

Chapter 46.20 RCW
DRIVERS' LICENSES—IDENTICARDS

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DRIVER'S LICENSE AND PERMIT REQUIREMENTS

RCW 46.20.001 License required—Rights and restriction. (1) No person may drive a motor vehicle upon a highway in this state without first obtaining a valid driver's license issued to Washington residents under this chapter. The only exceptions to this requirement are those expressly allowed by RCW 46.20.025.

(2) A person licensed as a driver under this chapter:

(a) May exercise the privilege upon all highways in this state;

(b) May not be required by a political subdivision to obtain any other license to exercise the privilege; and

(c) May not have more than one valid driver's license at any time. [1999 c 6 § 3.]

Intent—1999 c 6: See note following RCW 46.04.168.

RCW 46.20.005 Driving without a license—Misdemeanor, when. Except as expressly exempted by this chapter, it is a misdemeanor for

a person to drive any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter. This section does not apply if at the time of the stop the person is not in violation of RCW 46.20.342(1) or *46.20.420 and has in his or her possession an expired driver's license or other valid identifying documentation under RCW 46.20.035. A violation of this section is a lesser included offense within the offenses described in RCW 46.20.342(1) or *46.20.420. [1997 c 66 § 1.]

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

RCW 46.20.015 Driving without a license—Traffic infraction, when. (1) Except as expressly exempted by this chapter, it is a traffic infraction and not a misdemeanor under RCW 46.20.005 if a person:

(a) Drives any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter in his or her possession;

(b) Provides the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop; and

(c) Is not driving while suspended or revoked in violation of RCW 46.20.342(1) or *46.20.420.

(2) A person who violates this section is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars. [1999 c 6 § 4; 1997 c 66 § 2.]

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Intent—1999 c 6: See note following RCW 46.04.168.

RCW 46.20.017 Immediate possession and displayed on demand.

Every licensee shall have his or her driver's license in his or her immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense. [2010 c 8 § 9018; 1979 ex.s. c 136 § 56; 1965 ex.s. c 121 § 15; 1961 c 12 § 46.20.190. Prior: 1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part. Formerly RCW 46.20.190.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Driver's license, duty to display under other circumstances: RCW 46.52.020, 46.61.020, 46.61.021.

RCW 46.20.021 New residents. (1) New Washington residents must obtain a valid Washington driver's license within thirty days from the date they become residents.

(2) To qualify for a Washington driver's license, a person must surrender to the department all valid driver's licenses that any other jurisdiction has issued to him or her. The department must invalidate the surrendered photograph license and may return it to the person.

(a) The invalidated license, along with a valid temporary Washington driver's license provided for in RCW 46.20.065, is proper identification.

(b) The department shall notify the previous issuing department that the licensee is now licensed in a new jurisdiction.

(3) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring residency for the purpose of obtaining a state license or tuition fees at resident rates.

(4) (a) "Washington public assistance programs" means public assistance programs that receive more than fifty percent of the combined costs of benefits and administration from state funds.

(b) "Washington public assistance programs" does not include:

(i) The Food Stamp program under the federal Food Stamp Act of 1964;

(ii) Programs under the Child Nutrition Act of 1966, 42 U.S.C. Secs. 1771 through 1788;

(iii) Temporary Assistance for Needy Families; and

(iv) Any other program that does not meet the criteria of (a) of this subsection. [1999 c 6 § 5. Prior: 1997 c 66 § 3; 1997 c 59 § 8; 1996 c 307 § 5; prior: 1991 c 293 § 3; 1991 c 73 § 1; 1990 c 250 § 33; 1988 c 88 § 1; 1985 c 302 § 2; 1979 ex.s. c 136 § 53; 1965 ex.s. c 121 § 2.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose—Construction—1965 ex.s. c 121: "With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled." [1965 ex.s. c 121 § 1.]

RCW 46.20.022 Unlicensed drivers—Subject to Title 46 RCW. Any person who operates a motor vehicle on the public highways of this state without a driver's license or nonresident privilege to drive shall be subject to all of the provisions of Title 46 RCW to the same extent as a person who is licensed. [1975-'76 2nd ex.s. c 29 § 1.]

Allowing unauthorized person to drive: RCW 46.16A.520, 46.20.024.

RCW 46.20.024 Unlawful to allow unauthorized minors to drive. No person shall cause or knowingly permit his or her child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter. [2010 c 8 § 9019; 1965 ex.s. c 121 § 44. Formerly RCW 46.20.343.]

RCW 46.20.025 Exemptions. The following persons may operate a motor vehicle on a Washington highway without a valid Washington driver's license:

- (1) A member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or in the service of the National Guard of this state or any other state, if licensed by the military to operate an official motor vehicle in such service;
- (2) A nonresident driver who is at least:
 - (a) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home state; or
 - (b) Fifteen years of age with:
 - (i) A valid instruction permit issued to the driver by his or her home state; and
 - (ii) A licensed driver who has had at least five years of driving experience occupying a seat beside the driver; or
 - (c) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home country. A nonresident driver may operate a motor vehicle in this state under this subsection (2)(c) for up to one year;
- (3) Any person operating special highway construction equipment as defined in RCW 46.04.551;
- (4) Any person while driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or
- (5) An operator of a locomotive upon rails, including a railroad crossing over a public highway. A locomotive operator is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state. [2010 c 161 § 1113; 1999 c 6 § 6; 1993 c 148 § 1; 1979 c 75 § 1; 1965 ex.s. c 121 § 3.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Intent—1999 c 6: See note following RCW 46.04.168.

RCW 46.20.027 Armed forces, dependents. A Washington state motor vehicle driver's license issued to any service member if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably separated from service in the armed forces of the United States. A Washington state driver's license issued to the spouse or dependent child of such service member likewise remains in full force and effect if the person is residing with the service member.

For purposes of this section, "service member" means every person serving in the armed forces whose branch of service as of the date of application for the driver's license is included in the definition of veteran pursuant to RCW 41.04.007 or the person will meet the definition of veteran at the time of discharge. [2002 c 292 § 3; 1999 c 199 § 1; 1967 c 129 § 1.]

Effective date—1999 c 199: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 1999]." [1999 c 199 § 5.]

RCW 46.20.031 Ineligibility. The department shall not issue a driver's license to a person:

- (1) Who is under the age of sixteen years;
- (2) Whose driving privilege has been withheld unless and until the department may authorize the driving privilege under RCW 46.20.311;
- (3) Who has been classified as an alcoholic, drug addict, alcohol abuser, or drug abuser by a program approved by the department of social and health services. The department may, however, issue a license if the person:
 - (a) Has been granted a deferred prosecution under chapter 10.05 RCW; or
 - (b) Is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol or drug abuse problem;
- (4) Who has previously been adjudged to be mentally ill or insane, or to be incompetent due to a mental disability or disease. The department shall, however, issue a license to the person if he or she otherwise qualifies and:
 - (a) Has been restored to competency by the methods provided by law; or
 - (b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;
- (5) Who has not passed the driver's licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;
- (6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department's conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial

evidence. This determination is subject to review by a court of competent jurisdiction. [2002 c 279 § 3; 1999 c 6 § 7; 1995 c 219 § 1; 1993 c 501 § 2; 1985 c 101 § 1; 1977 ex.s. c 162 § 1; 1965 ex.s. c 121 § 4.]

Intent—1999 c 6: See note following RCW 46.04.168.

Allowing unauthorized person to drive: RCW 46.16A.520, 46.20.024.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

RCW 46.20.035 Proof of identity. The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An immigration and naturalization service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes." [2008 c 267 § 8; 2004 c 249 § 2; 1999 c 6 § 8; 1998 c 41 § 10; 1993 c 452 § 1.]

Intent—1999 c 6: See note following RCW 46.04.168.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

RCW 46.20.036 Other forms of identification, use—Department to develop in consultation with the department of children, youth, and families, office of the superintendent of public instruction, and office of homeless youth prevention and protection programs. (1) The department shall develop in consultation with the department of children, youth, and families, the office of the superintendent of public instruction, and the office of homeless youth prevention and protection programs:

(a) Other forms of identification that could be used for individuals qualifying for a Washington state identicard under RCW 46.20.117(1)(c)(ii) that meet the alternative documentation requirements of the department under RCW 46.20.035; and

(b) A process for entities listed under subsection (2) of this section to submit Washington state identicard application materials for individuals qualifying for a Washington state identicard under RCW 46.20.117(1)(c)(ii).

(2) The department shall accept Washington state identicard application materials for individuals qualifying for a Washington state identicard under RCW 46.20.117(1)(c)(ii) from:

(a) Individuals or entities licensed by the department of children, youth, and families;

(b) Individuals or entities contracted to provide services by the department of children, youth, and families;

(c) Individual schools or school districts; and

(d) Individuals and entities contracted to provide services by the office of homeless youth prevention and protection programs. [2020 c 124 § 3.]

RCW 46.20.037 Facial recognition matching system. (1) The department may implement a facial recognition matching system for drivers' licenses, permits, and identicards. Any facial recognition matching system selected by the department must be used only to verify the identity of an applicant for or holder of a driver's license, permit, or identicard to determine whether the person has been issued a driver's license, permit, or identicard under a different name or names.

(2) Any facial recognition matching system selected by the department must be capable of highly accurate matching, and must be compliant with appropriate standards established by the American association of motor vehicle administrators that exist on June 7, 2012, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(3) The department shall post notices in conspicuous locations at all department driver licensing offices, make written information

available to all applicants at department driver licensing offices, and provide information on the department's website regarding the facial recognition matching system. The notices, written information, and information on the website must address how the facial recognition matching system works, all ways in which the department may use results from the facial recognition matching system, how an investigation based on results from the facial recognition matching system would be conducted, and a person's right to appeal any determinations made under this chapter.

(4) Results from the facial recognition matching system:

(a) Are not available for public inspection and copying under chapter 42.56 RCW;

(b) May only be disclosed when authorized by a court order;

(c) May only be disclosed to a federal government agency if specifically required under federal law; and

(d) May only be disclosed by the department to a government agency, including a court or law enforcement agency, for use in carrying out its functions if the department has determined that person has committed one of the prohibited practices listed in RCW 46.20.0921 and this determination has been confirmed by a hearings examiner under this chapter or the person declined a hearing or did not attend a scheduled hearing.

(5) All personally identifying information derived from the facial recognition matching system must be stored with appropriate security safeguards. The office of the chief information officer shall develop the appropriate security standards for the department's use of the facial recognition matching system, subject to approval and oversight by the technology services board.

(6) The department shall develop procedures to handle instances in which the facial recognition matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license, permit, or identicard. These procedures must allow an applicant to prove identity without using the facial recognition matching system. [2012 c 80 § 1; 2006 c 292 § 1; 2004 c 273 § 3.]

Finding—Purpose—Effective date—2004 c 273: See notes following RCW 9.35.020.

RCW 46.20.041 Persons with physical or mental disabilities or diseases. (1) If the department has reason to believe that a person is suffering from a physical or mental disability or disease that may affect that person's ability to drive a motor vehicle, the department must evaluate whether the person is able to safely drive a motor vehicle. As part of the evaluation:

(a) The department shall permit the person to demonstrate personally that notwithstanding the disability or disease he or she is able to safely drive a motor vehicle.

(b) The department may require the person to obtain a statement signed by a licensed physician or other proper authority designated by the department certifying the person's condition.

(i) The statement is for the confidential use of the director and the chief of the Washington state patrol and for other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter 42.56 RCW.

(ii) The statement may not be offered as evidence in any court except when appeal is taken from the order of the director canceling or withholding a person's driving privilege. However, the department may make the statement available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning the disability benefits.

(2) On the basis of the evaluation the department may:

(a) Issue or renew a driver's license to the person without restrictions;

(b) Cancel or withhold the driving privilege from the person; or

(c) Issue a restricted driver's license to the person. The restrictions must be suitable to the licensee's driving ability. The restrictions may include:

(i) Special mechanical control devices on the motor vehicle operated by the licensee;

(ii) Limitations on the type of motor vehicle that the licensee may operate; or

(iii) Other restrictions determined by the department to be appropriate to assure the licensee's safe operation of a motor vehicle.

(3) The department may either issue a special restricted license or may set forth the restrictions upon the usual license form.

(4) The department may suspend or revoke a restricted license upon receiving satisfactory evidence of any violation of the restrictions. In that event the licensee is entitled to a driver improvement interview and a hearing as provided by RCW 46.20.322 or 46.20.328.

(5) Operating a motor vehicle in violation of the restrictions imposed in a restricted license is a traffic infraction. [2005 c 274 § 306; 1999 c 274 § 12; 1999 c 6 § 9; 1986 c 176 § 1; 1979 ex.s. c 136 § 54; 1979 c 61 § 2; 1965 ex.s. c 121 § 5.]

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.045 School bus, for hire drivers—Age. A person who is under the age of eighteen years shall not drive:

(1) A school bus transporting school children; or

(2) A motor vehicle transporting persons for compensation. [1999 c 6 § 10; 1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

Intent—1999 c 6: See note following RCW 46.04.168.

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.049 Commercial driver's license—Additional fee, disposition. There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall be one hundred thirty-six dollars

for the original commercial driver's license or subsequent renewals. If the commercial driver's license is issued, renewed, or extended for a period other than eight years, the fee for each class shall be seventeen dollars for each year that the commercial driver's license is issued, renewed, or extended. The fee shall be deposited in the highway safety fund. [2021 c 158 § 2; 2012 c 80 § 11; 2011 c 227 § 6; 2005 c 314 § 309; 1999 c 308 § 4; 1989 c 178 § 21; 1985 ex.s. c 1 § 7; 1969 ex.s. c 68 § 3; 1967 ex.s. c 20 § 4. Formerly RCW 46.20.470.]

Effective date—2021 c 158 §§ 2 and 5-11: "Sections 2 and 5 through 11 of this act take effect January 1, 2022." [2021 c 158 § 12.]

