

2 **HB 2188** - H AMD 788

3 By Representative Robertson

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.20.3101 and 1995 c 332 s 3 are each amended to  
8 read as follows:

9 Pursuant to RCW 46.20.308, the department shall suspend, revoke, or  
10 deny the arrested person's license, permit, or privilege to drive as  
11 follows:

12 (1) In the case of a person who has refused a test or tests:

13 (a) For a first refusal within five years, where there has not been  
14 a previous incident within five years that resulted in administrative  
15 action under this section, revocation or denial for (~~one year~~) five  
16 hundred forty days;

17 (b) For a second (~~or subsequent~~) refusal within five years, or  
18 for a first refusal where there has been one or more previous incidents  
19 within five years that have resulted in administrative action under  
20 this section, revocation or denial for (~~two~~) three years or until the  
21 person reaches age twenty-one, whichever is longer. A revocation  
22 imposed under this subsection (1)(b) shall run consecutively to the  
23 period of any suspension, revocation, or denial imposed pursuant to a  
24 criminal conviction arising out of the same incident;

25 (c) For a third or subsequent refusal within five years, or for a  
26 second refusal where there has been two or more previous incidents  
27 within five years that have resulted in administrative action under  
28 this section, revocation or denial for four years or until the person  
29 reaches age twenty-one, whichever is longer. A revocation imposed  
30 under this subsection (1)(c) runs consecutively to the period of any  
31 suspension, revocation, or denial imposed under a criminal conviction  
32 arising out of the same incident.

33 (2) In the case of an incident where a person has submitted to or  
34 been administered a test or tests indicating that the alcohol  
35 concentration of the person's breath or blood was 0.10 or more:

1 (a) For a first incident within five years, where there has not  
2 been a previous incident within five years that resulted in  
3 administrative action under this section, placement in probationary  
4 status as provided in RCW 46.20.355;

5 (b) For a second or subsequent incident within five years,  
6 revocation or denial for two years.

7 (3) In the case of an incident where a person under age twenty-one  
8 has submitted to or been administered a test or tests indicating that  
9 the alcohol concentration of the person's breath or blood was 0.02 or  
10 more:

11 (a) For a first incident within five years, suspension or denial  
12 for ninety days;

13 (b) For a second or subsequent incident within five years,  
14 revocation or denial for one year or until the person reaches age  
15 twenty-one, whichever is longer.

16 (4) Ninety days after revocation or denial under subsection (2)(b)  
17 of this section, the person whose license or privilege has been revoked  
18 or denied may apply to the department for issuance of a temporary  
19 restricted license under RCW 46.20.391 with the requirement that the  
20 person have an ignition interlock or other biological or technical  
21 device installed on his or her vehicle and operate no other motor  
22 vehicle for the remainder of the term of revocation or denial. A  
23 temporary restricted license granted as the result of an application  
24 under this section extends through the period of any suspension,  
25 revocation, or denial imposed under a criminal conviction arising out  
26 of the same incident.

27 **Sec. 2.** RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to  
28 read as follows:

29 No person may file an application for ~~((an occupational))~~ a  
30 temporary restricted driver's license as provided in RCW 46.20.391  
31 unless he or she first pays to the director or other person authorized  
32 to accept applications and fees for driver's licenses a fee of twenty-  
33 five dollars. The applicant shall receive upon payment an official  
34 receipt for the payment of such fee. All such fees shall be forwarded  
35 to the director who shall transmit such fees to the state treasurer in  
36 the same manner as other driver's license fees.

1       **Sec. 3.** RCW 46.20.391 and 1995 c 332 s 12 are each amended to read  
2 as follows:

3       (1) Any person licensed under this chapter who is convicted of an  
4 offense relating to motor vehicles for which suspension ~~((or)),~~  
5 revocation, or denial of the driver's license is mandatory, other than  
6 vehicular homicide or vehicular assault, or any person authorized to  
7 apply under RCW 46.20.3101(4), may submit to the department an  
8 application for ~~((an occupational))~~ a temporary restricted driver's  
9 license. The department, upon receipt of the prescribed fee and upon  
10 determining that the petitioner is ~~((engaged in an occupation or trade~~  
11 ~~that makes it essential that the petitioner operate a motor vehicle))~~  
12 eligible to receive the license under subsection (3) of this section,  
13 may issue ~~((an occupational))~~ a temporary restricted driver's license  
14 and may set definite restrictions as provided in RCW 46.20.394. No  
15 person may petition for, and the department shall not issue, ~~((an~~  
16 ~~occupational))~~ a temporary restricted driver's license that is  
17 effective during the period of any suspension, revocation, or denial  
18 imposed under RCW 46.20.3101 (1) or (3), or during the first:

19       (a) Thirty days of any suspension or ((revocation)) denial imposed  
20 ((for a violation of RCW 46.61.502 or 46.61.504)) under RCW  
21 46.61.5055(1)(a);

22       (b) Thirty days of a revocation or denial imposed under RCW  
23 46.61.5055(1)(b);

24       (c) Ninety days of a revocation or denial imposed under RCW  
25 46.20.3101(2)(b);

26       (d) One year of a revocation or denial imposed under RCW 46.61.5055  
27 (2) or (3).

