
HOUSE BILL 1147

State of Washington

56th Legislature

1999 Regular Session

By Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire

Read first time 01/15/1999. Referred to Committee on Transportation.

1 AN ACT Relating to enhancing novice driver traffic safety by
2 improving traffic safety education and restricting the driving
3 privilege for novice drivers who commit motor vehicle offenses;
4 amending RCW 46.20.100, 28A.220.030, 46.82.290, 28A.220.040, 46.20.091,
5 46.20.120, and 46.63.110; adding a new section to chapter 28A.220 RCW;
6 adding a new section to chapter 46.20 RCW; and making appropriations.

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

8 **Sec. 1.** RCW 46.20.100 and 1990 c 250 s 36 are each amended to read
9 as follows:

10 The department of licensing shall not consider an application of
11 any minor under the age of eighteen years for a driver's license or the
12 issuance of a motorcycle endorsement for a particular category unless:

13 (1) The ~~((application is also signed by a))~~ parent or guardian
14 having the custody of ~~((such))~~ the minor, or ~~((in the event a minor~~
15 ~~under the age of eighteen))~~ the minor's employer if he or she has no
16 father, mother, or guardian~~((, then a driver's license shall not be~~
17 ~~issued to the minor unless his or her application is also signed by the~~
18 ~~minor's employer; and))~~:

19 (a) Signs the application; and

1 (b) Attests in writing that the minor completed the supervised
2 driving practice as required under section 2 of this act.

3 (2) The applicant has satisfactorily completed a traffic safety
4 education course as defined in RCW 28A.220.020, conducted by a
5 recognized secondary school, that meets the standards established by
6 the office of the state superintendent of public instruction or the
7 applicant has satisfactorily completed a traffic safety education
8 course, conducted by a commercial driving instruction enterprise, that
9 meets the standards established by the office of the superintendent of
10 public instruction and is officially approved by that office on an
11 annual basis(~~(: PROVIDED, HOWEVER, That)~~). The director may upon a
12 showing that an applicant was unable to take or complete a driver
13 education course waive that requirement if the applicant shows to the
14 satisfaction of the department that a need exists for the applicant to
15 operate a motor vehicle and he or she has the ability to operate a
16 motor vehicle in such a manner as not to jeopardize the safety of
17 persons or property, under rules ((to be promulgated)) adopted by the
18 department in concert with the supervisor of the traffic safety
19 education section, office of the superintendent of public instruction.
20 For a person under the age of eighteen years to obtain a motorcycle
21 endorsement, he or she must successfully complete a motorcycle safety
22 education course that meets the standards established by the department
23 of licensing.

24 The department may waive any education requirement under this
25 subsection for an applicant previously licensed to drive a motor
26 vehicle or motorcycle outside this state if the applicant provides
27 proof satisfactory to the department that he or she has had education
28 equivalent to that required under this subsection.

29 (3) Until the minor turns eighteen years of age, the parent or
30 guardian who signed the application may rescind his or her signature
31 and terminate the driving privilege.

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

34 The superintendent of public instruction, in consultation with the
35 department of licensing, shall adopt rules that establish a supervised
36 driving practice requirement that a minor under the age of eighteen
37 must satisfy in order to qualify for a driver's license. This

1 requirement is in addition to the behind-the-wheel training required
2 under RCW 28A.220.030 or 46.82.290.

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

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

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

13 (1) The superintendent of public instruction (~~(is authorized to)~~)
14 shall establish a section of traffic safety education, and through such
15 section shall: Define a "realistic level of effort" required to
16 provide an effective traffic safety education course, establish a level
17 of driving competency required of each student to successfully complete
18 the course, and ensure that an effective state-wide program is
19 implemented and sustained, administer, supervise, and develop the
20 traffic safety education program and shall assist local school
21 districts in the conduct of their traffic safety education programs.
22 The superintendent shall adopt necessary rules and regulations
23 governing the operation and scope of the traffic safety education
24 program; and each school district shall submit a report to the
25 superintendent on the condition of its traffic safety education
26 program(~~(: PROVIDED, That)~~). The superintendent shall monitor the
27 quality of the program and carry out the purposes of this chapter.

28 (2) The traffic safety education curriculum established by the
29 superintendent under subsection (1) of this section must include a
30 mandatory minimum of six hours of behind-the-wheel training for each
31 student. The six hours of training must include:

32 (a) A comprehensive driving skills test and individual knowledge
33 test that a student must pass in order to receive a passing grade from
34 a traffic safety education class; and

35 (b) One training session for each student where the student drives
36 a vehicle equipped with a device that simulates the loss of vehicular
37 control that can occur when a vehicle skids from loss of traction. If

1 a school is unable to provide training with the device, the six-hour
2 training requirement is reduced to five and one-half hours.

