
ENGROSSED SUBSTITUTE HOUSE BILL 2053

State of Washington

62nd Legislature

2011 Regular Session

By House Transportation (originally sponsored by Representatives Clibborn, Morris, Rolfes, Liiias, Reykdal, Billig, Ormsby, Finn, Seaquist, and Lytton)

READ FIRST TIME 04/18/11.

1 AN ACT Relating to additive transportation funding; amending RCW
2 46.20.055, 46.20.117, 46.20.200, 46.20.308, 46.17.005, 46.17.100,
3 46.17.140, 46.17.200, 46.52.130, 46.29.050, and 46.20.293; reenacting
4 and amending RCW 46.20.120; creating new sections; making
5 appropriations and authorizing expenditures for capital improvements;
6 and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that for ensuing
9 biennia, the Washington state patrol, ferry operations, as well as
10 state and local roadway preservation and maintenance activities will
11 soon experience significant funding shortfalls. The legislature
12 further recognizes that existing law, enacted in 2002, requires the
13 department of licensing to submit a fee study every two years to the
14 transportation committees of the house of representatives and the
15 senate, the purpose of which is to ensure cost recovery for
16 transportation services. Based on the review of the department of
17 licensing's fee study, the legislature will review and adjust fees
18 accordingly each biennium to ensure that fees are adjusted and brought
19 up-to-date. The legislature further recognizes that previous studies

1 conducted by the joint transportation committee have recommended
2 various fees adjustments. The legislature finds that many of the fee
3 adjustments identified in these studies have not been made for several
4 years. Therefore, it is the intent of the legislature to adjust
5 certain fees for the sole purposes of addressing funding shortfalls in
6 certain transportation programs, providing gap funding for local
7 transportation entities along with roadway preservation for cities and
8 counties, and bringing fees in-line with costs. Accordingly, the
9 legislature intends to provide additional funding solely for: The
10 Washington state patrol; the Washington state ferry operating and
11 capital programs; the department of transportation highway maintenance
12 and preservation programs; the department of transportation public
13 transportation program; the transportation improvement board; the
14 county road administration board; the freight mobility strategic
15 investment board; the safe routes to schools program; and the state
16 treasurer, for the purposes of debt service and ancillary costs related
17 to bonds issued to fund the construction of a ferry boat vessel.

18 **I. APPROPRIATIONS**

19 NEW SECTION. **Sec. 2.** (1) Additive transportation funding is
20 hereby adopted and, subject to the provisions set forth, the several
21 amounts specified, or as much thereof as may be necessary to accomplish
22 the purposes designated, are hereby appropriated from the several
23 accounts and funds named to the designated state agencies and offices
24 for employee compensation and other expenses, for capital projects, and
25 for other specified purposes for the period ending June 30, 2013.

26 (2) Unless the context clearly requires otherwise, the definitions
27 in this subsection apply throughout the act:

28 (a) "Lapse" means the amount shall return to unappropriated status.

29 (b) "LEAP" means the legislative evaluation and accountability
30 program committee.

31 (c) "Provided solely" means the specified amount may be spent only
32 for the specified purpose. Unless otherwise specifically authorized in
33 this act, any portion of an amount provided solely for a specified
34 purpose that is not expended subject to the specified conditions and
35 limitations to fulfill the specified purpose shall lapse.

1 distributed statewide to transit entities as shown in LEAP
2 Transportation Document 2011-TR1, as developed on May 24, 2011. The
3 basis for the distribution to each entity is the entity's pro rata
4 share of the total passenger trips statewide by all transit entities in
5 calendar years 2008 and 2009, as compiled by the public transportation
6 program, except that no entity may receive less than one hundred
7 thousand dollars and no entity may receive more than twenty percent of
8 the appropriation in this section. Funding must be used for
9 operations.

10 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF TRANSPORTATION--**
11 **MARINE--PROGRAM X**

12 Motor Vehicle Account--State Appropriation \$10,000,000

13 The appropriation in this section is subject to the following
14 conditions and limitations:

15 (1) \$6,000,000 of the motor vehicle account--state appropriation is
16 provided solely for the purchase of fuel for marine operations.

17 (2) \$4,000,000 of the motor vehicle account--state appropriation is
18 provided solely to maintain the same level of service provided in the
19 2009-2011 fiscal biennium.

20 NEW SECTION. **Sec. 7. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

21 Highway Safety Account--State Appropriation \$5,000,000

22 The appropriation in this section is subject to the following
23 conditions and limitations:

24 (1) The appropriation in this section is provided solely to help
25 cities meet urgent preservation and storm water needs.

26 (2) \$4,500,000 of the highway safety account--state appropriation
27 is provided solely for the urban arterial program.

28 (3) \$500,000 of the highway safety account--state appropriation is
29 provided solely for the small city pavement program.

30 NEW SECTION. **Sec. 8. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

31 Highway Safety Account--State Appropriation \$5,000,000

32 The appropriation in this section is subject to the following
33 conditions and limitations: The appropriation in this section is

1 provided solely for the county arterial preservation program to help
2 counties meet urgent preservation needs.

3 NEW SECTION. **Sec. 9. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **PRESERVATION--PROGRAM P**

5 Highway Safety Account--State Appropriation \$5,000,000

6 The appropriation in this section is subject to the following
7 conditions and limitations: The appropriation in this section is
8 provided solely for urgent preservation needs on the state highway
9 system.

