

2 **SHB 1774** - S COMM AMD  
3 By Committee on Judiciary

4 ADOPTED 4/14/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 are  
8 each reenacted and amended to read as follows:

9 (1) Any person licensed under this chapter who is convicted of an  
10 offense relating to motor vehicles for which suspension or revocation  
11 of the driver's license is mandatory, other than vehicular homicide or  
12 vehicular assault, or who has had his or her license suspended under  
13 RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an  
14 application for an occupational driver's license. The department, upon  
15 receipt of the prescribed fee and upon determining that the petitioner  
16 is engaged in an occupation or trade that makes it essential that the  
17 petitioner operate a motor vehicle, may issue an occupational driver's  
18 license and may set definite restrictions as provided in RCW 46.20.394.  
19 No person may petition for, and the department shall not issue, an  
20 occupational driver's license that is effective during the first thirty  
21 days of any suspension or revocation imposed for a violation of RCW  
22 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a).  
23 A person aggrieved by the decision of the department on the application  
24 for an occupational driver's license may request a hearing as provided  
25 by rule of the department.

26 (2)(a) A person licensed under this chapter whose driver's license  
27 is suspended administratively due to failure to appear or pay a traffic  
28 ticket under RCW 46.20.289; a violation of the financial responsibility  
29 laws under chapter 46.29 RCW; or for multiple violations within a  
30 specified period of time under RCW 46.20.291, may apply to the  
31 department for an occupational driver's license if the applicant  
32 demonstrates to the satisfaction of the department that one of the  
33 following additional conditions are met:

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

1        (ii) The applicant presents evidence that he or she has applied for  
2 a position in an apprenticeship or on-the-job training program and the  
3 program has certified that a driver's license is required to begin the  
4 program, provided that a license granted under this provision shall be  
5 in effect no longer than fourteen days;

6        (iii) The applicant is in a program that assists persons who are  
7 enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to  
8 become gainfully employed and the program requires a driver's license;  
9 or

10       (iv) The applicant is undergoing substance abuse treatment or is  
11 participating in meetings of a twelve-step group such as alcoholics  
12 anonymous.

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

16       (c) Upon receipt of evidence that a holder of an occupational  
17 driver's license granted under this subsection is no longer enrolled in  
18 an apprenticeship or on-the-job training program, the director shall  
19 give written notice by first class mail to the driver that the  
20 occupational driver's license shall be canceled. The effective date of  
21 cancellation shall be fifteen days from the date of mailing the notice.  
22 If at any time before the cancellation goes into effect the driver  
23 submits evidence of continued enrollment in the program, the  
24 cancellation shall be stayed. If the cancellation becomes effective,  
25 the driver may obtain, at no additional charge, a new occupational  
26 driver's license upon submittal of evidence of enrollment in another  
27 program that meets the criteria set forth in this subsection.

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

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

34       (b) Within seven years immediately preceding the date of the  
35 offense that gave rise to the present conviction or incident, the  
36 applicant has not committed any of the following offenses: (i) Driving  
37 or being in actual physical control of a motor vehicle while under the  
38 influence of intoxicating liquor; (ii) vehicular homicide under RCW  
39 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

1 (c) The applicant is engaged in an occupation or trade that makes  
2 it essential that he or she operate a motor vehicle, except as allowed  
3 under subsection (2)(a) of this section; and

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

6 (~~(3)~~) (4) The director shall cancel an occupational driver's  
7 license upon receipt of notice that the holder thereof has been  
8 convicted of operating a motor vehicle in violation of its  
9 restrictions, or of an offense that pursuant to chapter 46.20 RCW would  
10 warrant suspension or revocation of a regular driver's license. The  
11 cancellation is effective as of the date of the conviction, and  
12 continues with the same force and effect as any suspension or  
13 revocation under this title.

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

16 In issuing an occupational driver's license under RCW 46.20.391,  
17 the department shall describe the type of occupation permitted and  
18 shall set forth in detail the specific hours of the day during which  
19 the person may drive to and from his place of work, which may not  
20 exceed twelve hours in any one day; the days of the week during which  
21 the license may be used; and the general routes over which the person  
22 may travel. In issuing an occupational driver's license under RCW  
23 46.20.391(2)(a)(iii), the department shall set forth in detail the  
24 specific hours during which the person may drive to and from substance  
25 abuse treatment or meetings of a twelve-step group such as alcoholics  
26 anonymous, the days of the week during which the license may be used,  
27 and the general routes over which the person may travel. These  
28 restrictions shall be prepared in written form by the department, which  
29 document shall be carried in the vehicle at all times and presented to  
30 a law enforcement officer under the same terms as the occupational  
31 driver's license. Any violation of the restrictions constitutes a  
32 violation of RCW 46.20.342 and subjects the person to all procedures  
33 and penalties therefor.

34 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2000."

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3  
4 On page 1, line 1 of the title, after "licenses;" strike the  
5 remainder of the title and insert "amending RCW 46.20.394; reenacting  
6 and amending RCW 46.20.391; and providing an effective date."

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