

2 **E2SHB 1147** - S COMM AMD
3 By Committee on Ways & Means

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 46.20.100 and 1999 c 6 s 16 are each amended to read
8 as follows:

9 (1) **Application.** The application of a person under the age of
10 eighteen years for a driver's license or a motorcycle endorsement must
11 be signed by a parent or guardian with custody of the minor. If the
12 minor under the age of eighteen has no father, mother, or guardian,
13 then the application must be signed by the minor's employer.

14 Beginning January 1, 2000, the minor's father, mother, or guardian
15 must attest in writing that the minor has completed the supervised
16 driving practice as required under section 2 of this act. If the minor
17 has no father, mother, or guardian, the minor's employer must make the
18 attestation.

19 (2) **Traffic safety education requirement.** For a person under the
20 age of eighteen years to obtain a driver's license he or she must meet
21 the traffic safety education requirements of this subsection.

22 (a) To meet the traffic safety education requirement for a driver's
23 license the applicant must satisfactorily complete a traffic safety
24 education course as defined in RCW 28A.220.020. The course must meet
25 the standards established by the office of the state superintendent of
26 public instruction. The traffic safety education course may be
27 provided by:

28 (i) A recognized secondary school; or

29 (ii) A commercial driving enterprise that is annually approved by
30 the office of the superintendent of public instruction.

31 (b) To meet the traffic safety education requirement for a
32 motorcycle endorsement, the applicant must successfully complete a
33 motorcycle safety education course that meets the standards established
34 by the department of licensing.

1 (c) The department may waive the traffic safety education
2 requirement for a driver's license if the applicant demonstrates to the
3 department's satisfaction that:

4 (i) He or she was unable to take or complete a traffic safety
5 education course;

6 (ii) A need exists for the applicant to operate a motor vehicle;
7 and

8 (iii) He or she has the ability to operate a motor vehicle in such
9 a manner as not to jeopardize the safety of persons or property, under
10 rules adopted by the department in concert with the supervisor of the
11 traffic safety education section of the office of the superintendent of
12 public instruction.

13 (d) The department may waive the traffic safety education
14 requirement if the applicant was licensed to drive a motor vehicle or
15 motorcycle outside this state and provides proof that he or she has had
16 education equivalent to that required under this subsection.

17 (3) Rescission. Until the minor turns eighteen years of age, the
18 parent or guardian who signed the application may rescind his or her
19 signature and terminate the driving privilege upon payment of a five-
20 dollar fee.

21 NEW SECTION. Sec. 2. A new section is added to chapter 28A.220
22 RCW to read as follows:

23 The superintendent of public instruction, in consultation with the
24 department of licensing, shall adopt rules that establish a supervised
25 driving practice requirement that a minor under the age of eighteen
26 must satisfy in order to qualify for a driver's license. This
27 requirement is in addition to the behind-the-wheel training required
28 under RCW 28A.220.030 or 46.82.290.

29 (1) The rules must prescribe a required number of hours of practice
30 in operating a motor vehicle. The required number of hours must be no
31 less than fifteen hours and no more than fifty. The rules may require
32 that the required hours include nighttime driving.

33 (2) In order for practice hours to count towards the requirement,
34 the minor must hold a valid Washington learner's permit and must be
35 accompanied by a licensed driver who has at least five years of driving
36 experience and is occupying a seat beside the driver.

1 **Sec. 3.** RCW 28A.220.030 and 1979 c 158 s 196 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction (~~(is authorized to)~~)
4 shall 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 state-wide 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
17 quality of the program and carry out the purposes of this chapter.

18 (2) Effective September 1, 1999, the traffic safety education
19 curriculum established by the superintendent under subsection (1) of
20 this section must include a mandatory minimum of five hours of behind-
21 the-wheel training for each student. The training must include a
22 comprehensive driving skills test and individual knowledge test that a
23 student must pass in order to receive a passing grade from a traffic
24 safety education class.

