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**SUBSTITUTE HOUSE BILL 1033**

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**State of Washington                      58th Legislature                      2003 Regular Session**

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

READ FIRST TIME 01/28/03.

1            AN ACT Relating to clarifying the restrictions concerning  
2 occupational licenses; 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 1999 c 274 s 4 and 1999 c 272 s 1 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 either for a violation of  
19 RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or

1 for both a violation of RCW 46.61.502 or 46.61.504 and under RCW  
2 46.20.3101 (2)(a) or (3)(a) where the action arises from the same  
3 incident. A person aggrieved by the decision of the department on the  
4 application for an occupational driver's license may request a hearing  
5 as provided by rule of the department.

6 (2)(a) A person licensed under this chapter whose driver's license  
7 is suspended administratively due to failure to appear or pay a traffic  
8 ticket under RCW 46.20.289; a violation of the financial responsibility  
9 laws under chapter 46.29 RCW; or for multiple violations within a  
10 specified period of time under RCW 46.20.291, may apply to the  
11 department for an occupational driver's license if the applicant  
12 demonstrates to the satisfaction of the department that one of the  
13 following additional conditions are met:

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

16 (ii) The applicant presents evidence that he or she has applied for  
17 a position in an apprenticeship or on-the-job training program and the  
18 program has certified that a driver's license is required to begin the  
19 program, provided that a license granted under this provision shall be  
20 in effect no longer than fourteen days;

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

25 (iv) The applicant is undergoing substance abuse treatment or is  
26 participating in meetings of a twelve-step group such as alcoholics  
27 anonymous.

28 (b) If the suspension is for failure to respond, pay, or comply  
29 with a notice of traffic infraction or conviction, the applicant must  
30 enter into a payment plan with the court, unless such a plan is not  
31 available.

32 (c) An occupational driver's license issued to an applicant  
33 described in (a) of this subsection shall be valid for the period of  
34 the suspension or revocation but not more than two years. The  
35 suspension or revocation of the regular driver's license shall not be  
36 affected by the issuance of an occupational license. The two-year  
37 period is to provide an opportunity for the applicant to work in order

1 to satisfy any penalties or other sanctions imposed by the court which  
2 are the causes of the suspension or revocation of his or her regular  
3 driver's license.

4 (d) Upon receipt of evidence that a holder of an occupational  
5 driver's license granted under this subsection is no longer enrolled in  
6 an apprenticeship or on-the-job training program, the director shall  
7 give written notice by first class mail to the driver that the  
8 occupational driver's license shall be canceled. The effective date of  
9 cancellation shall be fifteen days from the date of mailing the notice.  
10 If at any time before the cancellation goes into effect the driver  
11 submits evidence of continued enrollment in the program, the  
12 cancellation shall be stayed. If the cancellation becomes effective,  
13 the driver may obtain, at no additional charge, a new occupational  
14 driver's license upon submittal of evidence of enrollment in another  
15 program that meets the criteria set forth in this subsection.

16 (e) The department shall not issue an occupational driver's license  
17 under (a)(iv) of this subsection if the applicant is able to receive  
18 transit services sufficient to allow for the applicant's participation  
19 in the programs referenced under (a)(iv) of this subsection.

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

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

26 (b) Within seven years immediately preceding the date of the  
27 offense that gave rise to the present conviction or incident, the  
28 applicant has not committed any of the following offenses: (i) Driving  
29 or being in actual physical control of a motor vehicle while under the  
30 influence of intoxicating liquor; (ii) vehicular homicide under RCW  
31 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

32 (c) The applicant is engaged in an occupation or trade that makes  
33 it essential that he or she operate a motor vehicle, except as allowed  
34 under subsection (2)(a) of this section; and

35 (d) The applicant files satisfactory proof of financial  
36 responsibility under chapter 46.29 RCW.

37 (4) The director shall cancel an occupational driver's license upon  
38 receipt of notice that the holder thereof has been convicted of

1 operating a motor vehicle in violation of its restrictions, or of a  
2 separate offense that under chapter 46.20 RCW would warrant suspension  
3 or revocation of a regular driver's license. The cancellation is  
4 effective as of the date of the conviction, and continues with the same  
5 force and effect as any suspension or revocation under this title.

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