
HOUSE BILL 2505

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Hansen, Lias, Van De Wege, Billig, Clibborn, Hargrove, Jinkins, Reykdal, Ladenburg, Ryu, and Kelley; by request of Department of Licensing

Read first time 01/16/12. Referred to Committee on Transportation.

1 AN ACT Relating to technical corrections to provisions regarding
2 drivers' licenses, permits, and identicards; amending RCW 10.05.060,
3 46.20.0921, 46.20.117, 46.20.291, 46.20.342, and 46.65.065; prescribing
4 penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 10.05.060 and 2009 c 135 s 1 are each amended to read
7 as follows:

8 If the report recommends treatment, the court shall examine the
9 treatment plan. If it approves the plan and the petitioner agrees to
10 comply with its terms and conditions and agrees to pay the cost
11 thereof, if able to do so, or arrange for the treatment, an entry shall
12 be made upon the person's court docket showing that the person has been
13 accepted for deferred prosecution. A copy of the treatment plan shall
14 be filed with the court. If the charge be one that an abstract of the
15 docket showing the charge, the date of the violation for which the
16 charge was made, and the date of petitioner's acceptance is required to
17 be sent to the department of licensing, an abstract shall be sent, and
18 the department of licensing shall make an entry of the charge and of
19 the petitioner's acceptance for deferred prosecution on the

1 department's driving record of the petitioner. The entry is not a
2 conviction for purposes of Title 46 RCW, except as defined under RCW
3 46.25.010(7). Upon receipt of the abstract of the docket, the
4 department shall issue the petitioner a probationary license in
5 accordance with RCW 46.20.355, and the petitioner's driver's license
6 shall be on probationary status for five years from the date of the
7 violation that gave rise to the charge. The department shall maintain
8 the record for ten years from date of entry of the order granting
9 deferred prosecution.

10 **Sec. 2.** RCW 46.20.0921 and 2003 c 214 s 1 are each amended to read
11 as follows:

12 (1) It is a misdemeanor for any person:

13 (a) To display or cause or permit to be displayed or have in his or
14 her possession any fictitious or fraudulently altered driver's license
15 or identicard;

16 (b) To lend his or her driver's license or identicard to any other
17 person or knowingly permit the use thereof by another;

18 (c) To display or represent as one's own any driver's license or
19 identicard not issued to him or her;

20 (d) Willfully to fail or refuse to surrender to the department upon
21 its lawful demand any driver's license or identicard which has been
22 suspended, revoked or canceled;

23 (e) To use a false or fictitious name in obtaining or making any
24 application for a driver's license or identicard or to knowingly make
25 a false statement or to knowingly conceal a material fact or otherwise
26 commit a fraud in attempting to obtain a driver's license or identicard
27 or any such application;

28 (f) To permit any unlawful use of a driver's license or identicard
29 issued to him or her.

30 (2) It is a class C felony for any person to sell or deliver a
31 stolen driver's license or identicard.

32 (3) It is unlawful for any person to manufacture, sell, or deliver
33 a forged, fictitious, counterfeit, fraudulently altered, or unlawfully
34 issued driver's license or identicard, or to manufacture, sell, or
35 deliver a blank driver's license or identicard except under the
36 direction of the department. A violation of this subsection is:

1 (a) A class C felony if committed (i) for financial gain or (ii)
2 with intent to commit forgery, theft, or identity theft; or

3 (b) A gross misdemeanor if the conduct does not violate (a) of this
4 subsection.

5 (4) Notwithstanding subsection (3) of this section, it is a
6 misdemeanor for any person under the age of twenty-one to manufacture
7 or deliver fewer than four forged, fictitious, counterfeit, or
8 fraudulently altered driver's licenses or identicards for the sole
9 purpose of misrepresenting a person's age.

10 (5) In a proceeding under subsection (2), (3), or (4) of this
11 section that is related to an identity theft under RCW 9.35.020, the
12 crime will be considered to have been committed in any locality where
13 the person whose means of identification or financial information was
14 appropriated resides, or in which any part of the offense took place,
15 regardless of whether the defendant was ever actually in that locality.

16 **Sec. 3.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
17 read as follows:

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

20 (a) Does not hold a valid Washington driver's license;

21 (b) Proves his or her identity as required by RCW 46.20.035; and

22 (c) Pays the required fee. The fee is twenty dollars unless an
23 applicant is a recipient of continuing public assistance grants under
24 Title 74 RCW, who is referred in writing by the secretary of social and
25 health services. For those persons the fee must be the actual cost of
26 production of the identicard.