25 (3) Effective September 1, 2000, the required curriculum must
26 include a mandatory minimum of six hours of behind-the-wheel training
27 for each student. In addition to the requirements of subsection (2) of
28 this section, the training must include one training session for each
29 student where the student drives a vehicle equipped with a device that
30 simulates the loss of vehicular control that can occur when a vehicle
31 skids from loss of traction. If a school is unable to provide training
32 with the device, the six-hour training requirement is reduced to five
33 and one-half hours. The superintendent may authorize the use of
34 another training device in lieu of the device described in this section
35 if the superintendent concludes that the alternative device is as
36 effective.

37 (4) The superintendent's curriculum must include a provision that
38 the additional two hours of behind-the-wheel training required under
39 subsections (2) and (3) of this section are not required of students

1 who demonstrate to the instructor of the traffic safety education
2 course that the student possesses the driving skills necessary to
3 safely operate a motor vehicle upon a highway and:

4 (a) Have held a juvenile agricultural driving permit under RCW
5 46.20.070 before enrolling in a traffic safety education course; or

6 (b) Previously held a driver's license in another state.

7 (5) The superintendent shall establish a required minimum number of
8 hours of continuing traffic safety education for traffic safety
9 education instructors. The superintendent may phase in the requirement
10 over not more than five years.

11 (6) The board of directors of any school district maintaining a
12 secondary school which includes any of the grades 10 to 12, inclusive,
13 may establish and maintain a traffic safety education course. If a
14 school district elects to offer a traffic safety education course and
15 has within its boundaries a private accredited secondary school which
16 includes any of the grades 10 to 12, inclusive, at least one class in
17 traffic safety education shall be given at times other than regular
18 school hours if there is sufficient demand therefor.

19 ~~((+3+))~~ (7) The board of directors of a school district, or
20 combination of school districts, may contract with any drivers' school
21 licensed under the provisions of chapter 46.82 RCW to teach the
22 laboratory phase of the traffic safety education course. Instructors
23 provided by any such contracting drivers' school must be properly
24 qualified teachers of traffic safety education under the joint
25 qualification requirements adopted by the superintendent of public
26 instruction and the director of licensing.

27 **Sec. 4.** RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to
28 read as follows:

29 (1) The director ~~((shall be))~~ is responsible for the administration
30 and enforcement of the law pertaining to driver training schools as set
31 forth in this chapter.

32 (2) The director ~~((is authorized to))~~ may adopt and enforce such
33 reasonable rules as may be consistent with and necessary to carry out
34 this chapter.

35 (3) The director shall adopt a driver training curriculum
36 established by the superintendent of public instruction. The
37 curriculum must include a mandatory minimum of six hours of behind-the-
38 wheel training and an individual knowledge test for each student. The

1 six hours of training must include a comprehensive driving skills test
2 that a student must pass in order to receive a certificate of
3 completion from a driver training school.

4 **Sec. 5.** RCW 28A.220.040 and 1984 c 258 s 331 are each amended to
5 read as follows:

6 (1) Each school district shall be reimbursed from funds
7 appropriated for traffic safety education(~~(:—PROVIDED, That)~~).

8 (a) The state superintendent shall determine the per-pupil
9 reimbursement amount for the traffic safety education course to be
10 funded by the state. Each school district offering an approved
11 standard traffic safety education course shall be reimbursed or granted
12 an amount up to the level established by the superintendent of public
13 instruction as may be appropriated.

14 (b) The state superintendent shall only provide per-pupil
15 reimbursements to school districts where all the traffic educators have
16 satisfied the continuing education requirement of RCW 28A.220.030(5).

17 (c) If a school district is unable to provide the training required
18 by RCW 28A.220.030(3), the district reimbursement is reduced by the
19 amount necessary to fund one-half hour of behind-the-wheel training.

20 (2) The board of directors of any school district or combination of
21 school districts may establish a traffic safety education fee, which
22 fee when imposed shall be required to be paid by any duly enrolled
23 student in any such school district prior to or while enrolled in a
24 traffic safety education course. Traffic safety education fees
25 collected by a school district shall be deposited with the county
26 treasurer to the credit of such school district, to be used to pay
27 costs of the traffic safety education course.

