

Case Name: _____

Cause No.: _____

“DUI” Attachment: Driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Department Of Licensing - DUI Administrative Sanctions and Reinstatement Provisions (as amended through July 1, 2007)

ADMINISTRATIVE SANCTIONS – RCW 46.20.3101	
REFUSED TEST	<i>First Refusal Within 7 Years And No Prior Administrative Action Within Past 7 Years</i>
Adult	1-Year License Revocation
Minor	1-Year License Revocation
ALCOHOL CONCENTRATION TEST RESULT	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal And At Least One Prior Administrative Action Within Past 7 Years (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 With 0.08 or Greater	2-Year License Revocation
Minor With 0.02 or Greater	2-Year License Revocation Or Until Age 21 Whichever Is Longer
	<i>Second or Subsequent Administrative Action</i>
Adult With 0.08 or Greater	2-Year License Revocation
Minor With 0.02 or Greater	1-Year License Revocation Or Until Age 21 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"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW 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 Pay \$150 driver’s license reissue fee Driver’s ability test NOT required 	<ul style="list-style-type: none"> File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW 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 Pay \$150 driver’s license reissue fee Satisfactorily complete a driver’s ability test

* 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)

Original Convictions for the following: (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.

Amended Convictions for the following: 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). (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. ♦

Deferred Prosecution Granted for the following: (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equivalent local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249), (or equiv. local ord.), (or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).*

“Within seven years” or “within 10 years” means that the arrest for a prior offense(s) occurred within 7 years or within 10 years of the arrest for the current offense. (as defined in RCW 46.61.505.)

Alcohol Concentration Less Than .15 Or No Test Result	No Prior Offenses Within Past 7 Years	One Prior Offense Within Past 7 Years	Two or Three Prior Offenses Within Past 7 Years
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 assessments****)
Driver's License	90-Day Suspension	2-Year Revocation	3-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
Alcohol Concentration At Least .15 or Greater Or Test Refusal	No Prior Offenses Within Past 7 Years	One Prior Offense Within Past 7 Years	Two or Three Prior Offenses Within Past 7 Years
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-Day 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 (IID):** Effective 6/10/04, 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 by Laws of 2004, ch. 95). 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 Laws of 2003, ch. 103).

*** **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 a motor vehicle 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 (CJF) Penalty, RCW 46.64.055 (Note RCW 3.62.090(1) and (2) apply to C.J.F. 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.