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SENATE BILL 6370

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State of Washington

55th Legislature

1998 Regular Session

By Senators Kline, Winsley, Brown, McAuliffe, Prentice and Franklin

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

1 AN ACT Relating to occupational drivers' licenses; and amending RCW  
2 46.20.391.

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) Any person licensed under this chapter who is convicted of an  
7 offense relating to motor vehicles for which suspension or revocation  
8 of the driver's license is mandatory, other than vehicular homicide or  
9 vehicular assault, may submit to the department an application for an  
10 occupational driver's license. The department, upon receipt of the  
11 prescribed fee and upon determining that the petitioner is engaged in  
12 an occupation or trade that makes it essential that the petitioner  
13 operate a motor vehicle, may issue an occupational driver's license and  
14 may set definite restrictions as provided in RCW 46.20.394. No person  
15 may petition for, and the department shall not issue, an occupational  
16 driver's license that is effective during the first thirty days of any  
17 suspension or revocation imposed for a violation of RCW 46.61.502 or  
18 46.61.504. A person aggrieved by the decision of the department on the

1 application for an occupational driver's license may request a hearing  
2 as provided by rule of the department.

3 (2)(a)(i) A person licensed under this chapter who is not eligible  
4 to apply for an occupational driver's license under subsection (1) of  
5 this section may submit to the department an application for an  
6 occupational driver's license if:

7 (A) The applicant's driver's license or driving privilege has been  
8 suspended or revoked, other than for vehicular homicide, vehicular  
9 assault, refusing a breath or blood test, noncompliance with a child  
10 support order, or for a physical or mental disability that would  
11 prevent the person from operating a motor vehicle with safety upon the  
12 highways; and

13 (B) The applicant demonstrates to the satisfaction of the  
14 department that one of the following additional conditions are met:

15 (I) The applicant is in an apprenticeship program or an on-the-job  
16 training program for which a driver's license is required;

17 (II) The applicant is in the process of applying for a position in  
18 an apprenticeship or on-the-job training program and the program has  
19 certified that a driver's license is required to begin the program; or

20 (III) The applicant is in a program that assists persons who are on  
21 welfare to become gainfully employed and requires a driver's license.

22 (ii) If the suspension is for failure to respond, pay, or comply  
23 with a notice of traffic infraction or conviction, the applicant must  
24 enter into a payment plan with the court.

25 (b) An occupational driver's license issued to an applicant  
26 described in (a) of this subsection shall be valid for the period of  
27 the suspension or revocation but not more than two years.

28 (c) For occupational drivers' licenses based on this subsection,  
29 the department may, as a condition of granting the licenses, require  
30 such subsequent proof as it deems appropriate that the apprenticeship  
31 or on-the-job training program applications are actively pursued by the  
32 licensees.

33 (3) An applicant for an occupational driver's license is eligible  
34 to receive such license only if:

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

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

7 (c) The applicant is engaged in an occupation or trade that makes  
8 it essential that he or she operate a motor vehicle; and

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

11 (~~(3)~~) (4) The director shall cancel an occupational driver's  
12 license upon receipt of notice that the holder thereof has been  
13 convicted of operating a motor vehicle in violation of its  
14 restrictions, or of an offense that pursuant to chapter 46.20 RCW would  
15 warrant suspension or revocation of a regular driver's license. The  
16 cancellation is effective as of the date of the conviction, and  
17 continues with the same force and effect as any suspension or  
18 revocation under this title.

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