

SHB 1635 - H AMD 350

By Representative Upthegrove

ADOPTED 03/05/2011

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

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 utilize the infrastructure and resources of the commercial driver
5 training schools and the school districts' traffic safety education
6 programs by authorizing these entities to provide driver licensing
7 examinations. The legislature intends for the department of licensing
8 to authorize the administration of driver licensing examinations by
9 these entities in order to maintain and reprioritize its staff for the
10 purpose of reducing the wait times at its driver licensing offices.

11 Further, the legislature recognizes the growing importance of the
12 work performed by department of licensing driver licensing services
13 employees, who play an increasingly vital role in our security by
14 ensuring that applicants are properly issued identification.

15 **Sec. 2.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to
16 read as follows:

17 (1) The superintendent of public instruction is authorized to
18 establish a section of traffic safety education, and through such
19 section shall: Define a "realistic level of effort" required to
20 provide an effective traffic safety education course, establish a level
21 of driving competency required of each student to successfully complete
22 the course, and ensure that an effective statewide program is
23 implemented and sustained, administer, supervise, and develop the
24 traffic safety education program and shall assist local school
25 districts in the conduct of their traffic safety education programs.
26 The superintendent shall adopt necessary rules and regulations
27 governing the operation and scope of the traffic safety education
28 program; and each school district shall submit a report to the

1 superintendent on the condition of its traffic safety education
2 program: PROVIDED, That the superintendent shall monitor the quality
3 of the program and carry out the purposes of this chapter.

4 (2) The board of directors of any school district maintaining a
5 secondary school which includes any of the grades 10 to 12, inclusive,
6 may establish and maintain a traffic safety education course. If a
7 school district elects to offer a traffic safety education course and
8 has within its boundaries a private accredited secondary school which
9 includes any of the grades 10 to 12, inclusive, at least one class in
10 traffic safety education shall be given at times other than regular
11 school hours if there is sufficient demand therefor.

12 (3) The board of directors of a school district, or combination of
13 school districts, may contract with any drivers' school licensed under
14 the provisions of chapter 46.82 RCW to teach the laboratory phase of
15 the traffic safety education course. Instructors provided by any such
16 contracting drivers' school must be properly qualified teachers of
17 traffic safety education under the joint qualification requirements
18 adopted by the superintendent of public instruction and the director of
19 licensing.

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

24 (5) School districts that offer a traffic safety education program
25 under this chapter may administer the portions of the driver licensing
26 examination that test the applicant's knowledge of traffic laws and
27 ability to safely operate a motor vehicle as authorized under RCW
28 46.20.120(7). The superintendent shall work with the department of
29 licensing, in consultation with school districts that offer a traffic
30 safety education program, to develop standards and requirements for
31 administering each portion of the driver licensing examination that are
32 comparable to the standards and requirements for driver training
33 schools under section 11 of this act.

34 (6) Before a school district may provide a portion of the driver
35 licensing examination, the school district must, after consultation
36 with the superintendent, enter into an agreement with the department of
37 licensing that, at a minimum, contains provisions that:

1 (a) Allow the department of licensing to conduct random
2 examinations, inspections, and audits without prior notice;

3 (b) Allow the department of licensing to conduct on-site
4 inspections at least annually;

5 (c) Allow the department of licensing to test, at least annually,
6 a random sample of the drivers approved by the school district for
7 licensure and to cancel any driver's license that may have been issued
8 to any driver selected for testing who refuses to be tested; and

9 (d) Reserve to the department of licensing the right to take prompt
10 and appropriate action against a school district that fails to comply
11 with state or federal standards for a driver licensing examination or
12 to comply with any terms of the agreement.

13 NEW SECTION. Sec. 3. A new section is added to chapter 46.01 RCW
14 to read as follows:

15 A civil suit or action may not be commenced or prosecuted against
16 the director, the state of Washington, any driver training school
17 licensed by the department, any other government officer or entity,
18 including a school district or an employee of a school district, or
19 against any other person, by reason of any act done or omitted to be
20 done in connection with administering the portions of the driver
21 licensing examination that test the applicant's knowledge of traffic
22 laws and ability to safely operate a motor vehicle. This section does
23 not bar the state of Washington or the director from bringing any
24 action, whether civil or criminal, against any driver training school
25 licensed by the department.

26 **Sec. 4.** RCW 46.20.049 and 2005 c 314 s 309 are each amended to
27 read as follows:

28 There shall be an additional fee for issuing any class of
29 commercial driver's license in addition to the prescribed fee required
30 for the issuance of the original driver's license. The additional fee
31 for each class shall be (~~thirty~~) thirty-six dollars for the original
32 commercial driver's license or subsequent renewals. If the commercial
33 driver's license is renewed or extended for a period other than
34 (~~five~~) six years, the fee for each class shall be six dollars for
35 each year that the commercial driver's license is renewed or extended.
36 The fee shall be deposited in the highway safety fund.

