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SECOND SUBSTITUTE HOUSE BILL 1147

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire)

Read first time 03/08/1999.

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 46.68.041; adding a new section to chapter 28A.220 RCW;  
6 adding a new section to chapter 46.20 RCW; and creating a new section.

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) Beginning January 1, 2000, attests in writing that the minor  
2 completed the supervised driving practice as required under section 2  
3 of this act.

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

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

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

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

35       The superintendent of public instruction, in consultation with the  
36 department of licensing, shall adopt rules that establish a supervised  
37 driving practice requirement that a minor under the age of eighteen  
38 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) Effective September 1, 1999, the traffic safety education  
29 curriculum established by the superintendent under subsection (1) of  
30 this section must include a mandatory minimum of five hours of behind-  
31 the-wheel training for each student. The training must include a  
32 comprehensive driving skills test and individual knowledge test that a  
33 student must pass in order to receive a passing grade from a traffic  
34 safety education class.

35 (3) Effective September 1, 2000, the required curriculum must  
36 include a mandatory minimum of six hours of behind-the-wheel training  
37 for each student. In addition to the requirements of subsection (2) of  
38 this section, the training must include one training session for each

1 student where the student drives a vehicle equipped with a device that  
2 simulates the loss of vehicular control that can occur when a vehicle  
3 skids from loss of traction. If a school is unable to provide training  
4 with the device, the six-hour training requirement is reduced to five  
5 and one-half hours. The superintendent may authorize the use of  
6 another training device in lieu of the device described in this section  
7 if the superintendent concludes that the alternative device is as  
8 effective.

9 (4) The superintendent's curriculum must include a provision that  
10 the additional two hours of behind-the-wheel training required under  
11 subsections (2) and (3) of this section are not required of students  
12 who demonstrate to the instructor of the traffic safety education  
13 course that the student possesses the driving skills necessary to  
14 safely operate a motor vehicle upon a highway and:

15 (a) Have held a juvenile agricultural driving permit under RCW  
16 46.20.070 before enrolling in a traffic safety education course; or

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

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

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

30 (~~((3+))~~) (7) The board of directors of a school district, or  
31 combination of school districts, may contract with any drivers' school  
32 licensed under the provisions of chapter 46.82 RCW to teach the  
33 laboratory phase of the traffic safety education course. Instructors  
34 provided by any such contracting drivers' school must be properly  
35 qualified teachers of traffic safety education under the joint  
36 qualification requirements adopted by the superintendent of public  
37 instruction and the director of licensing.

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

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

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

9       (3) The director shall adopt a driver training curriculum  
10 established by the superintendent of public instruction. The  
11 curriculum must include a mandatory minimum of six hours of behind-the-  
12 wheel training and an individual knowledge test for each student. The  
13 six hours of training must include a comprehensive driving skills test  
14 that a student must pass in order to receive a certificate of  
15 completion from a driver training school.

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

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

20       (a) The state superintendent shall determine the per-pupil  
21 reimbursement amount for the traffic safety education course to be  
22 funded by the state. Each school district offering an approved  
23 standard traffic safety education course shall be reimbursed or granted  
24 an amount up to the level established by the superintendent of public  
25 instruction as may be appropriated.

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

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

32       (2) The board of directors of any school district or combination of  
33 school districts may establish a traffic safety education fee, which  
34 fee when imposed shall be required to be paid by any duly enrolled  
35 student in any such school district prior to or while enrolled in a  
36 traffic safety education course. Traffic safety education fees  
37 collected by a school district shall be deposited with the county

1 treasurer to the credit of such school district, to be used to pay  
2 costs of the traffic safety education course.

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

5 (1) Every application for an instruction permit or for an original  
6 driver's license shall be made upon a form prescribed and furnished by  
7 the department which shall be sworn to and signed by the applicant  
8 before a person authorized to administer oaths. The form must include  
9 a section for the applicant to indicate whether he or she has received  
10 driver training and, if so, where. An applicant making a false  
11 statement under this subsection is guilty of false swearing, a gross  
12 misdemeanor, under RCW 9A.72.040. Every application for an instruction  
13 permit containing a photograph shall be accompanied by a fee of  
14 ((five)) ten dollars. The department shall forthwith transmit the fees  
15 collected for instruction permits and temporary drivers' permits to the  
16 state treasurer.

