

---

SENATE BILL 5645

---

State of Washington

59th Legislature

2005 Regular Session

By Senators Kline, Roach, Esser, Prentice, Keiser, Haugen, Fairley, Shin, Hargrove and Rasmussen

Read first time 02/01/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to requirements for ignition interlock devices; and  
2 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 2004 c 95 s 7 are each amended to read  
5 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, revoked, or denied under RCW 46.20.3101, may submit to the  
11 department an application for a temporary restricted driver's license.  
12 The department, upon receipt of the prescribed fee and upon determining  
13 that the petitioner is eligible to receive the license, may issue a  
14 temporary restricted driver's license and may set definite restrictions  
15 as provided in RCW 46.20.394. No person may petition for, and the  
16 department shall not issue, a temporary restricted driver's license  
17 that is effective during the first thirty days of any suspension or  
18 revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or,

1 for a suspension, revocation, or denial imposed under RCW 46.20.3101,  
2 during the required minimum portion of the periods of suspension,  
3 revocation, or denial established under (c) of this subsection.

4 (b) An applicant under this subsection whose driver's license is  
5 suspended or revoked for an alcohol-related offense shall provide proof  
6 to the satisfaction of the department that a functioning ignition  
7 interlock device has been installed on a vehicle owned or operated by  
8 the person. This proof of an ignition interlock device shall not be  
9 necessary if the applicant provides a declaration that he or she does  
10 not own a vehicle, and is employed in a position that requires that he  
11 or she drive an employer's vehicle during working hours.

12 (i) The department shall require the person to maintain such a  
13 device on a vehicle owned or operated by the person and shall restrict  
14 the person to operating only vehicles equipped with such a device, for  
15 the remainder of the period of suspension, revocation, or denial. The  
16 device shall not be required on vehicles owned by a person's employer  
17 and driven as a requirement of employment, and during working hours  
18 only.

19 (ii) Subject to any periodic renewal requirements established by  
20 the department pursuant to this section and subject to any applicable  
21 compliance requirements under this chapter or other law, a temporary  
22 restricted driver's license granted after a suspension or revocation  
23 under RCW 46.61.5055 or 46.20.3101 extends through the remaining  
24 portion of any concurrent or consecutive suspension or revocation that  
25 may be imposed as the result of administrative action and criminal  
26 conviction arising out of the same incident.

27 (iii) The time period during which the person is licensed under  
28 this section shall apply on a day-for-day basis toward satisfying the  
29 period of time the ignition interlock device restriction is required  
30 under RCW 46.20.720 (1) and (2) (a), (b), and (c).

31 (c) The department shall provide by rule the minimum portions of  
32 the periods of suspension, revocation, or denial set forth in RCW  
33 46.20.3101 after which a person may apply for a temporary restricted  
34 driver's license under this section. In establishing the minimum  
35 portions of the periods of suspension, revocation, or denial, the  
36 department shall consider the requirements of federal law regarding  
37 state eligibility for grants or other funding, and shall establish such

1 periods so as to ensure that the state will maintain its eligibility,  
2 or establish eligibility, to obtain incentive grants or any other  
3 federal funding.

4 (2)(a) A person licensed under this chapter whose driver's license  
5 is suspended administratively due to failure to appear or pay a traffic  
6 ticket under RCW 46.20.289; a violation of the financial responsibility  
7 laws under chapter 46.29 RCW; or for multiple violations within a  
8 specified period of time under RCW 46.20.291, may apply to the  
9 department for an occupational driver's license.

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

13 (c) An occupational driver's license issued to an applicant  
14 described in (a) of this subsection shall be valid for the period of  
15 the suspension or revocation.

16 (3) An applicant for an occupational or temporary restricted  
17 driver's license who qualifies under subsection (1) or (2) of this  
18 section is eligible to receive such license only if:

19 (a) Within seven years immediately preceding the date of the  
20 offense that gave rise to the present conviction or incident, the  
21 applicant has not committed vehicular homicide under RCW 46.61.520 or  
22 vehicular assault under RCW 46.61.522; and

23 (b) The applicant demonstrates that it is necessary for him or her  
24 to operate a motor vehicle because he or she:

25 (i) Is engaged in an occupation or trade that makes it essential  
26 that he or she operate a motor vehicle;

27 (ii) Is undergoing continuing health care or providing continuing  
28 care to another who is dependent upon the applicant;

29 (iii) Is enrolled in an educational institution and pursuing a  
30 course of study leading to a diploma, degree, or other certification of  
31 successful educational completion;

32 (iv) Is undergoing substance abuse treatment or is participating in  
33 meetings of a twelve-step group such as Alcoholics Anonymous that  
34 requires the petitioner to drive to or from the treatment or meetings;

35 (v) Is fulfilling court-ordered community service responsibilities;

36 (vi) Is in a program that assists persons who are enrolled in a  
37 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully  
38 employed and the program requires a driver's license;

1 (vii) Is in an apprenticeship, on-the-job training, or welfare-to-  
2 work program; or

3 (viii) Presents evidence that he or she has applied for a position  
4 in an apprenticeship or on-the-job training program for which a  
5 driver's license is required to begin the program, provided that a  
6 license granted under this provision shall be in effect for no longer  
7 than fourteen days; and

8 (c) The applicant files satisfactory proof of financial  
9 responsibility under chapter 46.29 RCW; and

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

22 (e) The department shall not issue an occupational driver's license  
23 under (b)(iv) of this subsection if the applicant is able to receive  
24 transit services sufficient to allow for the applicant's participation  
25 in the programs referenced under (b)(iv) of this subsection.

26 (4) A person aggrieved by the decision of the department on the  
27 application for an occupational or temporary restricted driver's  
28 license may request a hearing as provided by rule of the department.

29 (5) The director shall cancel an occupational or temporary  
30 restricted driver's license upon receipt of notice that the holder  
31 thereof has been convicted of operating a motor vehicle in violation of  
32 its restrictions, or of a separate offense that under chapter 46.20 RCW  
33 would warrant suspension or revocation of a regular driver's license.  
34 The cancellation is effective as of the date of the conviction, and  
35 continues with the same force and effect as any suspension or  
36 revocation under this title.

--- END ---