

HOUSE BILL REPORT

ESHB 1033

As Amended by the Senate

Title: An act relating to clarifying the restrictions concerning occupational licenses.

Brief Description: Clarifying the restrictions concerning occupational licenses.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Kirby, Cooper, Sullivan and Lantz).

Brief History:

Committee Activity:

Judiciary: 1/17/03, 1/24/03 [DPS].

Floor Activity:

Passed House: 2/12/03, 97-0.

Senate Amended.

Passed Senate: 4/11/03, 49-0.

Brief Summary of Engrossed Substitute Bill

- Limits the occupational driver's license requirement that an applicant must enter into a payment plan for unpaid fines, to those jurisdictions that have such plans available.
- Prohibits issuance of an occupational license to a person who has failed to satisfy the obligations of a previous payment plan.
- Explicitly states that an occupational license issued to a person with unpaid fines is to be used by the person to get to and from work in order to pay off those fines.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Lantz, Chair; Moeller, Vice Chair; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Minority Report: Without recommendation. Signed by 1 member: Representative Carrell, Ranking Minority Member.

Staff: Bill Perry (786-7123).

Background:

Under prescribed circumstances, a person whose driver's license has been suspended or revoked may get an "occupational" license. Such a license is for the purpose of allowing the person to work, or in some instances to get training or to get treatment for substance abuse.

The authority to drive under such a license is limited to driving that is directly related to employment, training or treatment. The license must be accompanied by specific detailed restrictions on the hours of the day when driving is allowed and by a general description of the permitted routes for traveling to and from work or treatment. An occupational license is good for either the length of the suspension or revocation, or for two years, whichever is shorter.

One main category of persons who may apply for an occupational license is drivers who have had their licenses suspended by the Department of Licensing (DOL) for one of three specified reasons. These reasons include:

- failure to pay a traffic ticket; or
- driving without insurance; or
- committing multiple driving offenses with a frequency that indicates a disrespect for traffic laws or a disregard for the safety of others.

A person who has had his or her license suspended for one of these reasons may apply to the DOL for an occupational license if he or she:

- is in an apprenticeship or training program that requires a license; or
- has applied for such a program (in which case an occupational license will be good for only 14 days); or
- is enrolled in a WorkFirst program that requires a license; or
- is undergoing substance abuse treatment or attending substance abuse meetings and does not have transit services available to get to and from the treatment or meetings.

In addition, the applicant must meet certain requirements, including having insurance coverage or otherwise showing proof of financial responsibility.

If the reason for the loss of license was failure to pay a fine, then the applicant must also enter into a payment plan with the court in order for the DOL to issue an occupational license. Some otherwise qualified applicants have apparently been unable to get occupational licenses solely because some courts do not have payment plans.

Summary of Engrossed Substitute Bill:

The requirement that an applicant for an occupational license must enter into a payment plan does not apply if such a plan is not available.

A driver may not get an occupational license if he or she has failed to complete a previous payment plan.

An express provision is added to the occupational driver's license law stating that:

- the issuance of an occupational license does not affect the underlying suspension or revocation; and
- the purpose of the occupational license is to allow a driver to get to and from work and to pay off any outstanding fines where the failure to pay those fines was the reason for the suspension or revocation of the driver's license.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendments make the following three additions to the bill:

- A new ground is allowed for requesting an occupational license by a person whose driver's license has been administratively suspended for failure to appear or to pay, for lack of insurance, or for multiple traffic violations. Such a person may apply for an occupational license if he or she is "gainfully employed" and a driver's license is required.
- A new requirement is imposed for receiving an occupational license by a person whose driver's license was revoked or suspended as the result of a DUI conviction or an implied consent law administrative action. Such a person must have an ignition interlock device installed on any vehicle he or she drives.
- Various changes are made regarding payment plans for traffic infractions and for misdemeanor traffic offenses in which the only penalty imposed is monetary. A court must enter into a payment plan in any such case where the person is unable to pay the penalty in full. The plan must include an initial payment of not less than 5% of the total. No payment of more than 10% of the total may be required. If a person enters such a plan, the court is not to notify the DOL that the person has failed to comply unless the person is delinquent by more than 30 days on a payment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: People who have lost their licenses because of unpaid traffic fines often need to drive in order to work or to get training to work. Unless they can work, they cannot pay off their fines, but as long as the fines are unpaid, they cannot get a driver's license. The current system is completely unfair. An otherwise qualified applicant will

be unable to get an occupational license if he or she happens to live in a jurisdiction that does not offer payment plans for traffic fines.

Testimony Against: None.

Testified: (In support) Peter Guzman, City of Tacoma; Peter Teets, Department of Licensing; and Mary Wolney, University of Washington Law School Clinic - Car Recovery.

(In support with concerns) Mary Wolney, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.