

HB 1493 -- Redline

Substitute to Bill -- Concerning impaired driving.

Deletions ~~struck~~ · Insertions underlined

~~ENGROSSED~~~~H-0615.1~~ SUBSTITUTE HOUSE BILL 1493 State of Washington 68th Legislature 2023 Regular Session
By ~~House Community Safety, Justice, & Reentry (originally sponsored by Representative Goodman)~~Goodman
~~READ~~Read FIRSTfirst TIMEtime 02/17/23~~, 01/23/23.~~

Referred to Committee on Community Safety, Justice, & Reentry.

amending RCW 9.94A.030, 10.05.060, 46.20.355, 46.20.385, 46.20.720, 46.20.740, 46.52.130, and 46.61.5055;

and prescribing penalties;~~penalties.~~

and providing an effective date.

1 ~~ESHB~~HB 1493 (4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

2 ~~ESHB~~HB 1493 establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

3 ~~ESHB~~HB 1493 to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW);

4 ~~ESHB~~HB 1493 bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020;

5 ~~ESHB~~HB 1493 (25) "Escape" means:

6 ~~ESHB~~HB 1493 (c) A private residence where the individual stays as a transient invitee.

7 ~~ESHB~~HB 1493 (q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

8 ~~ESHB~~HB 1493 13.40.110.

9 ~~ESHB~~HB 1493 (xii) Burglary 2 (RCW 9A.52.030);

10 ~~ESHB~~HB 1493 following offenses with a finding of sexual motivation:

11 ~~ESHB~~HB 1493 28A.225.010;

12 ~~ESHB~~HB 1493 (44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~(c) This definition applies for the purpose of a personal driver's license only and does not apply to violations related to a commercial motor vehicle under RCW 46.25.090.~~

or ~~p-~~(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~13 ESHB 1493 (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.~~

~~(a)(i)p-. A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;~~

13 HB 1493 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

~~p-(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program.~~

14 The ESHB transition 1493 training (53) shall "Transition include training" p-. means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program.

~~The 14 transition HB training 1493 shall include~~ instructions in the offender's requirements and obligations during the offender's period of community custody.

~~p-(iv) Manslaughter in the second degree;~~

~~15 ESHB 1493 (iv) Manslaughter in the second degree;~~

~~(viii)p-. Assault in the second degree;~~

15 HB 1493 (viii) Assault in the second degree;

~~p-If the report recommends treatment, the court shall examine the treatment plan.~~

16 If ESHB it 1493 approves If the plan and the report petitioner recommends agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court shall docket examine showing that the treatment person plan p.

~~If 16 it HB approves 1493 the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made~~

~~upon the person's court docket showing that the person~~ has been accepted for deferred prosecution.

Upon receipt of the abstract of the docket, the department shall issue notice that 4530 days after receipt, the petitioner must apply for a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge.

The department shall maintain the record ~~((for for ten((ten)) 10 years from date of entry of the order granting deferred prosecution))~~ prosecution. consistent with the requirements of RCW 46.01.260.

(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 issue notice that 4530 days after receipt, the person must apply for a probationary license, and order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession.

~~p-(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.~~

~~17(3) ESHB 1493 receipt (2) of The an department abstract shall indicating place a person's deferred driving prosecution privilege has in been probationary granted status under as required by RCW 10.05.060 10.05.060, or 46.61.5055 upon for reinstatement a or period reissuance of five a years driver's from license the suspended date or the. probationary status is required to go into effect.~~

~~(3) 17 Following HB receipt 1493 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.~~

~~p-(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of:~~

~~18(i) ESHB 1493 violation (1)(a) of Any RCW person 46.61.502 licensed or under 46.61.504 this or chapter an equivalent local or who out-of-state has statute or ordinance, or (ii) a valid violation driver's of license RCW from 46.61.520(1)(a) another or state, an who 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 convicted the of result of a charge that was p.~~

~~(i) 18 AHB violation 1493 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 has had his or her license suspended, revoked, or denied under RCW 46.61.5055(11)(c)(i), 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.~~

~~(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 p-that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.~~

~~10 ESHB 1493 that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.~~

~~(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has p-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.~~

19 HB 1493 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.

The company shall remit the additional fee to the ~~p-department~~, except that the company may retain ((twenty-five)) 25 cents per month of the additional fee to cover the expenses associated with administering the fee.