Finding—Intent—2021 c 158: "The legislature finds that a driver's license or identicard is a fundamental document that Washingtonians need to live, work, drive, and access essential needs. The COVID-19 pandemic has significantly reduced the department of licensing's ability to provide in-person driver licensing services, resulting in a growing backlog of customers that cannot access the agency's critical services. This act is intended to address that backlog by expanding online renewals, extending driver's license and identicard issuance up to eight years, and providing more online options for instruction permits. The legislature recognizes the critical role of the department of licensing's frontline staff during the pandemic and does not intend that this act will result in staffing reductions at the department of licensing now or in the future. To ensure that a driver's license and identicard remain affordable for Washington residents, the legislature intends for the department of licensing to continue to offer a six-year issuance option. The legislature further recognizes the potential of remote photo capture to enable expanded online renewals while ensuring that customer information remains updated. In implementing remote photo capture, the legislature intends that the department of licensing will prioritize data security and antifraud features as well as closely monitor its usage. The legislature also intends that within a year of initial implementation of remote photo capture, driver's license and identicard photos should be updated with each renewal whenever possible, recognizing that technology limitations and other challenges will prevent some customers from using remote photo capture." [2021 c 158 § 1.]

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Effective date—1999 c 308: See note following RCW 46.20.120.

Effective dates—1989 c 178: See RCW 46.25.901.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date—1967 ex.s. c 20: "Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968." [1967 ex.s. c 20 § 5.]

RCW 46.20.055 Instruction permit. (1) **Driver's instruction permit.** The department may issue a driver's instruction permit online or in person with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid an application fee of twenty-five dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or
(b) Is at least fifteen years of age and:
(i) Has submitted a proper application; and
(ii) Is enrolled in a driver training education course offered as part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in a driver training education course as defined in RCW 46.82.280 or 28A.220.020.

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

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

(a) The person has immediate possession of the permit;
(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and
(c) A driver training education course instructor who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

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

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

(c) A person applying for an additional instruction permit must submit the application to the department and pay an application fee of twenty-five dollars for each issuance. [2021 c 158 § 3; 2017 c 197 § 6; 2012 c 80 § 5; 2010 c 223 § 1; 2006 c 219 § 14; 2005 c 314 § 303; 2004 c 249 § 3. Prior: 2002 c 352 § 10; 2002 c 195 § 2; 1999 c 274 § 13; 1999 c 6 § 11; 1990 c 250 § 34; 1986 c 17 § 1; 1985 c 234 § 1; 1981 c 260 § 10; prior: 1979 c 63 § 1; 1979 c 61 § 3; 1969 ex.s. c 218 § 8; 1965 ex.s. c 121 § 7.]

Effective date—2021 c 158 §§ 1, 3, and 4: "Sections 1, 3, and 4 of this act are necessary for the immediate preservation of the public

peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 3, 2021]." [2021 c 158 § 13.]

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

Effective date—2012 c 80 §§ 5-13: "Sections 5 through 13 of this act take effect October 1, 2012." [2012 c 80 § 14.]

Effective date—2006 c 219: See note following RCW 46.82.285.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Intent—1999 c 6: See note following RCW 46.04.168.

RCW 46.20.065 Temporary permit. (1) If the department is completing an investigation and determination of facts concerning an applicant's right to receive a driver's license, it may issue a temporary driver's permit to the applicant.

(2) A temporary driver's permit authorizes the permittee to drive a motor vehicle for up to sixty days. The permittee must have immediate possession of the permit while driving a motor vehicle.

(3) A temporary driver's permit is invalid if the department has issued a license to the permittee or refused to issue a license to the permittee for good cause. [1999 c 6 § 12.]

Intent—1999 c 6: See note following RCW 46.04.168.

RCW 46.20.070 Juvenile agricultural driving permit. (1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

(b) The applicant has passed the driving examination required by RCW 46.20.120;

(c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;

(d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and

(e) The applicant has paid a fee of twenty dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and

(ii) Participate in the classroom portion of a *traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a fee of fifteen dollars.

(b) A person applying to renew an agricultural driving permit must submit the application to the department in person.

(c) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

(a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or

(b) The director is satisfied that the permittee has violated the permit's restrictions. [2005 c 314 § 304; 2004 c 249 § 4. Prior: 2002 c 352 § 11; 2002 c 195 § 3; 1999 c 6 § 13; 1997 c 82 § 1; 1985 ex.s. c 1 § 1; 1979 c 61 § 4; 1969 ex.s. c 218 § 9; 1969 ex.s. c 170 § 12; 1967 c 32 § 27; 1963 c 39 § 9; 1961 c 12 § 46.20.070; prior: 1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]

***Reviser's note:** The term "traffic safety education course" was renamed "driver training education course" by 2017 c 197 § 2.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—1985 ex.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985." [1985 ex.s. c 1 § 14.]

RCW 46.20.075 Intermediate license. (1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions

specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17A.005. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except when the holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age.

(4) The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

(5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(6) Except for a violation of subsection (4) of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the twelve-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an accident involving only one motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

(d) Has not been convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section. [2011 c 60 § 44; 2010 c 223 § 2; 2009 c 125 § 1; 2000 c 115 § 2.]

Effective date—2011 c 60: See RCW 42.17A.919.

Finding—2000 c 115: "The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes." [2000 c 115 § 1.]

Effective date—2000 c 115 §§ 1-10: "Sections 1 through 10 of this act take effect July 1, 2001." [2000 c 115 § 14.]

OBTAINING OR RENEWING A DRIVER'S LICENSE

RCW 46.20.091 Application—Penalty for false statement—Driving records from and to other jurisdictions. (1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide the applicant's:

(a) Name of record, as established by documentation required under RCW 46.20.035;

(b) Date of birth, as established by satisfactory evidence of age;

(c) Sex;

(d) Washington residence address;

(e) Description;

(f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

(g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether the applicant has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's sworn statement that it is valid. For an original driver's license, the information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false

statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record. [2021 c 158 § 4; 2000 c 115 § 4; 1999 c 6 § 14; 1998 c 41 § 11; 1996 c 287 § 5; 1990 c 250 § 35; 1985 ex.s. c 1 § 2; 1979 c 63 § 2; 1965 ex.s. c 121 § 8.]

Effective date—2021 c 158 §§ 1, 3, and 4: See note following RCW 46.20.055.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Intent—1999 c 6: See note following RCW 46.04.168.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

Social security number: RCW 26.23.150.

RCW 46.20.0921 Violations—Penalty. (1) It is a misdemeanor for any person:

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

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

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

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

(e) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

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

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

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

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

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

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

(5) In a proceeding under subsection (2), (3), or (4) of this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality. [2003 c 214 § 1; 1990 c 210 § 3; 1981 c 92 § 1; 1965 ex.s. c 121 § 41. Formerly RCW 46.20.336.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

RCW 46.20.093 Bicycle safety. The department of licensing shall incorporate a section on bicycle safety and sharing the road into its instructional publications for drivers and shall include questions in the written portion of the driver's license examination on bicycle safety and sharing the road with bicycles. [1998 c 165 § 4.]

Short title—1998 c 165: See note following RCW 43.59.010.

RCW 46.20.095 Instructional publication information. The department's instructional publications for drivers must include information on:

(1) The proper use of the left-hand lane by motor vehicles on multilane highways; and

(2) Bicyclists' and pedestrians' rights and responsibilities. [1999 c 6 § 15; 1998 c 165 § 5; 1986 c 93 § 3.]

Intent—1999 c 6: See note following RCW 46.04.168.

Short title—1998 c 165: See note following RCW 43.59.010.

Keep right except when passing, etc.: RCW 46.61.100.

RCW 46.20.100 Persons under eighteen. (1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license, he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license, the applicant must satisfactorily complete a driver training education course as defined in RCW 28A.220.020 for a course offered by a school district or approved private school, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must be part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW. The course offered by a driver training school must meet the standards established by the department of licensing under chapter 46.82 RCW. The driver training education course may be provided by:

(i) A secondary school within a school district or approved private school that establishes and maintains an approved and certified traffic safety education program under chapter 28A.220 RCW; or

(ii) A driver training school licensed under chapter 46.82 RCW that is annually approved by the department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the driver training education course requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a driver training education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property. The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the driver training education course requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

[2017 c 197 § 7; 2010 1st sp.s. c 7 § 18; 2002 c 195 § 1; 1999 c 274 § 14; 1999 c 6 § 16; 1990 c 250 § 36; 1985 c 234 § 2; 1979 c 158 § 146; 1973 1st ex.s. c 154 § 87; 1972 ex.s. c 71 § 1; 1969 ex.s. c 218 § 10; 1967 c 167 § 1; 1965 ex.s. c 170 § 43; 1961 c 12 § 46.20.100. Prior: 1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]

Findings—Intent—Effective date—2017 c 197: See notes following RCW 28A.220.020.

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

Intent—1999 c 6: See note following RCW 46.04.168.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 46.20.105 Identifying types of licenses and permits. (1)

The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) An intermediate license must be identified as an "intermediate license" and issued in a distinctive form as determined by the department. [2000 c 115 § 5; 1987 c 463 § 3.]

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

RCW 46.20.109 Wheelchair conveyances. Each operator of a wheelchair conveyance shall undergo a special examination conducted for the purpose of determining whether that person can properly and safely operate the conveyance on public roadways within a specified area. An operator's license issued after the special examination may specify the route, area, time, or other restrictions that are necessary to ensure the safety of the operator as well as the general motoring public. The department shall adopt rules for periodic review of the performance of operators of wheelchair conveyances. Operation of a wheelchair conveyance in violation of these rules is a traffic infraction. [1983 c 200 § 3. Formerly RCW 46.20.550.]

Severability—1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

public roadways, operating on: RCW 46.61.730.

registration: RCW 46.16A.405(3).

safety standards: RCW 46.37.610.

RCW 46.20.111 Registration with selective service system for males under twenty-six upon application—Opportunity to consent or decline. (1) Subject to the availability of funds appropriated for this purpose, any person who is a male citizen or noncitizen of the United States, who applies for an original, the renewal of, or a replacement instruction permit, intermediate license, driver's license, or identicard under this chapter, and who is under the age of twenty-six, must be given the opportunity to register as required by

the military selective service act (62 Stat. 604; 50 App. U.S.C. Sec. 451 et seq.), as amended.

(2) The submission of an application by an applicant under subsection (1) of this section indicates that:

(a) The applicant has already registered with the selective service system;

(b) The applicant authorizes the department to forward to the selective service system the necessary personal information required for registration into the system; or

(c) The applicant declines registration for purposes of the military selective service act (62 Stat. 604; 50 App. U.S.C. Sec. 451 et seq.), as amended, in conjunction with the submission of an application under subsection (1) of this section.

(3) (a) The department shall forward electronically any necessary personal information of the applicant to the selective service system within ten days of receipt of the application, as authorized under subsection (2) (b) of this section.

(b) When applicable, the department shall notify the applicant at the time of application submission that, by submitting the application, the applicant authorizes the department to register the applicant with the selective service system. If the applicant is under the age of eighteen at the time of application, the department shall notify the applicant that he will be registered with the selective service system as required by federal law. When providing notice under this subsection (3) (b), the department shall provide the applicant with materials containing the following statement:

"By submitting this application, I am consenting to registration with the Selective Service System, if so required by federal law. If under age 18, I understand that I will be registered as required by federal law when I attain age 18."

(4) (a) If an applicant declines to register with the selective service system under subsection (2) (c) of this section, the department may not create a record indicating that the applicant declined to register.

(b) Any department information that indicates that an applicant has declined to register under subsection (2) (c) of this section is exempt from the disclosure requirements under chapter 42.56 RCW, and the department may not disclose the information to any other government agency.

(5) The department may not deny the issuance of an instruction permit, intermediate license, driver's license, or identicard if the applicant declines to register with the selective service system, provided that the applicant meets all other requirements of this chapter.

(6) The department may provide selective service system registration information to applicants who choose to decline the opportunity to register with the selective service system if the applicant requests registration information.

(7) The department may adopt rules as necessary to implement this section. [2011 c 350 § 1.]

Effective date—2011 c 350: "This act takes effect January 1, 2012." [2011 c 350 § 3.]

RCW 46.20.113 Anatomical gift statement. The department of licensing shall provide a statement whereby the licensee may certify his or her willingness to make an anatomical gift under RCW 68.64.030, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application. [2008 c 139 § 27; 1993 c 228 § 18; 1987 c 331 § 81; 1979 c 158 § 147; 1975 c 54 § 1.]

Uniformity of application and construction—2008 c 139: See RCW 68.64.902.

Application, construction—Severability—1993 c 228: See RCW 68.50.902 and 68.50.903.

Effective date—1987 c 331: See RCW 68.05.900.

RCW 46.20.1131 Information for organ donor registry. The department shall electronically transfer the information of all persons who upon application for a driver's license or identicard volunteer to donate organs or tissue to a registry created in RCW 68.64.200, and any subsequent changes to the applicant's donor status when the applicant renews a driver's license or identicard or applies for a new driver's license or identicard. [2008 c 139 § 28; 2003 c 94 § 5.]

Uniformity of application and construction—2008 c 139: See RCW 68.64.902.

Findings—2003 c 94: See note following RCW 68.64.200.

RCW 46.20.1132 Information for bone marrow donation—Registry—Organizations and third parties may not utilize information obtained for fund-raising or other commercial purposes. (1) The department shall provide each driver's license or identicard applicant with written materials regarding making a donation of bone marrow and being placed on the bone marrow donor registry at the completion of their licensing transaction.

(2) The department of licensing, in cooperation with the national marrow donor program and other appropriate organizations, shall place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding bone marrow donation. This will include a notice that any information provided by the driver's license or identicard applicant will be used solely for allowing the applicant to obtain information on becoming a possible bone marrow donor and will not be used for commercial or fund-raising purposes.

(3) No organization or third party may utilize the information obtained from this section for fund-raising or other commercial purposes. [2018 c 192 § 2.]

Findings—Intent—2018 c 192: "The legislature finds that every three minutes an American child or adult is diagnosed with a potentially fatal blood disease. The legislature further finds that twenty percent to thirty-four percent of individuals with diverse heritage never find a match. For many of these individuals, bone marrow transplantation is the only chance for survival. The ultimate key to survivability lies in increasing the number of bone marrow donors across all ethnicities, thus increasing the potential for a suitable match. It is the intent of the legislature to increase awareness of the national bone marrow program statewide and to increase the number of Washington residents on the national marrow donor registry in order to increase the chance that all patients in need of bone marrow transplants will find a suitable bone marrow match." [2018 c 192 § 1.]

