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SENATE BILL 6402

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Carrell and Sheldon

Read first time 01/16/08. Referred to Committee on Judiciary.

1            AN ACT Relating to the issuance and installation of fluorescent  
2 yellow license plates for persons convicted of certain DUI-related  
3 offenses; amending RCW 46.20.391; reenacting and amending RCW  
4 46.63.020; adding a new section to chapter 46.16 RCW; adding new  
5 sections to chapter 46.20 RCW; and prescribing penalties.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.16 RCW  
8 to read as follows:

9            The department shall create and issue a vehicle license number  
10 plate, for display at the front and rear of a motor vehicle, available  
11 only to those convicted of an alcohol-related violation of RCW  
12 46.61.502 or 46.61.504 or an equivalent local ordinance. Both front  
13 and rear license plates shall be fluorescent yellow but otherwise  
14 conform to the standards described within this chapter.

15            NEW SECTION.    **Sec. 2.** A new section is added to chapter 46.20 RCW  
16 to read as follows:

17            (1) The department shall require that, after any applicable period  
18 of suspension, revocation, or denial of driving privileges, a person

1 may drive only a motor vehicle equipped with fluorescent yellow license  
2 plates as described in section 1 of this act if the person is convicted  
3 of an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an  
4 equivalent local ordinance.

5 (2) The display of fluorescent yellow license plates is not  
6 necessary on vehicles owned by a person's employer and driven as a  
7 requirement of employment during working hours.

8 (3) The period of time of the restriction under this section is one  
9 year.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW  
11 to read as follows:

12 (1) The department shall attach or imprint a notation on the  
13 driving record of any person restricted under section 2 of this act  
14 stating that the person must only operate a motor vehicle equipped with  
15 fluorescent yellow license plates. The department shall determine the  
16 person's eligibility for licensing based upon verification that the  
17 person has installed the required fluorescent yellow license plates on  
18 a vehicle owned or operated by the person seeking reinstatement. If,  
19 based upon notification from a law enforcement agency or otherwise, the  
20 department determines that the fluorescent yellow license plates  
21 required under this section are not being displayed as required, the  
22 department shall suspend the person's license or privilege to drive.  
23 Whenever the license or driving privilege of any person is suspended or  
24 revoked as a result of noncompliance with the requirement that the  
25 person only drive a vehicle equipped with fluorescent yellow license  
26 plates, the suspension must remain in effect until the person provides  
27 proof to the satisfaction of the department that fluorescent yellow  
28 license plates have been installed on a vehicle owned or operated by  
29 the person.

30 (2) It is a misdemeanor for a person with a notation on his or her  
31 driving record, as described in subsection (1) of this section, to  
32 operate a motor vehicle that is not equipped with fluorescent yellow  
33 license plates.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW  
35 to read as follows:

36 A person who is restricted to the use of a motor vehicle equipped

1 with fluorescent yellow license plates and who knowingly disguises or  
2 obscures the color of the license plates is guilty of a gross  
3 misdemeanor.

4 **Sec. 5.** RCW 46.20.391 and 2004 c 95 s 7 are each amended to read  
5 as follows:

6 (1)(a) Any person licensed under this chapter who is convicted of  
7 an offense relating to motor vehicles for which suspension or  
8 revocation of the driver's license is mandatory, other than vehicular  
9 homicide or vehicular assault, or who has had his or her license  
10 suspended, revoked, or denied under RCW 46.20.3101, may submit to the  
11 department an application for a temporary restricted driver's license.  
12 The department, upon receipt of the prescribed fee and upon determining  
13 that the petitioner is eligible to receive the license, may issue a  
14 temporary restricted driver's license and may set definite restrictions  
15 as provided in RCW 46.20.394. No person may petition for, and the  
16 department shall not issue, a temporary restricted driver's license  
17 that is effective during the first thirty days of any suspension or  
18 revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or,  
19 for a suspension, revocation, or denial imposed under RCW 46.20.3101,  
20 during the required minimum portion of the periods of suspension,  
21 revocation, or denial established under (c) of this subsection.

22 (b) An applicant under this subsection whose driver's license is  
23 suspended or revoked for an alcohol-related offense shall provide proof  
24 to the satisfaction of the department that a functioning ignition  
25 interlock device (~~((has))~~) and fluorescent yellow license plates have  
26 been installed on a vehicle owned or operated by the person.

