

1033-S

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

Brief Description: Clarifying the restrictions concerning occupational licenses. Revised for 1st Substitute: Clarifying the restrictions concerning occupational licenses. (REVISED FOR PASSED LEGISLATURE: Concerning driver's licenses.)

**HB 1033-S.E - DIGEST**

(DIGEST AS PASSED LEGISLATURE)

Provides that the suspension or revocation of the regular driver's license shall not be affected by the issuance of an occupational license. The two-year period is to provide an opportunity for the applicant to work in order to satisfy any penalties or other sanctions imposed by the court which are the causes of the suspension or revocation of his or her regular driver's license.

Provides that no person may petition for, and the department shall not issue, an occupational driver's license to any person if the person previously entered into a payment plan under this act and the person has failed to satisfy payment of all obligations included in the payment plan.

Provides that any person issued an occupational driver's license whose license suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101 may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device for the duration of the period for which the occupational driver's license is valid.

Provides that, where compliance with the terms of a misdemeanor citation is limited to the payment of a monetary penalty, and a person is not able to pay the monetary penalty in full, the court may enter into a payment plan with the person. The court shall have available the option of a payment plan. However, it is in the court's discretion whether to allow a person, under this act, to enter into a payment plan with the court. If a person has entered into a payment plan under this provision, the court shall not notify the department of licensing that the person has failed to comply with the terms of a citation as it applies to payment of the monetary penalty unless a payment required to be made under the payment plan is delinquent by thirty days or the penalty is not paid in full within not more than eighteen months of the initial payment.

VETO MESSAGE ON HB 1033-S

May 20, 2003

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1033 entitled:

"AN ACT Relating to driver's licenses;"

This bill would have expanded eligibility for occupational drivers' licenses, to include drivers who have lost licenses for failure to pay fines, but need to drive to go to work and pay the fines. If a driver lost his or her license for drunk driving, the bill would have conditioned the occupational license on using an ignition interlock. The bill would have also required courts to offer payment plans to drivers who cannot pay fines immediately, allowing up to eighteen months to pay. A driver whose debt is more than one year old would not have been eligible to enter into such a plan.

I support the bill's basic policy goals to enable more drivers to retain or restore their licenses by enabling them to pay their fines and get insurance through use of an occupational driver's license. I support court-sponsored license reinstatement programs, payment plans, and similar efforts to help restore driving privileges for those who lose them because of inability to pay rather than dangerous driving behavior. Such initiatives also improve collections of fines, providing needed revenue to local governments.

Unfortunately, the Legislature failed to appropriate the needed funding to the Department of Licensing to implement section 1, expanding eligibility for occupational drivers' licenses. This funding, estimated at \$2.6 million in the 2003-05 biennium, was not included in the enacted transportation budget or the proposed Senate and House operating budgets. Application fees would provide the necessary revenue to cover the cost, but without an appropriation, the revenue cannot be spent to process the applications. If the Legislature enacts section 1 in another bill, and provides the necessary funding to implement it, I will sign it into law.

Sections 2 and 3 are intended to require that courts offer payment plans to those who need time to pay traffic fines and accrued interest. Unfortunately, Section 2 includes language limiting eligibility for such plans to people who are less than one year in arrears on such debts, and both sections include language limiting the duration of payment plans to 18 months. These provisions would make payment plans unavailable to many of those who need them most to meet their obligations. They would reduce the effectiveness of license reinstatement programs now sponsored by courts in several counties and cities, making worse the problem that the bill seeks to remedy. Court managers, local governments, defense attorneys, collection agencies, and the chair of the committee that originally considered the bill have all asked me to veto these two sections.

For these reasons, I have vetoed Engrossed Substitute House Bill No. 1033 in its entirety.

Respectfully submitted,

Gary Locke  
Governor