

## Department of Licensing - DUI Administrative Sanctions and Reinstatement Provisions

(As amended through July 1, 2007)

ADMINISTRATIVE SANCTIONS – RCW 46.20.3101		
<b>REFUSED TEST</b>	<i>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years</i>  <i>(Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident.--RCW 46.20.3101(4))</i>
Adult	One Year License Revocation	Two Year License Revocation
Minor	One Year License Revocation	Two Year License Revocation Or Until Age Twenty-One Whichever Is Longer
<b>ALCOHOL CONCENTRATION TEST RESULT</b>	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adults With 0.08 or Greater	90 Day License Suspension	Two Year License Revocation
Minors With 0.02 or Greater	90 Day License Suspension	One Year License Revocation Or Until Age Twenty-One Whichever Is Longer

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license (see RCW 46.61.5055 and 46.20.355). An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution (see RCW 46.20.355 and 10.05.060).

REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE	
<i>Suspended License* (RCW 46.20.311)</i>	<i>Revoked License* (RCW 46.20.311)</i>
<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW</li> <li>• Present written verification by a company doing business in this state that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Driver's ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW</li> <li>• Present written verification by a company doing business in this state that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> <li>• Pay \$150 driver's license reissue fee</li> <li>• Satisfactorily complete a driver's ability test</li> </ul>

\* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

TEMPORARY RESTRICTED DRIVER'S LICENSE, RCW 46.20.380, RCW 46.20.391
RCW 46.20.391 provides for a temporary restricted license: \$100 fee; proof of functioning ignition interlock and financial responsibility; demonstrated necessity

## COURT - DUI Sentencing Grid (RCW 46.61.5055 as amended through July 1, 2007)

**“Prior Offense” includes the following:** (as defined in RCW 46.61.5055)

<b>Original Convictions for the following:</b> (1) DUI (RCW 46.61.502) (or an equivalent local ordinance) (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance) (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence (4) Equiv. out-of-state statute for any of the above offenses	<b>Amended Convictions for the following:</b> <i>If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)♦</i> (1) Neg. Driving 1st (RCW 46.61.5249) (2) Reckless Driving (RCW 46.61.500) (3) Reckless Endangerment (RCW 9A.36.050) (4) Equiv. out-of-state or local ordinance for the above offenses	<b>Deferred Prosecution Granted for the following:</b> (1) DUI (RCW 46.61.502) (or equivalent local ordinance) (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance) (3) Neg. Driving 1st (RCW 46.61.5249, or equiv. local ord.), <i>if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)</i>
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**“Within seven years” or “within 10 years” means that the arrest for a prior offense(s) occurred within seven years, or within 10 years, of the arrest for the current offense.** (as defined in RCW 46.61.5055)

<b>Alcohol Concentration Less Than .15 or No Test Result</b>	<b>No Prior Offenses Within Past Seven Years</b>	<b>One Prior Offense Within Past Seven Years●</b>	<b>Two or Three Prior Offenses Within Past Seven Years●</b>
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$866 total minimum fine w/statutory assessments****)	\$500-\$5,000 (\$1,121 total minimum fine w/statutory assessments****)	\$1,000-\$5,000 (\$1,971 total minimum fine w/statutory assessment****)
Driver's License	90 Day Suspension	Two Year Revocation	Three Year Revocation
Ignition Interlock Device	DOL Shall Require **	DOL Shall Require **	DOL Shall Require **
Alcohol/Drug Ed. or Treatment	As Determined by the Court	As Determined by the Court	As Determined by the Court
<b>Alcohol Concentration at Least .15 or Greater or Test Refusal</b>	<b>No Prior Offenses Within Past Seven Years</b>	<b>One Prior Offense Within Past Seven Years●</b>	<b>Two or Three Prior Offenses Within Past Seven Years●</b>
Jail Time***	2-365 Days (2 consecutive mandatory)	45-365 Days (45 days mandatory)	120-365 Days (120 days mandatory)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$1,121 total minimum fine w/statutory assessments****)	\$750-\$5,000 (\$1,546 total minimum fine w/statutory assessments****)	\$1,500-\$5,000 (\$2,821 total minimum fine w/statutory assessments****)
Driver's License	1 Year Revocation (2 years if BAC refused; RCW 46.61.5055(7)(c))	900 Days Revocation (3 years if BAC refused; RCW 46.61.5055(7)(c))	4 Year Revocation
Ignition Interlock Device	DOL Shall Require **	DOL Shall Require **	DOL Shall Require **
Alcohol/Drug Ed. or Treatment	As Determined by the Court	As Determined by the Court	As Determined by the Court

♦ **Amended Convictions:** See *City of Walla Walla v. Greene*, 154 Wn. 2d 722, 116 P. 3d 1008 (2005).

\* **Electronic Home Monitoring (EHM):** For first time offenders, the court may impose electronic home monitoring in lieu of the mandatory minimum jail time. Courts may waive electronic home monitoring in writing stating the reasons therefore and facts relied upon. If EHM is waived, the court is required to impose an alternative sentence with similar punitive consequences. RCW 46.61.5055.

\*\* **Ignition Interlock Device (IID):** Effective June 10, 2004, DOL shall require after any alcohol related violation of RCW 46.61.502, 46.61.504 or equivalent local ordinances; the court may order IID, setting a calibration level and duration. 46.20.720 (as amended Chapter 95, Laws 2004). For application in DUI Deferred Prosecution, see: RCW 10.05.140, which requires IID in a deferred prosecution of any alcohol-dependency based case. If the violation was committed while a passenger under 16 was in the vehicle, the court must order installation and use of IID for at least 60 days or extend a previously imposed IID requirement by at least 60 days; IID restrictions begin after any applicable period of suspension, revocation, or denial of driving privileges. RCW 46.61.5055 (as amended by Chapter 103 Laws 2003).

\*\*\* **Mandatory conditions of probation if any jail time is suspended:** (*Court's jurisdiction extended to five years if it imposes less than one year in jail - RCW 46.61.5055*) The individual: (i) is not to drive a motor vehicle without a valid license to drive and proof of financial responsibility, (ii) is not to drive while having an alcohol concentration of .08 or more within two hours after driving, (iii) is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. Violation of **any** mandatory condition requires a minimum penalty of 30 days confinement, which may not be suspended or deferred, and an additional 30 day license suspension. RCW 46.61.5055(9). Courts are required to report violations of mandatory conditions to DOL. RCW 46.61.5055.

\*\*\*\* **Statutory Assessments:** PSEA 1, RCW 3.62.090(1); Alcohol Violators Fee, RCW 46.61.5054; Criminal Justice Funding Penalty, RCW 46.64.055 (Note: RCW 3.62.090(1) and (2) apply to CJF penalty); Criminal Conviction Fee, RCW 3.62.085. (Similarly to forfeitable offenses listed in CrRLJ 3.2(r) – (u), statutory assessments are rounded up to the next even dollar amount.)

● **Felony DUI: With four priors within 10 years, or one prior conviction of Veh. Homicide or Veh. Assault (see above), a current offense is a Class C Felony punished under Chapter 9.94A RCW.**