10 NEW SECTION. **Sec. 10. FOR THE DEPARTMENT OF TRANSPORTATION--**
11 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

12 Transportation 2003 Account (Nickel Account)--State
13 Appropriation \$144,000,000

14 The appropriation in this section is subject to the following
15 conditions and limitations:

16 (1) The transportation 2003 account (nickel account)--state
17 appropriation is provided solely for the purposes of constructing a
18 ferry boat vessel with a carrying capacity of at least one hundred
19 forty-four cars.

20 (2) The transportation 2003 account (nickel account)--state
21 appropriation includes up to \$144,000,000 in proceeds from the sale of
22 bonds authorized in RCW 47.10.861.

23 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL**
24 **PROGRAMS--PROGRAM Z--CAPITAL**

25 Highway Safety Account--State Appropriation \$2,500,000
26 Motor Vehicle Account--State Appropriation \$2,000,000
27 TOTAL APPROPRIATION \$4,500,000

28 The appropriations in this section are subject to the following
29 conditions and limitations:

30 (1) \$1,500,000 of the highway safety account--state appropriation
31 is provided solely to the freight mobility strategic investment board
32 for grants to meet urgent freight corridor improvement and preservation
33 needs.

1 (2) \$1,000,000 of the highway safety account--state appropriation
2 and \$2,000,000 of the motor vehicle account--state appropriation are
3 provided solely for safe routes to schools program projects, in rank
4 order, and identified as contingency projects in the LEAP
5 Transportation Document 2011-A, pedestrian and bicycle safety program
6 projects and safe routes to school program projects, referenced in
7 chapter 367, Laws of 2011 (the omnibus transportation appropriations
8 act).

9 NEW SECTION. **Sec. 12. FOR THE STATE TREASURER--BOND RETIREMENT**
10 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
11 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**
12 **TRANSPORTATION FUND REVENUE**

13 Highway Bond Retirement Account--State Appropriation . . . \$10,350,000

14 NEW SECTION. **Sec. 13. FOR THE STATE TREASURER--BOND RETIREMENT**
15 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
16 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

17 Transportation 2003 Account (Nickel Account)--State
18 Appropriation \$58,000

19 **II. DRIVER FEES**

20 **Sec. 14.** RCW 46.20.055 and 2010 c 223 s 1 are each amended to read
21 as follows:

22 (1) **Driver's instruction permit.** The department may issue a
23 driver's instruction permit with or without a photograph to an
24 applicant who has successfully passed all parts of the examination
25 other than the driving test, provided the information required by RCW
26 46.20.091, paid a fee (~~of twenty dollars~~) as required under
27 subsection (5) of this section, and meets the following requirements:

- 28 (a) Is at least fifteen and one-half years of age; or
- 29 (b) Is at least fifteen years of age and:
 - 30 (i) Has submitted a proper application; and
 - 31 (ii) Is enrolled in a traffic safety education program offered,
32 approved, and accredited by the superintendent of public instruction or
33 offered by a driver training school licensed and inspected by the

1 department of licensing under chapter 46.82 RCW, that includes practice
2 driving.

3 (2) **Waiver of written examination for instruction permit.** The
4 department may waive the written examination, if, at the time of
5 application, an applicant is enrolled in:

6 (a) A traffic safety education course as defined by RCW
7 28A.220.020(2); or

8 (b) A course of instruction offered by a licensed driver training
9 school as defined by RCW 46.82.280.

10 The department may require proof of registration in such a course
11 as it deems necessary.

12 (3) **Effect of instruction permit.** A person holding a driver's
13 instruction permit may drive a motor vehicle, other than a motorcycle,
14 upon the public highways if:

15 (a) The person has immediate possession of the permit;

16 (b) The person is not using a wireless communications device,
17 unless the person is using the device to report illegal activity,
18 summon medical or other emergency help, or prevent injury to a person
19 or property; and

20 (c) An approved instructor, or a licensed driver with at least five
21 years of driving experience, occupies the seat beside the driver.

22 (4) **Term of instruction permit.** A driver's instruction permit is
23 valid for one year from the date of issue.

24 (a) The department may issue one additional one-year permit.

25 (b) The department may issue a third driver's permit if it finds
26 after an investigation that the permittee is diligently seeking to
27 improve driving proficiency.

28 (c) A person applying to (~~renew an~~) receive a second or third
29 instruction permit must submit the application to the department in
30 person and pay a twenty-five dollar fee.

31 (5) **Examination fee.** An applicant who takes the examination
32 required under this section must pay a fee of twenty-five dollars for
33 each examination taken, irrespective of passage or failure.

34 **Sec. 15.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
35 read as follows:

36 (1) **Issuance.** The department shall issue an identicard, containing
37 a picture, if the applicant:

1 (a) Does not hold a valid Washington driver's license;
2 (b) Proves his or her identity as required by RCW 46.20.035; and
3 (c) Pays the required fee. The fee is (~~twenty~~) twenty-five
4 dollars unless an applicant is a recipient of continuing public
5 assistance grants under Title 74 RCW, who is referred in writing by the
6 secretary of social and health services. For those persons the fee
7 must be the actual cost of production of the identicard.

8 (2) **Design and term.** The identicard must:

9 (a) Be distinctly designed so that it will not be confused with the
10 official driver's license; and

11 (b) Expire on the fifth anniversary of the applicant's birthdate
12 after issuance.

