
SENATE BILL 5126

State of Washington

61st Legislature

2009 Regular Session

By Senators Brandland and Keiser

Read first time 01/14/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to unattended children in motor vehicles; amending
2 RCW 46.61.685, 46.20.342, and 46.63.020; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.685 and 2003 c 53 s 246 are each amended to read
5 as follows:

6 (1) It is unlawful for any person, while operating or in charge of
7 a vehicle, to park or willfully allow such vehicle to stand upon a
8 public highway or in a public place with its motor running, leaving a
9 minor child or children under the age of sixteen years unattended in
10 the vehicle or a minor child or children under the age of twelve years
11 unattended in the vehicle, whether or not its motor is running.

12 ~~(2) ((Any person violating this section is guilty of a misdemeanor.~~
13 ~~Upon a second or subsequent conviction for a violation of this section,~~
14 ~~the department shall revoke the operator's license of such person))~~ (a)
15 The first violation of this section is a traffic infraction and any
16 person committing this infraction shall pay a monetary penalty not to
17 exceed five hundred dollars.

18 (b) A second or subsequent violation of this section is a
19 misdemeanor.

1 **Sec. 2.** RCW 46.20.342 and 2008 c 282 s 4 are each amended to read
2 as follows:

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

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

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

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

34 (ii) A previous conviction under this section;

35 (iii) A notice received by the department from a court or diversion
36 unit as provided by RCW 46.20.265, relating to a minor who has
37 committed, or who has entered a diversion unit concerning an offense

1 relating to alcohol, legend drugs, controlled substances, or imitation
2 controlled substances;

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

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

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

10 (vii) A conviction of RCW 46.61.024, relating to attempting to
11 elude pursuing police vehicles;

12 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

13 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
14 person under the influence of intoxicating liquor or drugs;

15 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

16 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

17 (xii) A conviction of RCW 46.61.527(4), relating to reckless
18 endangerment of roadway workers;

19 (xiii) A conviction of RCW 46.61.530, relating to racing of
20 vehicles on highways;

21 ~~(xiv) ((A conviction of RCW 46.61.685, relating to leaving children
22 in an unattended vehicle with motor running;~~

23 ~~(xv))~~ A conviction of RCW 46.61.740, relating to theft of motor
24 vehicle fuel;

25 ~~((xvi))~~ (xv) A conviction of RCW 46.64.048, relating to
26 attempting, aiding, abetting, coercing, and committing crimes;

27 ~~((xvii))~~ (xvi) An administrative action taken by the department
28 under chapter 46.20 RCW; or

29 ~~((xviii))~~ (xvii) A conviction of a local law, ordinance,
30 regulation, or resolution of a political subdivision of this state, the
31 federal government, or any other state, of an offense substantially
32 similar to a violation included in this subsection.

33 (c) A person who violates this section when his or her driver's
34 license or driving privilege is, at the time of the violation,
35 suspended or revoked solely because (i) the person must furnish proof
36 of satisfactory progress in a required alcoholism or drug treatment
37 program, (ii) the person must furnish proof of financial responsibility
38 for the future as provided by chapter 46.29 RCW, (iii) the person has

1 failed to comply with the provisions of chapter 46.29 RCW relating to
2 uninsured accidents, (iv) the person has failed to respond to a notice
3 of traffic infraction, failed to appear at a requested hearing,
4 violated a written promise to appear in court, or has failed to comply
5 with the terms of a notice of traffic infraction or citation, as
6 provided in RCW 46.20.289, (v) the person has committed an offense in
7 another state that, if committed in this state, would not be grounds
8 for the suspension or revocation of the person's driver's license, (vi)
9 the person has been suspended or revoked by reason of one or more of
10 the items listed in (b) of this subsection, but was eligible to
11 reinstate his or her driver's license or driving privilege at the time
12 of the violation, or (vii) the person has received traffic citations or
13 notices of traffic infraction that have resulted in a suspension under
14 RCW 46.20.267 relating to intermediate drivers' licenses, or any
15 combination of (i) through (vii), is guilty of driving while license
16 suspended or revoked in the third degree, a misdemeanor.

17 (2) Upon receiving a record of conviction of any person or upon
18 receiving an order by any juvenile court or any duly authorized court
19 officer of the conviction of any juvenile under this section, the
20 department shall:

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

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

33 (c) Not extend the period of suspension or revocation if the
34 conviction was under subsection (1)(c) of this section. If the
35 conviction was under subsection (1)(a) or (b) of this section and the
36 court recommends against the extension and the convicted person has
37 obtained a valid driver's license, the period of suspension or
38 revocation shall not be extended.