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

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

15 ~~((+3+))~~ (5) The board of directors of a school district, or
16 combination of school districts, may contract with any drivers' school
17 licensed under the provisions of chapter 46.82 RCW to teach the
18 laboratory phase of the traffic safety education course. Instructors
19 provided by any such contracting drivers' school must be properly
20 qualified teachers of traffic safety education under the joint
21 qualification requirements adopted by the superintendent of public
22 instruction and the director of licensing.

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

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

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

31 (3) The director shall establish a driver training curriculum. The
32 curriculum must include a mandatory minimum of six hours of behind-the-
33 wheel training for each student. The six hours of training must
34 include a comprehensive driving skills test that a student must pass in
35 order to receive a certificate of completion from a driver training
36 school.

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

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

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

11 (b) The state superintendent shall only provide per-pupil
12 reimbursements to school districts where all the traffic educators have
13 satisfied the continuing education requirement of RCW 28A.220.030(3).

14 (c) If a school district is unable to provide the training required
15 by RCW 28A.220.030(2)(b), the district reimbursement is reduced by the
16 amount necessary to fund one-half hour of behind-the-wheel training.

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

25 **Sec. 6.** RCW 46.20.091 and 1998 c 41 s 11 are each amended to read
26 as follows:

27 (1) Every application for an instruction permit or for an original
28 driver's license shall be made upon a form prescribed and furnished by
29 the department which shall be sworn to and signed by the applicant
30 before a person authorized to administer oaths. The form must include
31 a section for the applicant to indicate whether he or she has received
32 driver training and, if so, where. An applicant making a false
33 statement under this subsection is guilty of false swearing, a gross
34 misdemeanor, under RCW 9A.72.040. Every application for an instruction
35 permit containing a photograph shall be accompanied by a fee of five
36 dollars. The department shall forthwith transmit the fees collected
37 for instruction permits and temporary drivers' permits to the state
38 treasurer.

1 (2) Every such application shall state the name of record, date of
2 birth, sex, and Washington residence address of the applicant, and
3 briefly describe the applicant, and shall state whether the applicant
4 has theretofore been licensed as a driver or chauffeur, and, if so,
5 when and by what state or country, and whether any such license has
6 ever been suspended or revoked, or whether an application has ever been
7 refused, and, if so, the date of and reason for such suspension,
8 revocation, or refusal, and shall state such additional information as
9 the department shall require, including a statement that identifying
10 documentation presented by the applicant is valid.

11 (3) Whenever application is received from a person previously
12 licensed in another jurisdiction, the department shall request a copy
13 of such driver's record from such other jurisdiction. When received,
14 the driving record shall become a part of the driver's record in this
15 state.

16 (4) Whenever the department receives request for a driving record
17 from another licensing jurisdiction, the record shall be forwarded
18 without charge if the other licensing jurisdiction extends the same
19 privilege to the state of Washington. Otherwise there shall be a
20 reasonable charge for transmittal of the record, the amount to be fixed
21 by the director of the department.

22 **Sec. 7.** RCW 46.20.120 and 1990 c 9 s 1 are each amended to read as
23 follows:

24 (1) No new driver's license may be issued and no previously issued
25 license may be renewed until the applicant therefor has successfully
26 passed a driver licensing examination.

27 (a) However, the department may waive all or any part of the
28 examination of any person applying for the renewal of a driver's
29 license except when the department determines that an applicant for a
30 driver's license is not qualified to hold a driver's license under this
31 title.

32 (b) The department may also waive the actual demonstration of the
33 ability to operate a motor vehicle by a person who surrenders a valid
34 driver's license issued by the person's previous home state and who is
35 otherwise qualified to be licensed.

36 (c) The department shall waive the written examination and the
37 actual demonstration of the ability to operate a motor vehicle for a
38 driver who passed a traffic safety education class offered by a school

1 district within one year of the date he or she applies for a license if
2 the driver's performance was in the top ten percent of the class, as
3 measured by numerical scoring.

4 (2) For a new license examination a fee of seven dollars shall be
5 paid by each applicant, in addition to the fee charged for issuance of
6 the license. A new license is one issued to a driver who has not been
7 previously licensed in this state or to a driver whose last previous
8 Washington license has been expired for more than four years.

