

2 **ESHB 2560** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 03/06/02

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

7 "Sec. 1. RCW 46.20.100 and 1999 c 274 s 14 are each amended to
8 read 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 person under the age of eighteen has no father, mother, or guardian,
13 then the application must be signed by the minor's employer.

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

17 (a) To meet the traffic safety education requirement for a driver's
18 license the applicant must satisfactorily complete a traffic safety
19 education course as defined in RCW 28A.220.020 for a course offered by
20 a school district, or as defined by the department of licensing for a
21 course offered by a driver training school licensed under chapter 46.82
22 RCW. The course offered by a school district or an approved private
23 school must meet the standards established by the office of the state
24 superintendent of public instruction. The course offered by a driver
25 training school must meet the standards established by the department
26 of licensing with the advice of the driver instructors' advisory
27 committee, pursuant to RCW 46.82.300. The traffic safety education
28 course may be provided by:

29 (i) A recognized secondary school; or
30 (ii) A (~~commercial driving enterprise~~) driver training school
31 licensed under chapter 46.82 RCW that is annually approved by the
32 (~~office of the superintendent of public instruction~~) department of
33 licensing.

34 (b) To meet the traffic safety education requirement for a
35 motorcycle endorsement, the applicant must successfully complete a

1 motorcycle safety education course that meets the standards established
2 by the department of licensing.

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

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

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

10 (iii) He or she has the ability to operate a motor vehicle in such
11 a manner as not to jeopardize the safety of persons or property.

12 The department may adopt rules to implement this subsection (2)(c) in
13 concert with the supervisor of the traffic safety education section of
14 the office of the superintendent of public instruction.

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

19 **Sec. 2.** RCW 46.20.055 and 1999 c 274 s 13 are each amended to read
20 as follows:

21 (1) **Driver's instruction permit.** The department may issue a
22 driver's instruction permit with a photograph to an applicant who has
23 successfully passed all parts of the examination other than the driving
24 test, provided the information required by RCW 46.20.091, paid a five-
25 dollar fee, and meets the following requirements:

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

27 (b) Is at least fifteen years of age and:

28 (i) Has submitted a proper application; and

29 (ii) Is enrolled in a traffic safety education program offered,
30 approved, and accredited by the superintendent of public instruction or
31 offered by a driving training school licensed and inspected by the
32 department of licensing under chapter 46.82 RCW, that includes practice
33 driving.

34 (2) **Nonphoto permit fee.** An applicant who meets the requirements
35 of subsection (1) of this section other than payment of the five-dollar
36 fee may obtain a driver's instruction permit without a photograph by
37 paying a fee of four dollars.

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

4 (a) A traffic safety education course as defined by RCW
5 28A.220.020(2); or

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

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

10 (4) **Effect of instruction permit.** A person holding a driver's
11 instruction permit may drive a motor vehicle, other than a motorcycle,
12 upon the public highways if:

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

14 (b) An approved instructor, or a licensed driver with at least five
15 years of driving experience, occupies the seat beside the driver.

16 (5) **Term of instruction permit.** A driver's instruction permit is
17 valid for one year from the date of issue.

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

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

22 **Sec. 3.** RCW 46.20.070 and 1999 c 6 s 13 are each amended to read
23 as follows:

24 (1) **Agricultural driving permit authorized.** The director may issue
25 a juvenile agricultural driving permit to a person under the age of
26 eighteen years if:

27 (a) The application is signed by the applicant and the applicant's
28 father, mother, or legal guardian;

29 (b) The applicant has passed the driving examination required by
30 RCW 46.20.120;

31 (c) The department has investigated the applicant's need for the
32 permit and determined that the need justifies issuance;

33 (d) The department has determined the applicant is capable of
34 operating a motor vehicle without endangering himself or herself or
35 other persons and property; and

36 (e) The applicant has paid a fee of three dollars.

37 The permit must contain a photograph of the person.

1 (2) **Effect of agricultural driving permit.** (a) The permit
2 authorizes the holder to:

3 (i) Drive a motor vehicle on the public highways of this state in
4 connection with farm work. The holder may drive only within a
5 restricted farming locality described on the permit; and

6 (ii) Participate in the classroom portion of a traffic safety
7 education course authorized under RCW 28A.220.030 or the classroom
8 portion of a traffic safety education course offered by a driver
9 training school licensed and inspected by the department of licensing
10 under chapter 46.82 RCW offered in the community where the holder
11 resides.

12 (b) The director may transfer the permit from one farming locality
13 to another. A transfer is not a renewal of the permit.

14 (3) **Term and renewal of agricultural driving permit.** An
15 agricultural driving permit expires one year from the date of issue.

16 (a) A person under the age of eighteen who holds a permit may renew
17 the permit by paying a three-dollar fee.

18 (b) An agricultural driving permit is invalidated when a permittee
19 attains age eighteen. In order to drive a motor vehicle on a highway
20 he or she must obtain a motor vehicle driver's license under this
21 chapter.

22 (4) **Suspension, revocation, or cancellation.** The director has sole
23 discretion to suspend, revoke, or cancel a juvenile agricultural
24 driving permit if:

25 (a) The permittee has been found to have committed an offense that
26 requires mandatory suspension or revocation of a driver's license; or

27 (b) The director is satisfied that the permittee has violated the
28 permit's restrictions.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.82 RCW
30 to read as follows:

31 (1) Persons instructing students under eighteen years of age are
32 required to have a background check through the Washington state patrol
33 criminal identification system and through the federal bureau of
34 investigation. The background check shall also include a fingerprint
35 check using a fingerprint card.