27 (i) The department shall require the person to maintain (~~((such))~~)  
28 a functioning ignition interlock device and fluorescent yellow license  
29 plates on a vehicle owned or operated by the person and shall restrict  
30 the person to operating only vehicles equipped with such a device and  
31 license plates, for the remainder of the period of suspension,  
32 revocation, or denial.

33 (ii) Subject to any periodic renewal requirements established by  
34 the department pursuant to this section and subject to any applicable  
35 compliance requirements under this chapter or other law, a temporary  
36 restricted driver's license granted after a suspension or revocation  
37 under RCW 46.61.5055 or 46.20.3101 extends through the remaining

1 portion of any concurrent or consecutive suspension or revocation that  
2 may be imposed as the result of administrative action and criminal  
3 conviction arising out of the same incident.

4 (iii) The time period during which the person is licensed under  
5 this section shall apply on a day-for-day basis toward satisfying the  
6 period of time the ignition interlock device restriction is required  
7 under RCW 46.20.720 (1) and (2) (a), (b), and (c) and the period of  
8 time the fluorescent yellow license plate restriction is required under  
9 section 2 of this act.

10 (c) The department shall provide by rule the minimum portions of  
11 the periods of suspension, revocation, or denial set forth in RCW  
12 46.20.3101 after which a person may apply for a temporary restricted  
13 driver's license under this section. In establishing the minimum  
14 portions of the periods of suspension, revocation, or denial, the  
15 department shall consider the requirements of federal law regarding  
16 state eligibility for grants or other funding, and shall establish such  
17 periods so as to ensure that the state will maintain its eligibility,  
18 or establish eligibility, to obtain incentive grants or any other  
19 federal funding.

20 (2)(a) A person licensed under this chapter whose driver's license  
21 is suspended administratively due to failure to appear or pay a traffic  
22 ticket under RCW 46.20.289; a violation of the financial responsibility  
23 laws under chapter 46.29 RCW; or for multiple violations within a  
24 specified period of time under RCW 46.20.291, may apply to the  
25 department for an occupational driver's license.

26 (b) If the suspension is for failure to respond, pay, or comply  
27 with a notice of traffic infraction or conviction, the applicant must  
28 enter into a payment plan with the court.

29 (c) An occupational driver's license issued to an applicant  
30 described in (a) of this subsection shall be valid for the period of  
31 the suspension or revocation.

32 (3) An applicant for an occupational or temporary restricted  
33 driver's license who qualifies under subsection (1) or (2) of this  
34 section is eligible to receive such license only if:

35 (a) Within seven years immediately preceding the date of the  
36 offense that gave rise to the present conviction or incident, the  
37 applicant has not committed vehicular homicide under RCW 46.61.520 or  
38 vehicular assault under RCW 46.61.522; and

1 (b) The applicant demonstrates that it is necessary for him or her  
2 to operate a motor vehicle because he or she:

3 (i) Is engaged in an occupation or trade that makes it essential  
4 that he or she operate a motor vehicle;

5 (ii) Is undergoing continuing health care or providing continuing  
6 care to another who is dependent upon the applicant;

7 (iii) Is enrolled in an educational institution and pursuing a  
8 course of study leading to a diploma, degree, or other certification of  
9 successful educational completion;

10 (iv) Is undergoing substance abuse treatment or is participating in  
11 meetings of a twelve-step group such as Alcoholics Anonymous that  
12 requires the petitioner to drive to or from the treatment or meetings;

13 (v) Is fulfilling court-ordered community service responsibilities;

14 (vi) Is in a program that assists persons who are enrolled in a  
15 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully  
16 employed and the program requires a driver's license;

17 (vii) Is in an apprenticeship, on-the-job training, or welfare-to-  
18 work program; or

19 (viii) Presents evidence that he or she has applied for a position  
20 in an apprenticeship or on-the-job training program for which a  
21 driver's license is required to begin the program, provided that a  
22 license granted under this provision shall be in effect for no longer  
23 than fourteen days; and

24 (c) The applicant files satisfactory proof of financial  
25 responsibility under chapter 46.29 RCW; and

26 (d) Upon receipt of evidence that a holder of an occupational  
27 driver's license granted under this subsection is no longer enrolled in  
28 an apprenticeship or on-the-job training program, the director shall  
29 give written notice by first class mail to the driver that the  
30 occupational driver's license shall be canceled. The effective date of  
31 cancellation shall be fifteen days from the date of mailing the notice.  
32 If at any time before the cancellation goes into effect the driver  
33 submits evidence of continued enrollment in the program, the  
34 cancellation shall be stayed. If the cancellation becomes effective,  
35 the driver may obtain, at no additional charge, a new occupational  
36 driver's license upon submittal of evidence of enrollment in another  
37 program that meets the criteria set forth in this subsection; and

1 (e) The department shall not issue an occupational driver's license  
2 under (b)(iv) of this subsection if the applicant is able to receive  
3 transit services sufficient to allow for the applicant's participation  
4 in the programs referenced under (b)(iv) of this subsection.

