

2 **SHB 1774** - S COMM AMD - **S2452.2**

3 By Committee on Judiciary

4 ADOPTED AS AMENDED by FLR 367 on 4/14/99 and (FLR 487 on 4/24/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 are
8 each reenacted and amended to read as follows:

9 (1) Any person licensed under this chapter who is convicted of an
10 offense relating to motor vehicles for which suspension or revocation
11 of the driver's license is mandatory, other than vehicular homicide or
12 vehicular assault, or who has had his or her license suspended under
13 RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an
14 application for an occupational driver's license. The department, upon
15 receipt of the prescribed fee and upon determining that the petitioner
16 is engaged in an occupation or trade that makes it essential that the
17 petitioner operate a motor vehicle, may issue an occupational driver's
18 license and may set definite restrictions as provided in RCW 46.20.394.
19 No person may petition for, and the department shall not issue, an
20 occupational driver's license that is effective during the first thirty
21 days of any suspension or revocation imposed for a violation of RCW
22 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a).
23 A person aggrieved by the decision of the department on the application
24 for an occupational driver's license may request a hearing as provided
25 by rule of the department.

26 (2)(a) A person licensed under this chapter whose driver's license
27 is suspended administratively due to failure to appear or pay a traffic
28 ticket under RCW 46.20.289; a violation of the financial responsibility
29 laws under chapter 46.29 RCW; or for multiple violations within a
30 specified period of time under RCW 46.20.291, may apply to the
31 department for an occupational driver's license if the applicant
32 demonstrates to the satisfaction of the department that one of the
33 following additional conditions are met:

34 (i) The applicant is in an apprenticeship program or an on-the-job
35 training program for which a driver's license is required;

1 (ii) The applicant presents evidence that he or she has applied for
2 a position in an apprenticeship or on-the-job training program and the
3 program has certified that a driver's license is required to begin the
4 program, provided that a license granted under this provision shall be
5 in effect no longer than fourteen days;

6 (iii) The applicant is in a program that assists persons who are
7 enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to
8 become gainfully employed and the program requires a driver's license;
9 or

10 (iv) The applicant is undergoing substance abuse treatment or is
11 participating in meetings of a twelve-step group such as alcoholics
12 anonymous.

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

16 (c) An occupational driver's license issued to an applicant
17 described in (a) of this subsection shall be valid for the period of
18 the suspension or revocation but not more than two years.

19 (d) Upon receipt of evidence that a holder of an occupational
20 driver's license granted under this subsection is no longer enrolled in
21 an apprenticeship or on-the-job training program, the director shall
22 give written notice by first class mail to the driver that the
23 occupational driver's license shall be canceled. The effective date of
24 cancellation shall be fifteen days from the date of mailing the notice.
25 If at any time before the cancellation goes into effect the driver
26 submits evidence of continued enrollment in the program, the
27 cancellation shall be stayed. If the cancellation becomes effective,
28 the driver may obtain, at no additional charge, a new occupational
29 driver's license upon submittal of evidence of enrollment in another
30 program that meets the criteria set forth in this subsection.

31 (e) The department shall not issue an occupational driver's license
32 under (a)(iv) of this subsection if the applicant is able to receive
33 transit services sufficient to allow for the applicant's participation
34 in the programs referenced under (a)(iv) of this subsection.

35 (3) An applicant for an occupational driver's license is eligible
36 to receive such license only if:

37 (a) Within one year immediately preceding the date of the offense
38 that gave rise to the present conviction, the applicant has not

1 committed any offense relating to motor vehicles for which suspension
2 or revocation of a driver's license is mandatory; and

3 (b) Within seven years immediately preceding the date of the
4 offense that gave rise to the present conviction or incident, the
5 applicant has not committed any of the following offenses: (i) Driving
6 or being in actual physical control of a motor vehicle while under the
7 influence of intoxicating liquor; (ii) vehicular homicide under RCW
8 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

9 (c) The applicant is engaged in an occupation or trade that makes
10 it essential that he or she operate a motor vehicle, except as allowed
11 under subsection (2)(a) of this section; and

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

14 (~~(3)~~) (4) The director shall cancel an occupational driver's
15 license upon receipt of notice that the holder thereof has been
16 convicted of operating a motor vehicle in violation of its
17 restrictions, or of an offense that pursuant to chapter 46.20 RCW would
18 warrant suspension or revocation of a regular driver's license. The
19 cancellation is effective as of the date of the conviction, and
20 continues with the same force and effect as any suspension or
21 revocation under this title.

22 **Sec. 2.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read
23 as follows:

24 In issuing an occupational driver's license under RCW 46.20.391,
25 the department shall describe the type of occupation permitted and
26 shall set forth in detail the specific hours of the day during which
27 the person may drive to and from his place of work, which may not
28 exceed twelve hours in any one day; the days of the week during which
29 the license may be used; and the general routes over which the person
30 may travel. In issuing an occupational driver's license under RCW
31 46.20.391(2)(a)(iv), the department shall set forth in detail the
32 specific hours during which the person may drive to and from substance
33 abuse treatment or meetings of a twelve-step group such as alcoholics
34 anonymous, the days of the week during which the license may be used,
35 and the general routes over which the person may travel. These
36 restrictions shall be prepared in written form by the department, which
37 document shall be carried in the vehicle at all times and presented to
38 a law enforcement officer under the same terms as the occupational

1 driver's license. Any violation of the restrictions constitutes a
2 violation of RCW 46.20.342 and subjects the person to all procedures
3 and penalties therefor.

4 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2000."

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7 ADOPTED 4/13/99

8 On page 1, line 1 of the title, after "licenses;" strike the
9 remainder of the title and insert "amending RCW 46.20.394; reenacting
10 and amending RCW 46.20.391; and providing an effective date."

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