13 (3) **Renewal.** An application for identicard renewal may be
14 submitted by means of:

15 (a) Personal appearance before the department; or

16 (b) Mail or electronic commerce, if permitted by rule of the
17 department and if the applicant did not renew his or her identicard by
18 mail or by electronic commerce when it last expired. However, the
19 department may accept an application for renewal of an identicard
20 submitted by means of mail or electronic commerce only if specific
21 authority and funding is provided for this purpose by June 30, 2004, in
22 the omnibus transportation appropriations act.

23 An identicard may not be renewed by mail or by electronic commerce
24 unless the renewal issued by the department includes a photograph of
25 the identicard holder.

26 (4) **Cancellation.** The department may cancel an identicard if the
27 holder of the identicard used the card or allowed others to use the
28 card in violation of RCW 46.20.0921.

29 **Sec. 16.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
30 each reenacted and amended to read as follows:

31 An applicant for a new or renewed driver's license must
32 successfully pass a driver licensing examination to qualify for a
33 driver's license. The department shall give examinations at places and
34 times reasonably available to the people of this state.

35 (1) **Waiver.** The department may waive:

36 (a) All or any part of the examination of any person applying for

1 the renewal of a driver's license unless the department determines that
2 the applicant is not qualified to hold a driver's license under this
3 title; or

4 (b) All or any part of the examination involving operating a motor
5 vehicle if the applicant:

6 (i) Surrenders a valid driver's license issued by the person's
7 previous home state; or

8 (ii) Provides for verification a valid driver's license issued by
9 a foreign driver licensing jurisdiction with which the department has
10 an informal agreement under RCW 46.20.125; and

11 (iii) Is otherwise qualified to be licensed.

12 (2) **Fee.** Each applicant for a new license must pay an examination
13 fee of ((~~twenty~~)) thirty-five dollars.

14 (a) The examination fee is in addition to the fee charged for
15 issuance of the license.

16 (b) "New license" means a license issued to a driver:

17 (i) Who has not been previously licensed in this state; or

18 (ii) Whose last previous Washington license has been expired for
19 more than five years.

20 (3) An application for driver's license renewal may be submitted by
21 means of:

22 (a) Personal appearance before the department; or

23 (b) Mail or electronic commerce, if permitted by rule of the
24 department and if the applicant did not renew his or her license by
25 mail or by electronic commerce when it last expired. ((~~However, the
26 department may accept an application for renewal of a driver's license
27 submitted by means of mail or electronic commerce only if specific
28 authority and funding is provided for this purpose by June 30, 2004, in
29 the omnibus transportation appropriations act.~~))

30 (4) A person whose license expired or will expire while he or she
31 is living outside the state, may:

32 (a) Apply to the department to extend the validity of his or her
33 license for no more than twelve months. If the person establishes to
34 the department's satisfaction that he or she is unable to return to
35 Washington before the date his or her license expires, the department
36 shall extend the person's license. The department may grant
37 consecutive extensions, but in no event may the cumulative total of
38 extensions exceed twelve months. An extension granted under this

1 section does not change the expiration date of the license for purposes
2 of RCW 46.20.181. The department shall charge a fee of five dollars
3 for each license extension;

4 (b) Apply to the department to renew his or her license by mail or,
5 if permitted by rule of the department, by electronic commerce even if
6 subsection (3)(b) of this section would not otherwise allow renewal by
7 that means. If the person establishes to the department's satisfaction
8 that he or she is unable to return to Washington within twelve months
9 of the date that his or her license expires, the department shall renew
10 the person's license by mail or, if permitted by rule of the
11 department, by electronic commerce.

12 (5) If a qualified person submits an application for renewal under
13 subsection (3)(b) or (4)(b) of this section, he or she is not required
14 to pass an examination nor provide an updated photograph. A license
15 renewed by mail or by electronic commerce that does not include a
16 photograph of the licensee must be labeled "not valid for
17 identification purposes."

18 **Sec. 17.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to
19 read as follows:

20 (1) If an instruction permit, identicard, or a driver's license is
21 lost or destroyed, the person to whom it was issued may obtain a
22 duplicate of it upon furnishing proof of such fact satisfactory to the
23 department and payment of a fee of (~~fifteen~~) twenty dollars to the
24 department.

25 (2) A replacement permit, identicard, or driver's license may be
26 obtained to change or correct material information upon payment of a
27 fee of ten dollars and surrender of the permit, identicard, or driver's
28 license being replaced.

29 **Sec. 18.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read
30 as follows:

31 (1) Any person who operates a motor vehicle within this state is
32 deemed to have given consent, subject to the provisions of RCW
33 46.61.506, to a test or tests of his or her breath or blood for the
34 purpose of determining the alcohol concentration or presence of any
35 drug in his or her breath or blood if arrested for any offense where,
36 at the time of the arrest, the arresting officer has reasonable grounds

1 to believe the person had been driving or was in actual physical
2 control of a motor vehicle while under the influence of intoxicating
3 liquor or any drug or was in violation of RCW 46.61.503. Neither
4 consent nor this section precludes a police officer from obtaining a
5 search warrant for a person's breath or blood.