9 Any person renewing his or her driver's license more than sixty
10 days after the license has expired shall pay a penalty fee of ten
11 dollars in addition to the renewal fee under RCW 46.20.181. The
12 penalty fee shall be deposited in the highway safety fund.

13 Any person who is outside the state at the time his or her driver's
14 license expires or who is unable to renew the license due to any
15 incapacity may renew the license within sixty days after returning to
16 this state or within sixty days after the termination of any such
17 incapacity without the payment of the penalty fee.

18 The department shall provide for giving examinations at places and
19 times reasonably available to the people of this state.

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

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

29 (1) The department shall restrict the driving privilege of a novice
30 driver who violates subsection (2) or (3) of this section as follows:

31 (a) The novice driver may only drive unsupervised between the hours
32 of five a.m. and ten p.m. At all other times the novice driver must be
33 supervised. While being supervised, the novice driver must be
34 accompanied by a parent, guardian, or other person twenty-one years of
35 age or older with at least five years of driving experience. The
36 supervisor must possess a valid driver's license. The supervisor must
37 be the only other occupant of the front passenger section of the
38 vehicle.

1 (b) The department shall impose the restrictions of this section
2 for one year. The department shall extend the restrictions for one
3 additional year if the driver drives a motor vehicle in violation of
4 law while the restrictions are in place.

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

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

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

14 (a) RCW 46.29.605: Driving with suspended registration;

15 (b) RCW 46.30.020: Driving without liability insurance;

16 (c) RCW 46.30.040: False insurance evidence;

17 (d) RCW 46.61.015, 46.61.020, or 46.61.021: Failure to respond or
18 comply with officer;

19 (e) RCW 46.61.050 or 46.61.340 through 46.61.385: Failure to stop;

20 (f) RCW 46.61.070: Wrong way in reversible lane;

21 (g) RCW 46.61.100, 46.61.105, 46.61.110, 46.61.120, 46.61.125,
22 46.61.130, or 46.61.140: Driving on wrong side of road/failure to stay
23 in lane;

24 (h) RCW 46.61.105 or 46.61.120: Illegal overtaking or passing;

25 (i) RCW 46.61.135: Wrong way on a one-way street;

26 (j) RCW 46.61.145: Following too closely;

27 (k) RCW 46.61.150: Improperly crossing median;

28 (l) RCW 46.61.180 through 46.61.220: Failure to yield right-of-
29 way;

30 (m) RCW 46.61.245 or 46.61.445: Failure to use due care;

31 (n) RCW 46.61.260: Driving in safety zone;

32 (o) RCW 46.61.370: Passing stopped school bus;

33 (p) RCW 46.61.400 or 46.61.440: Driving ten miles or more over the
34 speed limit;

35 (q) RCW 46.61.400: Driving too fast for conditions;

36 (r) RCW 46.61.519: Open container violation;

37 (s) RCW 46.61.5195: Disguising an alcoholic beverage container;

38 (t) RCW 46.61.5249 and 46.61.525: Negligent driving;

39 (u) RCW 46.61.608: Failure to give motorcycle full use of lane;

1 (v) RCW 46.61.385: Failure to stop for school patrol;
2 (w) RCW 46.61.660: Carrying persons outside vehicle;
3 (x) RCW 46.61.665: Embracing while driving;
4 (y) RCW 46.61.675: Permitting illegal vehicle operation; and
5 (z) RCW 46.61.685: Unattended child in running vehicle.
6 (3) If a novice driver is convicted of two or more of the traffic
7 offenses listed in this subsection, the department must restrict his or
8 her license as described in subsection (1) of this section:
9 (a) RCW 46.20.190: No license on person;
10 (b) RCW 46.37.010: Defective equipment;
11 (c) RCW 46.37.010: Illegal lights or other equipment;
12 (d) RCW 46.37.020: Driving without lights;
13 (e) RCW 46.61.015 or 46.61.050: Disobeying road sign other than a
14 stop or yield sign or signaler or officer;
15 (f) RCW 46.61.100: Improper lane change;
16 (g) RCW 46.61.100 (3) or (4) or 46.61.425: Impeding traffic;
17 (h) RCW 46.61.155: Improper access to limited access highway;
18 (i) RCW 46.61.235: Failure to stop for pedestrian;
19 (j) RCW 46.61.261, 46.61.428, or 46.61.606: Driving on shoulder or
20 sidewalk;
21 (k) RCW 46.61.290 through 46.61.305: Improper or prohibited turn;
22 (l) RCW 46.61.295: Improper U-turn;
23 (m) RCW 46.61.300: Starting vehicle illegally;
24 (n) RCW 46.61.305: Failure to use or improper signal;
25 (o) RCW 46.61.400: Speeding less than ten miles over limit;
26 (p) RCW 46.61.600: Improperly secured vehicle;
27 (q) RCW 46.61.605: Improper backing;
28 (r) RCW 46.61.615: Obstructed vision or control;
29 (s) RCW 46.61.630: Coasting on downgrade;
30 (t) RCW 46.61.635: Following emergency vehicles;
31 (u) RCW 46.61.640: Crossing fire hose;
32 (v) RCW 46.61.645: Throwing dangerous material on roadway;
33 (w) RCW 46.61.655: Improperly secured or covered load;
34 (x) RCW 46.61.670: Wheels off roadway;
35 (y) RCW 46.61.680: Lowering vehicle below legal clearance;
36 (z) RCW 46.61.687: Child restraint violation; and
37 (aa) RCW 46.61.688: Seat belt violation.

