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**Judiciary Committee**

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**HB 1577**

**Title:** An act relating to restricted drivers' licenses for alcohol violators.

**Brief Description:** Prescribing restricted drivers' licenses for alcohol violators.

**Sponsors:** Representatives Lovick, Delvin, Moeller, Blake and Simpson.

**Brief Summary of Bill**

- Creates a new "restricted" driver's license that partially replaces the current "occupational" license, and requires any person applying for a restricted license to have an ignition interlock installed on his or her car.
- Allows application for a restricted license by a driver who has been convicted of an offense that requires license loss (e.g., DUI) or who has lost his or her license administratively under the Implied Consent Law.
- Makes the current "occupational" license apply only to drivers who have lost their privileges due to failure to pay fines.

**Hearing Date:** 2/18/03

**Staff:** Bill Perry (786-7123).

**Background:**

Occupational Licenses.

Drivers who have had their licenses suspended may, under certain circumstances, apply for an "occupational" driver's license. Such a license is for the purpose of allowing the person to work, or in some instances to get training or to get treatment for substance abuse.

The authority to drive under such a license is limited to driving that is directly related to employment, training or treatment. The license must be accompanied by specific detailed restrictions on the hours of the day when driving is allowed and by a general description of the permitted routes for traveling to and from work or treatment. An occupational license is good for either the length of the suspension or revocation, or for two years, whichever is shorter.

One main category of persons who may apply for an occupational license is drivers who have had their licenses suspended by the Department of Licensing (DOL) for one of three specified reasons. These reasons include:

- failure to pay a traffic ticket;
- driving without insurance; or
- committing multiple driving offenses with a frequency that indicates a disrespect for traffic laws or a disregard for the safety of others.

A person who has had his or her license suspended for one of these reasons may apply to the DOL for an occupational license if he or she is engaged in an occupation that makes driving essential, or he or she:

- is in an apprenticeship or training program that requires a license;
- has applied for such a program (in which case an occupational license will be good for only 14 days);
- is enrolled in a WorkFirst program that requires a license; or
- is undergoing substance abuse treatment or attending substance abuse meetings and does not have transit services available to get to and from the treatment or meetings.

If the reason for the loss of license was failure to pay a fine, then the applicant must also enter into a payment plan with the court in order for the DOL to issue an occupational license.

The other category of persons who may apply for an occupational license is drivers who have had their licenses suspended or revoked as the result of a conviction for a crime such as driving while under the influence (DUI) or as the result of administrative action for a violation of the Implied Consent Law. A person who has had his or her license suspended for one of these reasons may also apply to the DOL for an occupational license if he or she is engaged in an occupation or trade that makes driving essential, and:

- at least the first 30 days of the suspension or revocation has passed; and
- if the loss of license was through DOL action, it was for the driver's first Implied Consent Law violation.

For either category of drivers, the applicant must also:

- meet certain requirements, including having insurance coverage or otherwise showing proof of financial responsibility;
- not have committed within the previous year an offense requiring loss of driving privileges;
- not have committed DUI, Vehicular Assault, or Vehicular Homicide within the previous seven years; and
- show proof of insurance.

#### Ignition Interlocks.

Under legislation enacted in 1994, courts are given explicit authority to order that ignition interlocks or other devices be installed on the cars of certain drivers. Ignition interlocks are alcohol analyzing devices designed to prevent a person with alcohol in his or her system from starting a car. Other "biological or technical" devices may be installed for the same purpose. If a court orders the installation of one of these devices, the DOL is to mark the person's driver's license indicating that the person is allowed to operate a car only if it is

equipped with such a device.

In some instances, the installation and use of interlocks are required. Those instances are cases in which a person has been convicted of or given a deferred prosecution for DUI. First-time DUI offenders with lower amounts of alcohol in their blood or breath, and persons granted a deferred prosecution who have no prior DUI conviction, are not subject to this mandatory provision.

**Summary of Bill:**

Several changes are made in DUI-related laws regarding license suspensions and revocations, Implied Consent Law violations, and occupational licenses.

A new "restricted" license is created to replace one category of occupational licenses. The new restricted license is available for persons whose licenses have been suspended or revoked for DUI-related convictions or through administrative action under the Implied Consent Law. The availability of the restricted license is broadened so that prior DUI offenses do not disqualify a person from getting a restricted license. Availability is also extended to circumstances beyond a person's occupation or trade. An otherwise qualified applicant may get a restricted license if he or she is:

- undergoing health care or is providing health care to a dependent;
- enrolled in an educational program that leads to a diploma, degree or certification;
- undergoing substance abuse treatment;
- fulfilling court-ordered community service;
- in an apprenticeship, on-the-job training, or WorkFirst program; or
- applying for training for which a license is necessary, in which case the restricted license is good for only 14 days.

A person may apply for a restricted license only if he or she has had an ignition interlock installed on his or her vehicle.

Occupational licenses remain available, but only for persons whose licenses have been suspended or revoked for failure to pay traffic fines.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.