~~20 ESHB 1493 department, except that the company may retain ((twenty-five)) 25 cents per month of the additional fee to cover the expenses associated with administering the fee.~~

The ~~department p.~~ shall adopt rules to provide monetary assistance according to greatest need and when

~~funds are available.~~

20 HB 1493 department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

~~p-(c) Deferred prosecution.~~

~~21 ESHB 1493 (c) Deferred prosecution.~~

~~(d)p. Post conviction.~~

21 HB 1493 (d) Post conviction.

or ~~p-(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.~~

~~22 ESHB 1493 (ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.~~

~~(ii)p. For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;~~

22 HB 1493 (ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(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 ~~p-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.~~

~~23 ESHB 1493 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 p. substantial evidence.~~

23 HB 1493 and substantial evidence.

and ~~p-(b) That the ignition interlock device was inspected at the conclusion of the ((one hundred eighty-day)) 180-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.~~

~~24 ESHB 1493 (b) That the ignition interlock device was inspected at the conclusion of the ((one hundred eighty-day)) 180-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.~~

(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 p. device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.~~

24 HB 1493 interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

~~p-(c) The employer exemption does not apply to a person who is self-employed unless the person's vehicle is used exclusively for the person's employment.~~

~~25 ESHB 1493 (c) The employer exemption does not apply to a person who is self-employed unless the person's vehicle is used exclusively for the person's employment.~~

The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, ~~except p. that the company may retain ((twenty-five)) 25 cents per month of the additional fee to cover the expenses associated with administering the fee.~~

25 HB 1493 except that the company may retain ((twenty-five)) 25 cents per month of the additional fee to cover the expenses associated with administering the fee.

If, based upon notification from the interlock provider or otherwise, the department ~~p-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.~~

~~26 ESHB 1493 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.~~

~~(2)p. 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.~~

26 HB 1493 (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.

RCW 46.52.130 and 2022 c 182 s 206 are each amended to read as follows:

Upon a proper request, the department may only furnish information contained in an abstract of a person's driving record as permitted under this section.

(1) Contents of abstract of driving record.

An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

(ii) Whether the vehicles were legally parked or moving;

(iii) Whether the vehicles were occupied at the time of the accident;

and (iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state;

and (d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) Release of abstract of driving record.

Unless otherwise required in this section, the release of an abstract does not require p.

27 HB 1493 a signed statement by the subject of the abstract.

An abstract of a person's driving record may be furnished to the following persons or entities:

(a) Named individuals.

(i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court.

A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge.

An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections.

A probation clerk or probation officer employed by the court may also provide a copy of the driver's abstract to a treatment agency in accordance with (f) of this subsection.

Courts may charge a reasonable fee for the production and copying of the abstract for the individual, unless the person is indigent as defined in RCW 10.101.010.

(b) Employers or prospective employers.

(i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or agents acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) The department may provide employers or their agents a three-year insurance carrier driving record of existing employees only for the purposes of sharing the driving record with its insurance carrier for underwriting.

Employers may not provide the employees' full driving records to its insurance carrier.

(iii) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or the agent(s) acting on behalf of an employer or prospective employer of the named individual for purposes unrelated to driving by the individual when a driving record is required by federal or state law, or the employee or prospective employee will be handling heavy equipment or machinery.

(iv) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by:

(A) The employee or prospective employee that authorizes the release of the p.

28 HB 1493 record;

and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes agents to obtain this information on their behalf, this must be noted in the statement.

The statement must also note that any information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee may not be used by the employer or prospective employer, or an agent authorized to obtain this information on their behalf, unless required by federal regulation or law.

The employer or prospective employer must afford the employee or prospective employee an opportunity to demonstrate that an adjudication contained in the abstract is subject to a court order sealing the juvenile record.

(v) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(vi) No employer or prospective employer, nor any agents of an employer or prospective employer, may use information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee for any purpose unless required by federal regulation or law.

The employee or prospective employee must furnish a copy of the court order sealing the juvenile record to the employer or prospective employer, or the agents of the employer or prospective employer, as may be required to ensure the application of this subsection.

(c) Volunteer organizations.

(i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by:

(A) The prospective volunteer that authorizes the release of the record;

and (B) the volunteer organization attesting that the information is p.

29 HB 1493 necessary for purposes related to driving by the individual at the direction of the volunteer organization.

If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) Transit authorities.

An abstract of the full driving record maintained by the department may be furnished to an employee or agents of a transit authority checking prospective or existing volunteer vanpool drivers for insurance and risk management needs.

(e) Insurance carriers.

(i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agents:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied;

or (C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty, or by registered tow truck operators as defined in RCW 46.55.010 in the performance of their occupational duties while at the scene of a roadside impound or recovery so long as they are not issued a citation.

This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving;

and (C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

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30 HB 1493 (iv) Any insurance company or its agents, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any insurance company or its agents, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

For the purposes of this subsection, "commercial motor vehicle" has the same meaning as in RCW

46.25.010(6).

(f) Alcohol/drug assessment or treatment agencies.

An abstract of the full driving record maintained by the department ((covering the period of not more than the last five years)) may be furnished to an alcohol/drug assessment or treatment agency approved by the department of health to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, ((except that)) and the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2)((, covering a period of not more than the last ten years));

and (ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) Attorneys -- City attorneys, county prosecuting attorneys, and named individual's attorney of record.

An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting attorneys, or the named individual's attorney of record.

City attorneys, county prosecuting attorneys, or the named individual's attorney of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) State colleges, universities, or agencies, or units of local government.

An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031, or p.

