
SENATE BILL 5313

State of Washington

59th Legislature

2005 Regular Session

By Senators Stevens, Swecker, Johnson, Carrell, Esser, Zarelli, Benson, Mulliken and Benton

Read first time 01/20/2005. Referred to Committee on Transportation.

1 AN ACT Relating to verification that applicants for driver's
2 licenses, permits, and identicards are lawfully within the United
3 States; amending RCW 46.20.031, 46.20.117, 46.20.181, and 46.20.207;
4 reenacting and amending RCW 46.20.055 and 46.20.070; adding new
5 sections to chapter 46.20 RCW; and providing an effective date.

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

7 **Sec. 1.** RCW 46.20.031 and 2002 c 279 s 3 are each amended to read
8 as follows:

9 The department shall not issue a driver's license to a person:

10 (1) Who is under the age of sixteen years;

11 (2) Whose driving privilege has been withheld unless and until the
12 department may authorize the driving privilege under RCW 46.20.311;

13 (3) Who has been classified as an alcoholic, drug addict, alcohol
14 abuser, or drug abuser by a program approved by the department of
15 social and health services. The department may, however, issue a
16 license if the person:

17 (a) Has been granted a deferred prosecution under chapter 10.05
18 RCW; or

1 (b) Is satisfactorily participating in or has successfully
2 completed an alcohol or drug abuse treatment program approved by the
3 department of social and health services and has established control of
4 his or her alcohol or drug abuse problem;

5 (4) Who has previously been adjudged to be mentally ill or insane,
6 or to be incompetent due to a mental disability or disease. The
7 department shall, however, issue a license to the person if he or she
8 otherwise qualifies and:

9 (a) Has been restored to competency by the methods provided by law;
10 or

11 (b) The superior court finds the person able to operate a motor
12 vehicle with safety upon the highways during such incompetency;

13 (5) Who has not passed the driver's licensing examination required
14 by RCW 46.20.120 and 46.20.305, if applicable;

15 (6) Who is required under the laws of this state to deposit proof
16 of financial responsibility and who has not deposited such proof;

17 (7) Who is unable to safely operate a motor vehicle upon the
18 highways due to a physical or mental disability. The department's
19 conclusion that a person is barred from licensing under this subsection
20 must be reasonable and be based upon good and substantial evidence.
21 This determination is subject to review by a court of competent
22 jurisdiction; or

23 (8) Who has not proven that he or she is lawfully within the United
24 States.

25 **Sec. 2.** RCW 46.20.055 and 2004 c 249 s 3 are each amended to read
26 as follows:

27 (1) **Driver's instruction permit.** The department may issue a
28 driver's instruction permit with or without a photograph to an
29 applicant who has successfully passed all parts of the examination
30 other than the driving test, provided the information required by RCW
31 46.20.091, paid a fee of fifteen dollars, and meets the following
32 requirements:

33 (a) Proves that he or she is lawfully within the United States; and

34 (b) Is at least fifteen and one-half years of age; or

35 ~~((b))~~ (c) Is at least fifteen years of age and:

36 (i) Has submitted a proper application; and

1 (ii) Is enrolled in a traffic safety education program offered,
2 approved, and accredited by the superintendent of public instruction or
3 offered by a driver training school licensed and inspected by the
4 department of licensing under chapter 46.82 RCW, that includes practice
5 driving.

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

9 (a) A traffic safety education course as defined by RCW
10 28A.220.020(2); or

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

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; and

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

21 (4) **Term of instruction permit.** A driver's instruction permit is
22 valid for one year from the date of issue or until the date the
23 applicant's authorization to be within the United States expires,
24 whichever occurs sooner.

25 (a) The department may issue one additional (~~one-year~~) permit,
26 valid for a like period.

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

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

32 **Sec. 3.** RCW 46.20.070 and 2004 c 249 s 4 are each amended to read
33 as follows:

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

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

3 (b) The applicant has passed the driving examination required by
4 RCW 46.20.120;

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

7 (d) The department has determined the applicant is capable of
8 operating a motor vehicle without endangering himself or herself or
9 other persons and property; (~~and~~)

10 (e) The applicant proves that he or she is lawfully within the
11 United States; and

12 (f) The applicant has paid a fee of fifteen dollars.

13 The permit must contain a photograph of the person.

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

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

19 (ii) Participate in the classroom portion of a traffic safety
20 education course authorized under RCW 28A.220.030 or the classroom
21 portion of a traffic safety education course offered by a driver
22 training school licensed and inspected by the department of licensing
23 under chapter 46.82 RCW offered in the community where the holder
24 resides.

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

27 (3) **Term and renewal of agricultural driving permit.** An
28 agricultural driving permit expires one year from the date of issue or
29 until the date the applicant's authorization to be within the United
30 States expires, whichever occurs sooner.

31 (a) A person under the age of eighteen who holds a permit may renew
32 the permit by paying a fee of fifteen dollars.

33 (b) A person applying to renew an agricultural driving permit must
34 submit the application to the department in person.

35 (c) An agricultural driving permit is invalidated when a permittee
36 attains age eighteen. In order to drive a motor vehicle on a highway
37 he or she must obtain a motor vehicle driver's license under this
38 chapter.

