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**SUBSTITUTE SENATE BILL 5377**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Kline, Rossi, Costa, Long, Goings, Gardner, Brown, Winsley and Spanel)

Read first time 03/03/1999.

1 AN ACT Relating to occupational drivers' licenses; amending RCW  
2 46.20.394; reenacting and amending RCW 46.20.391; providing an  
3 effective date; and providing an expiration date.

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

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

7 (1) Any person licensed under this chapter who is convicted of an  
8 offense relating to motor vehicles for which suspension or revocation  
9 of the driver's license is mandatory, other than vehicular homicide or  
10 vehicular assault, or who has had his or her license suspended under  
11 RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an  
12 application for an occupational driver's license. The department, upon  
13 receipt of the prescribed fee and upon determining that the petitioner  
14 is engaged in an occupation or trade that makes it essential that the  
15 petitioner 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 imposed for a violation of RCW

1 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a).  
2 A person aggrieved by the decision of the department on the application  
3 for an occupational driver's license may request a hearing as provided  
4 by rule of the department.

5 (2)(a) A person licensed under this chapter who is not eligible to  
6 apply for an occupational driver's license under subsection (1) of this  
7 section may submit to the department an application for an occupational  
8 driver's license if:

9 (i) The applicant's driver's license or driving privilege has been  
10 suspended or revoked, other than for vehicular homicide, vehicular  
11 assault, refusing a breath or blood test, noncompliance with a child  
12 support order, or for a physical or mental disability that would  
13 prevent the person from operating a motor vehicle with safety upon the  
14 highways; and

15 (ii) The applicant demonstrates to the satisfaction of the  
16 department that at least one of the following additional conditions are  
17 met:

18 (A) The applicant is in an apprenticeship program or an on-the-job  
19 training program for which a driver's license is required or has been  
20 accepted into such a program conditioned upon receiving an occupational  
21 driver's license; or

22 (B) The applicant is in a program that assists persons who are  
23 enrolled in a WorkFirst program under chapter 74.08A RCW to become  
24 gainfully employed and the program requires a driver's license.

25 (b) An occupational driver's license issued to an applicant  
26 described in (a) of this subsection is valid for the period of the  
27 suspension or revocation but not more than two years.

28 (c) Upon receipt of evidence that a holder of an occupational  
29 driver's license granted under this subsection is no longer enrolled in  
30 an apprenticeship or on-the-job training program, the director shall  
31 give written notice by first class mail to the driver that the  
32 occupational driver's license will be canceled. The effective date of  
33 cancellation is fifteen days from the date of mailing the notice. If  
34 at any time before the cancellation goes into effect the driver submits  
35 evidence of continued enrollment in the program, the cancellation is  
36 stayed. If the cancellation becomes effective, the driver may obtain,  
37 at no additional charge, a new occupational driver's license upon  
38 submittal of evidence of enrollment in another program that meets the  
39 criteria set forth in this subsection.

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

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

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

13       (c) The applicant meets at least one of the following qualifying  
14 circumstances: (i) Is engaged in an occupation or trade that makes it  
15 essential that he or she operate a motor vehicle; (ii) is in an  
16 apprenticeship program or an on-the-job training program for which a  
17 driver's license is required; (iii) has been accepted into an  
18 apprenticeship or on-the-job training program conditioned upon  
19 receiving an occupational driver's license; or (iv) is in a program  
20 that assists persons who are enrolled in a WorkFirst program under  
21 chapter 74.08A RCW to become gainfully employed and the program  
22 requires a driver's license; and

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

25       (~~(3)~~) (4) The director shall cancel an occupational driver's  
26 license upon receipt of notice that the holder thereof has been  
27 convicted of operating a motor vehicle in violation of its  
28 restrictions, or of an offense that pursuant to chapter 46.20 RCW would  
29 warrant suspension or revocation of a regular driver's license. The  
30 cancellation is effective as of the date of the conviction, and  
31 continues with the same force and effect as any suspension or  
32 revocation under this title.

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

35       In issuing an occupational driver's license under RCW 46.20.391,  
36 the department shall describe the (~~type of occupation permitted~~)  
37 qualifying circumstances and shall set forth in detail the specific  
38 hours of the day during which the person may drive to and from his

1 ((~~place of work~~)) or her home, which may not exceed twelve hours in any  
2 one day; the days of the week during which the license may be used; and  
3 the general routes over which the person may travel. These  
4 restrictions shall be prepared in written form by the department, which  
5 document shall be carried in the vehicle at all times and presented to  
6 a law enforcement officer under the same terms as the occupational  
7 driver's license. Any violation of the restrictions constitutes a  
8 violation of RCW 46.20.342 and subjects the person to all procedures  
9 and penalties therefor.

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

11 NEW SECTION. **Sec. 4.** This act expires January 1, 2003.

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