6 (2) The test or tests of breath shall be administered at the
7 direction of a law enforcement officer having reasonable grounds to
8 believe the person to have been driving or in actual physical control
9 of a motor vehicle within this state while under the influence of
10 intoxicating liquor or any drug or the person to have been driving or
11 in actual physical control of a motor vehicle while having alcohol in
12 a concentration in violation of RCW 46.61.503 in his or her system and
13 being under the age of twenty-one. However, in those instances where
14 the person is incapable due to physical injury, physical incapacity, or
15 other physical limitation, of providing a breath sample or where the
16 person is being treated in a hospital, clinic, doctor's office,
17 emergency medical vehicle, ambulance, or other similar facility or
18 where the officer has reasonable grounds to believe that the person is
19 under the influence of a drug, a blood test shall be administered by a
20 qualified person as provided in RCW 46.61.506(5). The officer shall
21 inform the person of his or her right to refuse the breath or blood
22 test, and of his or her right to have additional tests administered by
23 any qualified person of his or her choosing as provided in RCW
24 46.61.506. The officer shall warn the driver, in substantially the
25 following language, that:

26 (a) If the driver refuses to take the test, the driver's license,
27 permit, or privilege to drive will be revoked or denied for at least
28 one year; and

29 (b) If the driver refuses to take the test, the driver's refusal to
30 take the test may be used in a criminal trial; and

31 (c) If the driver submits to the test and the test is administered,
32 the driver's license, permit, or privilege to drive will be suspended,
33 revoked, or denied for at least ninety days if the driver is age
34 twenty-one or over and the test indicates the alcohol concentration of
35 the driver's breath or blood is 0.08 or more, or if the driver is under
36 age twenty-one and the test indicates the alcohol concentration of the
37 driver's breath or blood is 0.02 or more, or if the driver is under age

1 twenty-one and the driver is in violation of RCW 46.61.502 or
2 46.61.504; and

3 (d) If the driver's license, permit, or privilege to drive is
4 suspended, revoked, or denied the driver may be eligible to immediately
5 apply for an ignition interlock driver's license.

6 (3) Except as provided in this section, the test administered shall
7 be of the breath only. If an individual is unconscious or is under
8 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
9 or vehicular assault as provided in RCW 46.61.522, or if an individual
10 is under arrest for the crime of driving while under the influence of
11 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
12 results from an accident in which there has been serious bodily injury
13 to another person, a breath or blood test may be administered without
14 the consent of the individual so arrested.

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

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

26 (6) If, after arrest and after the other applicable conditions and
27 requirements of this section have been satisfied, a test or tests of
28 the person's blood or breath is administered and the test results
29 indicate that the alcohol concentration of the person's breath or blood
30 is 0.08 or more if the person is age twenty-one or over, or 0.02 or
31 more if the person is under the age of twenty-one, or the person
32 refuses to submit to a test, the arresting officer or other law
33 enforcement officer at whose direction any test has been given, or the
34 department, where applicable, if the arrest results in a test of the
35 person's blood, shall:

36 (a) Serve notice in writing on the person on behalf of the
37 department of its intention to suspend, revoke, or deny the person's

1 license, permit, or privilege to drive as required by subsection (7) of
2 this section;

3 (b) Serve notice in writing on the person on behalf of the
4 department of his or her right to a hearing, specifying the steps he or
5 she must take to obtain a hearing as provided by subsection (8) of this
6 section and that the person waives the right to a hearing if he or she
7 receives an ignition interlock driver's license;

8 (c) Mark the person's Washington state driver's license or permit
9 to drive, if any, in a manner authorized by the department;

10 (d) Serve notice in writing that the marked license or permit, if
11 any, is a temporary license that is valid for sixty days from the date
12 of arrest or from the date notice has been given in the event notice is
13 given by the department following a blood test, or until the
14 suspension, revocation, or denial of the person's license, permit, or
15 privilege to drive is sustained at a hearing pursuant to subsection (8)
16 of this section, whichever occurs first. No temporary license is valid
17 to any greater degree than the license or permit that it replaces; and

18 (e) Immediately notify the department of the arrest and transmit to
19 the department within seventy-two hours, except as delayed as the
20 result of a blood test, a sworn report or report under a declaration
21 authorized by RCW 9A.72.085 that states:

22 (i) That the officer had reasonable grounds to believe the arrested
23 person had been driving or was in actual physical control of a motor
24 vehicle within this state while under the influence of intoxicating
25 liquor or drugs, or both, or was under the age of twenty-one years and
26 had been driving or was in actual physical control of a motor vehicle
27 while having an alcohol concentration in violation of RCW 46.61.503;

28 (ii) That after receipt of the warnings required by subsection (2)
29 of this section the person refused to submit to a test of his or her
30 blood or breath, or a test was administered and the results indicated
31 that the alcohol concentration of the person's breath or blood was 0.08
32 or more if the person is age twenty-one or over, or was 0.02 or more if
33 the person is under the age of twenty-one; and

34 (iii) Any other information that the director may require by rule.

35 (7) The department of licensing, upon the receipt of a sworn report
36 or report under a declaration authorized by RCW 9A.72.085 under
37 subsection (6)(e) of this section, shall suspend, revoke, or deny the
38 person's license, permit, or privilege to drive or any nonresident

1 operating privilege, as provided in RCW 46.20.3101, such suspension,
2 revocation, or denial to be effective beginning sixty days from the
3 date of arrest or from the date notice has been given in the event
4 notice is given by the department following a blood test, or when
5 sustained at a hearing pursuant to subsection (8) of this section,
6 whichever occurs first.

