
ENGROSSED SUBSTITUTE HOUSE BILL 1033

State of Washington

58th Legislature

2003 Regular Session

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

READ FIRST TIME 01/28/03.

1 AN ACT Relating to clarifying the restrictions concerning
2 occupational licenses; and reenacting 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), may submit to the department an
11 application for an occupational driver's license. The department, upon
12 receipt of the prescribed fee and upon determining that the petitioner
13 is engaged in an occupation or trade that makes it essential that the
14 petitioner operate a motor vehicle, may issue an occupational driver's
15 license and may set definite restrictions as provided in RCW 46.20.394.
16 No person may petition for, and the department shall not issue, an
17 occupational driver's license that is effective during the first thirty

1 days of any suspension or revocation imposed either for a violation of
2 RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or
3 for both a violation of RCW 46.61.502 or 46.61.504 and under RCW
4 46.20.3101 (2)(a) or (3)(a) where the action arises from the same
5 incident. A person aggrieved by the decision of the department on the
6 application for an occupational driver's license may request a hearing
7 as provided by rule of the department.

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

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

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

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

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

30 (b) If the suspension is for failure to respond, pay, or comply
31 with a notice of traffic infraction or conviction, the applicant must
32 enter into a payment plan with the court, unless such a plan is not
33 available.

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

1 period is to provide an opportunity for the applicant to work in order
2 to satisfy any penalties or other sanctions imposed by the court which
3 are the causes of the suspension or revocation of his or her regular
4 driver's license.

5 (d) Upon receipt of evidence that a holder of an occupational
6 driver's license granted under this subsection is no longer enrolled in
7 an apprenticeship or on-the-job training program, the director shall
8 give written notice by first class mail to the driver that the
9 occupational driver's license shall be canceled. The effective date of
10 cancellation shall be fifteen days from the date of mailing the notice.
11 If at any time before the cancellation goes into effect the driver
12 submits evidence of continued enrollment in the program, the
13 cancellation shall be stayed. If the cancellation becomes effective,
14 the driver may obtain, at no additional charge, a new occupational
15 driver's license upon submittal of evidence of enrollment in another
16 program that meets the criteria set forth in this subsection.

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

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

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

27 (b) Within seven years immediately preceding the date of the
28 offense that gave rise to the present conviction or incident, the
29 applicant has not committed any of the following offenses: (i) Driving
30 or being in actual physical control of a motor vehicle while under the
31 influence of intoxicating liquor; (ii) vehicular homicide under RCW
32 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

33 (c) The applicant is engaged in an occupation or trade that makes
34 it essential that he or she operate a motor vehicle, except as allowed
35 under subsection (2)(a) of this section; and

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

1 (4) The director shall cancel an occupational driver's license upon
2 receipt of notice that the holder thereof has been convicted of
3 operating a motor vehicle in violation of its restrictions, or of a
4 separate offense that under chapter 46.20 RCW would warrant suspension
5 or revocation of a regular driver's license. The cancellation is
6 effective as of the date of the conviction, and continues with the same
7 force and effect as any suspension or revocation under this title.

8 (5) No person may petition for, and the department shall not issue,
9 an occupational driver's license to any person if the person previously
10 entered into a payment plan under subsection (2)(b) of this section and
11 the person has failed to satisfy payment of all obligations included in
12 the payment plan.

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