

HOUSE BILL REPORT

HB 2478

As Reported by House Committee On:
Judiciary

Title: An act relating to clarifying the restrictions concerning occupational licenses.

Brief Description: Clarifying the restrictions concerning occupational licenses.

Sponsors: Representatives Clements, Lantz and Conway.

Brief History:

Committee Activity:

Judiciary: 1/31/02, 2/1/02 [DP].

Brief Summary of Bill

- Provides that an applicant for an occupational driver's license must enter into a payment plan for unpaid fines only if the court has such a plan.
- Explicitly states that an occupational license issued to a person with unpaid fines is to be used by the person so he or she can work in order to pay off those fines.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 6 members: Representatives Lantz, Chair; Boldt, Dickerson, Esser, Jarrett and Lysen.

Minority Report: Do not pass. Signed by 3 members: Representatives Hurst, Vice Chair; Carrell, Ranking Minority Member; and Lovick.

Staff: Bill Perry (786-7123).

Background:

Under prescribed circumstances, a person whose driver's license has been suspended or revoked may get an "occupational" license. Such a license is for the purpose of allowing the person to work, or in some instances to get training or to get treatment for substance abuse.

The authority to drive under such a license is limited to driving that is directly related to employment, training or treatment. The license must be accompanied by specific detailed restrictions on the hours of the day when driving is allowed and by a general description of the permitted routes for traveling to and from work or treatment. An occupational license is good for either the length of the suspension or revocation, or for two years, whichever is shorter.

One main category of persons who may apply for an occupational license is drivers who have had their licenses suspended by the Department of Licensing (DOL) for one of three specified reasons. These reasons include:

- Failure to pay a traffic ticket; or
- driving without insurance; or
- committing multiple driving offenses with a frequency that indicates a disrespect for traffic laws or a disregard for the safety of others.

A person who has had his or her license suspended for one of these reasons may apply to the DOL for an occupational license if he or she:

- Is in an apprenticeship or training program that requires a license; or
- has applied for such a program (in which case an occupational license will be good for only 14 days); or
- is enrolled in a WorkFirst program that requires a license; or
- is undergoing substance abuse treatment or attending substance abuse meetings and does not have transit services available to get to and from the treatment or meetings.

In addition, the applicant must meet certain requirements, including having insurance coverage or otherwise showing proof of financial responsibility.

If the reason for the loss of license was failure to pay a fine, then the applicant must also enter into a payment plan with the court before the DOL can issue an occupational license. Some otherwise qualified applicants have apparently been unable to get occupational licenses solely because some courts do not have payment plans.

Summary of Bill:

An applicant for an occupational license is subject to the requirement of making payments under a court plan only if the court has such a plan.

An express provision is added to the occupational driver's license law stating that:

- The issuance of an occupational license does not affect the underlying suspension or revocation; and
- the purpose of the occupational license is to allow a driver to work and to pay off any outstanding fines where the failure to pay those fines was the reason for the suspension or revocation of the driver's license.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill fixes an inequity in the current law that allows a person in one county to get an occupational license, but denies another person with exactly the same circumstances in a different county. Many courts have adopted payment plans, but some still do not have them, and applicants should not be denied a license just because a county does not have a payment plan. The apprenticeship programs that may qualify a person for an occupational license really do give a person the chance to turn his or her life around and become a contributing member of society. The bill will not let anyone get out of any obligation, but it will correct an inequity.

Testimony Against: None.

Testified: Representative Clements, prime sponsor; Arnie Whedbee, Columbia Legal Services; Julie Sandstede, Youth Building Tacoma Program, city of Tacoma; Peter Guzman, city of Tacoma; and Bob Markholt, Seattle Vocational Institute.