28 **Sec. 6.** RCW 46.20.091 and 1999 c 6 s 14 are each amended to read
29 as follows:

30 (1) **Application.** In order to apply for a driver's license or
31 instruction permit the applicant must provide his or her:

32 (a) Name of record, as established by documentation required under
33 RCW 46.20.035;

34 (b) Date of birth, as established by satisfactory evidence of age;

35 (c) Sex;

36 (d) Washington residence address;

37 (e) Description;

1 (f) Driving licensing history, including:

2 (i) Whether the applicant has ever been licensed as a driver or
3 chauffeur and, if so, (A) when and by what state or country; (B)
4 whether the license has ever been suspended or revoked; and (C) the
5 date of and reason for the suspension or revocation; or

6 (ii) Whether the applicant's application to another state or
7 country for a driver's license has ever been refused and, if so, the
8 date of and reason for the refusal; ((and))

9 (g) Driver training history and, if received, where; and

10 (h) Any additional information required by the department.

11 (2) **Sworn statement.** An application for an instruction permit or
12 for an original driver's license must be made upon a form provided by
13 the department. The identifying documentation verifying the name of
14 record must be accompanied by the applicant's written statement that it
15 is valid. The information provided on the form must be sworn to and
16 signed by the applicant before a person authorized to administer oaths.
17 An applicant who makes a false statement on an application for a
18 driver's license or instruction permit is guilty of false swearing, a
19 gross misdemeanor, under RCW 9A.72.040.

20 (3) **Driving records from other jurisdictions.** If a person
21 previously licensed in another jurisdiction applies for a Washington
22 driver's license, the department shall request a copy of the
23 applicant's driver's record from the other jurisdiction. The driving
24 record from the other jurisdiction becomes a part of the driver's
25 record in this state.

26 (4) **Driving records to other jurisdictions.** If another
27 jurisdiction requests a copy of a person's Washington driver's record,
28 the department shall provide a copy of the record. The department
29 shall forward the record without charge if the other jurisdiction
30 extends the same privilege to the state of Washington. Otherwise the
31 department shall charge a reasonable fee for transmittal of the record.

32 **Sec. 7.** RCW 46.20.120 and 1999 c 6 s 19 are each amended to read
33 as follows:

34 An applicant for a new or renewed driver's license must
35 successfully pass a driver licensing examination to qualify for a
36 driver's license. The department shall give examinations at places and
37 times reasonably available to the people of this state.

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

1 (a) All or any part of the examination of any person applying for
2 the renewal of a driver's license unless the department determines that
3 the applicant is not qualified to hold a driver's license under this
4 title; (~~or~~)

5 (b) The actual demonstration of the ability to operate a motor
6 vehicle if the applicant:

7 (i) Surrenders a valid driver's license issued by the person's
8 previous home state; and

9 (ii) Is otherwise qualified to be licensed; or

10 (c) The written examination and the actual demonstration of the
11 ability to operate a motor vehicle for a driver who passed a traffic
12 safety education class offered by a Washington state school district
13 within one year of the date he or she applies for a license if the
14 driver earned at least ninety-five percent of the total points
15 available, as measured by numerical scoring.

16 (2) **Fee.** Each applicant for a new license must pay an examination
17 fee of seven dollars.

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

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

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

22 (ii) Whose last previous Washington license has been expired for
23 more than four years.

24 NEW SECTION. Sec. 8. A new section is added to chapter 46.20 RCW
25 to read as follows:

26 If a novice driver is convicted of or found to have committed one
27 or more of the traffic offenses listed in subsection (2) of this
28 section or two or more of the traffic offenses listed in subsection (3)
29 of this section, his or her driving privilege is subject to the
30 restrictions detailed in subsection (1) of this section. For purposes
31 of this section "novice driver" means a driver who is within two years
32 of the date he or she was licensed to drive.

