
SUBSTITUTE SENATE BILL 6489

State of Washington 62nd Legislature 2012 Regular Session

By Senate Judiciary (originally sponsored by Senator Harper)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to eligibility for an ignition interlock driver's
2 license; and amending RCW 46.20.385 and 46.20.391.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.20.385 and 2011 c 293 s 1 are each amended to read
5 as follows:

6 (1)(a) Beginning January 1, 2009, any person licensed under this
7 chapter, or otherwise permitted under subsection (8) of this section,
8 who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an
9 equivalent local or out-of-state statute or ordinance, or a violation
10 of RCW 46.61.520(1)(a) or 46.61.522(1)(b), or who has had or will have
11 his or her license suspended, revoked, or denied under RCW 46.20.3101,
12 may submit to the department an application for an ignition interlock
13 driver's license. The department, upon receipt of the prescribed fee
14 and upon determining that the petitioner is eligible to receive the
15 license, may issue an ignition interlock driver's license.

16 (b) A person may apply for an ignition interlock driver's license
17 anytime, including immediately after receiving the notices under RCW
18 46.20.308 or after his or her license is suspended, revoked, or denied.

1 A person receiving an ignition interlock driver's license waives his or
2 her right to a hearing or appeal under RCW 46.20.308.

3 (c) An applicant under this subsection shall provide proof to the
4 satisfaction of the department that a functioning ignition interlock
5 device has been installed on all vehicles operated by the person.

6 (i) The department shall require the person to maintain the device
7 on all vehicles operated by the person and shall restrict the person to
8 operating only vehicles equipped with the device, for the remainder of
9 the period of suspension, revocation, or denial. The installation of
10 an ignition interlock device is not necessary on vehicles owned,
11 leased, or rented by a person's employer and on those vehicles whose
12 care and/or maintenance is the temporary responsibility of the
13 employer, and driven at the direction of a person's employer as a
14 requirement of employment during working hours. The person must
15 provide the department with a declaration pursuant to RCW 9A.72.085
16 from his or her employer stating that the person's employment requires
17 the person to operate a vehicle owned by the employer or other persons
18 during working hours.

19 (ii) Subject to any periodic renewal requirements established by
20 the department under this section and subject to any applicable
21 compliance requirements under this chapter or other law, an ignition
22 interlock driver's license granted upon 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 and 46.61.5055. Beginning with incidents occurring
31 on or after September 1, 2011, when calculating the period of time for
32 the restriction under RCW 46.20.720(3), the department must also give
33 the person a day-for-day credit for the time period, beginning from the
34 date of the incident, during which the person kept an ignition
35 interlock device installed on all vehicles the person operates. For
36 the purposes of this subsection (1)(c)(iii), the term "all vehicles"
37 does not include vehicles that would be subject to the employer
38 exception under RCW 46.20.720(3).

1 (2) An applicant for an ignition interlock driver's license who
2 qualifies under subsection (1) of this section is eligible to receive
3 a license only if the applicant files satisfactory proof of financial
4 responsibility under chapter 46.29 RCW.

5 (3) Upon receipt of evidence that a holder of an ignition interlock
6 driver's license granted under this subsection no longer has a
7 functioning ignition interlock device installed on all vehicles
8 operated by the driver, the director shall give written notice by
9 first-class mail to the driver that the ignition interlock driver's
10 license shall be canceled. If at any time before the cancellation goes
11 into effect the driver submits evidence that a functioning ignition
12 interlock device has been installed on all vehicles operated by the
13 driver, the cancellation shall be stayed. If the cancellation becomes
14 effective, the driver may obtain, at no additional charge, a new
15 ignition interlock driver's license upon submittal of evidence that a
16 functioning ignition interlock device has been installed on all
17 vehicles operated by the driver.

18 (4) A person aggrieved by the decision of the department on the
19 application for an ignition interlock driver's license may request a
20 hearing as provided by rule of the department.

