.61.685 relating to leaving children in an unattended  
20 vehicle with the motor running;
- 21 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 22 (55) RCW 46.64.010 relating to unlawful cancellation of or  
23 attempt to cancel a traffic citation;
- 24 (56) RCW 46.64.048 relating to attempting, aiding, abetting,  
25 coercing, and committing crimes;
- 26 (57) Chapter 46.65 RCW relating to habitual traffic offenders;
- 27 (58) RCW 46.68.010 relating to false statements made to obtain a  
28 refund;
- 29 (59) Chapter 46.70 RCW relating to unfair motor vehicle business  
30 practices, except where that chapter provides for the assessment of  
31 monetary penalties of a civil nature;
- 32 (60) Chapter 46.72 RCW relating to the transportation of  
33 passengers in for hire vehicles;
- 34 (61) RCW 46.72A.060 relating to limousine carrier insurance;
- 35 (62) RCW 46.72A.070 relating to operation of a limousine without  
36 a vehicle certificate;
- 37 (63) RCW 46.72A.080 relating to false advertising by a limousine  
38 carrier;
- 39 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 40 (65) Chapter 46.82 RCW relating to driver's training schools;

1 (66) RCW 46.87.260 relating to alteration or forgery of a cab  
2 card, letter of authority, or other temporary authority issued under  
3 chapter 46.87 RCW;

4 (67) RCW 46.87.290 relating to operation of an unregistered or  
5 unlicensed vehicle under chapter 46.87 RCW.

6 **Sec. 6.** RCW 46.65.020 and 2010 c 8 s 9078 are each amended to  
7 read as follows:

8 As used in this chapter, unless a different meaning is plainly  
9 required by the context, an habitual offender means any person,  
10 resident or nonresident, who has accumulated convictions or findings  
11 that the person committed a traffic infraction as defined in RCW  
12 46.20.270, or, if a minor, has violations recorded with the  
13 department of licensing, for separate and distinct offenses as  
14 described in either subsection (1) or (2) below committed within a  
15 five-year period, as evidenced by the records maintained in the  
16 department of licensing: PROVIDED, That where more than one described  
17 offense is committed within a six-hour period such multiple offenses  
18 shall, on the first such occasion, be treated as one offense for the  
19 purposes of this chapter:

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

22 (a) Vehicular homicide as defined in RCW 46.61.520;

23 (b) Vehicular assault as defined in RCW 46.61.522;

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

26 (d) Driving a motor vehicle while his or her license, permit, or  
27 privilege to drive has been suspended or revoked as defined in RCW  
28 46.20.342(1)(b);

29 (e) Failure of the driver of any vehicle involved in an accident  
30 resulting in the injury or death of any person or damage to any  
31 vehicle which is driven or attended by any person to immediately stop  
32 such vehicle at the scene of such accident or as close thereto as  
33 possible and to forthwith return to and in every event remain at, the  
34 scene of such accident until he or she has fulfilled the requirements  
35 of RCW 46.52.020;

36 (f) Reckless driving as defined in RCW 46.61.500;

37 (g) Being in physical control of a motor vehicle while under the  
38 influence of intoxicating liquor or any drug as defined in RCW  
39 46.61.504; or

1 (h) Attempting to elude a (~~pursuing~~) police vehicle as defined  
2 in RCW 46.61.024;

3 (2) Twenty or more convictions or findings that the person  
4 committed a traffic infraction for separate and distinct offenses,  
5 singularly or in combination, in the operation of a motor vehicle  
6 that are required to be reported to the department of licensing other  
7 than the offenses of driving with an expired driver's license and not  
8 having a driver's license in the operator's immediate possession.  
9 Such convictions or findings shall include those for offenses  
10 enumerated in subsection (1) of this section when taken with and  
11 added to those offenses described herein but shall not include  
12 convictions or findings for any nonmoving violation. No person may be  
13 considered an habitual offender under this subsection unless at least  
14 three convictions have occurred within the three hundred sixty-five  
15 days immediately preceding the last conviction.

16 The offenses included in subsections (1) and (2) of this section  
17 are deemed to include offenses under any valid town, city, or county  
18 ordinance substantially conforming to the provisions cited in  
19 subsections (1) and (2) [of this section] or amendments thereto, and  
20 any federal law, or any law of another state, including subdivisions  
21 thereof, substantially conforming to the aforesaid state statutory  
22 provisions.

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