

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1635**

62nd Legislature  
2011 Regular Session

Passed by the House April 15, 2011  
Yeas 95 Nays 1

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**Speaker of the House of Representatives**

Passed by the Senate April 9, 2011  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1635** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1635**

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AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House Transportation (originally sponsored by Representatives Upthegrove, Clibborn, Eddy, Armstrong, Llias, Rivers, Angel, Van De Wege, Wilcox, Maxwell, Rolfes, Finn, Sullivan, Dammeier, Orwall, Warnick, and Moscoso)

READ FIRST TIME 02/25/11.

1            AN ACT Relating to reducing customer wait times at driver licensing  
2 offices; amending RCW 28A.220.030 and 46.20.515; reenacting and  
3 amending RCW 46.20.120; adding a new section to chapter 46.01 RCW;  
4 adding a new section to chapter 46.82 RCW; and creating new sections.

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

6            NEW SECTION.    **Sec. 1.** It is the intent of the legislature to  
7 utilize the infrastructure and resources of the commercial driver  
8 training schools and the school districts' traffic safety education  
9 programs by authorizing these entities to provide driver licensing  
10 examinations. The legislature intends for the department of licensing  
11 to authorize the administration of driver licensing examinations by  
12 these entities in order to maintain and reprioritize its staff for the  
13 purpose of reducing the wait times at its driver licensing offices.

14            Further, the legislature recognizes the growing importance of the  
15 work performed by department of licensing driver licensing services  
16 employees, who play an increasingly vital role in our security by  
17 ensuring that applicants are properly issued identification.

1           **Sec. 2.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to  
2 read as follows:

3           (1) The superintendent of public instruction is authorized to  
4 establish a section of traffic safety education, and through such  
5 section shall: Define a "realistic level of effort" required to  
6 provide an effective traffic safety education course, establish a level  
7 of driving competency required of each student to successfully complete  
8 the course, and ensure that an effective statewide program is  
9 implemented and sustained, administer, supervise, and develop the  
10 traffic safety education program and shall assist local school  
11 districts in the conduct of their traffic safety education programs.  
12 The superintendent shall adopt necessary rules and regulations  
13 governing the operation and scope of the traffic safety education  
14 program; and each school district shall submit a report to the  
15 superintendent on the condition of its traffic safety education  
16 program: PROVIDED, That the superintendent shall monitor the quality  
17 of the program and carry out the purposes of this chapter.

18           (2) The board of directors of any school district maintaining a  
19 secondary school which includes any of the grades 10 to 12, inclusive,  
20 may establish and maintain a traffic safety education course. If a  
21 school district elects to offer a traffic safety education course and  
22 has within its boundaries a private accredited secondary school which  
23 includes any of the grades 10 to 12, inclusive, at least one class in  
24 traffic safety education shall be given at times other than regular  
25 school hours if there is sufficient demand therefor.

26           (3) The board of directors of a school district, or combination of  
27 school districts, may contract with any drivers' school licensed under  
28 the provisions of chapter 46.82 RCW to teach the laboratory phase of  
29 the traffic safety education course. Instructors provided by any such  
30 contracting drivers' school must be properly qualified teachers of  
31 traffic safety education under the joint qualification requirements  
32 adopted by the superintendent of public instruction and the director of  
33 licensing.

34           (4) The superintendent shall establish a required minimum number of  
35 hours of continuing traffic safety education for traffic safety  
36 education instructors. The superintendent may phase in the requirement  
37 over not more than five years.

1 (5) School districts that offer a traffic safety education program  
2 under this chapter may administer the portions of the driver licensing  
3 examination that test the applicant's knowledge of traffic laws and  
4 ability to safely operate a motor vehicle as authorized under RCW  
5 46.20.120(7). The superintendent shall work with the department of  
6 licensing, in consultation with school districts that offer a traffic  
7 safety education program, to develop standards and requirements for  
8 administering each portion of the driver licensing examination that are  
9 comparable to the standards and requirements for driver training  
10 schools under section 6 of this act.

11 (6) Before a school district may provide a portion of the driver  
12 licensing examination, the school district must, after consultation  
13 with the superintendent, enter into an agreement with the department of  
14 licensing that sets forth an accountability and audit process that  
15 takes into account the unique nature of school district facilities and  
16 school hours and, at a minimum, contains provisions that:

17 (a) Allow the department of licensing to conduct random  
18 examinations, inspections, and audits without prior notice;

19 (b) Allow the department of licensing to conduct on-site  
20 inspections at least annually;

21 (c) Allow the department of licensing to test, at least annually,  
22 a random sample of the drivers approved by the school district for  
23 licensure and to cancel any driver's license that may have been issued  
24 to any driver selected for testing who refuses to be tested; and

25 (d) Reserve to the department of licensing the right to take prompt  
26 and appropriate action against a school district that fails to comply  
27 with state or federal standards for a driver licensing examination or  
28 to comply with any terms of the agreement.