36 (2) The cost of the background check shall be paid by the
37 instructor.

1 (3) The department may waive the background check for any applicant
2 who has had a background check within two years before applying to
3 become an instructor.

4 **Sec. 5.** RCW 46.82.300 and 1984 c 287 s 93 are each amended to read
5 as follows:

6 (1) The director shall be assisted in the duties and
7 responsibilities of this chapter by the driver instructors' advisory
8 committee, consisting of five members. Members of the advisory
9 committee shall be appointed by the director for two-year terms and
10 shall consist of a representative of the driver training schools, a
11 representative of the driving instructors (who shall not be from the
12 same school as the school member), a representative of the
13 superintendent of public instruction, a representative of the
14 department of licensing, and a representative from the Washington state
15 traffic safety commission. Members shall be reimbursed for travel
16 expenses in accordance with RCW 43.03.050 and 43.03.060. A member who
17 is receiving a salary from the state shall not receive compensation
18 other than travel expenses incurred in such service.

19 (2) The advisory committee shall meet at least semiannually and
20 shall have additional meetings as may be called by the director. The
21 director or the director's representative shall attend all meetings of
22 the advisory committee and shall serve as chairman.

23 (3) Duties of the advisory committee shall be to:

24 (a) Advise and confer with the director or the director's
25 representative on matters pertaining to the establishment of rules
26 necessary to carry out this chapter;

27 (b) Review violations of this chapter and to recommend to the
28 director appropriate enforcement or disciplinary action as provided in
29 this chapter;

30 (c) Review and update when necessary a curriculum consisting of a
31 list of items of knowledge and the processes of driving a motor vehicle
32 specifying the minimum requirements adjudged necessary in teaching a
33 proper and adequate course of driver education; ((and))

34 (d) Review and update instructor certification standards to be
35 consistent with RCW 46.82.330 and take into consideration those
36 standards required to be met by traffic safety education teachers under
37 RCW 28A.220.020(3); and

1 (e) Prepare the examination for a driver instructor's certificate
2 and review examination results at least once each calendar year for the
3 purpose of updating and revising examination standards.

4 **Sec. 6.** RCW 46.20.075 and 2000 c 115 s 2 are each amended to read
5 as follows:

6 (1) An intermediate license authorizes the holder to drive a motor
7 vehicle under the conditions specified in this section. An applicant
8 for an intermediate license must be at least sixteen years of age and:

9 (a) Have possessed a valid instruction permit for a period of not
10 less than six months;

11 (b) Have passed a driver licensing examination administered by the
12 department;

13 (c) Have passed a course of driver's education in accordance with
14 the standards established in RCW 46.20.100;

15 (d) Present certification by his or her parent, guardian, or
16 employer to the department stating (i) that the applicant has had at
17 least fifty hours of driving experience, ten of which were at night,
18 during which the driver was supervised by a person at least twenty-one
19 years of age who has had a valid driver's license for at least three
20 years, and (ii) that the applicant has not been issued a notice of
21 traffic infraction or cited for a traffic violation that is pending at
22 the time of the application for the intermediate license;

23 (e) Not have been convicted of or found to have committed a traffic
24 violation within the last six months before the application for the
25 intermediate license; and

26 (f) Not have been adjudicated for an offense involving the use of
27 alcohol or drugs during the period the applicant held an instruction
28 permit.

29 (2) The department may waive the six-month waiting period for
30 issuance of an intermediate license if an applicant provides a signed
31 and notarized statement from a parent or guardian and from a licensed
32 physician, as defined in RCW 70.96A.020, that the waiver is required
33 for family medical purposes.

34 (3) For the first six months after the issuance of an intermediate
35 license or until the holder reaches eighteen years of age, whichever
36 occurs first, the holder of the license may not operate a motor vehicle
37 that is carrying any passengers under the age of twenty who are not
38 members of the holder's immediate family as defined in RCW 42.17.020.

1 For the remaining period of the intermediate license, the holder may
2 not operate a motor vehicle that is carrying more than three passengers
3 who are under the age of twenty who are not members of the holder's
4 immediate family.

5 ~~((+3))~~ (4) The holder of an intermediate license may not operate
6 a motor vehicle between the hours of 1 a.m. and 5 a.m. except when the
7 holder is accompanied by a parent, guardian, or a licensed driver who
8 is at least twenty-five years of age.

9 ~~((+4))~~ (5) It is a traffic infraction for the holder of an
10 intermediate license to operate a motor vehicle in violation of the
11 restrictions imposed under this section.

12 ~~((+5))~~ (6) Enforcement of this section by law enforcement officers
13 may be accomplished only as a secondary action when a driver of a motor
14 vehicle has been detained for a suspected violation of this title or an
15 equivalent local ordinance or some other offense.

16 ~~((+6))~~ (7) An intermediate licensee may drive at any hour without
17 restrictions on the number of passengers in the vehicle if necessary
18 for agricultural purposes.

19 ~~((+7))~~ (8) An intermediate licensee may drive at any hour without
20 restrictions on the number of passengers in the vehicle if, for the
21 twelve-month period following the issuance of the intermediate license,
22 he or she:

- 23 (a) Has not been involved in an automobile accident; and
24 (b) Has not been convicted or found to have committed a traffic
25 offense described in chapter 46.61 RCW or violated restrictions placed
26 on an intermediate licensee under this section."

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31 On page 1, line 1 of the title, after "schools;" strike the
32 remainder of the title and insert "amending RCW 46.20.100, 46.20.055,
33 46.20.070, 46.82.300, and 46.20.075; and adding a new section to
34 chapter 46.82 RCW."

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