

HOUSE BILL REPORT

ESHB 2829

As Passed House:

February 14, 2002

Title: An act relating to reinstating driving privileges.

Brief Description: Changing provisions relating to revocation of juvenile driving privileges.

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Mielke, Murray, Haigh, Mitchell, Boldt, Dunn, Schindler, Woods and Doumit).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/6/02, 2/7/02 [DPS].

Floor Activity:

Passed House: 2/14/02, 87-11.

Brief Summary of Engrossed Substitute Bill

- Creates an occupational driver's license (ODL) program for persons who lost their driving privileges prior to obtaining or being eligible to obtain a driver's license.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dickerson, Chair; Darneille, Vice Chair; Delvin, Ranking Minority Member; Armstrong, Eickmeyer and Tokuda.

Minority Report: Do not pass. Signed by 1 member: Representative Carrell.

Staff: Tracey Taylor (786-7196).

Background:

The Department of Licensing (DOL) may suspend or revoke a person's driving privilege for a number of reasons, including specific criminal convictions, such as reckless driving,

driving under the influence and for refusing to submit to an alcohol test as required by the implied consent laws.

In addition, the DOL may suspend or revoke a juvenile's driving privilege if the juvenile is convicted of:

- any offense committed while armed with a firearm;
- any offense regarding the purchase, possession or consumption of alcohol;
- any violation of the legend drug laws;
- any violation of the controlled substance laws; and
- any violation of the imitation controlled substance laws.

The first license revocation is one year or until the juvenile reaches age 17, whichever is longer. The second or subsequent revocation is two years or until the juvenile reaches age 18, whichever is longer. All revocations are consecutive. A juvenile may petition the juvenile court for reinstatement at an earlier date but the decision to grant reinstatement is within the court's discretion.

The DOL may issue an occupational driver's license (ODL) to a person whose driving privilege is suspended under certain circumstances. In order to be granted an ODL, the person must be engaged in an occupation or trade for which operating a motor vehicle is essential. Upon issuing the ODL, the DOL must specify the type of occupation permitted, and the hours of the day, the days of the week, and the route in which driving is permitted. A violation of the restrictions invalidates the ODL, subjects the driver to a maximum penalty of six months in jail and a \$200 fine, and resuspends the person's driving privilege.

Under current law, a person who has had his or her driving privileges revoked for certain juvenile offenses cannot obtain an occupational driver's license.

Summary of Engrossed Substitute Bill:

Creates an ODL program for persons who lost their driving privileges prior to obtaining or being eligible to obtain a driver's license.

In order to get an ODL, the applicant must:

- (1) have obtained a valid learner's permit under this act;

- (2) be 18 or older;
- (3) have completed a traffic safety education program approved or accredited by the Office of the Superintendent of Public Instruction or by a licensed driver training school;
- (4) have successfully passed the driver's license test;
- (5) have paid the required fees for the exam and the ODL;
- (6) have not committed any vehicle offense for which a suspension or revocation is mandatory within the prior year giving rise to the present revocation;
- (7) have not been convicted of DUI, vehicular homicide or vehicular assault within the prior seven years;
- (8) be engaged in a trade, occupation, apprenticeship or on-the-job training , or is enrolled in at least six credit hours of post-secondary education that makes it essential to operate a motor vehicle; and
- (9) file proof of financial responsibility.

The ODL is valid for the period of revocation or suspension, for a maximum of two years, and is renewable.

The department shall cancel the ODL if the holder violates the restrictions of the ODL or receives a subsequent conviction requiring revocation or suspension of driving privileges.

A driver's instruction permit is authorized under this program for persons who are 18 or older and can show proof of enrollment in a driver's training program. The permit allows the holder to operate a motor vehicle so long as he or she has immediate possession of the permit and an approved instructor or licensed driver with at least five years experience in the motor vehicle. The permit is valid for one year.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill attempts to correct an intended consequence of the current law. Because of the requirement that the terms of revocation run consecutively, a juvenile could lose his or her driving privileges well beyond age 18 or 21 for a

conviction that does not even involve a motor vehicle. Moreover, the revocation period continues despite the person taking the corrective action to address the reason for the revocations. Once the juvenile becomes an adult, driving can become essential for him or her to get a job or apprenticeship. Under current law, if a juvenile does not have a driver's license at the time of revocation, he or she is ineligible to obtain an occupational license or apply for reinstatement of a driver's license he or she never had.

Testimony Against: None.

Testified: Representative Mielke, prime sponsor; Kelly Rich, citizen.