

2 SHB 2446 - S COMM AMD

3 By Committee on Law & Justice

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 revocation  
5 of the driver's license is mandatory, other than vehicular homicide or  
6 vehicular assault, or any person authorized to apply under RCW  
7 46.20.3101, or any person who has had his or her driver's license  
8 suspended or revoked for nonpayment of fines or for failure to have  
9 insurance, may submit to the department an application for ~~((an~~  
10 ~~occupational))~~ a temporary restricted driver's license. The  
11 department, upon receipt of the prescribed fee and upon determining  
12 that the petitioner is ~~((engaged in an occupation or trade that makes~~  
13 ~~it essential that the petitioner operate a motor vehicle))~~ eligible to  
14 receive the license under subsection (3) of this section, may issue  
15 ~~((an occupational))~~ a temporary restricted driver's license and may set  
16 definite restrictions as provided in RCW 46.20.394. No person may  
17 petition for, and the department shall not issue, ~~((an occupational))~~  
18 a temporary restricted driver's license that is effective during a  
19 revocation imposed under RCW 46.20.3101(1) or the first:

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

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

23       (c) Ninety days of a revocation imposed under RCW 46.20.3101(2)(b);

24       (d) One year of a revocation imposed under RCW 46.61.5055 (2) or  
25 (3).

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

35       (2) A person aggrieved by the decision of the department on the  
36 application for ~~((an occupational))~~ a temporary restricted driver's  
37 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(~~(i)~~)  
13 or (~~(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. 4.** 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. 5.** 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.

22 NEW SECTION. **Sec. 6.** This act takes effect January 1, 1999."

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25  
26 On page 1, line 1 of the title, after "licenses;" strike the  
27 remainder of the title and insert "amending RCW 46.20.3101, 46.20.380,  
28 46.20.391, 46.20.394, and 46.20.400; prescribing penalties; and  
29 providing an effective date."

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