21 (5) The director shall cancel an ignition interlock driver's
22 license after receiving notice that the holder thereof has been
23 convicted of operating a motor vehicle in violation of its
24 restrictions, no longer meets the eligibility requirements, or has been
25 convicted of or found to have committed a separate offense or any other
26 act or omission that under this chapter would warrant suspension or
27 revocation of a regular driver's license. The department must give
28 notice of the cancellation as provided under RCW 46.20.245. A person
29 whose ignition interlock driver's license has been canceled under this
30 section may reapply for a new ignition interlock driver's license if he
31 or she is otherwise qualified under this section and pays the fee
32 required under RCW 46.20.380.

33 (6)(a) Unless costs are waived by the ignition interlock company or
34 the person is indigent under RCW 10.101.010, the applicant shall pay
35 the cost of installing, removing, and leasing the ignition interlock
36 device and shall pay an additional fee of twenty dollars per month.
37 Payments shall be made directly to the ignition interlock company. The
38 company shall remit the additional twenty dollar fee to the department.

1 (b) The department shall deposit the proceeds of the twenty dollar
2 fee into the ignition interlock device revolving account. Expenditures
3 from the account may be used only to administer and operate the
4 ignition interlock device revolving account program. The department
5 shall adopt rules to provide monetary assistance according to greatest
6 need and when funds are available.

7 (7) The department shall adopt rules to implement ignition
8 interlock licensing. The department shall consult with the
9 administrative office of the courts, the state patrol, the Washington
10 association of sheriffs and police chiefs, ignition interlock
11 companies, and any other organization or entity the department deems
12 appropriate.

13 (8)(a) A person who has not been licensed under this chapter, but
14 otherwise qualifies for an ignition interlock driver's license, may
15 apply for an ignition interlock driver's license by first meeting the
16 applicable qualifications and requirements, and paying the necessary
17 fees, for a driver's license under this chapter.

18 (b) A person who has had his or her driving privileges withheld for
19 reasons in addition to one or more of those listed in subsection (1) of
20 this section must also meet the qualifications and pay the required fee
21 for a temporary restricted driver's license under RCW 46.20.391 in
22 order to obtain an ignition interlock driver's license under this
23 section. An ignition interlock driver's license issued to a person who
24 has been issued a temporary restricted driver's license is subject to
25 any restrictions that have been imposed on the temporary restricted
26 driver's license.

27 **Sec. 2.** RCW 46.20.391 and 2010 c 269 s 2 are each amended to read
28 as follows:

29 (1) Any person licensed under this chapter or applying for an
30 ignition interlock driver's license under RCW 46.20.385 who is, or has
31 been, convicted of an offense relating to motor vehicles for which
32 suspension or revocation of the driver's license is mandatory, other
33 than vehicular homicide, vehicular assault, driving while under the
34 influence of intoxicating liquor or any drug, or being in actual
35 physical control of a motor vehicle while under the influence of
36 intoxicating liquor or any drug, may submit to the department an
37 application for a temporary restricted driver's license. The

1 department, upon receipt of the prescribed fee and upon determining
2 that the petitioner is eligible to receive the license, may issue a
3 temporary restricted driver's license and may set definite restrictions
4 as provided in RCW 46.20.394.

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

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

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

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

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

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

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

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

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

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

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

37 (vi) Is in a program that assists persons who are enrolled in a

1 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
2 employed and the program requires a driver's license;

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

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

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

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

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

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

30 (5) The director shall cancel an occupational or temporary
31 restricted driver's license after receiving notice that the holder
32 thereof has been convicted of operating a motor vehicle in violation of
33 its restrictions, no longer meets the eligibility requirements, or has
34 been convicted of or found to have committed a separate offense or any
35 other act or omission that under this chapter would warrant suspension
36 or revocation of a regular driver's license. The department must give
37 notice of the cancellation as provided under RCW 46.20.245. A person
38 whose occupational or temporary restricted driver's license has been

1 canceled under this section may reapply for a new occupational or
2 temporary restricted driver's license if he or she is otherwise
3 qualified under this section and pays the fee required under RCW
4 46.20.380.

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