
SENATE BILL 5377

State of Washington

56th Legislature

1999 Regular Session

By Senators Kline, Rossi, Costa, Long, Goings, Gardner, Brown, Winsley and Spanel

Read first time 01/21/1999. Referred to Committee on Judiciary.

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

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

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

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

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

18 (B) The applicant presents evidence that he or she has applied for
19 a position in an apprenticeship or on-the-job training program and the
20 program has certified that a driver's license is required to begin the
21 program; or

22 (C) The applicant is in a program that assists persons who are
23 enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to
24 become 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 shall be valid for the period of
27 the 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 shall be canceled. The effective date of
33 cancellation shall be fifteen days from the date of mailing the notice.
34 If at any time before the cancellation goes into effect the driver
35 submits evidence of continued enrollment in the program, the
36 cancellation shall be stayed. If the cancellation becomes effective,
37 the driver may obtain, at no additional charge, a new occupational
38 driver's license upon submittal of evidence of enrollment in another
39 program that meets the 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 is engaged in an occupation or trade that makes
14 it essential that he or she operate a motor vehicle; and

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

17 (~~(3)~~) (4) The director shall cancel an occupational driver's
18 license upon receipt of notice that the holder thereof has been
19 convicted of operating a motor vehicle in violation of its
20 restrictions, or of an offense that pursuant to chapter 46.20 RCW would
21 warrant suspension or revocation of a regular driver's license. The
22 cancellation is effective as of the date of the conviction, and
23 continues with the same force and effect as any suspension or
24 revocation under this title.

25 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2000.

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