
SUBSTITUTE SENATE BILL 6402

State of Washington 60th Legislature 2008 Regular Session

By Senate Judiciary (originally sponsored by Senators Carrell and Sheldon)

READ FIRST TIME 02/08/08.

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

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

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

10 (1) The department shall create and issue a vehicle license number
11 plate, for display at the front and rear of a motor vehicle, available
12 for persons convicted of an alcohol-related violation of RCW 46.61.502
13 or 46.61.504 or an equivalent local ordinance and for persons who have
14 had their license suspended, revoked, or denied under RCW 46.20.3101.
15 Both front and rear license plates shall be fluorescent yellow but
16 otherwise conform to the standards described within this chapter. If
17 the vehicle is a motorcycle or moped, only one vehicle license number
18 plate shall be issued.

1 (2) For motor vehicles, the department shall charge a fee of ten
2 dollars per plate. For motorcycles or mopeds, the department shall
3 charge a fee of two dollars for a license plate. Such fees shall be
4 deposited in the motor vehicle fund.

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

7 (1) The department shall require that, after any applicable period
8 of suspension, revocation, or denial of driving privileges, a person
9 may drive only a motor vehicle equipped with fluorescent yellow license
10 plates as described in section 1 of this act if the person is convicted
11 of an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an
12 equivalent local ordinance.

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

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

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

20 (1) The department shall attach or imprint a notation on the
21 driving record of any person restricted under section 2 of this act
22 stating that the person must only operate a motor vehicle equipped with
23 fluorescent yellow license plates. The department shall determine the
24 person's eligibility for licensing based upon verification that the
25 person has obtained the required fluorescent yellow license plates.
26 If, based upon notification from a law enforcement agency or otherwise,
27 the department determines that the fluorescent yellow license plates
28 required under this section are not being displayed as required, the
29 department shall suspend the person's license or privilege to drive.
30 Whenever the license or driving privilege of any person is suspended or
31 revoked as a result of noncompliance with the requirement that the
32 person only drive a vehicle equipped with fluorescent yellow license
33 plates, the suspension must remain in effect until the person obtains
34 the required fluorescent yellow license plates.

35 (2) It is a misdemeanor for a person with a notation on his or her

1 driving record, as described in subsection (1) of this section, to
2 operate a motor vehicle that is not equipped with fluorescent yellow
3 license plates.

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

6 A person who is restricted to the use of a motor vehicle equipped
7 with fluorescent yellow license plates and who knowingly disguises or
8 obscures the color of the license plates is guilty of a gross
9 misdemeanor.

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

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

28 (b) An applicant under this subsection whose driver's license is
29 suspended or revoked for an alcohol-related offense shall provide proof
30 to the satisfaction of the department that a functioning ignition
31 interlock device has been installed on a vehicle owned or operated by
32 the person, and that he or she has obtained fluorescent yellow license
33 plates.

34 (i) The department shall require the person to maintain ((such))
35 a functioning ignition interlock device and fluorescent yellow license
36 plates on a vehicle owned or operated by the person and shall restrict

1 the person to operating only vehicles equipped with such a device and
2 license plates, for the remainder of the period of suspension,
3 revocation, or denial.

4 (ii) Subject to any periodic renewal requirements established by
5 the department pursuant to this section and subject to any applicable
6 compliance requirements under this chapter or other law, a temporary
7 restricted driver's license granted after a suspension or revocation
8 under RCW 46.61.5055 or 46.20.3101 extends through the remaining
9 portion of any concurrent or consecutive suspension or revocation that
10 may be imposed as the result of administrative action and criminal
11 conviction arising out of the same incident.

12 (iii) The time period during which the person is licensed under
13 this section shall apply on a day-for-day basis toward satisfying the
14 period of time the ignition interlock device restriction is required
15 under RCW 46.20.720 (1) and (2)(a), (b), and (c) and the period of time
16 the fluorescent yellow license plate restriction is required under
17 section 2 of this act.

18 (c) The department shall provide by rule the minimum portions of
19 the periods of suspension, revocation, or denial set forth in RCW
20 46.20.3101 after which a person may apply for a temporary restricted
21 driver's license under this section. In establishing the minimum
22 portions of the periods of suspension, revocation, or denial, the
23 department shall consider the requirements of federal law regarding
24 state eligibility for grants or other funding, and shall establish such
25 periods so as to ensure that the state will maintain its eligibility,
26 or establish eligibility, to obtain incentive grants or any other
27 federal funding.

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

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

37 (c) An occupational driver's license issued to an applicant

1 described in (a) of this subsection shall be valid for the period of
2 the suspension or revocation.