28       A petitioner under (b), (c), or (d) of this subsection must also  
29 agree to have an ignition interlock or other biological or technical  
30 device installed on his or her vehicle and operate no other motor  
31 vehicle during the term of the suspension, revocation, or denial. A  
32 temporary restricted license issued after a suspension, revocation, or  
33 denial under RCW 46.61.5055 or 46.20.3101(2) extends through the entire  
34 period of any concurrent or consecutive suspensions, revocations, or  
35 denials that may be imposed as the result of both administrative action  
36 and criminal conviction arising out of the same incident, but no such  
37 license may be issued or is valid during the period of a suspension,  
38 revocation, or denial under RCW 46.20.3101 (1) or (3).

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

4       ~~((+2))~~ (3) An applicant for ~~((an occupational))~~ a temporary  
5 restricted driver's license is eligible to receive such license only  
6 if:

7       (a) Within one year immediately preceding the date of the offense  
8 that gave rise to the present conviction or administrative action, the  
9 applicant has not committed any offense relating to motor vehicles for  
10 which suspension ~~((or))~~, revocation, or denial of a driver's license is  
11 mandatory; and

12       (b) Within five years immediately preceding the date of the offense  
13 that gave rise to the present conviction or administrative action, the  
14 applicant has not committed ~~((any of the following offenses:—(i)~~  
15 ~~Driving or being in actual physical control of a motor vehicle while~~  
16 ~~under the influence of intoxicating liquor; (ii))~~ vehicular homicide  
17 under RCW 46.61.520~~((+))~~ or ~~((+iii))~~ vehicular assault under RCW  
18 46.61.522; and

19       (c) The applicant meets at least one of the following qualifying  
20 circumstances: (i) Is engaged in an occupation or trade that makes it  
21 essential that he or she operate a motor vehicle; (ii) is undergoing  
22 continuing health care or providing continuing health care to another  
23 who is dependent upon the applicant; (iii) is enrolled in an  
24 educational institution and pursuing a course of study leading to a  
25 diploma, degree, or other certification of successful educational  
26 completion; (iv) is undergoing substance abuse treatment; or (v) is  
27 fulfilling court-ordered community service responsibilities; and

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

30       ~~((+3))~~ (4) The director shall cancel ~~((an occupational))~~ a  
31 temporary restricted driver's license upon receipt of notice that the  
32 holder thereof has been convicted of operating a motor vehicle in  
33 violation of its restrictions, or of an offense that pursuant to  
34 chapter 46.20 RCW would warrant suspension ~~((or))~~, revocation, or  
35 denial of a regular driver's license, or upon receipt of notice that  
36 the holder has been administratively determined to have violated RCW  
37 46.20.3101. The cancellation is effective as of the date of the  
38 conviction or administrative determination, and continues with the same

1 force and effect as any suspension (~~(or)~~), revocation, or denial under  
2 this title.

3 **Sec. 4.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read  
4 as follows:

5 In issuing (~~(an occupational)~~) a temporary restricted driver's  
6 license under RCW 46.20.391, the department shall describe the (~~(type~~  
7 ~~of occupation permitted)~~) qualifying circumstances and shall set forth  
8 in detail the specific hours of the day during which the person may  
9 drive to and from his (~~(place of work)~~) or her home, which may not  
10 exceed twelve hours in any one day; the days of the week during which  
11 the license may be used; and the general routes over which the person  
12 may travel. These restrictions shall be prepared in written form by  
13 the department, which document shall be carried in the vehicle at all  
14 times and presented to a law enforcement officer under the same terms  
15 as the (~~(occupational)~~) temporary restricted driver's license. Any  
16 violation of the restrictions constitutes a violation of RCW 46.20.342  
17 and subjects the person to all procedures and penalties therefor.

18 **Sec. 5.** RCW 46.20.400 and 1967 c 32 s 33 are each amended to read  
19 as follows:

20 If (~~(an occupational)~~) a temporary restricted driver's license is  
21 issued and is not revoked during the period for which issued the  
22 licensee may obtain a new driver's license at the end of such period,  
23 but no new driver's (~~(permit shall)~~) license may be issued to such  
24 person until he or she surrenders his (~~(occupational)~~) or her temporary  
25 restricted driver's license and his or her copy of the order and the  
26 director is satisfied that he or she complies with all other provisions  
27 of law relative to the issuance of a driver's license."

28 Correct the title.

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