
HOUSE BILL 2842

State of Washington 58th Legislature 2004 Regular Session

By Representatives Benson, Murray, Tom, Darneille, Hankins, Schual-Berke and Kagi

Read first time 01/21/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to occupational driver's licenses; amending RCW
2 46.20.394; 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)(a) Any person licensed under this chapter who is convicted of
7 an offense relating to motor vehicles for which suspension or
8 revocation of the driver's license is mandatory, other than vehicular
9 homicide or vehicular assault, or who has had his or her license
10 suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the
11 department an application for an occupational driver's license. The
12 department(~~(,)~~) may issue an occupational driver's license and may set
13 definite restrictions as provided in RCW 46.20.394 upon receipt of the
14 prescribed fee and upon determining that the petitioner:

15 (i) Is engaged in an occupation or trade that makes it essential
16 that the petitioner operate a motor vehicle(~~(, may issue an~~
17 ~~occupational driver's license and may set definite restrictions as~~
18 ~~provided in RCW 46.20.394)); or~~

1 (ii) Is undergoing substance abuse treatment or is participating in
2 meetings of a twelve-step group such as Alcoholics Anonymous that
3 requires the petitioner to drive to or from the treatment or meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (4) The director shall cancel an occupational driver's license upon
38 receipt of notice that the holder thereof has been convicted of

1 operating a motor vehicle in violation of its restrictions, or of a
2 separate offense that under chapter 46.20 RCW would warrant suspension
3 or revocation of a regular driver's license. The cancellation is
4 effective as of the date of the conviction, and continues with the same
5 force and effect as any suspension or revocation under this title.

6 **Sec. 2.** RCW 46.20.394 and 1999 c 272 s 2 are each amended to read
7 as follows:

8 In issuing an occupational driver's license under RCW
9 46.20.391(1)(a)(i), the department shall describe the type of
10 occupation permitted and shall set forth in detail the specific hours
11 of the day during which the person may drive to and from his place of
12 work, which may not exceed twelve hours in any one day; the days of the
13 week during which the license may be used; and the general routes over
14 which the person may travel. In issuing an occupational driver's
15 license under RCW 46.20.391(1)(a)(ii) or 46.20.391(2)(a)(iv), the
16 department shall set forth in detail the specific hours during which
17 the person may drive to and from substance abuse treatment or meetings
18 of a twelve-step group such as alcoholics anonymous, the days of the
19 week during which the license may be used, and the general routes over
20 which the person may travel. These restrictions shall be prepared in
21 written form by the department, which document shall be carried in the
22 vehicle at all times and presented to a law enforcement officer under
23 the same terms as the occupational driver's license. Any violation of
24 the restrictions constitutes a violation of RCW 46.20.342 and subjects
25 the person to all procedures and penalties therefor.

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