

2 **ESSB 6166** - H AMD TO LJ COMM AMD (H-5329.1/98) **1094 WITHDRAWN**
3 By Representative

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5 On page 16, after line 23 of the amendment, insert the following:

6 "Sec. 6. RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to
7 read as follows:

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

16 **Sec. 7.** RCW 46.20.391 and 1995 c 332 s 12 are each amended to read
17 as follows:

18 (1) Any person licensed under this chapter who is convicted of an
19 offense relating to motor vehicles for which suspension or revocation
20 of the driver's license is mandatory, other than vehicular homicide or
21 vehicular assault, may submit to the department an application for (~~(an~~
22 ~~occupational)~~) a temporary restricted driver's license. The
23 department, upon receipt of the prescribed fee and upon determining
24 that the petitioner is (~~(engaged in an occupation or trade that makes~~
25 ~~it essential that the petitioner operate a motor vehicle)~~) eligible to
26 receive the license under subsection (3) of this section, may issue
27 (~~(an occupational)~~) a temporary restricted driver's license and may set
28 definite restrictions as provided in RCW 46.20.394. No person may
29 petition for, and the department shall not issue, (~~(an occupational)~~)
30 a temporary restricted driver's license that is effective during the
31 first thirty days of any suspension or revocation imposed for a
32 violation of RCW 46.61.502 or 46.61.504.

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

1 (~~(2)~~) (3) An applicant for (~~(an occupational)~~) a temporary
2 restricted driver's license is eligible to receive such license only
3 if:

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

8 (b) Within five years immediately preceding the date of the offense
9 that gave rise to the present conviction, the applicant has not
10 committed any of the following offenses: (i) Driving or being in
11 actual physical control of a motor vehicle while under the influence of
12 intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or
13 (iii) vehicular assault under RCW 46.61.522; and

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

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

27 (~~(3)~~) (4) The director shall cancel (~~(an occupational)~~) a
28 temporary restricted driver's license upon receipt of notice that the
29 holder thereof has been convicted of operating a motor vehicle in
30 violation of its restrictions, or of an offense that pursuant to
31 chapter 46.20 RCW would warrant suspension or revocation of a regular
32 driver's license. The cancellation is effective as of the date of the
33 conviction, and continues with the same force and effect as any
34 suspension or revocation under this title.

35 **Sec. 8.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read
36 as follows:

37 In issuing (~~(an occupational)~~) a temporary restricted driver's
38 license under RCW 46.20.391, the department shall describe the (~~(type~~

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

12 **Sec. 9.** RCW 46.20.400 and 1967 c 32 s 33 are each amended to read
13 as follows:

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

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