7 (8) A person receiving notification under subsection (6)(b) of this
8 section may, within twenty days after the notice has been given,
9 request in writing a formal hearing before the department. The person
10 shall pay a fee of (~~two~~) three hundred seventy-five dollars as part
11 of the request. If the request is mailed, it must be postmarked within
12 twenty days after receipt of the notification. Upon timely receipt of
13 such a request for a formal hearing, including receipt of the required
14 (~~two~~) three hundred seventy-five dollar fee, the department shall
15 afford the person an opportunity for a hearing. The department may
16 waive the required (~~two~~) three hundred seventy-five dollar fee if the
17 person is an indigent as defined in RCW 10.101.010. Except as
18 otherwise provided in this section, the hearing is subject to and shall
19 be scheduled and conducted in accordance with RCW 46.20.329 and
20 46.20.332. The hearing shall be conducted in the county of the arrest,
21 except that all or part of the hearing may, at the discretion of the
22 department, be conducted by telephone or other electronic means. The
23 hearing shall be held within sixty days following the arrest or
24 following the date notice has been given in the event notice is given
25 by the department following a blood test, unless otherwise agreed to by
26 the department and the person, in which case the action by the
27 department shall be stayed, and any valid temporary license marked
28 under subsection (6)(c) of this section extended, if the person is
29 otherwise eligible for licensing. For the purposes of this section,
30 the scope of the hearing shall cover the issues of whether a law
31 enforcement officer had reasonable grounds to believe the person had
32 been driving or was in actual physical control of a motor vehicle
33 within this state while under the influence of intoxicating liquor or
34 any drug or had been driving or was in actual physical control of a
35 motor vehicle within this state while having alcohol in his or her
36 system in a concentration of 0.02 or more if the person was under the
37 age of twenty-one, whether the person was placed under arrest, and (a)
38 whether the person refused to submit to the test or tests upon request

1 of the officer after having been informed that such refusal would
2 result in the revocation of the person's license, permit, or privilege
3 to drive, or (b) if a test or tests were administered, whether the
4 applicable requirements of this section were satisfied before the
5 administration of the test or tests, whether the person submitted to
6 the test or tests, or whether a test was administered without express
7 consent as permitted under this section, and whether the test or tests
8 indicated that the alcohol concentration of the person's breath or
9 blood was 0.08 or more if the person was age twenty-one or over at the
10 time of the arrest, or 0.02 or more if the person was under the age of
11 twenty-one at the time of the arrest. The sworn report or report under
12 a declaration authorized by RCW 9A.72.085 submitted by a law
13 enforcement officer is prima facie evidence that the officer had
14 reasonable grounds to believe the person had been driving or was in
15 actual physical control of a motor vehicle within this state while
16 under the influence of intoxicating liquor or drugs, or both, or the
17 person had been driving or was in actual physical control of a motor
18 vehicle within this state while having alcohol in his or her system in
19 a concentration of 0.02 or more and was under the age of twenty-one and
20 that the officer complied with the requirements of this section.

21 A hearing officer shall conduct the hearing, may issue subpoenas
22 for the attendance of witnesses and the production of documents, and
23 shall administer oaths to witnesses. The hearing officer shall not
24 issue a subpoena for the attendance of a witness at the request of the
25 person unless the request is accompanied by the fee required by RCW
26 5.56.010 for a witness in district court. The sworn report or report
27 under a declaration authorized by RCW 9A.72.085 of the law enforcement
28 officer and any other evidence accompanying the report shall be
29 admissible without further evidentiary foundation and the
30 certifications authorized by the criminal rules for courts of limited
31 jurisdiction shall be admissible without further evidentiary
32 foundation. The person may be represented by counsel, may question
33 witnesses, may present evidence, and may testify. The department shall
34 order that the suspension, revocation, or denial either be rescinded or
35 sustained.

36 (9) If the suspension, revocation, or denial is sustained after
37 such a hearing, the person whose license, privilege, or permit is
38 suspended, revoked, or denied has the right to file a petition in the

1 superior court of the county of arrest to review the final order of
2 revocation by the department in the same manner as an appeal from a
3 decision of a court of limited jurisdiction. Notice of appeal must be
4 filed within thirty days after the date the final order is served or
5 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
6 1.1, or other statutes or rules referencing de novo review, the appeal
7 shall be limited to a review of the record of the administrative
8 hearing. The appellant must pay the costs associated with obtaining
9 the record of the hearing before the hearing officer. The filing of
10 the appeal does not stay the effective date of the suspension,
11 revocation, or denial. A petition filed under this subsection must
12 include the petitioner's grounds for requesting review. Upon granting
13 petitioner's request for review, the court shall review the
14 department's final order of suspension, revocation, or denial as
15 expeditiously as possible. The review must be limited to a
16 determination of whether the department has committed any errors of
17 law. The superior court shall accept those factual determinations
18 supported by substantial evidence in the record: (a) That were
19 expressly made by the department; or (b) that may reasonably be
20 inferred from the final order of the department. The superior court
21 may reverse, affirm, or modify the decision of the department or remand
22 the case back to the department for further proceedings. The decision
23 of the superior court must be in writing and filed in the clerk's
24 office with the other papers in the case. The court shall state the
25 reasons for the decision. If judicial relief is sought for a stay or
26 other temporary remedy from the department's action, the court shall
27 not grant such relief unless the court finds that the appellant is
28 likely to prevail in the appeal and that without a stay the appellant
29 will suffer irreparable injury. If the court stays the suspension,
30 revocation, or denial it may impose conditions on such stay.

