
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4513.1/02

ATTY/TYPIST: KT:seg

BRIEF DESCRIPTION:

2 **ESHB 2829** - S COMM AMD
3 By Committee on Judiciary

4

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW
8 to read as follows:

9 (1)(a) Any person who had his or her driving privileges revoked as
10 a juvenile pursuant to RCW 46.20.265 and was not otherwise eligible to
11 drive at the time of the initial revocation may apply for an
12 occupational driver's license if he or she meets the following
13 requirements:

14 (i) Has obtained a valid driver's instruction permit under
15 subsection (2) of this section;

16 (ii) Is eighteen years of age or older;

17 (iii) Has completed a traffic safety education program approved and
18 accredited by the office of the superintendent of public instruction or
19 a course of instruction offered by a licensed driver training school as
20 defined by RCW 46.82.280(1);

21 (iv) Has successfully passed a driver licensing examination that
22 would otherwise qualify the applicant for a driver's license had he or
23 she not been subject to the revocation;

24 (v) Pays the required fee for the driver's license examination;

25 (vi) Pays the occupational driver's license application fee
26 pursuant to RCW 46.20.380;

27 (vii) Within one year immediately preceding the date of the offense
28 that gave rise to the present conviction, the applicant has not
29 committed any offense relating to motor vehicles for which suspension
30 or revocation of a driver's license is mandatory;

31 (viii) Within seven years immediately preceding the date of the
32 offense that gave rise to the present conviction or incident, the
33 applicant has not committed any of the following offenses: (A) Driving
34 or being in actual physical control of a motor vehicle while under the
35 influence of intoxicating liquor; (B) vehicular homicide under RCW
36 46.61.520; or (C) vehicular assault under RCW 46.61.522;

1 (ix)(A) Is engaged in an occupation, trade, apprenticeship, or on-
2 the-job training that makes it essential that he or she operate a motor
3 vehicle; or (B) is enrolled at a college, university, community
4 college, technical college, vocational school, trade school, or private
5 career school for a minimum of six credit hours that makes it essential
6 that he or she operate a motor vehicle; and

7 (x) Files satisfactory proof of financial responsibility under
8 chapter 46.29 RCW.

9 (b) The department, upon receipt of the prescribed fee and
10 application and upon determining that the applicant is engaged in an
11 occupation, trade, apprenticeship, or on-the-job training or is
12 enrolled at a college, university, community college, technical
13 college, vocational school, trade school, or private career school for
14 a minimum of six credit hours that makes it essential that the
15 applicant operate a motor vehicle, may issue an occupational driver's
16 license and may set definite restrictions as provided in RCW 46.20.394.
17 No person may petition for, and the department shall not issue, an
18 occupational driver's license that is effective during the first thirty
19 days of any suspension or revocation.

20 (c) An occupational driver's license issued to an applicant under
21 this section shall be valid for the period of the suspension or
22 revocation but not more than two years. An applicant may apply for the
23 renewal of an occupational driver's license.

24 (2)(a) Any person who had his or her driving privileges revoked as
25 a juvenile pursuant to RCW 46.20.265 and was not otherwise eligible to
26 drive at the time of the initial revocation may apply for a driver's
27 instruction permit if the applicant has passed all the parts of the
28 examination other than the driving test, provided the information
29 required by RCW 46.20.091, paid a five-dollar fee, and meets the
30 following requirements:

31 (i) Is at least eighteen years of age;

32 (ii) Has submitted a proper application; and

33 (iii) Is enrolled in a traffic safety education program approved
34 and accredited by the office of the superintendent of public
35 instruction or a course of instruction offered by a licensed driver
36 training school as defined by RCW 46.82.280(1).

37 (b) A person holding a driver's instruction permit may drive a
38 motor vehicle, other than a motorcycle, upon the public highway if:

39 (i) The person has immediate possession of the permit; and

1 (ii) An approved instructor, or licensed driver with at least five
2 years of driving experience, occupies a seat beside the driver.

3 (c) A driver's instruction permit issued under this section is
4 valid for one year after the date of issue.

5 (3) The director shall cancel an occupational driver's license upon
6 receipt of notice that the holder thereof has been convicted of
7 operating a motor vehicle in violation of its restrictions, or of a
8 separate offense that under this chapter would warrant suspension or
9 revocation of a regular driver's license. The cancellation is
10 effective as of the date of the conviction, and continues with the same
11 force and effect as any suspension or revocation under this title.

12 (4) For the purposes of this section, if transportation to and from
13 a place of employment or postsecondary education is essential, an
14 occupational driver's license may be granted.

15 **Sec. 2.** RCW 46.20.265 and 1998 c 41 s 2 are each amended to read
16 as follows:

17 (1) In addition to any other authority to revoke driving privileges
18 under this chapter, the department shall revoke all driving privileges
19 of a juvenile when the department receives notice from a court pursuant
20 to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420,
21 69.52.070, or a substantially similar municipal ordinance adopted by a
22 local legislative authority, or from a diversion unit pursuant to RCW
23 13.40.265. The revocation shall be imposed without hearing.

24 (2) The driving privileges of the juvenile revoked under subsection
25 (1) of this section shall be revoked in the following manner:

26 (a) Upon receipt of the first notice, the department shall impose
27 a revocation for one year(~~(7)~~) after the date judgment was entered or
28 until the juvenile reaches seventeen years of age, whichever is longer.

29 (b) Upon receipt of a second or subsequent notice, the department
30 shall impose a revocation for two years after the date judgment was
31 entered or until the juvenile reaches eighteen years of age, whichever
32 is longer.

33 ~~((c) Each offense for which the department receives notice shall~~
34 ~~result in a separate period of revocation. All periods of revocation~~
35 ~~imposed under this section that could otherwise overlap shall run~~
36 ~~consecutively and no period of revocation imposed under this section~~
37 ~~shall begin before the expiration of all other periods of revocation~~
38 ~~imposed under this section or other law.))~~

1 (3) If the department receives notice from a court that the
2 juvenile's privilege to drive should be reinstated, the department
3 shall immediately reinstate any driving privileges that have been
4 revoked under this section if the minimum term of revocation as
5 specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3),
6 69.50.420(3), 69.52.070(3), or similar ordinance has expired(~~(, and~~
7 ~~subject to subsection (2)(c) of this section)~~).

8 (4)(a) If the department receives notice pursuant to RCW
9 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
10 diversion agreement for which the juvenile's driving privileges were
11 revoked, the department shall reinstate any driving privileges revoked
12 under this section as provided in (b) of this subsection(~~(, subject to~~
13 ~~subsection (2)(c) of this section)~~).

14 (b) If the diversion agreement was for the juvenile's first
15 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
16 shall not reinstate the juvenile's privilege to drive until the later
17 of ninety days after the date the juvenile turns sixteen or ninety days
18 after the juvenile entered into a diversion agreement for the offense.
19 If the diversion agreement was for the juvenile's second or subsequent
20 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
21 shall not reinstate the juvenile's privilege to drive until the later
22 of the date the juvenile turns seventeen or one year after the juvenile
23 entered into the second or subsequent diversion agreement."

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27 On page 1, line 1 of the title, after "privileges;" strike the
28 remainder of the title and insert "amending RCW 46.20.265; and adding
29 a new section to chapter 46.20 RCW."

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