Effective date—2018 c 192: "This act takes effect July 1, 2018." [2018 c 192 § 4.]

RCW 46.20.114 Preventing alteration or reproduction. The department shall prepare and issue drivers' licenses and identicards using processes that prohibit as nearly as possible the alteration or reproduction of such cards, or the superimposing of other photographs on such cards, without ready detection. [1999 c 6 § 17; 1977 ex.s. c 27 § 2.]

Intent—1999 c 6: See note following RCW 46.04.168.

Purpose—1977 ex.s. c 27: "The legislature finds that the falsification of cards and licenses is a serious social problem creating economic hardship and problems which impede the efficient conduct of commerce and government. The legislature is particularly concerned that the increasing use of false drivers' licenses and identicards to purchase liquor, to cash bad checks, and to obtain food stamps and other benefits is causing the loss of liquor licenses, the loss of jobs, the loss of income, and the loss of human life in addition to significant monetary losses in business and government. It is the purpose of RCW 46.20.114 to require an effective means of rendering drivers' licenses and identicards as immune as possible from alteration and counterfeiting in order to promote the public health and safety of the people of this state." [1977 ex.s. c 27 § 1.]

RCW 46.20.117 Identicards. (1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves the applicant's identity as required by RCW 46.20.035;

and

- (c) Pays the required fee. Except as provided in subsection (7) of this section, the fee is seventy-two dollars, unless an applicant is:
 - (i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services or by the secretary of children, youth, and families;

(ii) Under the age of twenty-five and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

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

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

(ii) Except as provided in subsection (7) of this section, expire on the eighth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

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

(a) Personal appearance before the department;

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew the identicard by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

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

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

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than eight years, or

may extend by mail or electronic commerce an identicard that has already been issued. The fee for an identicard issued or renewed for a period other than eight years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department must offer the option to issue or renew an identicard for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(8) Identocard photos must be updated in the same manner as driver's license photos under RCW 46.20.120(5). [2021 c 158 § 5. Prior: 2020 c 261 § 2; 2020 c 124 § 2; 2018 c 157 § 2; 2017 c 122 § 2; (2017 c 122 § 1 expired August 30, 2017); 2014 c 185 § 2; 2012 c 80 § 6; 2005 c 314 § 305; 2004 c 249 § 5; 2002 c 352 § 12; 1999 c 274 § 15; 1999 c 6 § 18; 1993 c 452 § 3; 1986 c 15 § 1; 1985 ex.s. c 1 § 3; 1985 c 212 § 1; 1981 c 92 § 2; 1971 ex.s. c 65 § 1; 1969 ex.s. c 155 § 4.]

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Finding—2020 c 261: "The legislature finds that the health and safety of the traveling public, law enforcement, and emergency medical service providers are enhanced by the voluntary sharing of information about medical conditions, including deafness and developmental disabilities. Licensed drivers and applicants who wish to voluntarily include a medical alert designation on their driver's license may provide law enforcement and emergency medical service providers with the opportunity to know at the point of contact or shortly thereafter that there is a medical condition which could affect communication or account for a driver health emergency. By taking action in accordance with existing driver privacy protections, the legislature seeks to enhance health and public safety by the voluntary provision and careful use of this information." [2020 c 261 § 1.]

Effective date—2020 c 261: "This act takes effect January 1, 2022." [2020 c 261 § 4.]

Effective date—2018 c 157 § 2: "Section 2 of this act takes effect January 1, 2019." [2018 c 157 § 3.]

Effective date—2017 c 122 § 2: "Section 2 of this act takes effect August 30, 2017." [2017 c 122 § 4.]

Expiration date—2017 c 122 § 1: "Section 1 of this act expires August 30, 2017." [2017 c 122 § 3.]

Effective date—2014 c 185: See note following RCW 46.20.161.

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

Purpose—1971 ex.s. c 65: "The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government." [1971 ex.s. c 65 § 2.]

Effective date—Purpose—1969 ex.s. c 155: See notes following RCW 46.20.118.

RCW 46.20.118 Negative file. (1) The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by this chapter. Negatives in the file shall not be available for public inspection and copying under chapter 42.56 RCW.

(2) The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity or for the purposes of verifying identity when a law enforcement officer is authorized by law to request identification from an individual.

(3) The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration database.

(4) The department may also provide a print to the driver's next of kin in the event the driver is deceased.

(5) The department shall make the file available to the county coroner or medical examiner for the purpose of identifying a deceased person. [2021 c 122 § 8; 2009 c 366 § 1. Prior: 2005 c 274 § 307; 2005 c 246 § 23; 1990 c 250 § 37; 1981 c 22 § 1; 1979 c 158 § 149; 1969 ex.s. c 155 § 5.]

Finding—Intent—2021 c 122: See note following RCW 2.32.050.

Effective date—2005 c 246: See note following RCW 10.64.140.

Purpose—1969 ex.s. c 155: "The identification of the injured or the seriously ill is often difficult. The need for an identification file to facilitate use by proper law enforcement officers has hampered law enforcement. Personal identification for criminal, personal and commercial reasons is becoming most important at a time when it is increasingly difficult to accomplish. The legislature finds that the public health and welfare requires a standard and readily recognizable means of identification of each person living within the state. The legislature further finds that the need for an identification file by law enforcement agencies must be met. The use of photographic drivers' licenses will greatly aid the problem, but some means of

identification must be provided for persons who do not possess a driver's license. The purpose of this 1969 amendatory act is to provide for the positive identification of persons, both through an expanded use of drivers' licenses and also through issue of personal identification cards for nondrivers." [1969 ex.s. c 155 § 1.]

Effective date—1969 ex.s. c 155: "This 1969 amendatory act shall take effect September 1, 1969." [1969 ex.s. c 155 § 7.]

RCW 46.20.119 Reasonable rules. The rules and regulations adopted pursuant to RCW 46.20.070 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW 46.20.070 through 46.20.119. [1990 c 250 § 38; 1969 ex.s. c 155 § 6.]

Effective date—Purpose—1969 ex.s. c 155: See notes following RCW 46.20.118.

RCW 46.20.120 Examinations—Waiver—Fees—Renewals—

Administration. An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department must ensure that examinations are given at places and times reasonably available to the people of this state. If the department does not administer driver licensing examinations as a routine part of its licensing services within a department region because adequate testing sites are provided by driver training schools or school districts within that region, the department shall, at a minimum, administer driver licensing examinations by appointment to applicants eighteen years of age and older in at least one licensing office within that region.

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

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

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

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

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

(iii) Is otherwise qualified to be licensed.

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

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

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

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

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

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

(a) Personal appearance before the department;

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew the license by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

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

(a) Apply to the department to extend the validity of the license for no more than twelve months. If the person establishes to the department's satisfaction that the licensee is unable to return to Washington before the date the license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew the license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that the licensee is unable to return to Washington within twelve months of the date that the license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5)(a) If a qualified person submits an application for renewal under subsection (3)(b) or (c) or (4)(b) of this section, the applicant is not required to pass an examination and only needs to provide an updated photograph:

(i) At least every 16 years, except that persons under 30 must provide an updated photograph every eight years; and

(ii) Beginning January 1, 2023, persons renewing through electronic commerce must provide an updated photograph in a form and manner approved by the department with each renewal unless they are unable to provide a photograph that meets the department's requirements and the most recent photograph on file with the department is not more than 10 years old at the time of renewal.

(b) A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(6) Driver training schools licensed by the department under chapter 46.82 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

(7) School districts that offer a traffic safety education program under chapter 28A.220 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle. [2021 c 158 § 6; 2012 c 80 § 7; 2011 c 370 § 4. Prior: 2005 c 314 § 306; 2005 c 61 § 2; 2004 c 249 § 6; 2002 c 352 § 13; prior: 1999 c 308 § 1; 1999 c 199 § 3; 1999 c 6 § 19; 1990 c 9 § 1; 1988 c 88 § 2; 1985 ex.s. c 1 § 4; 1979 c 61 § 6; 1975 1st ex.s. c 191 § 2; 1967 c 167 § 4; 1965 ex.s. c 121 § 9; 1961 c 12 § 46.20.120; prior: 1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Intent—2011 c 370: See note following RCW 28A.220.030.

Inclusion of stakeholder groups in communications to facilitate transition of driver licensing examination administration—2011 c 370: See note following RCW 46.82.450.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Intent—2005 c 61: See note following RCW 46.20.125.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Effective date—1999 c 308: "Sections 1 through 5 of this act take effect July 1, 2000." [1999 c 308 § 6.]

Effective date—1999 c 199: See note following RCW 46.20.027.

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.1201 Fee. (Effective January 1, 2023.) (1) An additional \$1 fee shall be imposed on each application for an original or renewal of a regular driver's license, regular identicard, enhanced driver's license, or enhanced identicard. The entire amount of the fee shall be used to pay for processing costs for driver's license issuance and reinstatements, and information technology upgrades and the ongoing costs to maintain the driver's license and identicard record and issuance system.

(2) The department shall forward all funds accruing under this section to the state treasurer who shall deposit the moneys to the credit of the highway safety fund. [2021 c 240 § 13.]

Effective date—2021 c 240: See note following RCW 46.63.060.

RCW 46.20.125 Waiver—Agreement with other jurisdictions. (1) The department may enter into an informal agreement with one or more other licensing jurisdictions to waive the requirement for the examination involving operating a motor vehicle by licensed drivers, age eighteen years or older, from that jurisdiction.

(2) The department may only enter into an agreement with a jurisdiction if:

(a) The jurisdiction has procedures in place to verify the validity of the drivers' licenses it issues; and

(b) The jurisdiction has agreed to waive all or any part of the driver's license examination requirements for Washington licensed drivers applying for a driver's license in that jurisdiction. [2005 c 61 § 3.]

Intent—2005 c 61: "The legislature recognizes the importance of global markets to our state and national economy. As a leader among states in international commerce, Washington houses many multinational corporations. Competition among states for foreign businesses and personnel is fierce and it is necessary to Washington's future economic viability to eliminate a significant regulatory barrier to efficient personnel exchange, resulting in a more attractive business climate in Washington. The legislature recognizes that more than twenty other states have entered into informal reciprocal agreements with other nations to waive driver's license testing requirements in order to ease the transition of personnel to and from those states. By removing an unnecessary barrier to efficient personnel mobility it is the intent of the legislature to strengthen and diversify Washington's economy." [2005 c 61 § 1.]

RCW 46.20.126 Rules. The department may make rules to carry out the purposes of RCW 46.20.120 and 46.20.125. [2005 c 61 § 4.]

RCW 46.20.130 Content and conduct of examinations. (1) The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(a) A test of the applicant's eyesight and ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(b) A test of the applicant's knowledge of traffic laws and ability to understand and follow the directives of lawful authority, orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(c) An actual demonstration of the applicant's ability to operate a motor vehicle without jeopardizing the safety of persons or property. If the applicant is deaf or hearing impaired, the applicant may be accompanied by an interpreter to assist the applicant during the demonstration. The interpreter will be of the applicant's choosing from a list provided by the department of licensing; and

(d) Such further examination as the director deems necessary:

(i) To determine whether any facts exist that would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW; and

(ii) To determine the applicant's fitness to operate a motor vehicle safely on the highways.

(2) If the applicant desires to drive a motorcycle or a motor-driven cycle he or she must qualify for a motorcycle endorsement under RCW 46.20.500 through 46.20.515. [2006 c 190 § 1; 1999 c 6 § 20; 1990 c 250 § 39; 1981 c 245 § 4; 1967 c 232 § 2; 1965 ex.s. c 121 § 10;

1961 c 12 § 46.20.130. Prior: 1959 c 284 § 2; 1943 c 151 § 1; 1937 c 188 § 57; Rem. Supp. 1943 § 6312-57.]

Collective bargaining rights not affected—2006 c 190: "This act does not affect the right of state employees to collectively bargain wages, hours, and other terms and conditions of employment under chapter 41.80 RCW." [2006 c 190 § 2.]

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—1981 c 245: See note following RCW 46.20.161.

RCW 46.20.153 Voter registration—Posting signs. The department shall post signs at each driver licensing facility advertising the availability of voter registration services and advising of the qualifications to register to vote. [2001 c 41 § 15.]

RCW 46.20.155 Voter registration, update—Services. (Effective until September 1, 2023.) (1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least eighteen years old or are you at least sixteen years old and will you vote only after you turn eighteen?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce. [2018 c 109 § 15; 2013 c 11 § 90; 2009 c 369 § 42; 2005 c 246 § 24; 2004 c 249 § 7; 2001 c 41 § 14; 1990 c 143 § 6.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

Effective date—2005 c 246: See note following RCW 10.64.140.

Effective date—1990 c 143: See note following RCW 29A.08.340.

Voter registration with driver licensing: RCW 29A.08.340 and 29A.08.350.

RCW 46.20.155 Voter registration, update—Services. (Effective September 1, 2023.) (1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

- (1) "Are you a United States citizen?"
- (2) "Are you at least sixteen years old ?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce. [2020 c 208 § 8; 2018 c 109 § 15; 2013 c 11 § 90; 2009 c 369 § 42; 2005 c 246 § 24; 2004 c 249 § 7; 2001 c 41 § 14; 1990 c 143 § 6.]

Effective date—2020 c 208 §§ 7, 8, 18, 20, and 21: See note following RCW 29A.08.355.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

Effective date—2005 c 246: See note following RCW 10.64.140.

Effective date—1990 c 143: See note following RCW 29A.08.340.

Voter registration with driver licensing: RCW 29A.08.340 and 29A.08.350.

RCW 46.20.156 Voter registration—Automatic—Enhanced driver's licenses and identicards. (Effective until September 1, 2023.) For persons eighteen years of age or older who meet requirements for voter registration, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which

the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. [2018 c 110 § 105.]

Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.

Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

RCW 46.20.156 Voter registration—Automatic—Enhanced driver's licenses and identicards. (Effective September 1, 2023.) For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. [2020 c 208 § 21; 2018 c 110 § 105.]

