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HOUSE BILL 1774

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Wolfe, Romero, Tokuda, Stensen, D. Schmidt, Ogden, Gombosky, Keiser, Dickerson and Santos

Read first time 02/04/1999. Referred to Committee on Transportation.

1 AN ACT Relating to occupational drivers' licenses; reenacting and  
2 amending RCW 46.20.391; and providing an effective date.

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

4 **Sec. 1.** RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 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  
18 days of any suspension or revocation imposed for a violation of RCW  
19 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a).

1 A person aggrieved by the decision of the department on the application  
2 for an occupational driver's license may request a hearing as provided  
3 by rule of the department.

4 (2)(a) A person licensed under this chapter who is not eligible to  
5 apply for an occupational driver's license under subsection (1) of this  
6 section may submit to the department an application for an occupational  
7 driver's license if:

8 (i) The applicant's driver's license or driving privilege has been  
9 suspended or revoked, other than for vehicular homicide, vehicular  
10 assault, refusing a breath or blood test, noncompliance with a child  
11 support order, or for a physical or mental disability that would  
12 prevent the person from operating a motor vehicle with safety upon the  
13 highways; and

14 (ii) The applicant demonstrates to the satisfaction of the  
15 department that one of the following additional conditions are met:

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

18 (B) 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; or

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

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

28 (c) Upon receipt of evidence that a holder of an occupational  
29 driver's license granted under this subsection is no longer enrolled in  
30 an apprenticeship or on-the-job training program, the director shall  
31 give written notice by first class mail to the driver that the  
32 occupational driver's license shall be canceled. The effective date of  
33 cancellation shall be fifteen days from the date of mailing the notice.  
34 If at any time before the cancellation goes into effect the driver  
35 submits evidence of continued enrollment in the program, the  
36 cancellation shall be stayed. If the cancellation becomes effective,  
37 the driver may obtain, at no additional charge, a new occupational  
38 driver's license upon submittal of evidence of enrollment in another  
39 program that meets the criteria set forth in this subsection.

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

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

7       (b) Within seven years immediately preceding the date of the  
8 offense that gave rise to the present conviction or incident, the  
9 applicant has not committed any of the following offenses: (i) Driving  
10 or being in actual physical control of a motor vehicle while under the  
11 influence of intoxicating liquor; (ii) vehicular homicide under RCW  
12 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

13       (c) The applicant is engaged in an occupation or trade that makes  
14 it essential that he or she operate a motor vehicle; and

15       (d) The applicant files satisfactory proof of financial  
16 responsibility pursuant to chapter 46.29 RCW.

17       (~~(3)~~) (4) The director shall cancel an occupational driver's  
18 license upon receipt of notice that the holder thereof has been  
19 convicted of operating a motor vehicle in violation of its  
20 restrictions, or of an offense that pursuant to chapter 46.20 RCW would  
21 warrant suspension or revocation of a regular driver's license. The  
22 cancellation is effective as of the date of the conviction, and  
23 continues with the same force and effect as any suspension or  
24 revocation under this title.

25       NEW SECTION.   **Sec. 2.** This act takes effect January 1, 2000.

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