31 (10)(a) If a person whose driver's license, permit, or privilege to
32 drive has been or will be suspended, revoked, or denied under
33 subsection (7) of this section, other than as a result of a breath or
34 blood test refusal, and who has not committed an offense for which he
35 or she was granted a deferred prosecution under chapter 10.05 RCW,
36 petitions a court for a deferred prosecution on criminal charges
37 arising out of the arrest for which action has been or will be taken
38 under subsection (7) of this section, or notifies the department of

1 licensing of the intent to seek such a deferred prosecution, then the
2 license suspension or revocation shall be stayed pending entry of the
3 deferred prosecution. The stay shall not be longer than one hundred
4 fifty days after the date charges are filed, or two years after the
5 date of the arrest, whichever time period is shorter. If the court
6 stays the suspension, revocation, or denial, it may impose conditions
7 on such stay. If the person is otherwise eligible for licensing, the
8 department shall issue a temporary license, or extend any valid
9 temporary license marked under subsection (6) of this section, for the
10 period of the stay. If a deferred prosecution treatment plan is not
11 recommended in the report made under RCW 10.05.050, or if treatment is
12 rejected by the court, or if the person declines to accept an offered
13 treatment plan, or if the person violates any condition imposed by the
14 court, then the court shall immediately direct the department to cancel
15 the stay and any temporary marked license or extension of a temporary
16 license issued under this subsection.

17 (b) A suspension, revocation, or denial imposed under this section,
18 other than as a result of a breath or blood test refusal, shall be
19 stayed if the person is accepted for deferred prosecution as provided
20 in chapter 10.05 RCW for the incident upon which the suspension,
21 revocation, or denial is based. If the deferred prosecution is
22 terminated, the stay shall be lifted and the suspension, revocation, or
23 denial reinstated. If the deferred prosecution is completed, the stay
24 shall be lifted and the suspension, revocation, or denial canceled.

25 (c) The provisions of (b) of this subsection relating to a stay of
26 a suspension, revocation, or denial and the cancellation of any
27 suspension, revocation, or denial do not apply to the suspension,
28 revocation, denial, or disqualification of a person's commercial
29 driver's license or privilege to operate a commercial motor vehicle.

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

36

III. VEHICLE FEES

1 **Sec. 19.** RCW 46.17.005 and 2010 c 161 s 501 are each amended to
2 read as follows:

3 (1) A person who applies for a vehicle registration or for any
4 other right to operate a vehicle on the highways of this state shall
5 pay a (~~three~~) seven dollar filing fee in addition to any other fees
6 and taxes required by law.

7 (2) A person who applies for a certificate of title shall pay a
8 (~~four~~) eight dollar filing fee in addition to any other fees and
9 taxes required by law.

10 (3) The filing fees established in this section must be distributed
11 under RCW 46.68.400.

12 **Sec. 20.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to
13 read as follows:

14 Before accepting an application for a certificate of title as
15 required in this title, the department, county auditor or other agent,
16 or subagent appointed by the director shall require the applicant to
17 pay a (~~five~~) fifteen dollar application fee in addition to any other
18 fees and taxes required by law. The certificate of title application
19 fee must be distributed under RCW 46.68.020.

20 **Sec. 21.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to
21 read as follows:

22 The penalty for a late transfer under RCW 46.12.650(7) is (~~twenty-~~
23 ~~five~~) fifty dollars assessed on the sixteenth day after the date of
24 delivery and two dollars for each additional day thereafter, but the
25 total penalty must not exceed one hundred twenty-five dollars. The
26 penalty must be distributed under RCW 46.68.020.

27 **Sec. 22.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to
28 read as follows:

29 (1) In addition to all other fees and taxes required by law, the
30 department, county auditor or other agent, or subagent appointed by the
31 director shall charge:

32 (a) The following license plate fees for each license plate, unless
33 the owner or type of vehicle is exempt from payment:

	FEE TYPE	FEE	DISTRIBUTION
1			
2	<u>Original issue</u>	<u>\$10.00</u>	<u>RCW 46.68.070</u>
3	Reflectivity	\$2.00	RCW 46.68.070
4	Replacement	\$10.00	RCW 46.68.070
5	<u>Original issue,</u>	<u>\$2.00</u>	<u>RCW 46.68.070</u>
6	<u>motorcycle</u>		
7	Replacement,	\$2.00	RCW 46.68.070
8	motorcycle		
9	Original issue, moped	\$1.50	RCW 46.68.070

10 (b) A license plate retention fee, as required under RCW
11 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain
12 the current license plate number upon license plate replacement, unless
13 the owner or type of vehicle is exempt from payment. The twenty dollar
14 fee must be deposited in the multimodal transportation account created
15 in RCW 47.66.070.

16 (c) A ten dollar license plate transfer fee, as required under RCW
17 46.16A.200(8)(a), when transferring standard issue license plates from
18 one vehicle to another, unless the owner or type of vehicle is exempt
19 from payment. The ten dollar license plate transfer fee must be
20 deposited in the motor vehicle fund created in RCW 46.68.070.

21 (d) Former prisoner of war license plates, as described in RCW
22 46.18.235, may be transferred to a replacement vehicle upon payment of
23 a five dollar license plate fee, in addition to any other fee required
24 by law.

25 (2) The department may, upon request, provide license plates that
26 have been used and returned to the department to individuals for
27 nonvehicular use. The department may charge a fee of up to five
28 dollars per license plate to cover costs or recovery for postage and
29 handling. The department may waive the fee for license plates used in
30 educational projects and may, by rule, provide standards for the fee
31 waiver and restrictions on the number of license plates provided to any
32 one person. The fee must be deposited in the motor vehicle fund
33 created in RCW 46.68.070.

1 IV. MISCELLANEOUS FEES

2 **Sec. 23.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
3 as follows:

4 Upon a proper request, the department may furnish an abstract of a
5 person's driving record as permitted under this section.