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

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

7 (b) The department has determined that the holder's authorization
8 to be within the United States has expired or has been withdrawn; or

9 (c) The director is satisfied that the permittee has violated the
10 permit's restrictions.

11 **Sec. 4.** RCW 46.20.117 and 2004 c 249 s 5 are each amended to read
12 as follows:

13 (1) **Issuance.** The department shall issue an identicard, containing
14 a picture, if the applicant:

15 (a) Does not hold a valid Washington driver's license;

16 (b) Proves his or her identity as required by RCW 46.20.035;
17 (~~and~~)

18 (c) Proves that he or she is lawfully within the United States; and

19 (d) Pays the required fee. The fee is fifteen dollars unless an
20 applicant is a recipient of continuing public assistance grants under
21 Title 74 RCW, who is referred in writing by the secretary of social and
22 health services. For those persons the fee must be the actual cost of
23 production of the identicard.

24 (2) **Design and term.** The identicard must:

25 (a) Be distinctly designed so that it will not be confused with the
26 official driver's license; and

27 (b) Expire on the fifth anniversary of the applicant's birthdate
28 after issuance or on the date the applicant's authorization to be
29 within the United States expires, whichever occurs sooner.

30 (3) **Renewal.** An application for identicard renewal may be
31 submitted by means of:

32 (a) Personal appearance before the department; or

33 (b) Mail or electronic commerce, if permitted by rule of the
34 department and if the applicant did not renew his or her identicard by
35 mail or by electronic commerce when it last expired. However, the
36 department may accept an application for renewal of an identicard

1 submitted by means of mail or electronic commerce only if specific
2 authority and funding is provided for this purpose by June 30, 2004, in
3 the omnibus transportation appropriations act.

4 An identicard may not be renewed by mail or by electronic commerce
5 unless the renewal issued by the department includes a photograph of
6 the identicard holder.

7 (4) **Cancellation.** The department may cancel an identicard if:

8 (a) The holder of the identicard used the card or allowed others to
9 use the card in violation of RCW 46.20.0921; or

10 (b) The department has determined that the holder's authorization
11 to be within the United States has expired or has been withdrawn.

12 **Sec. 5.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
13 as follows:

14 (1) Except as provided in subsection (4) of this section, every
15 driver's license expires on the fifth anniversary of the licensee's
16 birthdate following the issuance of the license or on the date the
17 licensee's authorization to be within the United States expires,
18 whichever occurs sooner.

19 (2) A person may renew his or her license on or before the
20 expiration date by submitting an application as prescribed by the
21 department and paying a fee of twenty-five dollars. This fee includes
22 the fee for the required photograph.

23 (3) A person renewing his or her driver's license more than sixty
24 days after the license has expired shall pay a penalty fee of ten
25 dollars in addition to the renewal fee, unless his or her license
26 expired when:

27 (a) The person was outside the state and he or she renews the
28 license within sixty days after returning to this state; or

29 (b) The person was incapacitated and he or she renews the license
30 within sixty days after the termination of the incapacity.

31 (4) During the period from July 1, 2000, to July 1, 2006, the
32 department may issue or renew a driver's license for a period other
33 than five years, or may extend by mail a license that has already been
34 issued, in order to evenly distribute, as nearly as possible, the
35 yearly renewal rate of licensed drivers. The fee for a driver's
36 license issued or renewed for a period other than five years, or that

1 has been extended by mail, is five dollars for each year that the
2 license is issued, renewed, or extended. The department may adopt any
3 rules as are necessary to carry out this subsection.

4 **Sec. 6.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to read
5 as follows:

6 (1) The department is authorized to cancel any driver's license or
7 permit upon determining that the licensee or permit holder was not
8 entitled to the issuance of the license or permit, or that the licensee
9 or permit holder failed to give the required or correct information in
10 his or her application, or that the licensee or permit holder is
11 incompetent to drive a motor vehicle for any of the reasons under RCW
12 46.20.031 (4) and (7), or that the licensee's or permit holder's
13 authorization to be within the United States has expired or has been
14 withdrawn.

15 (2) Upon such cancellation, the licensee or permit holder must
16 surrender the license or permit so canceled to the department.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW
18 to read as follows:

19 The department may adjust the term of a license, permit, or
20 identicard that has been issued to expire on the expiration date of an
21 applicant's authorization to be within the United States upon receiving
22 satisfactory proof that the applicant's presence in the United States
23 has been reauthorized or extended. The expiration date of a license,
24 permit, or identicard may be adjusted under this section up to the date
25 the applicant's authorization to be within the United States has been
26 extended, or up to the full term for which the license, permit, or
27 identicard could originally have been issued, whichever occurs sooner.
28 There is no additional fee for a license, permit, or identicard
29 adjusted under this section.

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

32 The department may adopt rules to establish procedures for: (1)
33 Verifying that a driver's license, permit, or identicard applicant's
34 presence in the United States is authorized under federal law,
35 including appropriate documentation of that status; (2) issuance of

1 temporary licenses or permits pending verification of status; and (3)
2 appeals hearings from denials and cancellation of licenses, permits, or
3 identicards based on the requirement that a licensee, permit holder, or
4 identicard holder be lawfully within the United States.

5 NEW SECTION. **Sec. 9.** This act takes effect August 1, 2005.

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