17 (2) Every such application shall state the name of record, date of  
18 birth, sex, and Washington residence address of the applicant, and  
19 briefly describe the applicant, and shall state whether the applicant  
20 has theretofore been licensed as a driver or chauffeur, and, if so,  
21 when and by what state or country, and whether any such license has  
22 ever been suspended or revoked, or whether an application has ever been  
23 refused, and, if so, the date of and reason for such suspension,  
24 revocation, or refusal, and shall state such additional information as  
25 the department shall require, including a statement that identifying  
26 documentation presented by the applicant is valid.

27 (3) Whenever application is received from a person previously  
28 licensed in another jurisdiction, the department shall request a copy  
29 of such driver's record from such other jurisdiction. When received,  
30 the driving record shall become a part of the driver's record in this  
31 state.

32 (4) Whenever the department receives request for a driving record  
33 from another licensing jurisdiction, the record shall be forwarded  
34 without charge if the other licensing jurisdiction extends the same  
35 privilege to the state of Washington. Otherwise there shall be a  
36 reasonable charge for transmittal of the record, the amount to be fixed  
37 by the director of the department.

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

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

6       (a) However, the department may waive all or any part of the  
7 examination of any person applying for the renewal of a driver's  
8 license except when the department determines that an applicant for a  
9 driver's license is not qualified to hold a driver's license under this  
10 title.

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

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

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

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

30       Any person who is outside the state at the time his or her driver's  
31 license expires or who is unable to renew the license due to any  
32 incapacity may renew the license within sixty days after returning to  
33 this state or within sixty days after the termination of any such  
34 incapacity without the payment of the penalty fee.

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

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

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

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

11 (a) The novice driver may only drive unsupervised between the hours  
12 of five a.m. and ten p.m. At all other times the novice driver must be  
13 supervised. While being supervised, the novice driver must be  
14 accompanied by a parent, guardian, or other person twenty-one years of  
15 age or older with at least five years of driving experience. The  
16 supervisor must possess a valid driver's license. The supervisor must  
17 be the only other occupant of the front passenger section of the  
18 vehicle.

19 (b) The department shall impose the restrictions of this section  
20 for one year. The department shall extend the restrictions for one  
21 additional year if the driver drives a motor vehicle in violation of  
22 law while the restrictions are in place.

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

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

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

32 (a) RCW 46.30.040: False insurance evidence;

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

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

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

37 (e) RCW 46.61.100, 46.61.105, 46.61.110, 46.61.120, 46.61.125,  
38 46.61.130, or 46.61.140: Driving on wrong side of road/failure to stay  
39 in lane;

- 1 (f) RCW 46.61.105 or 46.61.120: Illegal overtaking or passing;  
2 (g) RCW 46.61.135: Wrong way on a one-way street;  
3 (h) RCW 46.61.145: Following too closely;  
4 (i) RCW 46.61.150: Improperly crossing median;  
5 (j) RCW 46.61.180 through 46.61.220: Failure to yield right-of-  
6 way;  
7 (k) RCW 46.61.245 or 46.61.445: Failure to use due care;  
8 (l) RCW 46.61.260: Driving in safety zone;  
9 (m) RCW 46.61.370: Passing stopped school bus;  
10 (n) RCW 46.61.400 or 46.61.440: Driving ten miles or more over the  
11 speed limit;  
12 (o) RCW 46.61.400: Driving too fast for conditions;  
13 (p) RCW 46.61.519: Open container violation;  
14 (q) RCW 46.61.5195: Disguising an alcoholic beverage container;  
15 (r) RCW 46.61.5249 and 46.61.525: Negligent driving;  
16 (s) RCW 46.61.608: Failure to give motorcycle full use of lane;  
17 (t) RCW 46.61.385: Failure to stop for school patrol;  
18 (u) RCW 46.61.660: Carrying persons outside vehicle;  
19 (v) RCW 46.61.665: Embracing while driving;  
20 (w) RCW 46.61.675: Permitting illegal vehicle operation; and  
21 (x) RCW 46.61.685: Unattended child in running vehicle.  
22 (3) If a novice driver is convicted of two or more of the traffic  
23 offenses listed in this subsection, the department must restrict his or  
24 her license as described in subsection (1) of this section:  
25 (a) RCW 46.20.190: No license on person;  
26 (b) RCW 46.29.605: Driving with suspended registration;  
27 (c) RCW 46.30.020: Driving without liability insurance;  
28 (d) RCW 46.37.010: Defective equipment;  
29 (e) RCW 46.37.010: Illegal lights or other equipment;  
30 (f) RCW 46.37.020: Driving without lights;  
31 (g) RCW 46.61.015 or 46.61.050: Disobeying road sign other than a  
32 stop or yield sign or signaler or officer;  
33 (h) RCW 46.61.100: Improper lane change;  
34 (i) RCW 46.61.100 (3) or (4) or 46.61.425: Impeding traffic;  
35 (j) RCW 46.61.155: Improper access to limited access highway;  
36 (k) RCW 46.61.235: Failure to stop for pedestrian;  
37 (l) RCW 46.61.261, 46.61.428, or 46.61.606: Driving on shoulder or  
38 sidewalk;  
39 (m) RCW 46.61.290 through 46.61.305: Improper or prohibited turn;