6 (1) **Contents of abstract of driving record.** An abstract of a
7 person's driving record, whenever possible, must include:

8 (a) An enumeration of motor vehicle accidents in which the person
9 was driving, including:

- 10 (i) The total number of vehicles involved;
- 11 (ii) Whether the vehicles were legally parked or moving;
- 12 (iii) Whether the vehicles were occupied at the time of the
13 accident; and

14 (iv) Whether the accident resulted in a fatality;

15 (b) Any reported convictions, forfeitures of bail, or findings that
16 an infraction was committed based upon a violation of any motor vehicle
17 law;

18 (c) The status of the person's driving privilege in this state; and

19 (d) Any reports of failure to appear in response to a traffic
20 citation or failure to respond to a notice of infraction served upon
21 the named individual by an arresting officer.

22 (2) **Release of abstract of driving record.** An abstract of a
23 person's driving record may be furnished to the following persons or
24 entities:

25 (a) **Named individuals.** (i) An abstract of the full driving record
26 maintained by the department may be furnished to the individual named
27 in the abstract.

28 (ii) Nothing in this section prevents a court from providing a copy
29 of the driver's abstract to the individual named in the abstract,
30 provided that the named individual has a pending or open infraction or
31 criminal case in that court. A pending case includes criminal cases
32 that have not reached a disposition by plea, stipulation, trial, or
33 amended charge. An open infraction or criminal case includes cases on
34 probation, payment agreement or subject to, or in collections. Courts
35 may charge a reasonable fee for the production and copying of the
36 abstract for the individual.

37 (b) **Employers or prospective employers.** (i) An abstract of the
38 full driving record maintained by the department may be furnished to an

1 employer or prospective employer or an agent acting on behalf of an
2 employer or prospective employer of the named individual for purposes
3 related to driving by the individual as a condition of employment or
4 otherwise at the direction of the employer.

5 (ii) Release of an abstract of the driving record of an employee or
6 prospective employee requires a statement signed by: (A) The employee
7 or prospective employee that authorizes the release of the record; and
8 (B) the employer attesting that the information is necessary for
9 employment purposes related to driving by the individual as a condition
10 of employment or otherwise at the direction of the employer. If the
11 employer or prospective employer authorizes an agent to obtain this
12 information on their behalf, this must be noted in the statement.

13 (iii) Upon request of the person named in the abstract provided
14 under this subsection, and upon that same person furnishing copies of
15 court records ruling that the person was not at fault in a motor
16 vehicle accident, the department must indicate on any abstract provided
17 under this subsection that the person was not at fault in the motor
18 vehicle accident.

19 (c) **Volunteer organizations.** (i) An abstract of the full driving
20 record maintained by the department may be furnished to a volunteer
21 organization or an agent for a volunteer organization for which the
22 named individual has submitted an application for a position that would
23 require driving by the individual at the direction of the volunteer
24 organization.

25 (ii) Release of an abstract of the driving record of a prospective
26 volunteer requires a statement signed by: (A) The prospective
27 volunteer that authorizes the release of the record; and (B) the
28 volunteer organization attesting that the information is necessary for
29 purposes related to driving by the individual at the direction of the
30 volunteer organization. If the volunteer organization authorizes an
31 agent to obtain this information on their behalf, this must be noted in
32 the statement.

33 (d) **Transit authorities.** An abstract of the full driving record
34 maintained by the department may be furnished to an employee or agent
35 of a transit authority checking prospective volunteer vanpool drivers
36 for insurance and risk management needs.

37 (e) **Insurance carriers.** (i) An abstract of the driving record

1 maintained by the department covering the period of not more than the
2 last three years may be furnished to an insurance company or its agent:

3 (A) That has motor vehicle or life insurance in effect covering the
4 named individual;

5 (B) To which the named individual has applied; or

6 (C) That has insurance in effect covering the employer or a
7 prospective employer of the named individual.

8 (ii) The abstract provided to the insurance company must:

9 (A) Not contain any information related to actions committed by law
10 enforcement officers or firefighters, as both terms are defined in RCW
11 41.26.030, or by Washington state patrol officers, while driving
12 official vehicles in the performance of their occupational duty. This
13 does not apply to any situation where the vehicle was used in the
14 commission of a misdemeanor or felony;

15 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except
16 that the abstract must report the convictions only as negligent driving
17 without reference to whether they are for first or second degree
18 negligent driving; and

19 (C) Exclude any deferred prosecution under RCW 10.05.060, except
20 that if a person is removed from a deferred prosecution under RCW
21 10.05.090, the abstract must show the deferred prosecution as well as
22 the removal.

23 (iii) Any policy of insurance may not be canceled, nonrenewed,
24 denied, or have the rate increased on the basis of information
25 regarding an accident included in the abstract of a driving record,
26 unless the policyholder was determined to be at fault.

27 (iv) Any insurance company or its agent, for underwriting purposes
28 relating to the operation of commercial motor vehicles, may not use any
29 information contained in the abstract relative to any person's
30 operation of motor vehicles while not engaged in such employment. Any
31 insurance company or its agent, for underwriting purposes relating to
32 the operation of noncommercial motor vehicles, may not use any
33 information contained in the abstract relative to any person's
34 operation of commercial motor vehicles.

