

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1774

56th Legislature
1999 Regular Session

Passed by the House April 25, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 24, 1999
Yeas 46 Nays 3

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1774** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1774

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Wolfe, Romero, Tokuda, Stensen, D. Schmidt, Ogden, Gombosky, Keiser, Dickerson and Santos)

Read first time 03/04/1999.

1 AN ACT Relating to occupational drivers' licenses; amending RCW
2 46.20.394; reenacting and amending RCW 46.20.391; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 are
6 each reenacted and amended to read as follows:

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

1 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a).
2 A person aggrieved by the decision of the department on the application
3 for an occupational driver's license may request a hearing as provided
4 by rule of the department.

5 (2)(a) A person licensed under this chapter whose driver's license
6 is suspended administratively due to failure to appear or pay a traffic
7 ticket under RCW 46.20.289; a violation of the financial responsibility
8 laws under chapter 46.29 RCW; or for multiple violations within a
9 specified period of time under RCW 46.20.291, may apply to the
10 department for an occupational driver's license if the applicant
11 demonstrates to the satisfaction of the department that one of the
12 following additional conditions are met:

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

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

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

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

27 (b) If the suspension is for failure to respond, pay, or comply
28 with a notice of traffic infraction or conviction, the applicant must
29 enter into a payment plan with the court.

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

33 (d) Upon receipt of evidence that a holder of an occupational
34 driver's license granted under this subsection is no longer enrolled in
35 an apprenticeship or on-the-job training program, the director shall
36 give written notice by first class mail to the driver that the
37 occupational driver's license shall be canceled. The effective date of
38 cancellation shall be fifteen days from the date of mailing the notice.
39 If at any time before the cancellation goes into effect the driver

1 submits evidence of continued enrollment in the program, the
2 cancellation shall be stayed. If the cancellation becomes effective,
3 the driver may obtain, at no additional charge, a new occupational
4 driver's license upon submittal of evidence of enrollment in another
5 program that meets the criteria set forth in this subsection.

6 (e) The department shall not issue an occupational driver's license
7 under (a)(iv) of this subsection if the applicant is able to receive
8 transit services sufficient to allow for the applicant's participation
9 in the programs referenced under (a)(iv) of this subsection.

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

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

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

22 (c) The applicant is engaged in an occupation or trade that makes
23 it essential that he or she operate a motor vehicle, except as allowed
24 under subsection (2)(a) of this section; 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 driver's
28 license upon receipt of notice that the holder thereof has been
29 convicted of operating a motor vehicle in violation of its
30 restrictions, or of an offense that pursuant to chapter 46.20 RCW would
31 warrant suspension or revocation of a regular driver's license. The
32 cancellation is effective as of the date of the conviction, and
33 continues with the same force and effect as any suspension or
34 revocation under this title.

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

37 In issuing an occupational driver's license under RCW 46.20.391,
38 the department shall describe the type of occupation permitted and

1 shall set forth in detail the specific hours of the day during which
2 the person may drive to and from his place of work, which may not
3 exceed twelve hours in any one day; the days of the week during which
4 the license may be used; and the general routes over which the person
5 may travel. In issuing an occupational driver's license under RCW
6 46.20.391(2)(a)(iv), the department shall set forth in detail the
7 specific hours during which the person may drive to and from substance
8 abuse treatment or meetings of a twelve-step group such as alcoholics
9 anonymous, the days of the week during which the license may be used,
10 and the general routes over which the person may travel. These
11 restrictions shall be prepared in written form by the department, which
12 document shall be carried in the vehicle at all times and presented to
13 a law enforcement officer under the same terms as the occupational
14 driver's license. Any violation of the restrictions constitutes a
15 violation of RCW 46.20.342 and subjects the person to all procedures
16 and penalties therefor.

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

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