
SUBSTITUTE SENATE BILL 5345

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Fairley, Hobbs, Delvin, Rasmussen and Roach)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to requirements for ignition interlock devices; and
2 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 2004 c 95 s 7 are each amended to read
5 as follows:

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

1 for a suspension, revocation, or denial imposed under RCW 46.20.3101,
2 during the required minimum portion of the periods of suspension,
3 revocation, or denial established under (c) of this subsection.

4 (b) An applicant under this subsection whose driver's license is
5 suspended or revoked for an alcohol-related offense pursuant to an
6 administrative action under RCW 46.20.308 shall provide proof to the
7 satisfaction of the department that a functioning ignition interlock
8 device has been installed on a vehicle owned or operated by the person.
9 Proof of installation of an ignition interlock device shall not be
10 required if:

11 (i) The applicant provides a declaration pursuant to RCW 9A.72.085
12 to the department from his or her employer stating:

13 (A) That the applicant is employed;

14 (B) That the applicant's employment requires him or her to operate
15 a commercial motor vehicle;

16 (C) The normal business hours during which the applicant is
17 required to operate the commercial motor vehicle, not to exceed twelve
18 hours per day;

19 (D) That the commercial motor vehicle to be operated is owned by
20 the employer; and

21 (E) That the applicant will operate the commercial motor vehicle
22 only under supervision.

23 (ii) Upon the filing of such declaration as set forth in (b)(i) of
24 this subsection with the department, an ignition interlock device is
25 not necessary on employer-owned commercial motor vehicles operated
26 under conditions set forth in the declaration.

27 (iii) The department shall require the person to maintain such a
28 device on a vehicle owned or operated by the person and shall restrict
29 the person to operating only vehicles equipped with such a device, for
30 the remainder of the period of suspension, revocation, or denial.

31 ~~((+ii))~~ (iv) Subject to any periodic renewal requirements
32 established by the department pursuant to this section and subject to
33 any applicable compliance requirements under this chapter or other law,
34 a temporary restricted driver's license granted after a suspension or
35 revocation under RCW 46.61.5055 or 46.20.3101 extends through the
36 remaining portion of any concurrent or consecutive suspension or
37 revocation that may be imposed as the result of administrative action
38 and criminal conviction arising out of the same incident.

1 (~~(iii)~~) (v) The time period during which the person is licensed
2 under this section shall apply on a day-for-day basis toward satisfying
3 the period of time the ignition interlock device restriction is
4 required under RCW 46.20.720 (1) and (2) (a), (b), and (c).

5 (c) The department shall provide by rule the minimum portions of
6 the periods of suspension, revocation, or denial set forth in RCW
7 46.20.3101 after which a person may apply for a temporary restricted
8 driver's license under this section. In establishing the minimum
9 portions of the periods of suspension, revocation, or denial, the
10 department shall consider the requirements of federal law regarding
11 state eligibility for grants or other funding, and shall establish such
12 periods so as to ensure that the state will maintain its eligibility,
13 or establish eligibility, to obtain incentive grants or any other
14 federal funding.

15 (2)(a) A person licensed under this chapter whose driver's license
16 is suspended administratively due to failure to appear or pay a traffic
17 ticket under RCW 46.20.289; a violation of the financial responsibility
18 laws under chapter 46.29 RCW; or for multiple violations within a
19 specified period of time under RCW 46.20.291, may apply to the
20 department for an occupational driver's license.

21 (b) If the suspension is for failure to respond, pay, or comply
22 with a notice of traffic infraction or conviction, the applicant must
23 enter into a payment plan with the court.

24 (c) An occupational driver's license issued to an applicant
25 described in (a) of this subsection shall be valid for the period of
26 the suspension or revocation.

27 (3) An applicant for an occupational or temporary restricted
28 driver's license who qualifies under subsection (1) or (2) of this
29 section is eligible to receive such license only if:

30 (a) Within seven years immediately preceding the date of the
31 offense that gave rise to the present conviction or incident, the
32 applicant has not committed vehicular homicide under RCW 46.61.520 or
33 vehicular assault under RCW 46.61.522; and

34 (b) The applicant demonstrates that it is necessary for him or her
35 to operate a motor vehicle because he or she:

36 (i) Is engaged in an occupation or trade that makes it essential
37 that he or she operate a motor vehicle;

1 (ii) Is undergoing continuing health care or providing continuing
2 care to another who is dependent upon the applicant;

3 (iii) Is enrolled in an educational institution and pursuing a
4 course of study leading to a diploma, degree, or other certification of
5 successful educational completion;

6 (iv) Is undergoing substance abuse treatment or is participating in
7 meetings of a twelve-step group such as Alcoholics Anonymous that
8 requires the petitioner to drive to or from the treatment or meetings;

9 (v) Is fulfilling court-ordered community service responsibilities;

10 (vi) Is in a program that assists persons who are enrolled in a
11 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
12 employed and the program requires a driver's license;

13 (vii) Is in an apprenticeship, on-the-job training, or welfare-to-
14 work program; or

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

20 (c) The applicant files satisfactory proof of financial
21 responsibility under chapter 46.29 RCW; and

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

34 (e) The department shall not issue an occupational driver's license
35 under (b)(iv) of this subsection if the applicant is able to receive
36 transit services sufficient to allow for the applicant's participation
37 in the programs referenced under (b)(iv) of this subsection.

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

4 (5) The director shall cancel an occupational or temporary
5 restricted driver's license upon receipt of notice that the holder
6 thereof has been convicted of operating a motor vehicle in violation of
7 its restrictions, or of a separate offense that under chapter 46.20 RCW
8 would warrant suspension or revocation of a regular driver's license.
9 The cancellation is effective as of the date of the conviction, and
10 continues with the same force and effect as any suspension or
11 revocation under this title.

--- END ---