35 (v) The director may enter into a contractual agreement with an
36 insurance company or its agent for the limited purpose of reviewing the
37 driving records of existing policyholders for changes to the record
38 during specified periods of time. The department shall establish a fee

1 for this service, which must be deposited in the highway safety fund.
2 The fee for this service must be set at a level that will not result in
3 a net revenue loss to the state. Any information provided under this
4 subsection must be treated in the same manner and is subject to the
5 same restrictions as driving record abstracts.

6 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
7 the driving record maintained by the department covering the period of
8 not more than the last five years may be furnished to an alcohol/drug
9 assessment or treatment agency approved by the department of social and
10 health services to which the named individual has applied or been
11 assigned for evaluation or treatment, for purposes of assisting
12 employees in making a determination as to what level of treatment, if
13 any, is appropriate, except that the abstract must:

14 (i) Also include records of alcohol-related offenses, as defined in
15 RCW 46.01.260(2), covering a period of not more than the last ten
16 years; and

17 (ii) Indicate whether an alcohol-related offense was originally
18 charged as a violation of either RCW 46.61.502 or 46.61.504.

19 (g) **City attorneys and county prosecuting attorneys.** An abstract
20 of the full driving record maintained by the department, including
21 whether a recorded violation is an alcohol-related offense, as defined
22 in RCW 46.01.260(2), that was originally charged as a violation of
23 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys
24 or county prosecuting attorneys. City attorneys and county prosecuting
25 attorneys may provide the driving record to alcohol/drug assessment or
26 treatment agencies approved by the department of social and health
27 services to which the named individual has applied or been assigned for
28 evaluation or treatment.

29 (h) **State colleges, universities, or agencies, or units of local
30 government.** An abstract of the full driving record maintained by the
31 department may be furnished to (i) state colleges, universities, or
32 agencies for employment and risk management purposes or (ii) units of
33 local government authorized to self-insure under RCW 48.62.031 for
34 employment and risk management purposes.

35 (i) **Superintendent of public instruction.** An abstract of the full
36 driving record maintained by the department may be furnished to the
37 superintendent of public instruction for review of public school bus
38 driver records. The superintendent or superintendent's designee may

1 discuss information on the driving record with an authorized
2 representative of the employing school district for employment and risk
3 management purposes.

4 (3) **Release to third parties prohibited.** Any person or entity
5 receiving an abstract of a person's driving record under subsection
6 (2)(b) through (i) of this section shall use the abstract exclusively
7 for his, her, or its own purposes or as otherwise expressly permitted
8 under this section, and shall not divulge any information contained in
9 the abstract to a third party.

10 (4) **Fee.** The director shall collect a (~~ten-dollar~~) twelve dollar
11 fee for each abstract of a person's driving record furnished by the
12 department. Fifty percent of the fee must be deposited in the highway
13 safety fund, and fifty percent of the fee must be deposited according
14 to RCW 46.68.038.

15 (5) **Violation.** (a) Any negligent violation of this section is a
16 gross misdemeanor.

17 (b) Any intentional violation of this section is a class C felony.

18 **Sec. 24.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to
19 read as follows:

20 (1) The department shall upon request furnish any person or his or
21 her attorney a certified abstract of his or her driving record, which
22 abstract shall include enumeration of any motor vehicle accidents in
23 which such person has been involved. Such abstract shall (a) indicate
24 the total number of vehicles involved, whether the vehicles were
25 legally parked or moving, and whether the vehicles were occupied at the
26 time of the accident; and (b) contain reference to any convictions of
27 the person for violation of the motor vehicle laws as reported to the
28 department, reference to any findings that the person has committed a
29 traffic infraction which have been reported to the department, and a
30 record of any vehicles registered in the name of the person. (~~The
31 department shall collect for each abstract the sum of ten dollars,
32 fifty percent of which shall be deposited in the highway safety fund
33 and fifty percent of which must be deposited according to RCW
34 46.68.038.~~)

35 (2) The department shall upon request furnish any person who may
36 have been injured in person or property by any motor vehicle, with an
37 abstract of all information of record in the department pertaining to

1 the evidence of the ability of any driver or owner of any motor vehicle
2 to respond in damages. (~~The department shall collect for each~~
3 ~~abstract the sum of ten dollars, fifty percent of which shall be~~
4 ~~deposited in the highway safety fund and fifty percent of which must be~~
5 ~~deposited according to RCW 46.68.038.))~~

6 (3) For each abstract furnished under this section, the department
7 must collect and administer a fee as required in RCW 46.52.130.

8 **Sec. 25.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read
9 as follows:

10 The department is authorized to provide juvenile courts with the
11 department's record of traffic charges compiled under RCW 46.52.101 and
12 13.50.200, against any minor upon the request of any state juvenile
13 court or duly authorized officer of any juvenile court of this state.
14 Further, the department is authorized to provide any juvenile court
15 with any requested service which the department can reasonably perform
16 which is not inconsistent with its legal authority which substantially
17 aids juvenile courts in handling traffic cases and which promotes
18 highway safety.

19 The department is authorized to furnish to the parent, parents, or
20 guardian of any person under eighteen years of age who is not
21 emancipated from such parent, parents, or guardian, the department
22 records of traffic charges compiled against the person and shall
23 collect for the copy a fee of (~~ten~~) twelve dollars, fifty percent of
24 which must be deposited in the highway safety fund and fifty percent of
25 which must be deposited according to RCW 46.68.038.

26 NEW SECTION. **Sec. 26.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 27.** Sections 14 through 25 of this act apply to
31 vehicle registrations that are due or become due on or after January 1,
32 2012.

1 NEW SECTION. **Sec. 28.** This act takes effect January 1, 2012.

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