5 (4) A person aggrieved by the decision of the department on the  
6 application for an occupational or temporary restricted driver's  
7 license may request a hearing as provided by rule of the department.

8 (5) The director shall cancel an occupational or temporary  
9 restricted driver's license upon receipt of notice that the holder  
10 thereof has been convicted of operating a motor vehicle in violation of  
11 its restrictions, or of a separate offense that under this chapter  
12 (~~(46.20 RCW)~~) would warrant suspension or revocation of a regular  
13 driver's license. The cancellation is effective as of the date of the  
14 conviction, and continues with the same force and effect as any  
15 suspension or revocation under this title.

16 **Sec. 6.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005  
17 c 183 s 10 are each reenacted and amended to 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 or  
20 local law, ordinance, regulation, or resolution relating to traffic  
21 including parking, standing, stopping, and pedestrian offenses, is  
22 designated as a traffic infraction and may not be classified as a  
23 criminal offense, except for an offense contained in the following  
24 provisions of this title or a violation of an equivalent administrative  
25 regulation or local law, ordinance, regulation, or resolution:

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

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

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

33 (4) RCW 46.10.130 relating to the operation of snowmobiles;

34 (5) Chapter 46.12 RCW relating to certificates of ownership and  
35 registration and markings indicating that a vehicle has been destroyed  
36 or declared a total loss;

1 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by  
2 failure to register a vehicle and falsifying residency when registering  
3 a motor vehicle;

4 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
5 drive;

6 (8) RCW 46.16.160 relating to vehicle trip permits;

7 (9) RCW 46.16.381(2) relating to knowingly providing false  
8 information in conjunction with an application for a (~~special placard  
9 or license plate for disabled persons~~) parking permit for persons  
10 with disabilities or temporary disabilities;

11 (10) RCW 46.20.005 relating to driving without a valid driver's  
12 license;

13 (11) RCW 46.20.091 relating to false statements regarding a  
14 driver's license or instruction permit;

15 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
16 a driver's license;

17 (13) Section 3 of this act relating to operating a motor vehicle  
18 without fluorescent yellow license plates in violation of a driving  
19 record notation that the license plates are required;

20 (14) Section 4 of this act relating to disguising or obscuring the  
21 color of fluorescent yellow license plates;

22 (15) RCW 46.20.342 relating to driving with a suspended or revoked  
23 license or status;

24 ((+14)) (16) RCW 46.20.345 relating to the operation of a motor  
25 vehicle with a suspended or revoked license;

26 ((+15)) (17) RCW 46.20.410 relating to the violation of  
27 restrictions of an occupational or temporary restricted driver's  
28 license;

29 ((+16)) (18) RCW 46.20.740 relating to operation of a motor  
30 vehicle without an ignition interlock device in violation of a license  
31 notation that the device is required;

32 ((+17)) (19) RCW 46.20.750 relating to (~~assisting another person  
33 to start a vehicle equipped with~~) circumventing an ignition interlock  
34 device;

35 ((+18)) (20) RCW 46.25.170 relating to commercial driver's  
36 licenses;

37 ((+19)) (21) Chapter 46.29 RCW relating to financial  
38 responsibility;