33 (1) The department shall restrict the driving privilege of a novice
34 driver who violates subsection (2), (3), or (4) of this section as
35 follows:

36 (a) The novice driver may only drive unsupervised between the hours
37 of five a.m. and ten p.m. At all other times the novice driver must be
38 supervised. While being supervised, the novice driver must be

1 accompanied by a parent, guardian, or other person twenty-one years of
2 age or older with at least five years of driving experience. The
3 supervisor must possess a valid driver's license. The supervisor must
4 be the only other occupant of the front passenger section of the
5 vehicle.

6 (b) The department shall impose the restrictions of this section
7 for one year. The department shall extend the restrictions for one
8 additional year if the driver drives a motor vehicle in violation of
9 law while the restrictions are in place.

10 (c) In addition to the mandatory restrictions of this subsection
11 (1), a judge may restrict the number of passengers under the age of
12 twenty-one who a novice driver under the age of twenty-one may
13 transport while driving with a restricted license under this section.

14 (d) Operating a motor vehicle in violation of the restrictions of
15 this section is a traffic infraction.

16 (2) If a novice driver is convicted of one or more of the traffic
17 offenses listed in this subsection, the department shall restrict his
18 or her license as described in subsection (1) of this section:

19 (a) RCW 46.30.040: False insurance evidence;

20 (b) RCW 46.61.015, 46.61.020, or 46.61.021: Failure to respond or
21 comply with officer;

22 (c) RCW 46.61.050 or 46.61.340 through 46.61.385: Failure to stop;

23 (d) RCW 46.61.070: Wrong way in reversible lane;

24 (e) RCW 46.61.100, 46.61.105, 46.61.110, 46.61.120, 46.61.125,
25 46.61.130, or 46.61.140: Driving on wrong side of road/failure to stay
26 in lane;

27 (f) RCW 46.61.105 or 46.61.120: Illegal overtaking or passing;

28 (g) RCW 46.61.135: Wrong way on a one-way street;

29 (h) RCW 46.61.145: Following too closely;

30 (i) RCW 46.61.150: Improperly crossing median;

31 (j) RCW 46.61.180 through 46.61.220: Failure to yield right-of-
32 way;

33 (k) RCW 46.61.245 or 46.61.445: Failure to use due care;

34 (l) RCW 46.61.260: Driving in safety zone;

35 (m) RCW 46.61.370: Passing stopped school bus;

36 (n) RCW 46.61.400 or 46.61.440: Driving ten miles or more over the
37 speed limit;

38 (o) RCW 46.61.400: Driving too fast for conditions;

39 (p) RCW 46.61.519: Open container violation;

1 (q) RCW 46.61.5195: Disguising an alcoholic beverage container;
2 (r) RCW 46.61.5249 and 46.61.525: Negligent driving;
3 (s) RCW 46.61.608: Failure to give motorcycle full use of lane;
4 (t) RCW 46.61.385: Failure to stop for school patrol;
5 (u) RCW 46.61.660: Carrying persons outside vehicle;
6 (v) RCW 46.61.665: Embracing while driving;
7 (w) RCW 46.61.675: Permitting illegal vehicle operation; and
8 (x) RCW 46.61.685: Unattended child in running vehicle.
9 (3) If a novice driver is convicted of two or more of the traffic
10 offenses listed in this subsection, the department must restrict his or
11 her license as described in subsection (1) of this section:
12 (a) RCW 46.20.190: No license on person;
13 (b) RCW 46.29.605: Driving with suspended registration;
14 (c) RCW 46.30.020: Driving without liability insurance;
15 (d) RCW 46.37.010: Defective equipment;
16 (e) RCW 46.37.010: Illegal lights or other equipment;
17 (f) RCW 46.37.020: Driving without lights;
18 (g) RCW 46.61.015 or 46.61.050: Disobeying road sign other than a
19 stop or yield sign or signaler or officer;
20 (h) RCW 46.61.100: Improper lane change;
21 (i) RCW 46.61.100 (3) or (4) or 46.61.425: Impeding traffic;
22 (j) RCW 46.61.155: Improper access to limited access highway;
23 (k) RCW 46.61.235: Failure to stop for pedestrian;
24 (l) RCW 46.61.261, 46.61.428, or 46.61.606: Driving on shoulder or
25 sidewalk;
26 (m) RCW 46.61.290 through 46.61.305: Improper or prohibited turn;
27 (n) RCW 46.61.295: Improper U-turn;
28 (o) RCW 46.61.300: Starting vehicle illegally;
29 (p) RCW 46.61.305: Failure to use or improper signal;
30 (q) RCW 46.61.400: Speeding less than ten miles over limit;
31 (r) RCW 46.61.600: Improperly secured vehicle;
32 (s) RCW 46.61.605: Improper backing;
33 (t) RCW 46.61.615: Obstructed vision or control;
34 (u) RCW 46.61.630: Coasting on downgrade;
35 (v) RCW 46.61.635: Following emergency vehicles;
36 (w) RCW 46.61.640: Crossing fire hose;
37 (x) RCW 46.61.645: Throwing dangerous material on roadway;
38 (y) RCW 46.61.655: Improperly secured or covered load;
39 (z) RCW 46.61.670: Wheels off roadway;