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

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

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

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

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

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

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

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

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

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

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

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

35 (d) Upon receipt of evidence that a holder of an occupational
36 driver's license granted under this subsection is no longer enrolled in
37 an apprenticeship or on-the-job training program, the director shall
38 give written notice by first class mail to the driver that the

1 occupational driver's license shall be canceled. The effective date of
2 cancellation shall be fifteen days from the date of mailing the notice.
3 If at any time before the cancellation goes into effect the driver
4 submits evidence of continued enrollment in the program, the
5 cancellation shall be stayed. If the cancellation becomes effective,
6 the driver may obtain, at no additional charge, a new occupational
7 driver's license upon submittal of evidence of enrollment in another
8 program that meets the criteria set forth in this subsection; and

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

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

16 (5) The director shall cancel an occupational or temporary
17 restricted driver's license upon receipt of notice that the holder
18 thereof has been convicted of operating a motor vehicle in violation of
19 its restrictions, or of a separate offense that under this chapter
20 (~~(46.20—RCW)~~) would warrant suspension or revocation of a regular
21 driver's license. The cancellation is effective as of the date of the
22 conviction, and continues with the same force and effect as any
23 suspension or revocation under this title.

24 **Sec. 6.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005
25 c 183 s 10 are each reenacted and amended to read as follows:

26 Failure to perform any act required or the performance of any act
27 prohibited by this title or an equivalent administrative regulation or
28 local law, ordinance, regulation, or resolution relating to traffic
29 including parking, standing, stopping, and pedestrian offenses, is
30 designated as a traffic infraction and may not be classified as a
31 criminal offense, except for an offense contained in the following
32 provisions of this title or a violation of an equivalent administrative
33 regulation or local law, ordinance, regulation, or resolution:

34 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
35 vehicle while under the influence of intoxicating liquor or a
36 controlled substance;

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

1 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
2 while under the influence of intoxicating liquor or narcotics or habit-
3 forming drugs or in a manner endangering the person of another;
4 (4) RCW 46.10.130 relating to the operation of snowmobiles;
5 (5) Chapter 46.12 RCW relating to certificates of ownership and
6 registration and markings indicating that a vehicle has been destroyed
7 or declared a total loss;
8 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
9 failure to register a vehicle and falsifying residency when registering
10 a motor vehicle;
11 (7) RCW 46.16.011 relating to permitting unauthorized persons to
12 drive;
13 (8) RCW 46.16.160 relating to vehicle trip permits;
14 (9) RCW 46.16.381(2) relating to knowingly providing false
15 information in conjunction with an application for a (~~special placard~~
16 ~~or license plate for disabled persons'~~) parking permit for persons
17 with disabilities or temporary disabilities;
18 (10) RCW 46.20.005 relating to driving without a valid driver's
19 license;
20 (11) RCW 46.20.091 relating to false statements regarding a
21 driver's license or instruction permit;
22 (12) RCW 46.20.0921 relating to the unlawful possession and use of
23 a driver's license;
24 (13) Section 3 of this act relating to operating a motor vehicle
25 without fluorescent yellow license plates in violation of a driving
26 record notation that the license plates are required;
27 (14) Section 4 of this act relating to disguising or obscuring the
28 color of fluorescent yellow license plates;
29 (15) RCW 46.20.342 relating to driving with a suspended or revoked
30 license or status;
31 ((+14)) (16) RCW 46.20.345 relating to the operation of a motor
32 vehicle with a suspended or revoked license;
33 ((+15)) (17) RCW 46.20.410 relating to the violation of
34 restrictions of an occupational or temporary restricted driver's
35 license;
36 ((+16)) (18) RCW 46.20.740 relating to operation of a motor
37 vehicle without an ignition interlock device in violation of a license
38 notation that the device is required;

1 ~~((17))~~ (19) RCW 46.20.750 relating to ~~((assisting another person~~
2 ~~to start a vehicle equipped with))~~ circumventing an ignition interlock
3 device;

4 ~~((18))~~ (20) RCW 46.25.170 relating to commercial driver's
5 licenses;

6 ~~((19))~~ (21) Chapter 46.29 RCW relating to financial
7 responsibility;

8 ~~((20))~~ (22) RCW 46.30.040 relating to providing false evidence of
9 financial responsibility;

10 ~~((21))~~ (23) RCW 46.37.435 relating to wrongful installation of
11 sunscreening material;

12 ~~((22))~~ (24) RCW 46.37.650 relating to the sale, resale,
13 distribution, or installation of a previously deployed air bag;

14 ~~((23))~~ (25) RCW 46.37.671 through 46.37.675 relating to signal
15 preemption devices;