1           ~~((+20+))~~ (22) RCW 46.30.040 relating to providing false evidence of  
2 financial responsibility;  
3           ~~((+21+))~~ (23) RCW 46.37.435 relating to wrongful installation of  
4 suncreening material;  
5           ~~((+22+))~~ (24) RCW 46.37.650 relating to the sale, resale,  
6 distribution, or installation of a previously deployed air bag;  
7           ~~((+23+))~~ (25) RCW 46.37.671 through 46.37.675 relating to signal  
8 preemption devices;  
9           (26) RCW 46.44.180 relating to operation of mobile home pilot  
10 vehicles;  
11           ~~((+24+))~~ (27) RCW 46.48.175 relating to the transportation of  
12 dangerous articles;  
13           ~~((+25+))~~ (28) RCW 46.52.010 relating to duty on striking an  
14 unattended car or other property;  
15           ~~((+26+))~~ (29) RCW 46.52.020 relating to duty in case of injury to  
16 or death of a person or damage to an attended vehicle;  
17           ~~((+27+))~~ (30) RCW 46.52.090 relating to reports by repairmen,  
18 storagemen, and appraisers;  
19           ~~((+28+))~~ (31) RCW 46.52.130 relating to confidentiality of the  
20 driving record to be furnished to an insurance company, an employer,  
21 and an alcohol/drug assessment or treatment agency;  
22           ~~((+29+))~~ (32) RCW 46.55.020 relating to engaging in the activities  
23 of a registered tow truck operator without a registration certificate;  
24           ~~((+30+))~~ (33) RCW 46.55.035 relating to prohibited practices by tow  
25 truck operators;  
26           ~~((+31+))~~ (34) RCW. 46.55.300 relating to immobilizing a vehicle  
27 owned by a person who is not the property owner;  
28           (35) RCW 46.61.015 relating to obedience to police officers,  
29 flaggers, or firefighters;  
30           ~~((+32+))~~ (36) RCW 46.61.020 relating to refusal to give information  
31 to or cooperate with an officer;  
32           ~~((+33+))~~ (37) RCW 46.61.022 relating to failure to stop and give  
33 identification to an officer;  
34           ~~((+34+))~~ (38) RCW 46.61.024 relating to attempting to elude  
35 pursuing police vehicles;  
36           ~~((+35+))~~ (39) RCW 46.61.500 relating to reckless driving;  
37           ~~((+36+))~~ (40) RCW 46.61.502 and 46.61.504 relating to persons under  
38 the influence of intoxicating liquor or drugs;

1        ~~((37))~~ (41) RCW 46.61.503 relating to a person under age twenty-  
2 one driving a motor vehicle after consuming alcohol;  
3        ~~((38))~~ (42) RCW 46.61.520 relating to vehicular homicide by motor  
4 vehicle;  
5        ~~((39))~~ (43) RCW 46.61.522 relating to vehicular assault;  
6        ~~((40))~~ (44) RCW 46.61.5249 relating to first degree negligent  
7 driving;  
8        ~~((41))~~ (45) RCW 46.61.527(4) relating to reckless endangerment of  
9 roadway workers;  
10       ~~((42))~~ (46) RCW 46.61.530 relating to racing of vehicles on  
11 highways;  
12       ~~((43))~~ (47) RCW 46.61.655(7) (a) and (b) relating to failure to  
13 secure a load;  
14       ~~((44))~~ (48) RCW 46.61.685 relating to leaving children in an  
15 unattended vehicle with the motor running;  
16       ~~((45))~~ (49) RCW 46.61.740 relating to theft of motor vehicle  
17 fuel;  
18       ~~((46))~~ ~~RCW 46.37.671 through 46.37.675 relating to signal~~  
19 ~~preemption devices;~~  
20       ~~(47))~~ (50) RCW 46.64.010 relating to unlawful cancellation of or  
21 attempt to cancel a traffic citation;  
22       ~~((48))~~ (51) RCW 46.64.048 relating to attempting, aiding,  
23 abetting, coercing, and committing crimes;  
24       ~~((49))~~ (52) Chapter 46.65 RCW relating to habitual traffic  
25 offenders;  
26       ~~((50))~~ (53) RCW 46.68.010 relating to false statements made to  
27 obtain a refund;  
28       ~~((51))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle  
29 business practices, except where that chapter provides for the  
30 assessment of monetary penalties of a civil nature;  
31       ~~((52))~~ (55) Chapter 46.72 RCW relating to the transportation of  
32 passengers in for hire vehicles;  
33       ~~((53))~~ (56) RCW 46.72A.060 relating to limousine carrier  
34 insurance;  
35       ~~((54))~~ (57) RCW 46.72A.070 relating to operation of a limousine  
36 without a vehicle certificate;  
37       ~~((55))~~ (58) RCW 46.72A.080 relating to false advertising by a  
38 limousine carrier;

1        (~~(56)~~) (59) Chapter 46.80 RCW relating to motor vehicle wreckers;  
2        (~~(57)~~) (60) Chapter 46.82 RCW relating to driver's training  
3 schools;  
4        (~~(58)~~) (61) RCW 46.87.260 relating to alteration or forgery of a  
5 cab card, letter of authority, or other temporary authority issued  
6 under chapter 46.87 RCW;  
7        (~~(59)~~) (62) RCW 46.87.290 relating to operation of an  
8 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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