Effective date—2020 c 208 §§ 7, 8, 18, 20, and 21: See note following RCW 29A.08.355.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.

Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

RCW 46.20.157 Data to consolidated technology services agency—Confidentiality. (1) Except as provided in subsection (2) of this section, the department shall annually provide to the consolidated technology services agency an electronic data file. The data file must:

(a) Contain information on all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years;

(b) Be provided at no charge; and

(c) Contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the file the names of any certified participants in the Washington state address confidentiality program

under chapter 40.24 RCW that have been identified to the department by the secretary of state. [2011 1st sp.s. c 43 § 811; 1999 c 6 § 21; 1993 c 408 § 12.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—1999 c 6: See note following RCW 46.04.168.

Severability—Effective dates—1993 c 408: See notes following RCW 2.36.054.

RCW 46.20.161 Issuance—Contents—Fee—Veterans, individuals meeting criteria for veterans—Medical alert designation, developmental disability designation, or deafness designation—Self-attestation. (1) The department, upon receipt of a fee of seventy-two dollars, unless the driver's license is issued for a period other than eight years, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

(a) A distinguishing number assigned to the licensee;

(b) The name of record;

(c) Date of birth;

(d) Washington residence address;

(e) Photograph;

(f) A brief description of the licensee;

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature with pen and ink immediately upon receipt of the license;

(h) If applicable, the person's status as a veteran as provided in subsection (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been signed by the licensee.

(4) (a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

(i) A United States department of veterans affairs identification card or proof of service letter;

(ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

(iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such

subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

(iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725. [2021 c 158 § 7; 2020 c 261 § 3; 2018 c 69 § 1; 2014 c 185 § 1; 2012 c 80 § 8; 2000 c 115 § 6; 1999 c 308 § 2; 1999 c 6 § 22; 1998 c 41 § 12; 1990 c 250 § 40; 1981 c 245 § 1; 1975 1st ex.s. c 191 § 3; 1969 c 99 § 6; 1965 ex.s. c 121 § 11.]

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Finding—Effective date—2020 c 261: See notes following RCW 46.20.117.

Effective date—2014 c 185: "This act takes effect August 30, 2017." [2014 c 185 § 3.]

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Effective date—1999 c 308: See note following RCW 46.20.120.

Intent—1999 c 6: See note following RCW 46.04.168.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

Effective date—1981 c 245: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 245 § 5.]

Effective date—1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.181 Expiration date—Renewal—Fees—Penalty. (1)

Except as provided in subsection (4) or (5) of this section, every driver's license expires on the eighth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew a license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of seventy-two dollars. This fee includes the fee for the required photograph.

(3) A person renewing a driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless the license expired when:

(a) The person was outside the state and the licensee renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and the licensee renews the license within sixty days after the termination of the incapacity.

(4) The department may issue or renew a driver's license for a period other than eight years, or may extend by mail or electronic commerce a license that has already been issued. The fee for a driver's license issued or renewed for a period other than eight years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the license is issued, renewed, or extended. The department must offer the option to issue or renew a driver's license for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the eighth year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than eight years is nine dollars for each year that the

license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section. [2021 c 158 § 8; 2012 c 80 § 9; 1999 c 308 § 3; 1999 c 6 § 23; 1990 c 250 § 41; 1981 c 245 § 2; 1975 1st ex.s. c 191 § 4; 1969 c 99 § 7; 1965 ex.s. c 170 § 46; 1965 ex.s. c 121 § 17.]

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Effective date—1999 c 308: See note following RCW 46.20.120.

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—1981 c 245: See note following RCW 46.20.161.

Effective date—1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.185 Photograph during renewal. The department of licensing shall establish a procedure for renewal of drivers' licenses under this chapter which does not deprive the applicant during the renewal process of an identification bearing the applicant's photograph.

This identification shall be designed to and shall be accepted as proper identification under *RCW 66.16.040. [1979 ex.s. c 87 § 1.]

***Reviser's note:** RCW 66.16.040 was repealed by 2012 c 2 § 215 (Initiative Measure No. 1183).

RCW 46.20.187 Registration of sex offenders. The department, at the time a person renews his or her driver's license or identicard, or surrenders a driver's license from another jurisdiction pursuant to RCW 46.20.021 and makes an application for a driver's license or an identicard, shall provide the applicant with written information on the registration requirements of RCW 9A.44.130. [1990 c 3 § 407.]

RCW 46.20.191 Compliance with federal REAL ID Act of 2005 requirements—Department safeguards. Before issuing a driver's license or identicard that complies with the requirements of the REAL ID Act of 2005, P.L. 109-13, and before storing or including data about Washington state residents in any database, records facility, or computer system for purposes of meeting the requirements of the REAL ID Act of 2005, the department of licensing shall certify that the

driver's license, identicard, database, records facility, computer system, and the department's personnel screening and training procedures: (1) Include all reasonable security measures to protect the privacy of Washington state residents; (2) include all reasonable safeguards to protect against unauthorized disclosure of data; and (3) do not place unreasonable costs or recordkeeping burdens on a driver's license or identicard applicant. [2007 c 85 § 2.]

RCW 46.20.1911 Costs and burdens of compliance with federal REAL ID Act of 2005 requirements—Legal challenge. (1) The department of licensing and the office of financial management may analyze the costs and burdens to the state of Washington, and to applicants of drivers' licenses or identicards, of complying with the requirements of the REAL ID Act of 2005, P.L. 109-13, and any related federal regulations.

(2) The attorney general may, with approval of the governor, challenge the legality or constitutionality of the REAL ID Act of 2005. [2007 c 85 § 3.]

RCW 46.20.192 Compliance with federal REAL ID Act of 2005 requirements—Driver's license and identicard markings—Rules. (1) Beginning July 1, 2018, except for enhanced drivers' licenses and identicards issued under RCW 46.20.202, the department must mark a driver's license or identicard issued under this chapter in accordance with the requirements of 6 C.F.R. Sec. 37.71 as it existed on July 23, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(2) The department must adopt rules necessary to implement this section. [2017 c 310 § 1.]

RCW 46.20.1921 Compliance with federal REAL ID Act of 2005 requirements—Design feature restrictions. (1) A driver's license or identicard issued with the design features required in RCW 46.20.192 may not be used as evidence of or as a basis to infer an individual's citizenship or immigration status for any purpose.

(2) The presence of the design features required in RCW 46.20.192 on a person's driver's license or identicard may not be used as a basis for the criminal investigation, arrest, or detention of that person in circumstances where a person with a driver's license or identicard without these design features would not be criminally investigated, arrested, or detained. [2017 c 310 § 2.]

RCW 46.20.195 Identicard program for homeless individuals. (Effective January 1, 2023.) (1) Subject to the availability of amounts appropriated for this specific purpose, the department, working in conjunction with the department of commerce, shall create and implement an identicard program to provide homeless individuals within Washington state a state-issued identicard pursuant to RCW 46.20.117.

(2) A homeless individual is eligible for a taxpayer-funded original or renewal identicard pursuant to this section on a one-time basis, provided the individual:

(a) Meets the department of licensing criteria under RCW 46.20.117;

(b) Meets the definition of a homeless person pursuant to RCW 43.185C.010, which can be on a sheltered or unsheltered basis;

(c) Is expected to reside in a location within Washington state; and

(d) Does not have a current and valid state-issued identicard or driver's license. [2022 c 57 § 1.]

Effective date—2022 c 57: "This act takes effect January 1, 2023." [2022 c 57 § 2.]

RCW 46.20.200 Lost, destroyed, or corrected licenses, identicards, or permits. (Effective until October 1, 2022.) (1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of twenty dollars to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of ten dollars and surrender of the permit, identicard, or driver's license being replaced. [2012 c 80 § 10; 2002 c 352 § 14; 1985 ex.s. c 1 § 5; 1975 1st ex.s. c 191 § 5; 1965 ex.s. c 121 § 16; 1961 c 12 § 46.20.200. Prior: 1947 c 164 § 18; 1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.200 Lost, destroyed, or corrected licenses, identicards, or permits. (Effective October 1, 2022.) (1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of \$20 to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of \$20 and surrender of the permit, identicard, or driver's license being replaced. [2022 c 182 § 209; 2012 c 80 § 10; 2002 c 352 § 14; 1985 ex.s. c 1 § 5; 1975 1st ex.s. c 191 § 5; 1965 ex.s. c 121 § 16; 1961 c 12 § 46.20.200. Prior: 1947 c 164 § 18; 1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]

Effective date—2022 c 182 §§ 205, 206, 209, and 210: See note following RCW 46.20.202.

Intent—2022 c 182: See note following RCW 70A.65.240.

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.202 Enhanced drivers' licenses and identicards for Canadian border crossing—Border-crossing initiative—Fee amount, distribution. (Effective until October 1, 2022.) (1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3) (a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is thirty-two dollars, which is in addition to the fees for any regular driver's license or identicard.

If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard. [2021 c 317 § 21; 2021 c 158 § 9; 2017 c 310 § 3; 2016 c 32 § 2; 2015 3rd sp.s. c 44 § 209; 2007 c 7 § 1.]

Reviser's note: This section was amended by 2021 c 158 § 9 and by 2021 c 317 § 21, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—2021 c 317: See note following RCW 70A.535.005.

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Intent—2016 c 32: "During the third special legislative session of 2015, the legislature passed Second Engrossed Substitute Senate Bill No. 5987 (chapter 44, Laws of 2015 3rd sp. sess.), a significant transportation revenue bill intended to provide needed transportation funding throughout the state. However, since the enactment of that legislation, certain drafting errors were discovered within the bill resulting in some provisions being enacted contrary to legislative intent. Therefore, it is the intent of the legislature to simply correct manifest drafting errors in order to conform certain provisions with the original legislative intent of Second Engrossed Substitute Senate Bill No. 5987. It is not the intent of the legislature to alter the intended substantive policy enacted in Second Engrossed Substitute Senate Bill No. 5987, but rather to make technical changes that correct certain drafting errors." [2016 c 32 § 1.]

Retroactive application—2016 c 32: "This act is remedial in nature and applies retroactively to July 15, 2015." [2016 c 32 § 4.]

Effective date—2016 c 32: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 25, 2016]." [2016 c 32 § 5.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—2007 c 7: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 23, 2007]." [2007 c 7 § 4.]

RCW 46.20.202 Enhanced drivers' licenses and identicards for Canadian border crossing—Border-crossing initiative—Fee amount, distribution. (Effective October 1, 2022.)

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3) (a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department

shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning October 1, 2022, the fee for an enhanced driver's license or enhanced identicard is \$56, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the fee for each class is \$7 for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5)(a) The first \$4 per year of issuance, to a maximum of \$32 of the enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a)(i) or (ii) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(i) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(ii) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(iii) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) \$24 of the enhanced driver's license and enhanced identicard fee under this section must be deposited into the move ahead WA flexible account created in RCW 46.68.520. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the amount deposited into the move ahead WA flexible account created in RCW 46.68.520 is \$3 for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended. [2022 c 182 § 205. Prior: 2021 c 317 § 21; 2021 c 158 § 9; 2017 c 310 § 3; 2016 c 32 § 2; 2015 3rd sp.s. c 44 § 209; 2007 c 7 § 1.]

Effective date—2022 c 182 §§ 205, 206, 209, and 210: "Sections 205, 206, 209, and 210 of this act take effect October 1, 2022." [2022 c 182 § 509.]

Intent—2022 c 182: See note following RCW 70A.65.240.

Severability—2021 c 317: See note following RCW 70A.535.005.

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Intent—2016 c 32: "During the third special legislative session of 2015, the legislature passed Second Engrossed Substitute Senate Bill No. 5987 (chapter 44, Laws of 2015 3rd sp. sess.), a significant transportation revenue bill intended to provide needed transportation funding throughout the state. However, since the enactment of that legislation, certain drafting errors were discovered within the bill resulting in some provisions being enacted contrary to legislative intent. Therefore, it is the intent of the legislature to simply correct manifest drafting errors in order to conform certain provisions with the original legislative intent of Second Engrossed Substitute Senate Bill No. 5987. It is not the intent of the legislature to alter the intended substantive policy enacted in Second Engrossed Substitute Senate Bill No. 5987, but rather to make technical changes that correct certain drafting errors." [2016 c 32 § 1.]

Retroactive application—2016 c 32: "This act is remedial in nature and applies retroactively to July 15, 2015." [2016 c 32 § 4.]

Effective date—2016 c 32: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 25, 2016]." [2016 c 32 § 5.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—2007 c 7: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 23, 2007]." [2007 c 7 § 4.]

RCW 46.20.2021 Statewide education campaign for border-crossing initiative. The department shall develop and implement a statewide education campaign to educate Washington citizens about the border-crossing initiative authorized by chapter 7, Laws of 2007. The educational campaign must include information on the forms of travel for which the existing and enhanced driver's license can be used. The campaign must include information on the time frames for implementation of laws that impact identification requirements at the border with Canada. [2007 c 7 § 2.]

Effective date—2007 c 7: See note following RCW 46.20.202.

RCW 46.20.205 Change of address or name. Whenever any person, after applying for or receiving a driver's license or identicard, moves from the address named in the application or in the license or

identocard issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. [2017 c 147 § 8; 2015 c 53 § 72; 1999 c 6 § 24; 1998 c 41 § 13; 1996 c 30 § 4; 1994 c 57 § 52; 1989 c 337 § 6; 1969 ex.s. c 170 § 13; 1965 ex.s. c 121 § 18.]

Intent—1999 c 6: See note following RCW 46.04.168.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

Effective date—1996 c 30: See note following RCW 46.25.010.

Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.

RESTRICTING THE DRIVING PRIVILEGE

RCW 46.20.207 Cancellation. (1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identocard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identocard and identify the incorrect information. [2018 c 110 § 107; 1993 c 501 § 3; 1991 c 293 § 4; 1965 ex.s. c 121 § 20.]

Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.

Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

RCW 46.20.215 Nonresidents—Suspension or revocation—Reporting offenders. (1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall

clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security.

