
Judiciary Committee

HB 2842

Title: An act relating to occupational driver's licenses.

Brief Description: Issuing an occupational driver's license for attendance of treatment or meetings.

Sponsors: Representatives Benson, Murray, Tom, Darneille, Hankins, Schual-Berke and Kagi.

Brief Summary of Bill
<ul style="list-style-type: none">• Adds travel to and from substance abuse treatment as another basis for an occupational driver's license for a person whose license has been suspended or revoked for the commission of certain crimes.

Hearing Date: 1/29/04

Staff: Bill Perry (786-7123).

Background:

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 category of persons who may apply for an occupational license is drivers who have had their licenses suspended by the DOL for one of three specified reasons. These reasons are:

- 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.

Another 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 DUI, for which license loss is mandatory upon conviction, 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.

Some concern has been expressed that person's convicted of DUI cannot get a license to drive to and from alcohol or drug treatment, but a person who has lost his or her license for failure to pay fines, can.

Summary of Bill:

A driver in the category of those whose licenses have been suspended or revoked because of a conviction for a crime such as DUI, for which license loss is mandatory, may apply for an occupational license if he or she is undergoing substance abuse treatment that requires him or her to drive to or from the treatment.

Appropriation: None.

Fiscal Note: Requested on January 21, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.