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

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

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

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

34 (a) Personal appearance before the department; or

35 (b) Mail or electronic commerce, if permitted by rule of the
36 department and if the applicant did not renew his or her identicard by
37 mail or by electronic commerce when it last expired. However, the

1 department may accept an application for renewal of an identicard
2 submitted by means of mail or electronic commerce only if specific
3 authority and funding is provided for this purpose by June 30, 2004, in
4 the omnibus transportation appropriations act.

5 An identicard may not be renewed by mail or by electronic commerce
6 unless the renewal issued by the department includes a photograph of
7 the identicard holder.

8 (4) **Cancellation.** The department may cancel an identicard if the
9 holder of the identicard (~~((used the card or allowed others to use the~~
10 ~~card in violation of))~~ has committed one of the prohibited practices
11 relating to identicards under RCW 46.20.0921.

12 **Sec. 4.** RCW 46.20.291 and 2007 c 393 s 2 are each amended to read
13 as follows:

14 The department is authorized to suspend or deny the license or
15 driving privilege of a (~~(driver))~~ person upon a showing by its records
16 or other sufficient evidence that the (~~(licensee))~~ person:

17 (1) Has committed an offense for which mandatory revocation or
18 suspension of license is provided by law;

19 (2) Has, by reckless or unlawful operation of a motor vehicle,
20 caused or contributed to an accident resulting in death or injury to
21 any person or serious property damage;

22 (3) Has been convicted of offenses against traffic regulations
23 governing the movement of vehicles, or found to have committed traffic
24 infractions, with such frequency as to indicate a disrespect for
25 traffic laws or a disregard for the safety of other persons on the
26 highways;

27 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

28 (5) Has failed to respond to a notice of traffic infraction, failed
29 to appear at a requested hearing, violated a written promise to appear
30 in court, or has failed to comply with the terms of a notice of traffic
31 infraction or citation, as provided in RCW 46.20.289;

32 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

33 (7) Has committed one of the prohibited practices relating to
34 drivers' licenses defined in RCW 46.20.0921; or

35 (8) Has been certified by the department of social and health
36 services as a person who is not in compliance with a child support

1 order or a residential or visitation order as provided in RCW
2 74.20A.320.

3 **Sec. 5.** RCW 46.20.342 and 2011 c 372 s 2 are each amended to read
4 as follows:

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

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

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

- 1 (i) A conviction of a felony in the commission of which a motor
2 vehicle was used;
- 3 (ii) A previous conviction under this section;
- 4 (iii) A notice received by the department from a court or diversion
5 unit as provided by RCW 46.20.265, relating to a minor who has
6 committed, or who has entered a diversion unit concerning an offense
7 relating to alcohol, legend drugs, controlled substances, or imitation
8 controlled substances;
- 9 (iv) A conviction of RCW 46.20.410, relating to the violation of
10 restrictions of an occupational driver's license, a temporary
11 restricted driver's license, or an ignition interlock driver's license;
- 12 (v) A conviction of RCW 46.20.345, relating to the operation of a
13 motor vehicle with a suspended or revoked license;
- 14 (vi) A conviction of RCW 46.52.020, relating to duty in case of
15 injury to or death of a person or damage to an attended vehicle;
- 16 (vii) A conviction of RCW 46.61.024, relating to attempting to
17 elude pursuing police vehicles;
- 18 (viii) A conviction of RCW 46.61.212(4), relating to reckless
19 endangerment of emergency zone workers;
- 20 (ix) A conviction of RCW 46.61.500, relating to reckless driving;
- 21 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
22 person under the influence of intoxicating liquor or drugs;
- 23 (xi) A conviction of RCW 46.61.520, relating to vehicular homicide;
- 24 (xii) A conviction of RCW 46.61.522, relating to vehicular assault;
- 25 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
26 endangerment of roadway workers;
- 27 (xiv) A conviction of RCW 46.61.530, relating to racing of vehicles
28 on highways;
- 29 (xv) A conviction of RCW 46.61.685, relating to leaving children in
30 an unattended vehicle with motor running;
- 31 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
32 vehicle fuel;
- 33 (xvii) A conviction of RCW 46.64.048, relating to attempting,
34 aiding, abetting, coercing, and committing crimes;
- 35 (xviii) An administrative action taken by the department under
36 chapter 46.20 RCW;
- 37 (xix) A conviction of a local law, ordinance, regulation, or

1 resolution of a political subdivision of this state, the federal
2 government, or any other state, of an offense substantially similar to
3 a violation included in this subsection; or

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

7 (c) A person who violates this section when his or her driver's
8 license or driving privilege is, at the time of the violation,
9 suspended or revoked solely because ~~((+i+))~~ the person:

10 (i) Must furnish proof of satisfactory progress in a required
11 alcoholism or drug treatment program(~~(τ)~~);

12 (ii) ~~((the person))~~ Must furnish proof of financial responsibility
13 for the future as provided by chapter 46.29 RCW(~~(τ)~~);

