
SENATE BILL 6294

State of Washington 55th Legislature 1998 Regular Session

By Senators Benton, Roach, T. Sheldon, Rossi, Oke and Rasmussen

Read first time 01/15/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to drunk driving; amending RCW 46.20.391; adding a
2 new section to chapter 46.12 RCW; adding a new section to chapter 46.16
3 RCW; adding a new section to chapter 46.20 RCW; prescribing penalties;
4 and declaring an emergency.

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

6 **Sec. 1.** RCW 46.20.391 and 1995 c 332 s 12 are each amended to read
7 as follows:

8 (1) Any person licensed under this chapter who is convicted of an
9 offense relating to motor vehicles for which suspension or revocation
10 of the driver's license is mandatory, other than vehicular homicide or
11 vehicular assault or a violation of RCW 46.61.502 or 46.61.504, may
12 submit to the department an application for an occupational driver's
13 license. The department, upon receipt of the prescribed fee and upon
14 determining that the petitioner is engaged in an occupation or trade
15 that makes it essential that the petitioner operate a motor vehicle,
16 may issue an occupational driver's license and may set definite
17 restrictions as provided in RCW 46.20.394. No person may petition for,
18 and the department shall not issue, an occupational driver's license
19 that is effective during the first thirty days of any suspension ((or

1 ~~revocation~~) imposed for a violation of RCW 46.61.502 or 46.61.504. A
2 person aggrieved by the decision of the department on the application
3 for an occupational driver's license may request a hearing as provided
4 by rule of the department.

5 (2) An applicant for an occupational driver's license is eligible
6 to receive such license only if:

7 (a) Within one year immediately preceding the date of the offense
8 that gave rise to the present conviction, the applicant has not
9 committed any offense relating to motor vehicles for which suspension
10 or revocation of a driver's license is mandatory; and

11 (b) Within five years immediately preceding the date of the offense
12 that gave rise to the present conviction, the applicant has not
13 committed any of the following offenses: (i) Driving or being in
14 actual physical control of a motor vehicle while under the influence of
15 intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or
16 (iii) vehicular assault under RCW 46.61.522; and

17 (c) The applicant is engaged in an occupation or trade that makes
18 it essential that he or she operate a motor vehicle; and

19 (d) The applicant files satisfactory proof of financial
20 responsibility pursuant to chapter 46.29 RCW.

21 (3) The director shall cancel an occupational driver's license upon
22 receipt of notice that the holder thereof has been convicted of
23 operating a motor vehicle in violation of its restrictions, or of an
24 offense that pursuant to chapter 46.20 RCW would warrant suspension or
25 revocation of a regular driver's license. The cancellation is
26 effective as of the date of the conviction, and continues with the same
27 force and effect as any suspension or revocation under this title.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.12 RCW
29 to read as follows:

30 (1) No person whose license to drive, permit to drive, or
31 nonresident privilege to drive is suspended, revoked, or permanently
32 revoked may obtain, and the department shall not issue to such a
33 person, a certificate of vehicle ownership, vehicle license number
34 plates, or certificate of license registration, whether original issue
35 or duplicate, for a motor vehicle.

36 (2) No person whose license to drive, permit to drive, or
37 nonresident privilege to drive is suspended, revoked, or permanently
38 revoked may purchase, lease, or rent a motor vehicle. No individual or

1 dealer may knowingly sell, lease, or rent a motor vehicle to a person
2 whose license to drive, permit to drive, or nonresident privilege to
3 drive is suspended, revoked, or permanently revoked. A violation of
4 this subsection is a gross misdemeanor punishable as provided for in
5 chapter 9A.20 RCW.

6 (3) A person who does not have a valid license or permit to drive
7 for reasons other than the suspension, revocation, or permanent
8 revocation of his or her license or permit may apply for and the
9 department shall issue a certificate indicating that the person's
10 license, permit, or privilege is not suspended, revoked, or permanently
11 revoked. No such certificate may be valid for more than thirty days.
12 Any individual or dealer may sell, lease, or rent a motor vehicle to a
13 person who possesses a valid license or permit to drive or who
14 possesses a valid certificate issued under this section.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16 RCW
16 to read as follows:

17 No person whose license to drive, permit to drive, or nonresident
18 privilege to drive is suspended, revoked, or permanently revoked may
19 obtain, and the department shall not issue to such a person, a vehicle
20 license or vehicle license number plates under RCW 46.16.010.

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

23 At the expiration of seven years from the date of any conviction in
24 which a person was punished by a permanent license revocation under RCW
25 46.61.5055 (2) or (3), the person may petition the department for
26 restoration of his or her privilege to operate a motor vehicle in this
27 state. Upon receipt of the petition, and for good cause shown, the
28 department of licensing shall restore to the person the privilege to
29 operate a motor vehicle in this state upon such terms and conditions as
30 the department of licensing prescribes, subject to the provisions of
31 chapter 46.29 RCW and such other provisions of law relating to the
32 issuance or revocation of drivers' licenses.

33 "Good cause shown" means that the individual submitting the
34 petition presents sufficient evidence of permanent rehabilitation
35 through affidavits from treatment providers, doctors, and others. The
36 petitioner has the burden of demonstrating by clear and convincing

1 evidence that he or she has spent the previous seven years in a state
2 of sobriety.

3 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

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