1 (aa) RCW 46.61.680: Lowering vehicle below legal clearance;
2 (bb) RCW 46.61.687: Child restraint violation; and
3 (cc) RCW 46.61.688: Seat belt violation.
4 (4) If a novice driver's driving privilege is withheld under any of
5 the sections listed in this subsection, his or her license is subject
6 to the restrictions in subsection (1) of this section if and when the
7 driving privilege is reinstated.
8 (a) RCW 46.20.041: Violating driver's license restrictions;
9 (b) RCW 46.20.265: Minor in possession of alcohol or drugs;
10 (c) RCW 46.20.265: Minor in possession of a firearm;
11 (d) RCW 46.20.285: Conviction of a felony involving a motor
12 vehicle;
13 (e) RCW 46.20.289: Failure to appear/unpaid traffic ticket;
14 (f) RCW 46.20.291: Multiple violations within a specified time
15 period;
16 (g) RCW 46.20.3101: Refusal to submit to breath or blood alcohol
17 test;
18 (h) RCW 46.20.336: Fraudulent application, alteration, or display
19 of driver's license;
20 (i) RCW 46.20.342: Driving while license is suspended or revoked;
21 (j) Chapter 46.29 RCW other than RCW 46.29.605: Violation of
22 financial responsibility laws;
23 (k) RCW 46.52.020: Hit and run, vehicle attended;
24 (l) RCW 46.61.024: Eluding police;
25 (m) RCW 46.61.500: Reckless driving;
26 (n) RCW 46.61.502: Driving under the influence;
27 (o) RCW 46.61.504: Physical control of a motor vehicle while under
28 the influence;
29 (p) RCW 46.61.5055: Violating probation for DUI conviction;
30 (q) RCW 46.61.5056: Failure to meet requirements of court-ordered
31 drug or alcohol treatment program, e.g., failure to submit alcohol
32 report, failure to comply with treatment program, relapse;
33 (r) RCW 46.61.520: Vehicular homicide;
34 (s) RCW 46.61.522: Vehicular assault;
35 (t) RCW 46.61.527: Reckless endangerment in a construction zone;
36 (u) RCW 46.61.530: Racing; and
37 (v) Chapter 46.65 RCW: Habitual traffic offender, twenty moving
38 violations in five years.

1 (5) If the driving privilege of a novice driver under the age of
2 eighteen is restricted under this section, the department shall send a
3 written notification of the restriction within three days to the person
4 who gave written permission for the minor to obtain a driver's license
5 under RCW 46.20.100.

6 **Sec. 9.** RCW 46.68.041 and 1998 c 212 s 3 are each amended to read
7 as follows:

8 (1) Except as provided in subsection (2) of this section, the
9 department shall forward all funds accruing under the provisions of
10 chapter 46.20 RCW together with a proper identifying, detailed report
11 to the state treasurer who shall deposit such moneys to the credit of
12 the highway safety fund.

13 (2) Sixty-three percent of each fee collected by the department
14 under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) shall be
15 deposited in the impaired driving safety account.