29 NEW SECTION. Sec. 3. A new section is added to chapter 46.01 RCW  
30 to read as follows:

31 A civil suit or action may not be commenced or prosecuted against  
32 the director, the state of Washington, any driver training school  
33 licensed by the department, any other government officer or entity,  
34 including a school district or an employee of a school district, or  
35 against any other person, by reason of any act done or omitted to be  
36 done in connection with administering the portions of the driver  
37 licensing examination that test the applicant's knowledge of traffic

1 laws and ability to safely operate a motor vehicle. This section does  
2 not bar the state of Washington or the director from bringing any  
3 action, whether civil or criminal, against any driver training school  
4 licensed by the department.

5 **Sec. 4.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are  
6 each reenacted and amended to read as follows:

7 An applicant for a new or renewed driver's license must  
8 successfully pass a driver licensing examination to qualify for a  
9 driver's license. The department (~~shall give~~) must ensure that  
10 examinations are given at places and times reasonably available to the  
11 people of this state. If the department does not administer driver  
12 licensing examinations as a routine part of its licensing services  
13 within a department region because adequate testing sites are provided  
14 by driver training schools or school districts within that region, the  
15 department shall, at a minimum, administer driver licensing  
16 examinations by appointment to applicants eighteen years of age and  
17 older in at least one licensing office within that region.

18 (1) **Waiver.** The department may waive:

19 (a) All or any part of the examination of any person applying for  
20 the renewal of a driver's license unless the department determines that  
21 the applicant is not qualified to hold a driver's license under this  
22 title; or

23 (b) All or any part of the examination involving operating a motor  
24 vehicle if the applicant:

25 (i) Surrenders a valid driver's license issued by the person's  
26 previous home state; or

27 (ii) Provides for verification a valid driver's license issued by  
28 a foreign driver licensing jurisdiction with which the department has  
29 an informal agreement under RCW 46.20.125; and

30 (iii) Is otherwise qualified to be licensed.

31 (2) **Fee.** Each applicant for a new license must pay an examination  
32 fee of twenty dollars.

33 (a) The examination fee is in addition to the fee charged for  
34 issuance of the license.

35 (b) "New license" means a license issued to a driver:

36 (i) Who has not been previously licensed in this state; or

1 (ii) Whose last previous Washington license has been expired for  
2 more than five years.

3 (3) An application for driver's license renewal may be submitted by  
4 means of:

5 (a) Personal appearance before the department; or

6 (b) Mail or electronic commerce, if permitted by rule of the  
7 department and if the applicant did not renew his or her license by  
8 mail or by electronic commerce when it last expired. (~~However, the~~  
9 ~~department may accept an application for renewal of a driver's license~~  
10 ~~submitted by means of mail or electronic commerce only if specific~~  
11 ~~authority and funding is provided for this purpose by June 30, 2004, in~~  
12 ~~the omnibus transportation appropriations act.))~~

13 (4) A person whose license expired or will expire while he or she  
14 is living outside the state, may:

15 (a) Apply to the department to extend the validity of his or her  
16 license for no more than twelve months. If the person establishes to  
17 the department's satisfaction that he or she is unable to return to  
18 Washington before the date his or her license expires, the department  
19 shall extend the person's license. The department may grant  
20 consecutive extensions, but in no event may the cumulative total of  
21 extensions exceed twelve months. An extension granted under this  
22 section does not change the expiration date of the license for purposes  
23 of RCW 46.20.181. The department shall charge a fee of five dollars  
24 for each license extension;

25 (b) Apply to the department to renew his or her license by mail or,  
26 if permitted by rule of the department, by electronic commerce even if  
27 subsection (3)(b) of this section would not otherwise allow renewal by  
28 that means. If the person establishes to the department's satisfaction  
29 that he or she is unable to return to Washington within twelve months  
30 of the date that his or her license expires, the department shall renew  
31 the person's license by mail or, if permitted by rule of the  
32 department, by electronic commerce.