(3) The department shall, upon receiving a record of the commission of a traffic infraction in this state by a nonresident driver of a motor vehicle, forward a report of the traffic infraction to the motor vehicle administrator in the state where the person who committed the infraction resides. The report shall clearly identify the person found to have committed the infraction; describe the infraction, specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether the determination that an infraction was committed was contested or whether the individual failed to respond to the notice of infraction. [1979 ex.s. c 136 § 57; 1965 ex.s. c 121 § 21.]

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.220 Vehicle rentals—Records. (1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a nonresident, then that he or she is duly licensed as a driver under the laws of the state or country of his or her residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he or she has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his or her presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director. [2010 c 8 § 9020; 1969 c 27 § 1. Prior: 1967 c 232 § 9; 1967 c 32 § 28; 1961 c 12 § 46.20.220; prior: 1937 c 188 § 63; RRS § 6312-63.]

Allowing unauthorized person to drive: RCW 46.16A.520, 46.20.024.

Helmet requirements: RCW 46.37.535.

RCW 46.20.245 Mandatory revocation—Persons subject to suspension, revocation, or denial who are eligible for certain full credit—Notice—Administrative, judicial review—Rules—Application.

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in

writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than forty-five days after the original notice is given.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308(8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court

finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

(4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

(5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department. [2020 c 330 § 5; 2005 c 288 § 1.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Effective date—2005 c 288: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005." [2005 c 288 § 9.]

RCW 46.20.265 Juvenile driving privileges—Revocation for alcohol or drug violations. (1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively up to the juvenile's twenty-first birthday, and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law. Periods of revocation imposed consecutively under this section shall not extend beyond the juvenile's twenty-first birthday.

(3)(a) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if the minimum term of revocation as specified in RCW 13.40.265(3), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(b) The juvenile may seek reinstatement of his or her driving privileges from the department when the juvenile reaches the age of twenty-one. A notice from the court reinstating the juvenile's driving privilege shall not be required if reinstatement is pursuant to this

subsection. [2016 c 136 § 8; 2005 c 288 § 2; 2003 c 20 § 1; 1998 c 41 § 2; 1994 sp.s. c 7 § 439; 1991 c 260 § 1; 1989 c 271 § 117; 1988 c 148 § 7.]

Effective date—2005 c 288: See note following RCW 46.20.245.

Intent—Construction—1998 c 41: "It is the intent and purpose of this act to clarify procedural issues and make technical corrections to statutes relating to drivers' licenses. This act should not be construed as changing existing public policy." [1998 c 41 § 1.]

Effective date—1998 c 41: "This act takes effect July 1, 1998." [1998 c 41 § 15.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Severability—1989 c 271: See note following RCW 9.94A.510.

Legislative finding—Severability—1988 c 148: See notes following RCW 13.40.265.

RCW 46.20.267 Intermediate licensees. If a person issued an intermediate license is convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate license under RCW 46.20.075:

(1) On the first such conviction or finding the department shall mail the parent or guardian of the person a letter warning the person of the provisions of this section;

(2) On the second such conviction or finding, the department shall suspend the person's intermediate driver's license for a period of six months or until the person reaches eighteen years of age, whichever occurs first, and mail the parent or guardian of the person a notification of the suspension;

(3) On the third such conviction or finding, the department shall suspend the person's intermediate driver's license until the person reaches eighteen years of age, and mail the parent or guardian of the person a notification of the suspension.

For the purposes of this section, a single ticket for one or more traffic offenses constitutes a single traffic offense. [2000 c 115 § 3.]

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

RCW 46.20.270 Driving offenses—Procedures—Definitions. (1) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on

highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in this title which occur on federal installations within this state, shall immediately forward to the department a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine, penalty, or court cost, a plea of guilty or nolo contendere or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(2) Every state agency or municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a state or local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, parking, or civil penalties issued under RCW 46.63.160 has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking or one or more civil penalties issued under RCW 46.63.160 have been committed and indicating the nature of the defendant's failure to act. Such violations or infractions may not have occurred while the vehicle is stolen from the registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(3) For the purposes of this title and except as defined in RCW 46.25.010, "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in this title which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine or court cost, a plea of guilty or nolo contendere, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(4) Perfection of a notice of appeal shall stay the execution of the sentence pertaining to the withholding of the driving privilege.

(5) For the purposes of this title, "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding. [2015 c 189 § 1; 2013 2nd sp.s. c 35 § 17; 2010 c 249 § 11; 2009 c 181 § 1; 2006 c 327 § 1; 2005 c 288 § 3; 2004 c 231 § 5; 1990 2nd ex.s. c 1 § 402; 1990 c 250 § 42; 1982 1st ex.s. c 14 § 5; 1979 ex.s. c 136 § 58; 1979 c 61 § 7; 1977 ex.s. c 3 § 1; 1967 ex.s. c 145 § 55; 1965 ex.s. c 121 § 22; 1961 c 12 § 46.20.270. Prior: 1937 c 188 § 68; RRS § 6312-68; prior: 1923 c 122 § 2, part; 1921 c 108 § 9, part; RRS § 6371, part.]

Contingent effective date—2010 c 249: See note following RCW 47.56.795.

Effective date—2005 c 288: See note following RCW 46.20.245.

Severability—1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Effective date—Severability—1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.285 Offenses requiring revocation. The department shall revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years. The revocation period shall be tolled during any period of total confinement for the offense;

(2) Vehicular assault. The revocation period shall be tolled during any period of total confinement for the offense;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

(4) Any felony where the sentencing court determines that in the commission of the offense a motor vehicle was used in a manner that endangered persons or property;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years. [2020 c 16 § 1; 2005 c 288 § 4; 2001 c 64 § 6. Prior: 1998 c 207 § 4; 1998 c 41 § 3; 1996 c 199 § 5; 1990 c 250 § 43; 1985 c 407 § 2; 1984 c 258 § 324; 1983 c 165 § 16; 1983 c 165 § 15; 1965 ex.s. c 121 § 24.]

Effective date—2020 c 16: "This act takes effect January 1, 2022." [2020 c 16 § 2.]

Effective date—2005 c 288: See note following RCW 46.20.245.

Effective date—1998 c 207: See note following RCW 46.61.5055.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

Severability—1996 c 199: See note following RCW 9.94A.505.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

Revocation of license for attempting to elude pursuing police vehicle:
RCW 46.61.024.

Vehicular assault, penalty: RCW 46.61.522.

Vehicular homicide, penalty: RCW 46.61.520.

RCW 46.20.286 Adoption of procedures. The department of licensing shall adopt procedures in cooperation with the administrative office of the courts and the department of corrections to implement RCW 46.20.285. [2005 c 282 § 47; 1996 c 199 § 6.]

Severability—1996 c 199: See note following RCW 9.94A.505.

RCW 46.20.289 Suspension for failure to respond, appear, etc. (Effective until January 1, 2023.) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, violated a written promise to appear in court for a notice of infraction for a moving violation, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation, or when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005. A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated. [2019 c 467 § 2;

2016 c 203 § 6; 2012 c 82 § 3; 2005 c 288 § 5; 2002 c 279 § 4; 1999 c 274 § 1; 1995 c 219 § 2; 1993 c 501 § 1.]

Finding—Intent—2019 c 467: "The legislature finds that individuals who engage in contrived or repeated violations of the state's high occupancy vehicle lane restrictions frustrate the state's congestion management, and justifiably incite indignation and anger among fellow transportation system users. The legislature intends the escalating penalties prescribed in this act to rebuke and discourage such conduct within Washington's transportation system." [2019 c 467 § 1.]

Effective date—Contingency—2012 c 82: See note following RCW 46.63.110.

Effective date—2005 c 288: See note following RCW 46.20.245.

RCW 46.20.289 Suspension for failure to respond, appear, etc. (Effective January 1, 2023.) (1) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a hearing for a moving violation, or failed to comply with the terms of a criminal complaint or criminal citation for a moving violation.

(2) The department shall suspend all driving privileges of a person when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005.

(3) A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311.

(4) A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case or cases have been adjudicated. [2021 c 240 § 5; 2019 c 467 § 2; 2016 c 203 § 6; 2012 c 82 § 3; 2005 c 288 § 5; 2002 c 279 § 4; 1999 c 274 § 1; 1995 c 219 § 2; 1993 c 501 § 1.]

Effective date—2021 c 240: See note following RCW 46.63.060.

Finding—Intent—2019 c 467: "The legislature finds that individuals who engage in contrived or repeated violations of the state's high occupancy vehicle lane restrictions frustrate the state's congestion management, and justifiably incite indignation and anger among fellow transportation system users. The legislature intends the escalating penalties prescribed in this act to rebuke and discourage such conduct within Washington's transportation system." [2019 c 467 § 1.]

Effective date—Contingency—2012 c 82: See note following RCW 46.63.110.

Effective date—2005 c 288: See note following RCW 46.20.245.

RCW 46.20.2891 Moving violation, definition by rule—Notice.

The department of licensing in consultation with the administrative office of the courts must adopt and maintain rules, by November 1, 2012, in accordance with chapter 34.05 RCW that define a moving violation for the purposes of this act. "Moving violation" shall be defined pursuant to Title 46 RCW. Upon adoption of these rules, the department must provide written notice to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department. [2012 c 82 § 4.]

RCW 46.20.2892 Traffic infractions for moving violations—Suspension—Probation—Notice. (Effective January 1, 2023.) (1)

Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served.

(2) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.

(3) The department may not charge a reissue fee at the end of the term of suspension under this section.

(4) For purposes of this section, multiple traffic infractions issued during or as the result of a single traffic stop constitute one occasion. [2021 c 240 § 7.]

Effective date—2021 c 240: See note following RCW 46.63.060.

RCW 46.20.291 Authority to suspend—Grounds. (Effective until January 1, 2023.) The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

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

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

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

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

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

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

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

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a *residential or visitation order as provided in RCW 74.20A.320. [2016 c 203 § 5; 2007 c 393 § 2; 1998 c 165 § 12; 1997 c 58 § 806; 1993 c 501 § 4; 1991 c 293 § 5; 1980 c 128 § 12; 1965 ex.s. c 121 § 25.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Effective date—1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title—1998 c 165: See note following RCW 43.59.010.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.

Reckless driving, suspension of license: RCW 46.61.500.

Vehicular assault

*drug and alcohol evaluation and treatment: RCW 9.94A.703.
penalty: RCW 46.61.522.*

Vehicular homicide

*drug and alcohol evaluation and treatment: RCW 9.94A.703.
penalty: RCW 46.61.520.*

RCW 46.20.291 Authority to suspend—Grounds. (Effective January 1, 2023.) The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

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

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

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

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

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a hearing, or has failed to comply with the terms of a criminal complaint or criminal citation for a moving violation, as provided in RCW 46.20.289;

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

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

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a *residential or visitation order as provided in RCW 74.20A.320. [2021 c 240 § 6; 2016 c 203 § 5; 2007 c 393 § 2; 1998 c 165 § 12; 1997 c 58 § 806; 1993 c 501 § 4; 1991 c 293 § 5; 1980 c 128 § 12; 1965 ex.s. c 121 § 25.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Effective date—2021 c 240: See note following RCW 46.63.060.

Effective date—1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title—1998 c 165: See note following RCW 43.59.010.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.

Reckless driving, suspension of license: RCW 46.61.500.

Vehicular assault

*drug and alcohol evaluation and treatment: RCW 9.94A.703.
penalty: RCW 46.61.522.*

Vehicular homicide

*drug and alcohol evaluation and treatment: RCW 9.94A.703.
penalty: RCW 46.61.520.*

RCW 46.20.292 Finding of juvenile court officer. The department may suspend, revoke, restrict, or condition any driver's license upon a showing of its records that the licensee has been found by a juvenile court, chief probation officer, or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action. [1979 c 61 § 8; 1967 c 167 § 9.]

RCW 46.20.293 Minor's record to juvenile court, parents, or guardians. The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of thirteen dollars, fifty percent of which must be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038. [2012 c 74 § 4; 2007 c 424 § 1; 2002 c 352 § 15; 1999 c 86 § 3; 1990 c 250 § 44; 1979 c 61 § 9; 1977 ex.s. c 3 § 2; 1971 ex.s. c 292 § 45; 1969 ex.s. c 170 § 14; 1967 c 167 § 10.]

Effective date—2012 c 74 §§ 1-12: See note following RCW 46.17.100.

Effective date—2007 c 424: "This act takes effect August 1, 2007." [2007 c 424 § 5.]

Effective dates—2002 c 352: See note following RCW 46.09.410.

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.300 Extraterritorial convictions. The director of licensing shall suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may

further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case. [1989 c 337 § 7; 1979 c 158 § 150; 1967 c 32 § 29; 1961 c 12 § 46.20.300. Prior: 1957 c 273 § 8; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

RCW 46.20.305 Incompetent, unqualified driver—Reexamination—Physician's certificate—Action by department. (1) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him or her to submit to an examination.

(2) The department shall require a driver reported under RCW 46.52.070 (2) and (3) to submit to an examination. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department unless the department, at the request of the operator, extends the time for examination.

(3) The department may in addition to an examination under this section require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department.

(4) Upon the conclusion of an examination under this section the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

(5) The department may require payment of a fee by a person subject to examination under this section. The department shall set the fee in an amount that is sufficient to cover the additional cost of administering examinations required by this section. [1999 c 351 § 3; 1998 c 165 § 13; 1965 ex.s. c 121 § 26.]

Effective date—1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title—1998 c 165: See note following RCW 43.59.010.

RCW 46.20.308 Implied consent—Test refusal—Procedures. (1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath for the purpose of determining the alcohol concentration in his or her breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to

believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. Prior to administering a breath test pursuant to this section, the officer shall inform the person of his or her right under this section to refuse the breath test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

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

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

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if:

(i) The driver is age twenty-one or over and the test indicates either that the alcohol concentration of the driver's breath is 0.08 or more; or

(ii) The driver is under age twenty-one and the test indicates either that the alcohol concentration of the driver's breath is 0.02 or more; or

(iii) The driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

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

(3) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested exercises the right, granted herein, by refusing upon the request of a law enforcement officer to submit to a test or tests of his or her breath, no test shall be given except as otherwise authorized by law.

