

ESB 5160 - H COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.20.055 and 2005 c 314 s 303 are each amended to
4 read as follows:

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

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

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

13 (i) Has submitted a proper application; and

14 (ii) Is enrolled in a traffic safety education program offered,
15 approved, and accredited by the superintendent of public instruction or
16 offered by a driver training school licensed and inspected by the
17 department of licensing under chapter 46.82 RCW, that includes practice
18 driving.

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

22 (a) A traffic safety education course as defined by RCW
23 28A.220.020(2); or

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

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

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

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

2 (b) The person is not using a wireless communication device, unless
3 the person is using the device to report illegal activity, summon
4 medical or other emergency help, or prevent injury to a person or
5 property; and

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

8 For purposes of this subsection (3), "wireless communication
9 device" means a hand-held portable voice or data device used for
10 commercial mobile services as defined in 47 U.S.C. Sec. 332(d)(1).

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

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

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

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

19 **Sec. 2.** RCW 46.20.075 and 2000 c 115 s 2 are each amended to read
20 as follows:

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

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

26 (b) Have passed a driver licensing examination administered by the
27 department;

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

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

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

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

7 (2) For the first six months after the issuance of an intermediate
8 license or until the holder reaches eighteen years of age, whichever
9 occurs first, the holder of the license may not operate a motor vehicle
10 that is carrying any passengers under the age of twenty who are not
11 members of the holder's immediate family as defined in RCW 42.17.020.
12 For the remaining period of the intermediate license, the holder may
13 not operate a motor vehicle that is carrying more than three passengers
14 who are under the age of twenty who are not members of the holder's
15 immediate family.

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

20 (4) The holder of an intermediate license may not operate a motor
21 vehicle while using a wireless communication device unless the holder
22 is using the device to:

23 (a) Report illegal activity;

24 (b) Summon medical or other emergency help; or

25 (c) Prevent injury to a person or property.

26 (5) It is a traffic infraction for the holder of an intermediate
27 license to operate a motor vehicle in violation of the restrictions
28 imposed under this section.

29 ((+5)) (6) Enforcement of this section by law enforcement officers
30 may be accomplished only as a secondary action when a driver of a motor
31 vehicle has been detained for a suspected violation of this title or an
32 equivalent local ordinance or some other offense, except in the case of
33 a violation of the restriction on the use of wireless communication
34 devices, which is a primary infraction and need not be accompanied by
35 the suspected violation of some other offense.

36 ((+6)) (7) An intermediate licensee may drive at any hour without
37 restrictions on the number of passengers in the vehicle if necessary
38 for agricultural purposes.

1 (~~(7)~~) (8) An intermediate licensee may drive at any hour without
2 restrictions on the number of passengers in the vehicle if, for the
3 twelve-month period following the issuance of the intermediate license,
4 he or she:

5 (a) Has not been involved in an automobile accident; and

6 (b) Has not been convicted or found to have committed a traffic
7 offense described in chapter 46.61 RCW or violated restrictions placed
8 on an intermediate licensee under this section.

9 (9) For purposes of this section, "wireless communication device"
10 means a hand-held portable voice or data device used for commercial
11 mobile services as defined in 47 U.S.C. Sec. 332(d)(1).

12 NEW SECTION. Sec. 3. This act takes effect July 1, 2006."

13 Correct the title.

EFFECT: Restricts the holder of either an intermediate driver's
license or an instruction permit from operating a motor vehicle while
using a wireless communication device except in the case of an
emergency.

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