33 (5) If a qualified person submits an application for renewal under  
34 subsection (3)(b) or (4)(b) of this section, he or she is not required  
35 to pass an examination nor provide an updated photograph. A license  
36 renewed by mail or by electronic commerce that does not include a  
37 photograph of the licensee must be labeled "not valid for  
38 identification purposes."

1       (6) Driver training schools licensed by the department under  
2 chapter 46.82 RCW may administer the portions of the driver licensing  
3 examination that test the applicant's knowledge of traffic laws and  
4 ability to safely operate a motor vehicle.

5       (7) School districts that offer a traffic safety education program  
6 under chapter 28A.220 RCW may administer the portions of the driver  
7 licensing examination that test the applicant's knowledge of traffic  
8 laws and ability to safely operate a motor vehicle.

9       **Sec. 5.** RCW 46.20.515 and 2003 c 41 s 3 are each amended to read  
10 as follows:

11       (1) The motorcycle endorsement examination must emphasize maneuvers  
12 necessary for on-street operation, including emergency braking and  
13 turning as may be required to avoid an impending collision.

14       (2) The examination for a two-wheeled motorcycle endorsement and  
15 the examination for a three-wheeled motorcycle endorsement must be  
16 separate and distinct examinations emphasizing the skills and maneuvers  
17 necessary to operate each type of motorcycle.

18       (3) The department may authorize an entity that has entered into a  
19 contract under RCW 46.20.520 to administer the motorcycle endorsement  
20 examination.

21       (4) The department may waive all or part of the examination for  
22 persons who satisfactorily complete the voluntary motorcycle operator  
23 training and education program authorized under RCW 46.20.520 or who  
24 satisfactorily complete a private motorcycle skills education course  
25 that has been certified by the department under RCW 46.81A.020.

26       NEW SECTION. **Sec. 6.** A new section is added to chapter 46.82 RCW  
27 to read as follows:

28       (1) Driver training schools may administer the portions of the  
29 driver licensing examination that test the applicant's knowledge of  
30 traffic laws and ability to safely operate a motor vehicle as  
31 authorized under RCW 46.20.120(6).

32       (2) The director shall adopt rules to regulate the administration  
33 of the knowledge and driving portions of the driver licensing  
34 examination. The rules must include, but are not limited to, the  
35 following provisions:

1 (a) Limitations or requirements that determine which driver  
2 training schools may administer the knowledge portion of the  
3 examination;

4 (b) Limitations or requirements that determine which driver  
5 training schools may administer the driving portion of the examination;

6 (c) Requirements for the content and method of conducting the  
7 examinations to ensure consistency with industry practices;

8 (d) Requirements for recordkeeping;

9 (e) A requirement that all driver training school employees  
10 conducting driver licensing examinations meet the same qualifications  
11 and education and training standards as department employees who  
12 conduct such examinations, to the extent necessary to conduct the  
13 written and driving skills portions of the examinations;

14 (f) Requirements related to whether a driver training school staff  
15 member may provide both driver training instruction and the driver  
16 licensing examination to any one student;

17 (g) Requirements for retesting and expiring examination results;

18 (h) Requirements for the department to monitor outcomes for  
19 applicants who take a driver licensing examination through a driver  
20 training school and to make the outcomes available to the public;

21 (i) Requirements for annual auditing, which must include the  
22 collection of current information regarding insurance, curriculums,  
23 instructors' names and licenses, and a selection of random student  
24 files to review for accuracy; and

25 (j) Sanctions for violations of the rules adopted under this  
26 section.

27 (3) Before a driver training school may provide a portion of the  
28 driver licensing examination, it must enter into an agreement with the  
29 department that, at a minimum, contains provisions that:

30 (a) Allow the department to conduct random examinations,  
31 inspections, and audits without prior notice;

32 (b) Allow the department to conduct on-site inspections at least  
33 annually;

34 (c) Allow the department to test, at least annually, a random  
35 sample of the drivers approved by the driver training school for  
36 licensure and to cancel any driver's license that may have been issued  
37 to any driver selected for testing who refuses to be tested; and



1 (d) Reserve to the department the right to take prompt and  
2 appropriate action against a driver training school that fails to  
3 comply with state or federal standards for a driver licensing  
4 examination or to comply with any terms of the agreement.

5 NEW SECTION. **Sec. 7.** In communications facilitating the  
6 transition to driver training schools and school districts  
7 administering portions of the driver licensing examination, the  
8 department of licensing shall include at least one representative from  
9 each stakeholder group, including the superintendent of public  
10 instruction, driver training schools, the unions representing licensing  
11 services representatives, and the Washington state school directors'  
12 association.

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