
SUBSTITUTE HOUSE BILL 2033

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Kagi, Dickerson and Dunn)

Read first time 01/30/2002. Referred to Committee on .

1 AN ACT Relating to occupational driver's licenses; and reenacting
2 and amending RCW 46.20.391.

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

4 **Sec. 1.** RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are
5 each reenacted and amended to read 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, or who has had his or her license suspended under
10 RCW 46.20.3101 (2)(a) or (3)(a), or a juvenile whose driving privilege
11 has been revoked under RCW 46.20.265 but who is otherwise qualified to
12 be licensed under this chapter, may submit to the department an
13 application for an occupational driver's license. The department, upon
14 receipt of the prescribed fee and upon determining that the petitioner
15 is engaged in an occupation ((or)), trade, apprenticeship, or on-the-
16 job training that makes it essential that the petitioner operate a
17 motor vehicle, may issue an occupational driver's license and may set
18 definite restrictions as provided in RCW 46.20.394. If transportation
19 to and from a place of employment is essential, an occupational license

1 may be granted. No person may petition for, and the department shall
2 not issue, an occupational driver's license that is effective during
3 the first thirty days of any suspension or revocation imposed either
4 for a violation of RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101
5 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504
6 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from
7 the same incident. A person aggrieved by the decision of the
8 department on the application for an occupational driver's license may
9 request a hearing as provided by rule of the department.

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

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

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

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

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

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

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

38 (d) Upon receipt of evidence that a holder of an occupational
39 driver's license granted under this subsection is no longer enrolled in

1 an apprenticeship or on-the-job training program, the director shall
2 give written notice by first class mail to the driver that the
3 occupational driver's license shall be canceled. The effective date of
4 cancellation shall be fifteen days from the date of mailing the notice.
5 If at any time before the cancellation goes into effect the driver
6 submits evidence of continued enrollment in the program, the
7 cancellation shall be stayed. If the cancellation becomes effective,
8 the driver may obtain, at no additional charge, a new occupational
9 driver's license upon submittal of evidence of enrollment in another
10 program that meets the criteria set forth in this subsection.

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

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

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

21 (b) Within seven years immediately preceding the date of the
22 offense that gave rise to the present conviction or incident, the
23 applicant has not committed any of the following offenses: (i) Driving
24 or being in actual physical control of a motor vehicle while under the
25 influence of intoxicating liquor; (ii) vehicular homicide under RCW
26 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

27 (c) The applicant is engaged in an occupation ~~((or))~~, trade,
28 apprenticeship, or on-the-job training that makes it essential that he
29 or she operate a motor vehicle, except as allowed under subsection
30 (2)(a) of this section; and

31 (d) The applicant files satisfactory proof of financial
32 responsibility under chapter 46.29 RCW.

33 (4) The director shall cancel an occupational driver's license upon
34 receipt of notice that the holder thereof has been convicted of
35 operating a motor vehicle in violation of its restrictions, or of a
36 separate offense that under chapter 46.20 RCW would warrant suspension
37 or revocation of a regular driver's license. The cancellation is

1 effective as of the date of the conviction, and continues with the same
2 force and effect as any suspension or revocation under this title.

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