

2 SHB 2446 - S AMD TO LAW COMM AMD (S-5335.1/98) - 951
3 By Senator Kline

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5 Beginning on page 1, line 7 of the amendment, strike all material
6 through "1999." on page 5, line 22, and insert the following:

7 "Sec. 1. RCW 46.20.3101 and 1995 c 332 s 3 are each amended to
8 read as follows:

9 Pursuant to RCW 46.20.308, the department shall suspend, revoke, or
10 deny the arrested person's license, permit, or privilege to drive as
11 follows:

12 (1) In the case of a person who has refused a test or tests:

13 (a) For a first refusal within five years, where there has not been
14 a previous incident within five years that resulted in administrative
15 action under this section, revocation or denial for (~~one year~~) five
16 hundred forty days;

17 (b) For a second (~~or subsequent~~) refusal within five years, or
18 for a first refusal where there has been one or more previous incidents
19 within five years that have resulted in administrative action under
20 this section, revocation or denial for (~~two~~) three years or until the
21 person reaches age twenty-one, whichever is longer. A revocation
22 imposed under this subsection (1)(b) shall run consecutively to the
23 period of any suspension, revocation, or denial imposed pursuant to a
24 criminal conviction arising out of the same incident;

25 (c) For a third or subsequent refusal within five years, or for a
26 second refusal where there has been two or more previous incidents
27 within five years that have resulted in administrative action under
28 this section, revocation or denial for four years or until the person
29 reaches age twenty-one, whichever is longer. A revocation imposed
30 under this subsection (1)(c) runs consecutively to the period of any
31 suspension, revocation, or denial imposed under a criminal conviction
32 arising out of the same incident.

33 (2) In the case of an incident where a person has submitted to or
34 been administered a test or tests indicating that the alcohol
35 concentration of the person's breath or blood was 0.10 or more:

1 (a) For a first incident within five years, where there has not
2 been a previous incident within five years that resulted in
3 administrative action under this section, placement in probationary
4 status as provided in RCW 46.20.355;

5 (b) For a second or subsequent incident within five years,
6 revocation or denial for two years.

7 (3) In the case of an incident where a person under age twenty-one
8 has submitted to or been administered a test or tests indicating that
9 the alcohol concentration of the person's breath or blood was 0.02 or
10 more:

11 (a) For a first incident within five years, suspension or denial
12 for ninety days;

13 (b) For a second or subsequent incident within five years,
14 revocation or denial for one year or until the person reaches age
15 twenty-one, whichever is longer.

16 **Sec. 2.** RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to
17 read as follows:

18 No person may file an application for (~~(an occupational)~~) a
19 temporary restricted driver's license as provided in RCW 46.20.391
20 unless he or she first pays to the director or other person authorized
21 to accept applications and fees for driver's licenses a fee of twenty-
22 five dollars. The applicant shall receive upon payment an official
23 receipt for the payment of such fee. All such fees shall be forwarded
24 to the director who shall transmit such fees to the state treasurer in
25 the same manner as other driver's license fees.

26 **Sec. 3.** RCW 46.20.391 and 1995 c 332 s 12 are each amended to read
27 as follows:

28 (1) Any person licensed under this chapter who is convicted of an
29 offense relating to motor vehicles for which suspension or revocation
30 of the driver's license is mandatory, other than vehicular homicide or
31 vehicular assault, may submit to the department an application for (~~(an~~
32 ~~occupational)~~) a temporary restricted driver's license. The
33 department, upon receipt of the prescribed fee and upon determining
34 that the petitioner is engaged in an occupation or trade that makes it
35 essential that the petitioner operate a motor vehicle, may issue (~~(an~~
36 ~~occupational)~~) a temporary restricted driver's license and may set
37 definite restrictions as provided in RCW 46.20.394. No person may

1 petition for, and the department shall not issue, (~~(an occupational)~~)
2 a temporary restricted driver's license that is effective during the
3 first thirty days of any suspension or revocation imposed for a
4 violation of RCW 46.61.502 or 46.61.504. A person aggrieved by the
5 decision of the department on the application for (~~(an occupational)~~)
6 a temporary restricted driver's license may request a hearing as
7 provided by rule of the department.

