
HOUSE BILL 2446

State of Washington 55th Legislature 1998 Regular Session

By Representatives Robertson and Appelwick

Read first time . Referred to Committee on .

1 AN ACT Relating to temporary restricted drivers' licenses; amending
2 RCW 46.20.3101, 46.20.380, 46.20.391, 46.20.394, and 46.20.400;
3 prescribing penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.3101 and 1995 c 332 s 3 are each amended to read
6 as follows:

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

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

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

15 (b) For a second (~~or subsequent~~) refusal within five years, or
16 for a first refusal where there has been one or more previous incidents
17 within five years that have resulted in administrative action under
18 this section, revocation or denial for (~~two~~) three years or until the
19 person reaches age twenty-one, whichever is longer. A revocation

1 imposed under this subsection (1)(b) shall run consecutively to the
2 period of any suspension, revocation, or denial imposed pursuant to a
3 criminal conviction arising out of the same incident;

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

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

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

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

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

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

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

30 (4) Ninety days after revocation or denial under subsection (2)(b)
31 of this section, or one year after revocation or denial under
32 subsection (1)(b) or (c) of this section, the person whose license or
33 privilege has been revoked or denied may apply to the department for
34 issuance of a temporary restricted license under RCW 46.20.391 with the
35 requirement that the person have an ignition interlock or other
36 biological or technical device installed on his or her vehicle and
37 operate no other motor vehicle for the remainder of the term of
38 revocation or denial. A temporary restricted license granted as the
39 result of an application under this section extends through the period

1 of any suspension, revocation, or denial imposed under a criminal
2 conviction arising out of the same incident.

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

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

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

15 (1) Any person licensed under this chapter who is convicted of an
16 offense relating to motor vehicles for which suspension or revocation
17 of the driver's license is mandatory, other than vehicular homicide or
18 vehicular assault, or any person authorized to apply under RCW
19 46.20.3101, may submit to the department an application for (~~(an~~
20 ~~occupational)~~) a temporary restricted driver's license. The
21 department, upon receipt of the prescribed fee and upon determining
22 that the petitioner is (~~(engaged in an occupation or trade that makes~~
23 ~~it essential that the petitioner operate a motor vehicle)~~) eligible to
24 receive the license under subsection (3) of this section, may issue
25 (~~(an occupational)~~) a temporary restricted driver's license and may set
26 definite restrictions as provided in RCW 46.20.394. No person may
27 petition for, and the department shall not issue, (~~(an occupational)~~)
28 a temporary restricted driver's license that is effective during a
29 revocation imposed under RCW 46.20.3101(1) or the first:

- 30 (a) Thirty days of any suspension (~~(or revocation)~~) imposed (~~(for~~
31 a violation of RCW 46.61.502 or 46.61.504) under RCW 46.61.5055(1)(a);
32 (b) Thirty days of a revocation imposed under RCW 46.61.5055(1)(b);
33 (c) Ninety days of a revocation imposed under RCW 46.20.3101(2)(b);
34 (d) One year of a revocation imposed under RCW 46.61.5055 (2) or
35 (3).

36 A petitioner under (b), (c), or (d) of this subsection must also
37 agree to have an ignition interlock or other biological or technical

1 device installed on his or her vehicle and operate no other motor
2 vehicle during the term of revocation. A temporary restricted license
3 issued after a suspension or revocation under RCW 46.61.5055 or
4 46.20.3101 extends through the entire period of any concurrent or
5 consecutive suspensions or revocations that may be imposed as the
6 result of both administrative action and criminal conviction arising
7 out of the same incident.

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

11 ~~((+2))~~ (3) An applicant for ~~((an occupational))~~ a temporary
12 restricted driver's license is eligible to receive such license only
13 if:

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

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

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

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

35 ~~((+3))~~ (4) The director shall cancel ~~((an occupational))~~ a
36 temporary restricted driver's license upon receipt of notice that the
37 holder thereof has been convicted of operating a motor vehicle in
38 violation of its restrictions, or of an offense that pursuant to
39 chapter 46.20 RCW would warrant suspension or revocation of a regular

1 driver's license. The cancellation is effective as of the date of the
2 conviction, and continues with the same force and effect as any
3 suspension or revocation under this title.

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

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

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

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

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

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