16 (3) Eight dollars and twenty-five cents of each fee for an
17 instruction permit collected under RCW 46.20.055 must be deposited in
18 the public safety and education account for traffic safety education
19 funding to implement section 2 of this act and RCW 28A.220.030(2)
20 through (5).

21 **Sec. 10.** RCW 46.20.055 and 1999 c 6 s 11 are each amended to read
22 as follows:

23 (1) **Driver's instruction permit.** (~~((a) A person who is at least~~
24 ~~fifteen and one-half years of age may apply to the department for a~~
25 ~~driver's instruction permit.)) The department may issue a driver's
26 instruction permit ((after the)) with a photograph to an applicant who
27 has successfully passed all parts of the examination other than the
28 driving test, provided the information required by RCW 46.20.091,
29 ((and)) paid a ((five-dollar)) fee((-)) of thirteen dollars and twenty-
30 five cents, and meets the following requirements:~~

31 (a) Is at least fifteen and one-half years of age; or

32 (b) (~~The department may issue a driver's instruction permit to an~~
33 ~~applicant who)) Is at least fifteen years of age ((if he or she)) and:~~

34 (i) Has submitted a proper application; and

35 (ii) Is enrolled in a traffic safety education program approved and
36 accredited by the superintendent of public instruction that includes
37 practice driving.

1 (2) Nonphoto permit fee. An applicant who meets the requirements
2 of subsection (1) of this section other than payment of the fee
3 specified in that subsection, may obtain a driver's instruction permit
4 without a photograph by paying a fee of twelve dollars and twenty-five
5 cents.

6 (3) Waiver of written examination for instruction permit. The
7 department may waive the written examination, if, at the time of
8 application, an applicant is enrolled in:

9 (a) A traffic safety education course as defined by RCW
10 28A.220.020(2); or

11 (b) A course of instruction offered by a licensed driver training
12 school as defined by RCW 46.82.280(1).

13 The department may require proof of registration in such a course
14 as it deems necessary.

15 (~~((3))~~) (4) Effect of instruction permit. A person holding a
16 driver's instruction permit may drive a motor vehicle, other than a
17 motorcycle, upon the public highways if:

18 (a) The person has immediate possession of the permit; and

19 (b) (~~((The seat beside the driver is occupied by))~~) An approved
20 instructor, or a licensed driver with at least five years of driving
21 experience, occupies the seat beside the driver.

22 (~~((4))~~) (5) Term of instruction permit. A driver's instruction
23 permit is valid for one year from the date of issue.

24 (a) The department may issue one additional one-year permit.

25 (b) The department may issue a third driver's permit if it finds
26 after an investigation that the permittee is diligently seeking to
27 improve driving proficiency.

28 NEW SECTION. Sec. 11. If specific funding for the purposes of
29 this act, referencing this act by bill or chapter number, is not
30 provided by June 30, 1999, in the omnibus appropriations act,
31 subsections (2), (3), and (4) of section 3 of this act, section 4 of
32 this act, subsection (1)(c) of section 5 of this act, and sections 8,
33 9, and 10 of this act are null and void.

34 NEW SECTION. Sec. 12. Specified portions of this act shall be
35 subject to the following effective dates:

36 (1) Except as provided in subsection (4) of this section, section
37 8 of this act is effective September 1, 1999;

1 (2) Section 1, subsection (3) of this act is effective April 1,
2 2000;

3 (3) Section 6 of this act is effective September 1, 1999; and

4 (4) For licensed drivers who move to this state and obtain a
5 Washington driver's license, the department of licensing shall begin
6 tracking the date when the new Washington resident first obtained his
7 or her original license to drive no later than April 1, 2000."

8 **E2SHB 1147** - S COMM AMD
9 By Committee on Ways & Means

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11 In line 3 of the title, after "offenses;" strike the remainder of
12 the title and insert "amending RCW 46.20.100, 28A.220.030, 46.82.290,
13 28A.220.040, 46.20.091, 46.20.120, 46.68.041, and 46.20.055; adding a
14 new section to chapter 28A.220 RCW; adding a new section to chapter
15 46.20 RCW; creating a new section; and providing effective dates."

--- END ---