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SENATE BILL 6369

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State of Washington                      55th Legislature                      1998 Regular Session

By Senators Kline, Winsley, Patterson, McAuliffe and Prentice

Read first time 01/16/98. Referred to Committee on Law & Justice.

1            AN ACT Relating to occupational drivers' licenses; amending RCW  
2 46.20.391 and 46.20.394; and adding a new section to chapter 46.20 RCW.

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

4            **Sec. 1.** RCW 46.20.391 and 1995 c 332 s 12 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, may submit to the department an  
10 application for an occupational driver's license. The department(~~(7)~~)  
11 may issue an occupational driver's license upon receipt of the  
12 prescribed fee and upon determining that the petitioner is engaged in:  
13 (i) An occupation or trade that makes it essential that the petitioner  
14 operate a motor vehicle(~~(7) may issue an occupational driver's license~~  
15 and)) (ii) court-ordered alcohol or drug treatment; or (iii) alcohol or  
16 drug treatment that was undertaken voluntarily in contemplation of  
17 legal proceedings.

18            (b) The department may set definite restrictions as provided in RCW  
19 46.20.394. No person may petition for, and the department shall not

1 issue, an occupational driver's license that is effective during the  
2 first thirty days of any suspension or revocation imposed for a  
3 violation of RCW 46.61.502 or 46.61.504. A person aggrieved by the  
4 decision of the department on the application for an occupational  
5 driver's license may request a hearing as provided by rule of the  
6 department.

7 (2) An applicant for an occupational driver's license is eligible  
8 to receive such license only if:

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

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

19 (c) The applicant is engaged in: (i) An occupation or trade that  
20 makes it essential that he or she operate a motor vehicle; (ii) court-  
21 ordered alcohol or drug treatment; or (iii) alcohol or drug treatment  
22 that was undertaken voluntarily in contemplation of legal proceedings;  
23 and

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

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

33 **Sec. 2.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read  
34 as follows:

35 In issuing an occupational driver's license under RCW 46.20.391,  
36 the department shall describe the type of occupation permitted or  
37 whether the occupational license may be used to lawfully drive to and  
38 from court-ordered or voluntary alcohol or drug treatment sessions, and

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

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW  
14 to read as follows:

15 Any person licensed under this chapter and convicted of a violation  
16 of RCW 46.61.502 or 46.61.504 who is issued an occupational license  
17 shall be required by the department to operate only a motor vehicle  
18 equipped with an ignition interlock or other biological or technical  
19 device for the duration of the occupational license.

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