

SENATE BILL REPORT

ESHB 1033

As Reported By Senate Committee On:
Judiciary, April 4, 2003

Title: An act relating to clarifying the restrictions concerning occupational licenses.

Brief Description: Clarifying the restrictions concerning occupational licenses.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kirby, Cooper, Sullivan and Lantz).

Brief History:

Committee Activity: Judiciary: 3/28/03, 4/4/03 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Under prescribed circumstances, a person whose driver's license has been suspended or revoked may get an "occupational" 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; or
- 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 DOL for an occupational license if he or she:

- is in an apprenticeship or training program that requires a license; or
- has applied for such a program (in which case an occupational license will be good for only 14 days); or
- 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.

In addition, the applicant must meet certain requirements, including having insurance coverage or otherwise showing proof of financial responsibility.

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 DOL to issue an occupational license. Some otherwise qualified applicants have apparently been unable to get occupational licenses solely because some courts do not have payment plans.

Summary of Amended Bill: The requirement that an applicant for an occupational license must enter into a payment plan does not apply if such a plan is not available. However, a driver may not get an occupational license if he or she has failed to complete a previous payment plan.

An express provision is added to the occupational driver's license law stating that the issuance of an occupational license does not affect the underlying suspension or revocation, and the purpose of the occupational license is to allow a driver to get to and from work and to pay off any outstanding fines where the failure to pay those fines was the reason for the suspension or revocation of the driver's license.

A person whose driver's license was suspended or revoked due to a conviction for driving under the influence of alcohol or any drug or due to administrative action under the implied consent law must submit verification to DOL of installation of an ignition interlock device on the vehicle he or she intends to operate and may drive only a vehicle so equipped for the duration of the occupational license. A person who is gainfully employed may apply to DOL for an occupational driver's license if his or her license was suspended administratively due to failure to appear or pay a traffic violation, a violation of insurance laws, or for multiple traffic violations within a specified time period.

Amended Bill Compared to Original Bill: A person whose driver's license was suspended or revoked due to a conviction for driving under the influence of alcohol or any drug or due to administrative action under the implied consent law must submit verification to DOL of installation of an ignition interlock device on the vehicle he or she intends to operate and may drive only a vehicle so equipped for the duration of the occupational license. A person who is gainfully employed may apply to DOL for an occupational driver's license if his or her license was suspended administratively due to failure to appear or pay a traffic violation, a violation of insurance laws, or for multiple traffic violations within a specified time period.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Some courts don't have payment plans so people should only be required to commit to a payment plan if that option is available. In addition to people in apprenticeship programs, people who are employed should be able to obtain an occupational driver's license so they can drive back and forth to work. They need to be able to get to work in order to pay off their fines.

Testimony Against: None.

Testified: Pete Youngers, MADD; Dave Chapman, WA Criminal Defense Lawyers, WA Defender Assn; Peter Guzman, City of Tacoma.