(4) Nothing in subsection (1), (2), or (3) of this section precludes a law enforcement officer from obtaining a person's blood to test for alcohol, cannabis, or any drug, pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law. Any blood drawn for the purpose of determining the person's alcohol, cannabis levels, or any drug, is drawn pursuant to this section when the officer has reasonable grounds to believe that the person is in physical control or driving a vehicle under the influence or in violation of RCW 46.61.503.

(5) If, after arrest and after any other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood is 0.02 or more, or the THC concentration of the person's blood is above 0.00, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where

applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (6) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (7) of this section;

(c) Serve notice in writing that the license or permit, if any, is a temporary license that is valid for thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(d) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by chapter 5.50 RCW that states:

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

(ii) That after receipt of any applicable warnings required by subsection (2) of this section the person refused to submit to a test of his or her breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person is under the age of twenty-one; and

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

(6) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by chapter 5.50 RCW under subsection (5)(d) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first.

(7) A person receiving notification under subsection (5)(b) of this section may, within seven days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within seven days after receipt of the notification. Upon timely receipt of such a

request for a formal hearing, including receipt of the required three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within thirty days, excluding Saturdays, Sundays, and legal holidays, following the date of timely receipt of such request for a formal hearing before the department or thirty days, excluding Saturdays, Sundays, and legal holidays following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license under subsection (5) of this section extended, if the person is otherwise eligible for licensing. Unless otherwise agreed to by the department and the person, the department must give five days notice of the hearing to the person. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person was age twenty-one or over at the time of the arrest, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person was under the age of twenty-one at the time of the arrest. Where a person is found to be in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was under the age of twenty-one at the time of the arrest and was in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or THC concentration above 0.00, the person may petition the hearing officer to apply the affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The driver has the burden to prove the affirmative defense by a preponderance of the evidence. The sworn report or report under a declaration authorized by chapter 5.50 RCW submitted by a law enforcement officer is prima facie

evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by chapter 5.50 RCW of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(8) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the

suspension, revocation, or denial it may impose conditions on such stay.

(9) (a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (6) of this section, other than as a result of a breath test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (6) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license under subsection (5) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary license or extension of a temporary license issued under this subsection.

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

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

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license. [2022 c 16 § 38; 2019 c 232 § 21; 2016 c 203 § 15; 2015 2nd sp.s. c 3 § 5; 2013 2nd sp.s. c 35 § 36. Prior: 2013 c 3 § 31 (Initiative Measure No. 502, approved November 6, 2012); 2012 c 183 § 7; 2012 c 80 § 12; 2008 c 282 § 2; prior: 2005 c 314 § 307; 2005 c 269 § 1; prior: 2004 c 187 § 1; 2004 c 95 § 2; 2004 c 68 § 2; prior: 1999 c 331 § 2; 1999 c 274 § 2; prior: 1998 c 213 § 1; 1998 c 209 § 1; 1998 c 207 § 7; 1998 c 41 § 4; 1995 c 332 § 1; 1994 c 275 § 13; 1989 c 337 § 8; 1987 c 22 § 1; prior: 1986 c 153 § 5; 1986 c 64 § 1; 1985 c 407 § 3; 1983 c 165 § 2; 1983 c 165 § 1; 1981 c 260 § 11; prior: 1979 ex.s. c 176 § 3; 1979 ex.s. c 136 § 59; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242, approved November 5, 1968).]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Effective date—2016 c 203 § 15: "Section 15 of this act takes effect January 1, 2019." [2016 c 203 § 21.]

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Intent—2013 c 3 (Initiative Measure No. 502): See note following RCW 69.50.101.

Effective date—2012 c 183: See note following RCW 9.94A.475.

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Effective date—2008 c 282: "Sections 2, 4 through 8, and 11 through 14 of this act take effect January 1, 2009." [2008 c 282 § 23.]

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Effective date—2004 c 187 §§ 1, 5, 7, 8, and 10: "Sections 1, 5, 7, 8, and 10 of this act take effect July 1, 2005." [2004 c 187 § 11.]

Contingent effect—2004 c 95 § 2: "Section 2 of this act takes effect if section 2 of Substitute House Bill No. 3055 is enacted into law." [2004 c 95 § 17.] 2004 c 68 § 2 was enacted into law, effective June 10, 2004.

Finding—Intent—2004 c 68: "The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers continue at unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to ensure swift and certain consequences for those who drink and drive.

To accomplish this goal, the legislature adopts standards governing the admissibility of tests of a person's blood or breath. These standards will provide a degree of uniformity that is currently lacking, and will reduce the delays caused by challenges to various breath test instrument components and maintenance procedures. Such challenges, while allowed, will no longer go to admissibility of test results. Instead, such challenges are to be considered by the finder of fact in deciding what weight to place upon an admitted blood or breath test result.

The legislature's authority to adopt standards governing the admissibility of evidence involving alcohol is well established by the Washington Supreme Court. See generally *State v. Long*, 113 Wn.2d 266, 778 P.2d 1027 (1989); *State v. Sears*, 4 Wn.2d 200, 215, 103 P.2d 337 (1940) (the legislature has the power to enact laws which create rules

of evidence); *State v. Pavelich*, 153 Wash. 379, 279 P. 1102 (1929) ("rules of evidence are substantive law")." [2004 c 68 § 1.]

Effective date—1999 c 331: See note following RCW 9.94A.525.

Effective date—1998 c 213: "This act takes effect January 1, 1999." [1998 c 213 § 9.]

Effective date—1998 c 209: "This act takes effect January 1, 1999." [1998 c 209 § 6.]

Effective date—1998 c 207: See note following RCW 46.61.5055.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

Severability—1995 c 332: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 332 § 23.]

Effective dates—1995 c 332: "This act shall take effect September 1, 1995, except for sections 13 and 22 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 11, 1995]." [1995 c 332 § 24.]

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent—1983 c 165: "The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated." [1983 c 165 § 44.]

Effective dates—1983 c 165: "Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of chapter 165, Laws of 1983 shall take effect on January 1, 1986. The remainder of chapter 165, Laws of 1983 is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of chapter 165, Laws of 1983 are

implemented on their respective effective dates." [1984 c 219 § 1; 1983 c 165 § 47.]

Severability—1983 c 165: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 165 § 48.]

Severability—1979 ex.s. c 176: See note following RCW 46.61.502.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Liability of medical personnel withdrawing blood: RCW 46.61.508.

Refusal of test—Admissibility as evidence: RCW 46.61.517.

RCW 46.20.3101 Implied consent—License sanctions, length of. Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this section for any portion of a suspension, revocation, or denial already served under

RCW 46.61.5055 arising out of the same incident. If a person has already served a suspension, revocation, or denial under RCW 46.61.5055 for a period equal to or greater than the period imposed under this section, the department shall provide notice of full credit, shall provide for no further suspension or revocation under this section, and shall impose no additional reissue fees for this credit. [2020 c 330 § 6; 2016 c 203 § 18; 2013 c 3 § 32 (Initiative Measure No. 502, approved November 6, 2012). Prior: 2004 c 95 § 4; 2004 c 68 § 3; prior: 1998 c 213 § 2; 1998 c 209 § 2; 1998 c 207 § 8; 1995 c 332 § 3.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Intent—2013 c 3 (Initiative Measure No. 502): See note following RCW 69.50.101.

Finding—Intent—2004 c 68: See note following RCW 46.20.308.

Effective date—1998 c 213: See note following RCW 46.20.308.

Effective date—1998 c 209: See note following RCW 46.20.308.

Effective date—1998 c 207: See note following RCW 46.61.5055.

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

RCW 46.20.311 Duration of license sanctions—Reissuance or renewal. (Effective until January 1, 2023.) (1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW

46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e) (i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred seventy dollars.

(2) (a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b) (i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or

46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction. [2020 c 330 § 7; 2016 c 203 § 12; 2006 c 73 § 15; 2005 c 314 § 308; 2004 c 95 § 3; 2003 c 366 § 2; 2001 c 325 § 2; 2000 c 115 § 7; 1998 c 212 § 1; 1997 c 58 § 807; 1995 c 332 § 11; 1994 c 275 § 27; 1993 c 501 § 5; 1990 c 250 § 45; 1988 c 148 § 9. Prior: 1985 c 407 §

4; 1985 c 211 § 1; 1984 c 258 § 325; 1983 c 165 § 18; 1983 c 165 § 17; 1982 c 212 § 5; 1981 c 91 § 1; 1979 ex.s. c 136 § 60; 1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242, approved November 5, 1968); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Effective date—2006 c 73: See note following RCW 46.61.502.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Legislative finding—Severability—1988 c 148: See notes following RCW 13.40.265.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.311 Duration of license sanctions—Reissuance or renewal. (Effective January 1, 2023.) (1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except

as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e) (i) Except as provided in RCW 46.20.2892(3), the department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred seventy dollars.

(2) (a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b) (i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that

person the privilege of driving a motor vehicle on the public highways.

(3) (a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction. [2021 c 240 § 8; 2020 c 330 § 7; 2016 c 203 § 12; 2006 c 73 § 15; 2005 c 314 § 308; 2004 c 95 § 3; 2003 c 366 § 2; 2001 c 325 § 2; 2000 c 115 § 7; 1998 c 212 § 1; 1997 c 58 § 807; 1995 c 332 § 11; 1994 c 275 § 27; 1993 c 501 § 5; 1990 c 250 § 45; 1988 c 148 § 9. Prior: 1985 c 407 § 4; 1985 c 211 § 1; 1984 c 258 § 325; 1983 c 165 § 18; 1983 c 165 § 17; 1982 c 212 § 5; 1981 c 91 § 1; 1979 ex.s. c 136 § 60; 1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242, approved November 5, 1968); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

Effective date—2021 c 240: See note following RCW 46.63.060.

Effective date—2020 c 330: See note following RCW 9.94A.729.

Effective date—2006 c 73: See note following RCW 46.61.502.

Effective date—2005 c 314 §§ 101-107, 109, 303-309, and 401: See note following RCW 46.68.290.

Part headings not law—2005 c 314: See note following RCW 46.68.035.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Legislative finding—Severability—1988 c 148: See notes following RCW 13.40.265.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.313 Reinstatement. (Effective January 1, 2023.) (1) The department is authorized to administratively reinstate the license of a person suspended pursuant to RCW 46.20.289(1) prior to January 1, 2023, because the person:

(a) Failed to respond to a notice of traffic infraction for a moving violation;

(b) Failed to appear at a requested hearing for a moving violation;

(c) Violated a written promise to appear in court for a notice of infraction for a moving violation; or

(d) Failed to comply with the terms of a notice of traffic infraction.

(2) No later than 90 days after January 1, 2023, the department shall:

(a) Take reasonable steps to publicize the availability of relief to reinstate a suspended license as provided in this section; and

(b) Create an online application process for persons whose licenses are suspended and may be eligible for reinstatement as provided in this section. The online application process shall allow a person to determine whether the person is eligible to have his or her license reinstated and explain the process for reinstatement. A reissue fee as provided in RCW 46.20.311 shall apply.

(3) A reissue fee as provided in RCW 46.20.311 shall apply to any license reinstated under this section. [2021 c 240 § 11.]

Effective date—2021 c 240: See note following RCW 46.63.060.

RCW 46.20.315 Surrender of license. The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department. [1985 c 302 § 1; 1965 ex.s. c 121 § 28.]

RCW 46.20.317 Unlicensed drivers. The department is hereby authorized to place any unlicensed person into a suspended or revoked status under any circumstances which would have resulted in the suspension or revocation of the driver's license had that person been licensed. [1975-'76 2nd ex.s. c 29 § 2. Formerly RCW 46.20.414.]

RCW 46.20.320 Suspension, etc., effective although certificate not delivered. Any suspension, revocation, or cancellation of a vehicle driver's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director. [1967 c 32 § 30; 1961 c 12 § 46.20.320. Prior: 1957 c 273 § 10; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

DRIVER IMPROVEMENT

RCW 46.20.322 Interview before suspension, etc.—Exceptions—Appearance of minor's parent or guardian. (1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on a person's driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict, or condition a minor driver's driving privilege the department may require the appearance of the minor's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor. [1979 c 61 § 10; 1973 1st ex.s. c 154 § 88; 1967 c 167 § 6; 1965 ex.s. c 121 § 29.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 46.20.323 Notice of interview—Contents. The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given. [1965 ex.s. c 121 § 30.]

RCW 46.20.324 Persons not entitled to interview or hearing. Unless otherwise provided by law, a person shall not be entitled to a driver improvement interview or formal hearing under the provisions of RCW 46.20.322 through 46.20.333 when the person:

(1) Has been granted the opportunity for an administrative review, informal settlement, or formal hearing under RCW 46.20.245, 46.20.308, 46.25.120, 46.25.125, 46.65.065, 74.20A.320, or by rule of the department; or

(2) Has refused or neglected to submit to an examination as required by RCW 46.20.305. [2005 c 288 § 6; 1965 ex.s. c 121 § 31.]

Effective date—2005 c 288: See note following RCW 46.20.245.

RCW 46.20.325 Suspension or probation before interview—

Alternative procedure. In the alternative to the procedure set forth in RCW 46.20.322 and 46.20.323 the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his or her request shall afford him or her an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof. [2010 c 8 § 9021; 1965 ex.s. c 121 § 32.]

RCW 46.20.326 Failure to appear or request interview constitutes

waiver—Procedure. Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in RCW 46.20.325 constitutes a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview. [1990 c 250 § 46; 1965 ex.s. c 121 § 33.]

RCW 46.20.327 Conduct of interview—Referee—Evidence—Not deemed

hearing. A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he or she may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing. [2010 c 8 § 9022; 1965 ex.s. c 121 § 34.]

RCW 46.20.328 Findings and notification after interview—Request

for formal hearing. Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and shall notify the person involved in writing by personal service of the findings. The referee's findings shall be final unless the person involved is notified to the contrary by personal service or by certified mail within fifteen days. The decision is effective upon notice. The person upon receiving such

notice may, in writing and within ten days, request a formal hearing. [1979 c 61 § 11; 1965 ex.s. c 121 § 35.]