1 **Sec. 9.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read
2 as follows:

3 (1) A person found to have committed a traffic infraction shall be
4 assessed a monetary penalty. No penalty may exceed two hundred and
5 fifty dollars for each offense unless authorized by this chapter or
6 title.

7 (2) The supreme court shall prescribe by rule a schedule of
8 monetary penalties for designated traffic infractions. This rule shall
9 also specify the conditions under which local courts may exercise
10 discretion in assessing fines and penalties for traffic infractions.
11 The legislature respectfully requests the supreme court to adjust this
12 schedule every two years for inflation.

13 (3) There shall be a penalty of twenty-five dollars for failure to
14 respond to a notice of traffic infraction except where the infraction
15 relates to parking as defined by local law, ordinance, regulation, or
16 resolution or failure to pay a monetary penalty imposed pursuant to
17 this chapter. A local legislative body may set a monetary penalty not
18 to exceed twenty-five dollars for failure to respond to a notice of
19 traffic infraction relating to parking as defined by local law,
20 ordinance, regulation, or resolution. The local court, whether a
21 municipal, police, or district court, shall impose the monetary penalty
22 set by the local legislative body.

23 (4) Monetary penalties provided for in chapter 46.70 RCW which are
24 civil in nature and penalties which may be assessed for violations of
25 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
26 are not subject to the limitation on the amount of monetary penalties
27 which may be imposed pursuant to this chapter.

28 (5) Whenever a monetary penalty is imposed by a court under this
29 chapter it is immediately payable. If the person is unable to pay at
30 that time the court may, in its discretion, grant an extension of the
31 period in which the penalty may be paid. If the penalty is not paid on
32 or before the time established for payment the court shall notify the
33 department of the failure to pay the penalty, and the department shall
34 suspend the person's driver's license or driving privilege until the
35 penalty has been paid and the penalty provided in subsection (3) of
36 this section has been paid.

37 (6) In addition to any other penalties imposed under this section
38 and not subject to the limitation of subsection (1) of this section, a
39 person found to have committed a traffic infraction shall be assessed

1 a fee of five dollars per infraction. Under no circumstances shall
2 this fee be reduced or waived. Revenue from this fee shall be
3 forwarded to the state treasurer for deposit in the emergency medical
4 services and trauma care system trust account under RCW 70.168.040.

5 (7) In addition to any other penalties imposed under this section
6 and not subject to the limitation of subsection (1) of this section, a
7 person found to have committed a traffic infraction must be assessed a
8 fee of thirteen dollars per infraction. Under no circumstances may
9 this fee be reduced or waived. Revenue from this fee must be forwarded
10 to the state treasurer for deposit in the public safety and education
11 account and must be used to fund the fifth and sixth hours of behind-
12 the-wheel training at school district traffic safety education programs
13 authorized under RCW 28A.220.030(2).

14 NEW SECTION. Sec. 10. (1) The sum of seven million four hundred
15 four thousand dollars, or as much thereof as may be necessary, is
16 appropriated from the public safety and education account to the
17 superintendent of public instruction for the biennium ending June 30,
18 2001, to provide behind-the-wheel driver training as required under RCW
19 28A.220.030(2).

20 (2) The sum of five hundred seven thousand dollars, or as much
21 thereof as may be necessary, is appropriated from the public safety and
22 education account to the office of the superintendent of public
23 instruction for the biennium ending June 30, 2001, to provide
24 additional traffic safety education coordinators.

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