- 1 (n) RCW 46.61.295: Improper U-turn;
- 2 (o) RCW 46.61.300: Starting vehicle illegally;
- 3 (p) RCW 46.61.305: Failure to use or improper signal;
- 4 (q) RCW 46.61.400: Speeding less than ten miles over limit;
- 5 (r) RCW 46.61.600: Improperly secured vehicle;
- 6 (s) RCW 46.61.605: Improper backing;
- 7 (t) RCW 46.61.615: Obstructed vision or control;
- 8 (u) RCW 46.61.630: Coasting on downgrade;
- 9 (v) RCW 46.61.635: Following emergency vehicles;
- 10 (w) RCW 46.61.640: Crossing fire hose;
- 11 (x) RCW 46.61.645: Throwing dangerous material on roadway;
- 12 (y) RCW 46.61.655: Improperly secured or covered load;
- 13 (z) RCW 46.61.670: Wheels off roadway;
- 14 (aa) RCW 46.61.680: Lowering vehicle below legal clearance;
- 15 (bb) RCW 46.61.687: Child restraint violation; and
- 16 (cc) RCW 46.61.688: Seat belt violation.

17 (4) If a novice driver's driving privilege is withheld under any of  
18 the sections listed in this subsection, his or her license is subject  
19 to the restrictions in subsection (1) of this section if and when the  
20 driving privilege is reinstated.

- 21 (a) RCW 46.20.041: Violating driver's license restrictions;
- 22 (b) RCW 46.20.265: Minor in possession of alcohol or drugs;
- 23 (c) RCW 46.20.265: Minor in possession of a firearm;
- 24 (d) RCW 46.20.285: Conviction of a felony involving a motor  
25 vehicle;
- 26 (e) RCW 46.20.289: Failure to appear/unpaid traffic ticket;
- 27 (f) RCW 46.20.291: Multiple violations within a specified time  
28 period;
- 29 (g) RCW 46.20.3101: Refusal to submit to breath or blood alcohol  
30 test;
- 31 (h) RCW 46.20.336: Fraudulent application, alteration, or display  
32 of driver's license;
- 33 (i) RCW 46.20.342: Driving while license is suspended or revoked;
- 34 (j) Chapter 46.29 RCW other than RCW 46.29.605: Violation of  
35 financial responsibility laws;
- 36 (k) RCW 46.52.020: Hit and run, vehicle attended;
- 37 (l) RCW 46.61.024: Eluding police;
- 38 (m) RCW 46.61.500: Reckless driving;
- 39 (n) RCW 46.61.502: Driving under the influence;

1 (o) RCW 46.61.504: Physical control of a motor vehicle while under  
2 the influence;  
3 (p) RCW 46.61.5055: Violating probation for DUI conviction;  
4 (q) RCW 46.61.5056: Failure to meet requirements of court-ordered  
5 drug or alcohol treatment program, e.g., failure to submit alcohol  
6 report, failure to comply with treatment program, relapse;  
7 (r) RCW 46.61.520: Vehicular homicide;  
8 (s) RCW 46.61.522: Vehicular assault;  
9 (t) RCW 46.61.527: Reckless endangerment in a construction zone;  
10 (u) RCW 46.61.530: Racing; and  
11 (v) Chapter 46.65 RCW: Habitual traffic offender, twenty moving  
12 violations in five years.

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

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

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

23 (3) Fifty percent of each fee for an instruction permit collected  
24 under RCW 46.20.091 must be deposited in the public safety and  
25 education account and must be used to fund traffic safety education.

26 NEW SECTION. **Sec. 10.** If specific funding for the purposes of  
27 this act, referencing this act by bill or chapter number, is not  
28 provided by June 30, 1999, in the omnibus appropriations act, this act  
29 is null and void.

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