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HOUSE BILL 1537

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Buys, Lias, Shea, Haler, McCune, Kretz, Taylor, and Warnick

Read first time 01/25/11. Referred to Committee on Transportation.

1 AN ACT Relating to allowing a parent or guardian to provide traffic  
2 safety education to a minor within the parent or guardian's custody;  
3 amending RCW 46.20.055 and 46.20.100; and adding a new section to  
4 chapter 46.20 RCW.

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

6 **Sec. 1.** RCW 46.20.055 and 2010 c 223 s 1 are each amended to read  
7 as follows:

8 (1) **Driver's instruction permit.** The department may issue a  
9 driver's instruction permit with or without a photograph to an  
10 applicant who has successfully passed all parts of the examination  
11 other than the driving test, provided the information required by RCW  
12 46.20.091, paid a fee of twenty dollars, and meets the following  
13 requirements:

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

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

16 (i) Has submitted a proper application; and

17 (ii) Is enrolled in a traffic safety education program offered,  
18 approved, and accredited by the superintendent of public instruction  
19 (~~(or)~~); offered by a driver training school licensed and inspected by

1 the department of licensing under chapter 46.82 RCW; or offered by a  
2 parent or guardian as authorized under section 3 of this act, that  
3 includes practice driving.

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

7 (a) A traffic safety education course as defined by RCW  
8 28A.220.020(2); ~~((or))~~

9 (b) A course of instruction offered by a licensed driver training  
10 school as defined by RCW 46.82.280; or

11 (c) A parent or guardian-guided traffic safety education course as  
12 authorized under section 3 of this act.

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

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

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

19 (b) The person is not using a wireless communications device,  
20 unless the person is using the device to report illegal activity,  
21 summon medical or other emergency help, or prevent injury to a person  
22 or property; and

23 (c) An approved instructor, or a licensed driver with at least five  
24 years of driving experience, occupies the seat beside the driver.

25 (4) **Term of instruction permit.** A driver's instruction permit is  
26 valid for one year from the date of issue.

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

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

31 (c) A person applying to renew an instruction permit must submit  
32 the application to the department in person.

33 **Sec. 2.** RCW 46.20.100 and 2010 1st sp.s. c 7 s 18 are each amended  
34 to read as follows:

35 (1) **Application.** The application of a person under the age of  
36 eighteen years for a driver's license or a motorcycle endorsement must

1 be signed by a parent or guardian with custody of the minor. If the  
2 person under the age of eighteen has no father, mother, or guardian,  
3 then the application must be signed by the minor's employer.

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

7 (a) To meet the traffic safety education requirement for a driver's  
8 license, the applicant must satisfactorily complete a traffic safety  
9 education course as defined in RCW 28A.220.020 for a course offered by  
10 a school district, a parent or guardian-guided traffic safety education  
11 course authorized in section 3 of this act, or as defined by the  
12 department of licensing for a course offered by a driver training  
13 school licensed under chapter 46.82 RCW. The course offered by a  
14 school district or an approved private school must meet the standards  
15 established by the office of the state superintendent of public  
16 instruction. The course offered by a driver training school or a  
17 parent or guardian must meet the standards established by the  
18 department of licensing. The traffic safety education course may be  
19 provided by:

20 (i) A recognized secondary school; (~~(e)~~)

21 (ii) A driver training school licensed under chapter 46.82 RCW that  
22 is annually approved by the department of licensing; or

23 (iii) A parent or guardian approved by the department to teach a  
24 traffic safety education course to a minor within the parent or  
25 guardian's custody.

26 (b) To meet the traffic safety education requirement for a  
27 motorcycle endorsement, the applicant must successfully complete a  
28 motorcycle safety education course that meets the standards established  
29 by the department of licensing.

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

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

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

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

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

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

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW  
9 to read as follows:

10 (1) A parent or guardian may provide a guided traffic safety  
11 education course to a minor within the parent or guardian's custody if  
12 the parent or guardian submits a declaration on a form provided by the  
13 department that the parent or guardian meets the criteria specified in  
14 subsection (2) of this section, agrees to use curriculum approved by  
15 the department, and receives approval from the department to provide a  
16 parent or guardian-guided traffic safety education course.

17 (2) To be approved by the department to provide a parent or  
18 guardian-guided traffic safety education course, the parent or guardian  
19 must:

20 (a) Have a valid driver's license issued to Washington residents  
21 under this chapter;

22 (b) Be at least twenty-five years of age;

23 (c) Have not been convicted of driving under the influence under  
24 RCW 46.61.502; and

25 (d) Have not been issued a notice of traffic infraction within the  
26 past three years or cited for a traffic violation that is pending at  
27 the time of submitting the declaration.

28 (3) The department must review and approve curriculum for use in a  
29 parent or guardian-guided traffic safety education course.

30 (4) The department may charge a fee to a parent or guardian to  
31 apply for approval from the department to provide the parent or  
32 guardian-guided traffic safety education course. The amount of the fee  
33 may not exceed the department's actual cost to review applicants'  
34 driving records and to review course curriculum.

35 (5) The department may adopt rules to implement this section.

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