

SENATE BILL REPORT

ESHB 2829

As Reported By Senate Committee On:
Judiciary, February 28, 2002

Title: An act relating to reinstating driving privileges.

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

Sponsors: 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: Judiciary: 2/21/02, 2/28/02 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: The Department of Licensing (DOL) is required to revoke the driving privileges of a juvenile when it receives notice from a court that the juvenile has been found to have committed one of the following:

- an offense while armed with a firearm during which offense a motor vehicle served an integral function;
- an offense while armed with a firearm;
- a violation of the Alcoholic Beverage Control Act;
- a violation of the legend drug laws;
- a violation of the controlled substances laws; and
- a violation of the imitation controlled substance laws.

Upon receipt of the first notice from a court, DOL will revoke the driving privileges of a juvenile for one year or until the juvenile reaches 17 years of age, whichever is longer. A second or subsequent notice entails a revocation for two years or until the juvenile reaches 18 years of age, whichever is longer. All revocations are consecutive.

Summary of Amended Bill: A person who has had his or her driving privileges revoked prior to being eligible to obtain a driver's license may apply for an occupational driver's license. The person must meet the following requirements:

- Eighteen years of age or older;

- Obtain a valid driver's instruction permit;
- Complete a traffic safety education program;
- Successfully pass a driver licensing examination;
- Pay the fees required for the driver's license examination and occupational driver's license;
- Within one year immediately preceding the date of the offense that gave rise to the revocation, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory;
- Within seven years immediately preceding the date of the offense that gave rise to the revocation, the applicant has not committed a DUI, vehicular homicide, or vehicular assault;
- Is engaged in an occupation, trade, apprenticeship, or on-the-job training that makes it essential that he or she operate a motor vehicle or is enrolled at a college, university, community college, technical college, vocational school, trade school, or private career school for a minimum of six credit hours that makes it essential he or she operate a motor vehicle; and
- Files satisfactory proof of financial responsibility.

DOL may issue the occupational driver's license and shall set restrictions regarding the hours the person may drive, the days of the week the license may be used, and the general routes over which the person may travel. The department cancels the occupational driver's license if the holder violates the restrictions of the license or is convicted of an offense for which suspension or revocation of a regular driver's license is required.

A driver's instruction permit is authorized for any person who has had his or her driving privileges revoked as a juvenile and was not otherwise eligible to drive at the time of the revocation. He or she must be 18 years of age or older, passed all parts of the driver's license examination other than the driving test, paid the required fee, and can show proof of enrollment in a traffic safety education program. The permit allows the holder to operate a motor vehicle if an instructor or licensed driver with at least five years of driving experience occupies a seat beside the driver. The permit is valid for one year.

Multiple revocation periods do not have to run consecutively. Upon notice from a court, the Department of Licensing will revoke the driving privileges of a juvenile for one year from the date judgment is entered or until the juvenile reaches the age of 17, whichever is longer. Upon receipt of a second or subsequent notice from a court, the department will revoke the driving privileges of a juvenile for two years from the date of judgment is entered or until the juvenile reaches the age of 18 years of age, whichever is longer.

Amended Bill Compared to Original Bill: Multiple revocation periods do not have to run consecutively. Upon notice from a court, the Department of Licensing will revoke the driving privileges of a juvenile for one year from the date judgment is entered or until the

juvenile reaches the age of 17, whichever is longer. Upon receipt of a second or subsequent notice from a court, the department will revoke the driving privileges of a juvenile for two years from the date of judgment is entered or until the juvenile reaches the age of 18 years of age, whichever is longer.

Appropriation: None.

Fiscal Note: Requested on February 18, 2002.

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

Testimony For: This bill helps those people who had their driving privileges revoked before they ever had a license. The revocation time period that can accrue from multiple revocations is ridiculous. If a minor gets caught ten times in possession of alcohol, that person could lose their driver's license for 24 years! Even a sex offender is able to drive but a person caught with alcohol would not be prohibited.

Testimony Against: None

Testified: Representative Tom Mielke; Kelly Rich, Vickie McDougall, Dept. of Licensing.