1 **Sec. 3.** RCW 46.63.020 and 2008 c 282 s 11 are each amended to read
2 as follows:

3 Failure to perform any act required or the performance of any act
4 prohibited by this title or an equivalent administrative regulation or
5 local law, ordinance, regulation, or resolution relating to traffic
6 including parking, standing, stopping, and pedestrian offenses, is
7 designated as a traffic infraction and may not be classified as a
8 criminal offense, except for an offense contained in the following
9 provisions of this title or a violation of an equivalent administrative
10 regulation or local law, ordinance, regulation, or resolution:

11 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
12 vehicle while under the influence of intoxicating liquor or a
13 controlled substance;

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

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

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

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

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

25 (7) RCW 46.16.011 relating to permitting unauthorized persons to
26 drive;

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

28 (9) RCW 46.16.381(2) relating to knowingly providing false
29 information in conjunction with an application for a special placard or
30 license plate for disabled persons' parking;

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

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

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

37 (13) RCW 46.20.342 relating to driving with a suspended or revoked
38 license or status;

- 1 (14) RCW 46.20.345 relating to the operation of a motor vehicle
2 with a suspended or revoked license;
- 3 (15) RCW 46.20.410 relating to the violation of restrictions of an
4 occupational driver's license, temporary restricted driver's license,
5 or ignition interlock driver's license;
- 6 (16) RCW 46.20.740 relating to operation of a motor vehicle without
7 an ignition interlock device in violation of a license notation that
8 the device is required;
- 9 (17) RCW 46.20.750 relating to circumventing an ignition interlock
10 device;
- 11 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 12 (19) Chapter 46.29 RCW relating to financial responsibility;
- 13 (20) RCW 46.30.040 relating to providing false evidence of
14 financial responsibility;
- 15 (21) RCW 46.37.435 relating to wrongful installation of
16 sunscreening material;
- 17 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
18 installation of a previously deployed air bag;
- 19 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption
20 devices;
- 21 (24) RCW 46.44.180 relating to operation of mobile home pilot
22 vehicles;
- 23 (25) RCW 46.48.175 relating to the transportation of dangerous
24 articles;
- 25 (26) RCW 46.52.010 relating to duty on striking an unattended car
26 or other property;
- 27 (27) RCW 46.52.020 relating to duty in case of injury to or death
28 of a person or damage to an attended vehicle;
- 29 (28) RCW 46.52.090 relating to reports by repairmen, storagemen,
30 and appraisers;
- 31 (29) RCW 46.52.130 relating to confidentiality of the driving
32 record to be furnished to an insurance company, an employer, and an
33 alcohol/drug assessment or treatment agency;
- 34 (30) RCW 46.55.020 relating to engaging in the activities of a
35 registered tow truck operator without a registration certificate;
- 36 (31) RCW 46.55.035 relating to prohibited practices by tow truck
37 operators;
- 38 (32) RCW 46.55.300 relating to vehicle immobilization;

1 (33) RCW 46.61.015 relating to obedience to police officers,
2 flaggers, or firefighters;

3 (34) RCW 46.61.020 relating to refusal to give information to or
4 cooperate with an officer;

5 (35) RCW 46.61.022 relating to failure to stop and give
6 identification to an officer;

7 (36) RCW 46.61.024 relating to attempting to elude pursuing police
8 vehicles;

9 (37) RCW 46.61.500 relating to reckless driving;

10 (38) RCW 46.61.502 and 46.61.504 relating to persons under the
11 influence of intoxicating liquor or drugs;

12 (39) RCW 46.61.503 relating to a person under age twenty-one
13 driving a motor vehicle after consuming alcohol;

14 (40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

15 (41) RCW 46.61.522 relating to vehicular assault;

16 (42) RCW 46.61.5249 relating to first degree negligent driving;

17 (43) RCW 46.61.527(4) relating to reckless endangerment of roadway
18 workers;

19 (44) RCW 46.61.530 relating to racing of vehicles on highways;

20 (45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
21 load;

22 (46) RCW 46.61.685 relating to leaving children in an unattended
23 vehicle (~~(with the motor running)~~);

24 (47) RCW 46.61.740 relating to theft of motor vehicle fuel;

25 (48) RCW 46.64.010 relating to unlawful cancellation of or attempt
26 to cancel a traffic citation;

27 (49) RCW 46.64.048 relating to attempting, aiding, abetting,
28 coercing, and committing crimes;

29 (50) Chapter 46.65 RCW relating to habitual traffic offenders;

30 (51) RCW 46.68.010 relating to false statements made to obtain a
31 refund;

32 (52) Chapter 46.70 RCW relating to unfair motor vehicle business
33 practices, except where that chapter provides for the assessment of
34 monetary penalties of a civil nature;

35 (53) Chapter 46.72 RCW relating to the transportation of passengers
36 in for hire vehicles;

37 (54) RCW 46.72A.060 relating to limousine carrier insurance;

- 1 (55) RCW 46.72A.070 relating to operation of a limousine without a
2 vehicle certificate;
- 3 (56) RCW 46.72A.080 relating to false advertising by a limousine
4 carrier;
- 5 (57) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 6 (58) Chapter 46.82 RCW relating to driver's training schools;
- 7 (59) RCW 46.87.260 relating to alteration or forgery of a cab card,
8 letter of authority, or other temporary authority issued under chapter
9 46.87 RCW;
- 10 (60) RCW 46.87.290 relating to operation of an unregistered or
11 unlicensed vehicle under chapter 46.87 RCW.

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