Persons not entitled to formal hearing: RCW 46.20.324.

RCW 46.20.329 Formal hearing—Procedures, notice, stay. Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a person or persons appointed by the director from among the employees of the department. [1982 c 189 § 4; 1981 c 67 § 28; 1979 ex.s. c 136 § 61; 1972 ex.s. c 29 § 1; 1965 ex.s. c 121 § 36.]

Effective date—1982 c 189: See note following RCW 34.12.020.

Effective dates—Severability—1981 c 67: See notes following RCW 34.12.010.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.331 Hearing and decision by director's designee. The director may appoint a designee, or designees, to preside over hearings in adjudicative proceedings that may result in the denial, restriction, suspension, or revocation of a driver's license or driving privilege, or in the imposition of requirements to be met prior to issuance or reissuance of a driver's license, under Title 46 RCW. The director may delegate to any such designees the authority to render the final decision of the department in such proceedings. Chapter 34.12 RCW shall not apply to such proceedings. [1989 c 175 § 111; 1982 c 189 § 3.]

Effective date—1989 c 175: See note following RCW 34.05.010.

Effective date—1982 c 189: See note following RCW 34.12.020.

RCW 46.20.332 Formal hearing—Evidence—Subpoenas—Reexamination—Findings and recommendations. At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him or her to make final decisions regarding the issuance, denial, suspension, or revocation of licenses, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses. [2010 c 8 § 9023; 1972 ex.s. c 29 § 2; 1965 ex.s. c 121 § 37.]

RCW 46.20.333 Decision after formal hearing. In all cases not heard by the director or a person authorized by him or her to make final decisions regarding the issuance, denial, suspension, or revocation of licenses the director, or a person so authorized shall review the records, evidence, and the findings after a formal hearing, and shall render a decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to grant, or renew a license or the order imposing terms or conditions of probation, or may set aside the prior action of the department and may direct that probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation. [2010 c 8 § 9024; 1972 ex.s. c 29 § 3; 1965 ex.s. c 121 § 38.]

RCW 46.20.334 Appeal to superior court. Unless otherwise provided by law, any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department shall have the right within thirty days, after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his or her residence. The hearing on the appeal hereunder shall be de novo. [2010 c 8 § 9025; 2005 c 288 § 7; 1972 ex.s. c 29 § 4; 1965 ex.s. c 121 § 39.]

Effective date—2005 c 288: See note following RCW 46.20.245.

RCW 46.20.335 Probation in lieu of suspension or revocation. Whenever by any provision of this chapter the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate. [1965 ex.s. c 121 § 40.]

DRIVING OR USING LICENSE WHILE SUSPENDED OR REVOKED

RCW 46.20.338 Display or possession of invalidated license or identicard. It is a traffic infraction for any person to display or cause or permit to be displayed or have in his or her possession any canceled, revoked, or suspended driver's license or identicard. [1990 c 210 § 4.]

RCW 46.20.341 Relicensing diversion programs—Program information to administrative office of the courts. (1) (a) A person who violates RCW 46.20.342(1)(c)(iv) in a jurisdiction that does not have a relicensing diversion program shall be provided with an abstract of his or her driving record by the court or the prosecuting attorney, in addition to a list of his or her unpaid traffic offense related fines and the contact information for each jurisdiction or collection agency to which money is owed.

(b) A fee of up to twenty dollars may be imposed by the court in addition to any fee required by the department for provision of the driving abstract.

(2) (a) Superior courts or courts of limited jurisdiction in counties or cities are authorized to participate or provide relicensing diversion programs to persons who violate RCW 46.20.342(1)(c)(iv).

(b) Eligibility for the relicensing diversion program shall be limited to violators with no more than four convictions under RCW 46.20.342(1)(c)(iv) in the ten years preceding the date of entering the relicensing diversion program, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court. People subject to arrest under a warrant are not eligible for the diversion program.

(c) The diversion option may be offered at the discretion of the prosecuting attorney before charges are filed, or by the court after charges are filed.

(d) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation of RCW 46.20.342(1)(c)(iv) may not participate in the diversion program under this section.

(e) A relicensing diversion program that is structured to occur after charges are filed may charge participants a one-time fee of up to one hundred dollars, which is not subject to chapters 3.50, 3.62, and 35.20 RCW, and shall be used to support administration of the program. The fee of up to one hundred dollars shall be included in the total to be paid by the participant in the relicensing diversion program.

(3) A relicensing diversion program shall be designed to assist suspended drivers to regain their license and insurance and pay outstanding fines.

(4) (a) Counties and cities that operate relicensing diversion programs shall, subject to available funds, provide information to the administrative office of the courts on an annual basis regarding the eligibility criteria used for the program, the number of referrals from law enforcement, the number of participants accepted into the

program, the number of participants who regain their driver's license and insurance, the total amount of fines collected, the costs associated with the program, and other information as determined by the office.

(b) The administrative office of the courts is directed, subject to available funds, to compile and analyze the data required to be submitted in this section and develop recommendations for a best practices model for relicensing diversion programs. [2009 c 490 § 1.]

RCW 46.20.342 Driving while license invalidated—Penalties—

Extension of invalidation. (Effective until January 1, 2023.) (1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

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

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

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

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary

restricted driver's license, or an ignition interlock driver's license;

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

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

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

(viii) A conviction of *RCW 46.61.212(4), relating to reckless endangerment of emergency zone workers;

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

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

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

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

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

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

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

(xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xviii) An administrative action taken by the department under chapter 46.20 RCW;

(xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection; or

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

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or (viii) the person has been

certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or any combination of (c)(i) through (viii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

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

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

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

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended. [2015 c 149 § 1; 2011 c 372 § 2. Prior: 2010 c 269 § 7; 2010 c 252 § 4; 2008 c 282 § 4; 2004 c 95 § 5; 2001 c 325 § 3; 2000 c 115 § 8; 1999 c 274 § 3; 1993 c 501 § 6; 1992 c 130 § 1; 1991 c 293 § 6; prior: 1990 c 250 § 47; 1990 c 210 § 5; 1987 c 388 § 1; 1985 c 302 § 3; 1980 c 148 § 3; prior: 1979 ex.s. c 136 § 62; 1979 ex.s. c 74 § 1; 1969 c 27 § 2; prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

***Reviser's note:** RCW 46.61.212 was amended by 2019 c 106 § 1, changing subsection (4) to subsection (5).

Application—Effective date—2011 c 372: See notes following RCW 46.61.526.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2010 c 252: See note following RCW 46.61.212.

Effective date—2008 c 282: See note following RCW 46.20.308.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Effective date—Expiration date—1987 c 388: "Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993." [1987 c 388 § 13.]

Severability—1987 c 388: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 388 § 16.]

Effective date—1980 c 148: See note following RCW 46.10.490.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Impoundment of vehicle: RCW 46.55.113.

RCW 46.20.342 Driving while license invalidated—Penalties—Extension of invalidation. (Effective January 1, 2023.) (1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

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

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This

subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

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

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

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

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

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

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

(viii) A conviction of RCW 46.61.212(5), relating to reckless endangerment of emergency zone workers;

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

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

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

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

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

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

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

(xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xviii) An administrative action taken by the department under chapter 46.20 RCW;

(xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection; or

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

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

(i) The person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program;

(ii) The person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW;

(iii) The person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents;

(iv) The person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a hearing for a moving violation, or failed to comply with the terms of a criminal complaint or criminal citation for a moving violation, as provided in RCW 46.20.289(1);

(v) The person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license;

(vi) The person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation;

(vii) The person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses; or

(viii) The person has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or any combination of (c) (i) through (viii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

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

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

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

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

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended. [2021 c 240 § 9; 2015 c 149 § 1; 2011 c 372 § 2. Prior: 2010 c 269 § 7; 2010 c 252 § 4; 2008 c 282 § 4; 2004 c 95 § 5; 2001 c 325 § 3; 2000 c 115 § 8; 1999 c 274 § 3; 1993 c 501 § 6; 1992 c 130 § 1; 1991 c 293 § 6; prior: 1990 c 250 § 47; 1990 c 210 § 5; 1987 c 388 § 1; 1985 c 302 § 3; 1980 c 148 § 3; prior: 1979 ex.s. c 136 § 62; 1979 ex.s. c 74 § 1; 1969 c 27 § 2; prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

Effective date—2021 c 240: See note following RCW 46.63.060.

Application—Effective date—2011 c 372: See notes following RCW 46.61.526.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2010 c 252: See note following RCW 46.61.212.

Effective date—2008 c 282: See note following RCW 46.20.308.

Finding—2000 c 115: See note following RCW 46.20.075.

Effective date—2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Effective date—Expiration date—1987 c 388: "Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993." [1987 c 388 § 13.]

Severability—1987 c 388: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 388 § 16.]

Effective date—1980 c 148: See note following RCW 46.10.490.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Impoundment of vehicle: RCW 46.55.113.

RCW 46.20.345 Operation under other license or permit while license suspended or revoked—Penalty. Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. A person who violates the provisions of this section is guilty of a gross misdemeanor. [1990 c 210 § 6; 1985 c 302 § 5; 1967 c 32 § 35; 1961 c 134 § 2. Formerly RCW 46.20.420.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

RCW 46.20.349 Stopping vehicle of suspended or revoked driver. Any police officer who has received notice of the suspension or revocation of a driver's license from the department of licensing may, during the reported period of such suspension or revocation, stop any

motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his or her driver's license upon request of the police officer. [2010 c 8 § 9026; 1979 c 158 § 152; 1965 ex.s. c 170 § 47. Formerly RCW 46.20.430.]

RCW 46.20.355 Alcohol violator—Probationary license. (1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies. [2020 c 330 § 8. Prior: 1998 c 209 § 3; 1998 c 41 § 5; 1995 1st sp.s. c 17 § 1; 1995 c 332 § 4; 1994 c 275 § 8.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Effective date—1998 c 209: See note following RCW 46.20.308.

Intent—Construction—Effective date—1998 c 41: See notes following RCW 46.20.265.

Effective date—1995 1st sp.s. c 17: "This act shall take effect September 1, 1995." [1995 1st sp.s. c 17 § 3.]

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

IGNITION INTERLOCK, TEMPORARY RESTRICTED, OCCUPATIONAL LICENSES

RCW 46.20.380 Fee. No person may file an application for an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license as provided in RCW 46.20.391 and 46.20.385 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees. [2008 c 282 § 5; 2004 c 95 § 6; 1985 ex.s. c 1 § 6; 1979 c 61 § 12; 1967 c 32 § 31; 1961 c 12 § 46.20.380. Prior: 1957 c 268 § 1.]

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.385 Ignition interlock driver's license—Application—Eligibility—Cancellation—Costs—Rules. (1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1)(b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1)(a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the

prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6) (a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition

interlock device and shall pay an additional fee of twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8) (a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391. [2020 c 330 § 9; 2017 c 336 § 4; 2016 c 203 § 13; 2015 2nd sp.s. c 3 § 3; 2013 2nd sp.s. c 35 § 20; 2012 c 183 § 8; 2011 c 293 § 1; 2010 c 269 § 1; 2008 c 282 § 9.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Finding—2017 c 336: See note following RCW 9.96.060.

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2012 c 183: See note following RCW 9.94A.475.

Effective date—2011 c 293 §§ 1-9: "Sections 1 through 9 of this act take effect September 1, 2011." [2011 c 293 § 16.]

Effective date—2010 c 269: "This act takes effect January 1, 2011." [2010 c 269 § 12.]

RCW 46.20.391 Temporary restricted, occupational licenses—Application—Eligibility—Restrictions—Cancellation. (Effective until January 1, 2023.) (1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the

influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed.

If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

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

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

(5) The director shall cancel an occupational or temporary restricted driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380. [2012 c 82 § 2; 2010 c 269 § 2; 2008 c 282 § 6; 2004 c 95 § 7. Prior: 1999 c 274 § 4; 1999 c 272 § 1; prior: 1998 c 209 § 4; 1998 c 207 § 9; 1995 c 332 § 12; 1994 c 275 § 29; 1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Effective date—Contingency—2012 c 82: See note following RCW 46.63.110.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1999 c 272: "This act takes effect January 1, 2000." [1999 c 272 § 3.]

Effective date—1998 c 209: See note following RCW 46.20.308.

Effective date—1998 c 207: See note following RCW 46.61.5055.

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.391 Temporary restricted, occupational licenses—Application—Eligibility—Restrictions—Cancellation. (Effective January 1, 2023.) (1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The director shall cancel an occupational or temporary restricted driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380. [2021 c 240 § 10; 2012 c 82 § 2; 2010 c 269 § 2; 2008 c 282 § 6; 2004 c 95 § 7. Prior: 1999 c 274 § 4; 1999 c 272 § 1; prior: 1998 c 209 § 4; 1998 c 207 § 9; 1995 c 332 § 12; 1994 c 275 § 29; 1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Effective date—2021 c 240: See note following RCW 46.63.060.

Effective date—Contingency—2012 c 82: See note following RCW 46.63.110.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1999 c 272: "This act takes effect January 1, 2000." [1999 c 272 § 3.]

Effective date—1998 c 209: See note following RCW 46.20.308.

Effective date—1998 c 207: See note following RCW 46.61.5055.

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.394 Detailed restrictions—Violation. In issuing an occupational or a temporary restricted driver's license under RCW 46.20.391, the department shall describe the type of qualifying circumstances for the license and shall set forth in detail the specific hours of the day during which the person may drive to and from his or her residence, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational or temporary restricted driver's license that meets the qualifying circumstance under RCW 46.20.391(3)(b)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational or temporary restricted driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor. [2004 c 95 § 8; 1999 c 272 § 2; 1983 c 165 § 26.]

Effective date—1999 c 272: See note following RCW 46.20.391.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.400 Obtaining new driver's license—Surrender of order and current license. If an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's license may be issued to such person until he or she surrenders his or her occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license and his or her copy of the order, and the director is satisfied that the person complies with all other provisions of law relative to the issuance of a driver's license. [2008 c 282 § 7; 2004 c 95 § 9; 1967 c 32 § 33; 1961 c 12 § 46.20.400. Prior: 1957 c 268 § 3.]