16 (26) RCW 46.44.180 relating to operation of mobile home pilot
17 vehicles;

18 ~~((24))~~ (27) RCW 46.48.175 relating to the transportation of
19 dangerous articles;

20 ~~((25))~~ (28) RCW 46.52.010 relating to duty on striking an
21 unattended car or other property;

22 ~~((26))~~ (29) RCW 46.52.020 relating to duty in case of injury to
23 or death of a person or damage to an attended vehicle;

24 ~~((27))~~ (30) RCW 46.52.090 relating to reports by repairmen,
25 storagemen, and appraisers;

26 ~~((28))~~ (31) RCW 46.52.130 relating to confidentiality of the
27 driving record to be furnished to an insurance company, an employer,
28 and an alcohol/drug assessment or treatment agency;

29 ~~((29))~~ (32) RCW 46.55.020 relating to engaging in the activities
30 of a registered tow truck operator without a registration certificate;

31 ~~((30))~~ (33) RCW 46.55.035 relating to prohibited practices by tow
32 truck operators;

33 ~~((31))~~ (34) RCW 46.55.300 relating to immobilizing a vehicle
34 owned by a person who is not the property owner;

35 (35) RCW 46.61.015 relating to obedience to police officers,
36 flaggers, or firefighters;

37 ~~((32))~~ (36) RCW 46.61.020 relating to refusal to give information
38 to or cooperate with an officer;

1 ~~((33))~~ (37) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;

3 ~~((34))~~ (38) RCW 46.61.024 relating to attempting to elude
4 pursuing police vehicles;

5 ~~((35))~~ (39) RCW 46.61.500 relating to reckless driving;

6 ~~((36))~~ (40) RCW 46.61.502 and 46.61.504 relating to persons under
7 the influence of intoxicating liquor or drugs;

8 ~~((37))~~ (41) RCW 46.61.503 relating to a person under age twenty-
9 one driving a motor vehicle after consuming alcohol;

10 ~~((38))~~ (42) RCW 46.61.520 relating to vehicular homicide by motor
11 vehicle;

12 ~~((39))~~ (43) RCW 46.61.522 relating to vehicular assault;

13 ~~((40))~~ (44) RCW 46.61.5249 relating to first degree negligent
14 driving;

15 ~~((41))~~ (45) RCW 46.61.527(4) relating to reckless endangerment of
16 roadway workers;

17 ~~((42))~~ (46) RCW 46.61.530 relating to racing of vehicles on
18 highways;

19 ~~((43))~~ (47) RCW 46.61.655(7) (a) and (b) relating to failure to
20 secure a load;

21 ~~((44))~~ (48) RCW 46.61.685 relating to leaving children in an
22 unattended vehicle with the motor running;

23 ~~((45))~~ (49) RCW 46.61.740 relating to theft of motor vehicle
24 fuel;

25 ~~((46))~~ ~~RCW 46.37.671 through 46.37.675 relating to signal~~
26 ~~preemption devices;~~

27 ~~(47))~~ (50) RCW 46.64.010 relating to unlawful cancellation of or
28 attempt to cancel a traffic citation;

29 ~~((48))~~ (51) RCW 46.64.048 relating to attempting, aiding,
30 abetting, coercing, and committing crimes;

31 ~~((49))~~ (52) Chapter 46.65 RCW relating to habitual traffic
32 offenders;

33 ~~((50))~~ (53) RCW 46.68.010 relating to false statements made to
34 obtain a refund;

35 ~~((51))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle
36 business practices, except where that chapter provides for the
37 assessment of monetary penalties of a civil nature;

1 (~~(+52+)~~) (55) Chapter 46.72 RCW relating to the transportation of
2 passengers in for hire vehicles;
3 (~~(+53+)~~) (56) RCW 46.72A.060 relating to limousine carrier
4 insurance;
5 (~~(+54+)~~) (57) RCW 46.72A.070 relating to operation of a limousine
6 without a vehicle certificate;
7 (~~(+55+)~~) (58) RCW 46.72A.080 relating to false advertising by a
8 limousine carrier;
9 (~~(+56+)~~) (59) Chapter 46.80 RCW relating to motor vehicle wreckers;
10 (~~(+57+)~~) (60) Chapter 46.82 RCW relating to driver's training
11 schools;
12 (~~(+58+)~~) (61) RCW 46.87.260 relating to alteration or forgery of a
13 cab card, letter of authority, or other temporary authority issued
14 under chapter 46.87 RCW;
15 (~~(+59+)~~) (62) RCW 46.87.290 relating to operation of an
16 unregistered or unlicensed vehicle under chapter 46.87 RCW.

17 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2009.

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