

HB 2034 - S COMM AMD  
By Committee on Judiciary

ADOPTED 04/06/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.56 RCW  
4 to read as follows:

5 (1) A person who is deprived of his or her motor vehicle because of  
6 a violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 may  
7 file an action in superior court against the perpetrator for the  
8 recovery of actual damages, limited to the value of any damage to the  
9 vehicle and any property stolen from the vehicle, civil damages of up  
10 to five thousand dollars, and the costs of the suit, including  
11 reasonable attorneys' fees.

12 (2)(a) Except as provided in (b) of this subsection, service of any  
13 summons or other process under this section shall be by personal  
14 service.

15 (b)(i) If the defendant cannot be found after a due and diligent  
16 search, the defendant's violation of RCW 9A.56.030, 9A.56.040,  
17 9A.56.070, or 9A.56.075 shall be deemed to constitute an appointment by  
18 the defendant of the secretary of state of the state of Washington to  
19 be his or her true and lawful attorney upon whom may be served all  
20 lawful summons and processes against him or her under this section.

21 The plaintiff shall perform the service allowed under this subsection  
22 (2)(b)(i) by leaving two copies of the summons or other process with  
23 the secretary of state or at the secretary of state's office. Service  
24 in this manner constitutes sufficient and valid personal service upon  
25 the defendant.

26 (ii) After performing service under (b)(i) of this subsection, the  
27 plaintiff shall promptly send notice of service under (b)(i) of this  
28 subsection and a copy of the summons or process to the defendant by  
29 registered mail, with return receipt requested, to the defendant's last  
30 known address. After complying with this subsection (2)(b)(ii), the

1 plaintiff shall file the following with the secretary of state to be  
2 attached to the summons or process filed under (b)(i) of this  
3 subsection:

4 (A) An affidavit from the plaintiff attesting to compliance with  
5 (b)(ii) of this subsection; and

6 (B) An affidavit from the plaintiff's attorney that he or she has,  
7 with due diligence, attempted to serve personal process upon the  
8 defendant at all addresses known to him or her and listing the  
9 addresses at which he or she attempted to personally serve the  
10 defendant. However, if the defendant's endorsed return receipt is  
11 received, then the affidavit need only show that the defendant received  
12 personal service by mail.

13 (iii) The secretary of state shall send, by prepaid mail, a copy of  
14 the summons or process received under (b)(i) of this subsection to the  
15 defendant's address, if known. The secretary of state shall keep a  
16 record that shows the day of service of all summons and processes made  
17 under (b)(i) of this subsection.

18 (iv) The court in which an action is brought under this section may  
19 order continuances as may be necessary to afford the defendant a  
20 reasonable opportunity to defend the action.

21 (v) The secretary of state may charge a fee for his or her services  
22 under (b) of this subsection. The fee shall be part of the costs of  
23 suit that may be awarded to the plaintiff.

24 (3) The department of licensing shall suspend the driver's license  
25 or driving privilege of a defendant until any monetary obligation  
26 imposed under subsection (1) of this section is paid in full, unless  
27 the defendant has entered into a payment plan under subsection (4) of  
28 this section.

29 (4) If the court determines that a person is not able to pay a  
30 monetary obligation made under subsection (1) of this section in full,  
31 the court may enter into a payment plan with the person. If the person  
32 fails to meet the obligations of the payment plan, the court may modify  
33 or revoke the plan and order the defendant to pay the obligation in  
34 full. If the court revokes the plan, it shall notify the department of  
35 licensing and the department of licensing shall suspend the driver's  
36 license or driving privilege of the defendant until the monetary  
37 obligation is paid in full.

1 (5) The court shall notify the department of licensing when the  
2 monetary obligation of a defendant whose license is suspended under  
3 this section is paid in full.

4 **Sec. 2.** RCW 46.20.291 and 1998 c 165 s 12 are each amended to read  
5 as follows:

6 The department is authorized to suspend the license of a driver  
7 upon a showing by its records or other sufficient evidence that the  
8 licensee:

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

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

14 (3) Has been convicted of offenses against traffic regulations  
15 governing the movement of vehicles, or found to have committed traffic  
16 infractions, with such frequency as to indicate a disrespect for  
17 traffic laws or a disregard for the safety of other persons on the  
18 highways;

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

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

24 (6) Is subject to suspension under RCW 46.20.305 or section 1 of  
25 this act;

26 (7) Has committed one of the prohibited practices relating to  
27 drivers' licenses defined in RCW ((~~46.20.336~~) 46.20.0921); or

28 (8) Has been certified by the department of social and health  
29 services as a person who is not in compliance with a child support  
30 order or a residential or visitation order as provided in RCW  
31 74.20A.320."

**ADOPTED 04/06/2007**

1        On page 1, line 2 of the title, after "theft;" strike the remainder  
2 of the title and insert "amending RCW 46.20.291; adding a new section  
3 to chapter 9A.56 RCW; and prescribing penalties."

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