
SENATE BILL 5009

State of Washington

56th Legislature

1999 Regular Session

By Senator Morton

Read first time 01/11/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to occupational drivers' licenses; amending RCW
2 46.20.394; and reenacting and amending RCW 46.20.391.

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

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

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

1 A person aggrieved by the decision of the department on the application
2 for an occupational driver's license may request a hearing as provided
3 by rule of the department.

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

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

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

16 (c) The applicant meets at least one of the following qualifying
17 circumstances: (i) Is engaged in an occupation or trade that makes it
18 essential that he or she operate a motor vehicle or (ii) is undergoing
19 substance abuse treatment and/or is participating in meetings of a
20 twelve-step group such as alcoholics anonymous; and

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

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

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

32 In issuing an occupational driver's license under RCW 46.20.391,
33 the department shall describe the (~~type of occupation permitted~~)
34 qualifying circumstances and shall set forth in detail the specific
35 hours of the day during which the person may drive to and from his
36 (~~place of work~~) or her home, which may not exceed twelve hours in any
37 one day; the days of the week during which the license may be used; and
38 the general routes over which the person may travel. These

1 restrictions shall be prepared in written form by the department, which
2 document shall be carried in the vehicle at all times and presented to
3 a law enforcement officer under the same terms as the occupational
4 driver's license. Any violation of the restrictions constitutes a
5 violation of RCW 46.20.342 and subjects the person to all procedures
6 and penalties therefor.

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