31 HB 1493 their agents, for employment and risk management purposes.

"Unit of local government" includes an insurance pool established under RCW 48.62.031.

(i) Superintendent of public instruction.

(i) An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records.

The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(ii) The superintendent of public instruction is exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section.

(j) State and federal agencies.

An abstract of the driving record maintained by the department may be furnished to state and federal agencies, or their agents, in carrying out its functions.

(k) Transportation network companies.

An abstract of the full driving record maintained by the department may be furnished to a transportation network company or its agents acting on its behalf of the named individual for purposes related to driving by the individual as a condition of being a contracted driver.

(l) Research.

(i) The department may furnish driving record data to state agencies and bona fide scientific research organizations.

The department may require review and approval by an institutional review board.

For the purposes of this subsection, "research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, or by a scientific research professional associated with a bona fide scientific research organization with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs.

This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(ii) The state agency, or a scientific research professional associated with a bona fide scientific research organization, are exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section.

However, the department may charge a cost-recovery fee for the actual cost of providing the data.

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32 HB 1493 (3) Reviewing of driving records.

(a) In addition to the methods described herein, the director may enter into a contractual agreement for the purpose of reviewing the driving records of existing employees for changes to the record during

specified periods of time.

The department shall establish a fee for this service, which must be deposited in the highway safety fund.

The fee for this service must be set at a level that does not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(b) The department may provide reviewing services to the following entities:

(i) Employers for existing employees, or their agents;

(ii) Transit authorities for current vanpool drivers, or their agents;

(iii) Insurance carriers for current policyholders, or their agents;

(iv) State colleges, universities, or agencies, or units of local government, or their agents;

(v) The office of the superintendent of public instruction for school bus drivers statewide;

and (vi) Transportation network companies, or their agents.

(4) Release to third parties prohibited.

(a) Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (l) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(b) The following release of records to third parties are hereby authorized:

(i) Employers may divulge driving records to regulatory bodies, as defined by the department by rule, such as the United States department of transportation and the federal motor carrier safety administration.

(ii) Employers may divulge a three-year driving record to their insurance carrier for underwriting purposes.

(iii) Employers may divulge driving records to contracted motor carrier consultants for the purposes of ensuring driver compliance and risk management.

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33 HB 1493 (5) Fees.

(a) The director shall collect a \$15 fee for each abstract of a person's driving record furnished by the department.

After depositing \$2 of the driver's abstract fee in the move ahead WA flexible account created in RCW 46.68.520, the remainder shall be distributed as follows:

(i) Fifty percent must be deposited in the highway safety fund;

and (ii) Fifty percent must be deposited according to RCW 46.68.038.

(b) Beginning July 1, 2029, the director shall collect an additional \$2 fee for each abstract of a person's driving record furnished by the department.

The \$2 additional driver's abstract fee must be deposited in the move ahead WA flexible account created in RCW 46.68.520.

(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the department for use in criminal proceedings.

(6) Violation.

(a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

(7) Effective July 1, 2019, the contents of a driving abstract pursuant to this section shall not include any information related to sealed juvenile records unless that information is required by federal law or regulation.

Sec.

8.

In lieu of the mandatory minimum term of imprisonment required ~~under this subsection (1)(a)(i), the court, in its discretion, may~~ p.

~~27~~34 ~~ESHB~~HB 1493 under this subsection (1)(a)(i), the court, in its discretion, may order not less than ((fifteen)) 15 days of electronic home monitoring or a ((ninety-day)) 90-day period of 24/7 sobriety program monitoring.

~~28~~35 ~~ESHB~~HB 1493 \$500 of the fine may not be suspended unless the court finds the offender to be indigent.

~~29~~36 ~~ESHB~~HB 1493 (ii) By a fine of not less than ((five hundred dollars)) \$500 nor more than ((five thousand dollars)) \$5,000.

~~30~~37 ~~ESHB~~HB 1493 fifty dollars)) \$750 of the fine may not be suspended unless the court finds the

offender to be indigent.

~~3138~~ ESHBHB 1493 (ii) By a fine of not less than ((one thousand dollars)) \$1,000 nor more than ((five thousand dollars)) \$5,000.

~~3239~~ ESHBHB 1493 ((One thousand five hundred)) \$1,500 dollars of the fine may not be suspended unless the court finds the offender to be indigent.

~~3340~~ ESHBHB 1493 (iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

~~3441~~ ESHBHB 1493 not more than ((ten thousand dollars)) \$10,000 for each passenger under the age of ((sixteen)) 16.

~~3542~~ ESHBHB 1493 department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring.

~~3643~~ ESHBHB 1493 the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

~~3744~~ ESHBHB 1493 after driving;

~~3845~~ ESHBHB 1493 utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

~~3946~~ ESHBHB 1493 (vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

~~4047~~ ESHBHB 1493 granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

~~8.~~

~~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.~~

~~NEW SECTION.~~

~~Sec.~~

~~This~~If any provision of this act takes or effect its January application 1, to 2026, 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.

~~4148~~ ESHBHB 1493