14 (iii) ~~((the person))~~ Has failed to comply with the provisions of
15 chapter 46.29 RCW relating to uninsured accidents(~~(τ)~~);

16 (iv) ~~((the person))~~ Has failed to respond to a notice of traffic
17 infraction, failed to appear at a requested hearing, violated a written
18 promise to appear in court, or has failed to comply with the terms of
19 a notice of traffic infraction or citation, as provided in RCW
20 46.20.289(~~(τ)~~);

21 (v) ~~((the person))~~ Has committed an offense in another state that,
22 if committed in this state, would not be grounds for the suspension or
23 revocation of the person's driver's license(~~(τ)~~);

24 (vi) ~~((the person))~~ Has been suspended or revoked by reason of one
25 or more of the items listed in (b) of this subsection, but was eligible
26 to reinstate his or her driver's license or driving privilege at the
27 time of the violation(~~(τ-ox)~~);

28 (vii) ~~((the person))~~ Has received traffic citations or notices of
29 traffic infraction that have resulted in a suspension under RCW
30 46.20.267 relating to intermediate drivers' licenses(~~(τ-ox)~~);

31 (viii) Has been certified by the department of social and health
32 services as a person who is not in compliance with a child support
33 order as provided in RCW 74.20A.320;

34 (ix) Has been suspended or revoked as a result of noncompliance
35 with an ignition interlock requirement; or

36 (x) Has been suspended or revoked for any combination of (c)(i)
37 through ~~((+vii+))~~ (ix) of this subsection, is guilty of driving while
38 license suspended or revoked in the third degree, a misdemeanor.

1 For the purposes of this subsection, a person is not considered to
2 be eligible to reinstate his or her driver's license or driving
3 privilege if the person is eligible to obtain an ignition interlock
4 driver's license but did not obtain such a license.

5 (2) Upon receiving a record of conviction of any person or upon
6 receiving an order by any juvenile court or any duly authorized court
7 officer of the conviction of any juvenile under this section, the
8 department shall:

9 (a) For a conviction of driving while suspended or revoked in the
10 first degree, as provided by subsection (1)(a) of this section, extend
11 the period of administrative revocation imposed under chapter 46.65 RCW
12 for an additional period of one year from and after the date the person
13 would otherwise have been entitled to apply for a new license or have
14 his or her driving privilege restored; or

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

21 (c) Not extend the period of suspension or revocation if the
22 conviction was under subsection (1)(c) of this section. If the
23 conviction was under subsection (1)(a) or (b) of this section and the
24 court recommends against the extension and the convicted person has
25 obtained a valid driver's license, the period of suspension or
26 revocation shall not be extended.

27 **Sec. 6.** RCW 46.65.065 and 1989 c 337 s 10 are each amended to read
28 as follows:

29 (1) Whenever a person's driving record, as maintained by the
30 department, brings him or her within the definition of an habitual
31 traffic offender, as defined in RCW 46.65.020, the department shall
32 forthwith notify the person of the revocation in writing by
33 (~~certified~~) mail at his or her address of record as maintained by the
34 department. If the person is a nonresident of this state, notice shall
35 be sent to the person's last known address. Notices of revocation
36 shall inform the recipient thereof of his or her right to a formal
37 hearing and specify the steps which must be taken in order to obtain a

1 hearing. Within fifteen days after the notice has been given, the
2 person may, in writing, request a formal hearing. If such a request is
3 not made within the prescribed time the right to a hearing is waived.
4 A request for a hearing stays the effectiveness of the revocation.

5 (2) Upon receipt of a request for a hearing, the department shall
6 schedule a hearing in the county in which the person making the request
7 resides, and if (~~{the}~~) the person is a nonresident of this state,
8 the hearing shall be held in Thurston county. The department shall
9 give at least ten days notice of the hearing to the person.

10 (3) The scope of the hearings provided by this section is limited
11 to the issues of whether the certified transcripts or abstracts of the
12 convictions, as maintained by the department, show that the requisite
13 number of violations have been accumulated within the prescribed period
14 of time as set forth in RCW 46.65.020 and whether the terms and
15 conditions for granting stays, as provided in RCW 46.65.060, have been
16 met.

17 (4) Upon receipt of the hearing officer's decision, an aggrieved
18 party may appeal to the superior court of the county in which he or she
19 resides, or, in the case of a nonresident of this state, in the
20 superior court of Thurston county, for review of the revocation.
21 Notice of appeal must be filed within thirty days after receipt of the
22 hearing officer's decision or the right to appeal is waived. Review by
23 the court shall be de novo and without a jury.

24 (5) The filing of a notice of appeal does not stay the effective
25 date of the revocation.

26 NEW SECTION. **Sec. 7.** Section 5 of this act takes effect July 1,
27 2012.

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