8 (2) In addition, a person licensed under this chapter who is not
9 eligible to apply for a temporary restricted driver's license under
10 subsection (1) of this section may submit to the department an
11 application for a temporary restricted driver's license if (a) the
12 applicant's driver's license or driving privilege has been suspended or
13 revoked, other than for vehicular homicide, vehicular assault, refusing
14 a breath or blood test, noncompliance with a child support order, or
15 for a physical or mental disability that would prevent the person from
16 operating a motor vehicle with safety upon the highways and (b) the
17 applicant demonstrates to the satisfaction of the department that the
18 following additional conditions are met:

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

21 (ii) The applicant is in the process of applying for a position in
22 an apprenticeship or on-the-job training program and the program has
23 certified that a driver's license is required to begin the program;

24 (iii) The applicant is in a welfare-to-work program that requires
25 a driver's license;

26 (iv) Is undergoing alcohol or substance abuse treatment; or

27 (v) Is fulfilling court-ordered community service responsibilities.

28 A temporary restricted driver's license issued to an applicant
29 described in this subsection is valid for no more than two years and is
30 not subject to renewal.

31 As a condition of granting a temporary restricted license under
32 this subsection, the department may require such subsequent proof as it
33 deems appropriate that the licensee is actively pursuing the
34 apprenticeship or on-the-job training program application.

35 (3) An applicant for (~~(an occupational)~~) a temporary restricted
36 driver's license is eligible 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 five years immediately preceding the date of the offense
4 that gave rise to the present conviction, the applicant has not
5 committed any of the following offenses: (i) Driving or being in
6 actual physical control of a motor vehicle while under the influence of
7 intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or
8 (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 or qualifies under
11 subsection (2) 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)~~) a
15 temporary restricted driver's license upon receipt of notice that the
16 holder thereof has been convicted of operating a motor vehicle in
17 violation of its restrictions, or of an offense that pursuant to
18 chapter 46.20 RCW would warrant suspension or revocation of a regular
19 driver's license. The cancellation is effective as of the date of the
20 conviction, and continues with the same force and effect as any
21 suspension or revocation under this title.

22 **Sec. 4.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read
23 as follows:

24 In issuing (~~(an occupational)~~) temporary restricted driver's
25 license under RCW 46.20.391, the department shall describe the (~~(type~~
26 ~~of occupation permitted)~~) qualifying circumstances and shall set forth
27 in detail the specific hours of the day during which the person may
28 drive to and from his (~~(place of work)~~) or her home, which may not
29 exceed twelve hours in any one day; the days of the week during which
30 the license may be used; and the general routes over which the person
31 may travel. These restrictions shall be prepared in written form by
32 the department, which document shall be carried in the vehicle at all
33 times and presented to a law enforcement officer under the same terms
34 as the (~~(occupational)~~) temporary restricted driver's license. Any
35 violation of the restrictions constitutes a violation of RCW 46.20.342
36 and subjects the person to all procedures and penalties therefor.

1 **Sec. 5.** RCW 46.20.400 and 1967 c 32 s 33 are each amended to read
2 as follows:

3 If (~~(an occupational)~~) a temporary restricted driver's license is
4 issued and is not revoked during the period for which issued the
5 licensee may obtain a new driver's license at the end of such period,
6 but no new driver's (~~(permit shall)~~) license may be issued to such
7 person until he or she surrenders his (~~(occupational)~~) or her temporary
8 restricted driver's license and his or her copy of the order and the
9 director is satisfied that he or she complies with all other provisions
10 of law relative to the issuance of a driver's license.

11 NEW SECTION. **Sec. 6.** This act takes effect January 1, 1999."

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