Effective date—2008 c 282: See note following RCW 46.20.308.

RCW 46.20.410 Penalty—Violation. (1) Any person convicted for violation of any restriction of an occupational driver's license or a temporary restricted driver's license shall in addition to the

cancellation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

(2) It is a gross misdemeanor for a person to violate any restriction of an ignition interlock driver's license. [2010 c 269 § 6; 2008 c 282 § 8; 2004 c 95 § 10; 1967 c 32 § 34; 1961 c 12 § 46.20.410. Prior: 1957 c 268 § 4.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

MOTORCYCLES

RCW 46.20.500 Special endorsement—Penalties—Exceptions. (1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. A person who violates this section commits a traffic infraction and is subject to: (a) The base penalty provided under RCW 46.63.110; and (b) an additional monetary penalty of two hundred fifty dollars, which must be deposited in the motorcycle safety education account under RCW 46.68.065.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle. Persons under sixteen years of age may not operate a class 3 electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol. Persons under sixteen years of age may not operate a motorized foot scooter unless provided otherwise by a local jurisdiction. A motorized foot scooter may be operated at a speed of up to fifteen miles per hour on a roadway or bicycle lane, and may be operated on a sidewalk or on pedestrian or bicycle trails if authorized by a local jurisdiction, which shall specify the maximum speed of such sidewalk operation.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement.

(7) A person operating a motorcycle with a stabilizing conversion kit must have a valid driver's license specially endorsed by the director for a three-wheeled motorcycle to enable the holder to operate such a motorcycle. [2019 c 170 § 4; 2019 c 65 § 4; 2018 c 60 § 4; 2013 c 174 § 2; 2009 c 275 § 4. Prior: 2003 c 353 § 9; 2003 c 141

§ 7; 2003 c 41 § 1; 2002 c 247 § 6; 1999 c 274 § 8; 1997 c 328 § 3; 1982 c 77 § 1; 1979 ex.s. c 213 § 6; 1967 c 232 § 1.]

Rules of court: *Monetary penalty schedule—IRLJ 6.2.*

Reviser's note: This section was amended by 2019 c 65 § 4 and by 2019 c 170 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Effective date—2019 c 65: See notes following RCW 46.81A.020.

Effective date—2003 c 353: See note following RCW 46.04.320.

Short title—2003 c 41: "This act shall be known as the Monty Lish Memorial Act." [2003 c 41 § 6.]

Effective date—2003 c 41: "This act takes effect January 1, 2004." [2003 c 41 § 7.]

Legislative review—2002 c 247: See note following RCW 46.04.1695.

Severability—1982 c 77: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 77 § 10.]

Mopeds

*operation and safety standards: RCW 46.61.710, 46.61.720.
registration: RCW 46.16A.405(2).*

RCW 46.20.505 Special endorsement fees. Every person applying for a special endorsement of a driver's license authorizing such person to drive a two or three-wheeled motorcycle or a motor-driven cycle shall pay a fee of five dollars, which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed sixteen dollars, unless the endorsement is issued for a period other than eight years, in which case the endorsement fee shall not exceed two dollars for each year the initial motorcycle endorsement is issued. The subsequent renewal endorsement fee shall not exceed forty dollars, unless the endorsement is renewed or extended for a period other than eight years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. Fees collected under this section shall be deposited in the motorcycle safety education account of the highway safety fund. [2021 c 158 § 10; 2012 c 80 § 13; 2007 c 97 § 1; 2003 c 41 § 2; 2002 c 352 § 16; 2001 c 104 § 1. Prior: 1999 c 308 § 5; 1999 c 274 § 9; 1993 c 115 § 1; 1989 c 203 § 2; 1988 c 227 § 5; 1987 c 454 § 2; 1985 ex.s. c 1 § 8; 1982 c 77 § 2; 1979 c 158 § 153; 1967 ex.s. c 145 § 50.]

Effective date—2021 c 158 §§ 2 and 5-11: See note following RCW 46.20.049.

Finding—Intent—2021 c 158: See note following RCW 46.20.049.

Effective date—2012 c 80 §§ 5-13: See note following RCW 46.20.055.

Short title—Effective date—2003 c 41: See notes following RCW 46.20.500.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Effective date—1999 c 308: See note following RCW 46.20.120.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

Severability—1982 c 77: See note following RCW 46.20.500.

Motorcycle safety education account: RCW 46.68.065.

RCW 46.20.510 Instruction permit—Fee—Examinations—Director may adopt and enforce rules. (1) **Motorcycle instruction permit.** A person holding a valid driver's license who wishes to learn to ride a motorcycle may apply for a motorcycle instruction permit. The department may issue a motorcycle instruction permit after the applicant has successfully passed all knowledge and skills examinations required and approved by the department. The director shall collect a fee of fifteen dollars for the motorcycle instruction permit or renewal, and deposit the fee in the motorcycle safety education account of the highway safety fund.

(a) The examination for a two-wheeled motorcycle instruction permit and the examination for a three-wheeled motorcycle instruction permit must be separate and distinct examinations.

(b) The department may authorize an entity that has entered into a contract authorized under RCW 46.20.520 to administer the motorcycle instruction permit examinations.

(c) If a motorcyclist fails the motorcycle endorsement skills test, but demonstrates a level of riding skill consistent with a motorcycle instruction permit, the department may waive any further skills testing required to obtain a motorcycle instruction permit.

(2) **Effect of motorcycle instruction permit.** A person holding a motorcycle instruction permit may drive a motorcycle upon the public highways if the person has immediate possession of the permit and a valid driver's license. An individual with a motorcyclist's instruction permit may not carry passengers and may not operate a motorcycle during the hours of darkness.

(3) **Term of motorcycle instruction permit.** A motorcycle instruction permit is valid for one hundred eighty days from the date of issue.

(a) The department may issue one additional one hundred eighty-day permit.

(b) The department may not issue more than two motorcycle instruction permits to an applicant within a five-year period.

(4) The director may adopt and enforce reasonable rules that are consistent with this section. [2019 c 65 § 3; 2011 c 246 § 1; 2002 c 352 § 17; 1999 c 274 § 10; 1999 c 6 § 25; 1989 c 337 § 9; 1985 ex.s. c 1 § 9; 1985 c 234 § 3; 1982 c 77 § 3.]

Finding—Effective date—2019 c 65: See notes following RCW 46.81A.020.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Intent—1999 c 6: See note following RCW 46.04.168.

Effective date—1985 ex.s. c 1: See note following RCW 46.20.070.

Severability—1982 c 77: See note following RCW 46.20.500.

RCW 46.20.515 Examination—Emphasis—Administration—Waiver. (1)

The motorcycle endorsement examination must emphasize maneuvers necessary for on-street operation, including emergency braking and turning as may be required to avoid an impending collision.

(2) The examination for a two-wheeled motorcycle endorsement and the examination for a three-wheeled motorcycle endorsement must be separate and distinct examinations emphasizing the skills and maneuvers necessary to operate each type of motorcycle.

(3) The department may authorize an entity that has entered into a contract under RCW 46.20.520 to administer the motorcycle endorsement examination.

(4) The department may waive all or part of the examination for persons who satisfactorily complete the voluntary motorcycle operator training and education program authorized under RCW 46.20.520 or who satisfactorily complete a private motorcycle skills education course that has been certified by the department under RCW 46.81A.020. [2011 c 370 § 5; 2003 c 41 § 3; 2002 c 197 § 1; 2001 c 104 § 2; 1999 c 274 § 11; 1982 c 77 § 4.]

Intent—2011 c 370: See note following RCW 28A.220.030.

Inclusion of stakeholder groups in communications to facilitate transition of driver licensing examination administration—2011 c 370: See note following RCW 46.82.450.

Short title—Effective date—2003 c 41: See notes following RCW 46.20.500.

Severability—1982 c 77: See note following RCW 46.20.500.

RCW 46.20.520 Training and education program—Advisory board.

(1) The director of licensing shall use moneys designated for the motorcycle safety education account of the highway safety fund to implement by July 1, 1983, a voluntary motorcycle operator training and education program. The director may contract with public and private entities to implement this program.

(2) There is created a motorcycle safety education advisory board to assist the director of licensing in the development of a motorcycle operator training education program. The board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the motorcycle operator training and education program.

The board shall consist of five members appointed by the director of licensing. Three members of the board, one of whom shall be appointed chairperson, shall be active motorcycle riders or members of nonprofit motorcycle organizations which actively support and promote motorcycle safety education. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. The term of appointment shall be two years. The board shall meet at the call of the director, but not less than two times annually and not less than five times during its term of appointment, and shall receive no compensation for services but shall be reimbursed for travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The priorities of the program shall be in the following order of priority:

(a) Public awareness of motorcycle safety.

(b) Motorcycle safety education programs conducted by public and private entities.

(c) Classroom and on-cycle training.

(d) Improved motorcycle operator testing. [1998 c 245 § 89; 1987 c 454 § 3; 1982 c 77 § 5.]

Severability—1982 c 77: See note following RCW 46.20.500.

ALCOHOL DETECTION DEVICES

RCW 46.20.710 Legislative finding. The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol. [1994 c 275 § 21; 1987 c 247 § 1.]

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.720 Ignition interlock device restriction—For whom—Duration—Removal requirements—Credit—Employer exemption—Fee. (1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9) (b) (ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Alcohol set point.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c) (i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c) (ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while one or more passengers under the age of sixteen were in the vehicle shall be extended for an additional period as required by RCW 46.61.5055(6) (a).

(d) Subsection (1) (c) (ii) or (d) (ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by one hundred eighty days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new one hundred eighty-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1) (e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1) (c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying the following:

(a) That there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

(i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(iii) Failure to pass any random retest with a breath alcohol concentration of lower than 0.020 unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.020, and the digital image confirms the same person provided both samples;

(iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the one hundred eighty-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty-one dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction. [2020 c 330 § 10; 2019 c 232 § 22; 2017 c 336 § 5; 2016 c 203 § 14; 2013 2nd sp.s. c 35 § 19; 2012 c 183 § 9; 2011 c 293 § 6; 2010 c 269 § 3; 2008 c 282 § 12; 2004 c 95 § 11; 2003 c 366 § 1; 2001 c 247 § 1; 1999 c 331 § 3; 1998 c 210 § 2; 1997 c 229 § 8; 1994 c 275 § 22; 1987 c 247 § 2.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Finding—2017 c 336: See note following RCW 9.96.060.

Effective date—2012 c 183: See note following RCW 9.94A.475.

Effective date—2011 c 293 §§ 1-9: See note following RCW 46.20.385.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1999 c 331: See note following RCW 9.94A.525.

Short title—1998 c 210: "This act may be known and cited as the Mary Johnsen Act." [1998 c 210 § 1.]

Finding—Intent—1998 c 210: "The legislature finds that driving is a privilege and that the state may restrict that privilege in the interests of public safety. One such reasonable restriction is requiring certain individuals, if they choose to drive, to drive only vehicles equipped with ignition interlock devices. The legislature further finds that the costs of these devices are minimal and are affordable. It is the intent of the legislature that these devices be paid for by the drivers using them and that neither the state nor entities of local government provide any public funding for this purpose." [1998 c 210 § 7.]

Effective date—1998 c 210: "This act takes effect January 1, 1999." [1998 c 210 § 9.]

Effective date—1997 c 229: See note following RCW 10.05.090.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.740 Notation on driving record—Verification of interlock—Penalty, exception. (1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055. [2020 c 330 § 11; 2015 2nd sp.s. c 3 § 4; 2010 c 269 § 8; 2008 c 282 § 13; 2004 c 95 § 12; 2001 c 55 § 1; 1997 c 229 § 10; 1994 c 275 § 24; 1987 c 247 § 4.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1997 c 229: See note following RCW 10.05.090.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.745 Ignition interlock device revolving account program—Pilot program. (1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same

meaning as in RCW 10.101.010, as determined by the department. During the 2019-2021 and 2021-2023 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720. [2021 c 333 § 704; 2019 c 416 § 704; 2017 c 313 § 704; 2013 c 306 § 712; 2012 c 183 § 10; 2008 c 282 § 10.]

Effective date—2021 c 333: See note following RCW 43.19.642.

Effective date—2019 c 416: See note following RCW 43.19.642.

Effective date—2017 c 313: See note following RCW 43.19.642.

Effective date—2013 c 306: See note following RCW 47.64.170.

Effective date—2012 c 183: See note following RCW 9.94A.475.

RCW 46.20.750 Circumventing ignition interlock—Penalty—Notice.

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:

(a) Tamper with the device or any components of the device, or otherwise interferes with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

(b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

(c) Has, directs, authorizes, or requests another person to tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

(d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or any components of the device, or otherwise interfere with the proper functionality of the device, or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1)(a), or 46.61.522(1)(b).

(4) Any time a person is convicted under subsection (1) of this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e). [2020 c 330 § 12; 2015 2nd sp.s. c 3 § 6; 2005 c 200 § 2; 1994 c 275 § 25; 1987 c 247 § 5.]

Effective date—2020 c 330: See note following RCW 9.94A.729.

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.755 Local verification of ignition interlock device installation—Immunity. If a person is required, as part of the person's judgment and sentence or as a condition of release, to install an ignition interlock device on all motor vehicles operated by the person and the person is under the jurisdiction of the municipality or county probation or supervision department, the probation or supervision department must verify the installation of the ignition interlock device or devices. The municipality or county probation or supervision department satisfies the requirement to verify the installation or installations if the municipality or county probation or supervision department receives written verification by one or more companies doing business in the state that it has installed the required device on a vehicle owned or operated by the person. The municipality or county shall have no further obligation to supervise the use of the ignition interlock device or devices by the person and shall not be civilly liable for any injuries or damages caused by the person for failing to use an ignition interlock device or for driving under the influence of intoxicating liquor or any drug or being in actual physical control of a motor vehicle under the influence of intoxicating liquor or any drug. [2015 2nd sp.s. c 3 § 15; 2010 c 269 § 5.]

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2010 c 269: See note following RCW 46.20.385.

MISCELLANEOUS

RCW 46.20.900 Repeal and saving. Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder. [1965 ex.s. c 121 § 46.]