1 **Sec. 5.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
2 read as follows:

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

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

6 (b) Proves his or her identity as required by RCW 46.20.035; and

7 (c) Pays the required fee. The fee is ((twenty)) twenty-four
8 dollars unless an applicant is a recipient of continuing public
9 assistance grants under Title 74 RCW, who is referred in writing by the
10 secretary of social and health services. For those persons the fee
11 must be the actual cost of production of the identicard.

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

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

15 (b) Expire on the ((fifth)) sixth anniversary of the applicant's
16 birthdate after issuance.

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

19 (a) Personal appearance before the department; or

20 (b) Mail or electronic commerce, if permitted by rule of the
21 department and if the applicant did not renew his or her identicard by
22 mail or by electronic commerce when it last expired. ((However, the
23 department may accept an application for renewal of an identicard
24 submitted by means of mail or electronic commerce only if specific
25 authority and funding is provided for this purpose by June 30, 2004, in
26 the omnibus transportation appropriations act.))

27 An identicard may not be renewed by mail or by electronic commerce
28 unless the renewal issued by the department includes a photograph of
29 the identicard holder.

30 (4) **Cancellation.** The department may cancel an identicard if the
31 holder of the identicard used the card or allowed others to use the
32 card in violation of RCW 46.20.0921.

33 (5) From the effective date of this section to July 1, 2020, the
34 department may issue or renew an identicard for a period other than six
35 years, or may extend by mail an identicard that has already been
36 issued, in order to evenly distribute, as nearly as possible, the
37 yearly renewal rate of identicard holders; however, the department may
38 not issue or renew an identicard for a period that exceeds six years.

1 The fee for an identicard issued or renewed for a period other than six
2 years, or that has been extended by mail, is four dollars for each year
3 that the identicard is issued, renewed, or extended. The department
4 may adopt rules as necessary to administer this subsection.

5 **Sec. 6.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
6 each reenacted and amended to read as follows:

7 An applicant for a new or renewed driver's license must
8 successfully pass a driver licensing examination to qualify for a
9 driver's license. The department (~~shall give~~) must ensure that
10 examinations are given at places and times reasonably available to the
11 people of this state. If the department does not administer driver
12 licensing examinations as a routine part of its licensing services
13 within a department region because adequate testing sites are provided
14 by driver training schools or school districts within that region, the
15 department shall, at a minimum, administer driver licensing
16 examinations by appointment to applicants eighteen years of age and
17 older in at least one licensing office within that region.

18 (1) **Waiver.** The department may waive:

19 (a) All or any part of the examination of any person applying for
20 the renewal of a driver's license unless the department determines that
21 the applicant is not qualified to hold a driver's license under this
22 title; or

23 (b) All or any part of the examination involving operating a motor
24 vehicle if the applicant:

25 (i) Surrenders a valid driver's license issued by the person's
26 previous home state; or

27 (ii) Provides for verification a valid driver's license issued by
28 a foreign driver licensing jurisdiction with which the department has
29 an informal agreement under RCW 46.20.125; and

30 (iii) Is otherwise qualified to be licensed.

31 (2) **Fee.** Each applicant for a new license must pay an examination
32 fee of twenty dollars.

33 (a) The examination fee is in addition to the fee charged for
34 issuance of the license.

35 (b) "New license" means a license issued to a driver:

36 (i) Who has not been previously licensed in this state; or

1 (ii) Whose last previous Washington license has been expired for
2 more than ~~((five))~~ six years.

3 (3) An application for driver's license renewal may be submitted by
4 means of:

5 (a) Personal appearance before the department; or

6 (b) Mail or electronic commerce, if permitted by rule of the
7 department and if the applicant did not renew his or her license by
8 mail or by electronic commerce when it last expired. ~~((However, the
9 department may accept an application for renewal of a driver's license
10 submitted by means of mail or electronic commerce only if specific
11 authority and funding is provided for this purpose by June 30, 2004, in
12 the omnibus transportation appropriations act.))~~

13 (4) A person whose license expired or will expire while he or she
14 is living outside the state, may:

15 (a) Apply to the department to extend the validity of his or her
16 license for no more than twelve months. If the person establishes to
17 the department's satisfaction that he or she is unable to return to
18 Washington before the date his or her license expires, the department
19 shall extend the person's license. The department may grant
20 consecutive extensions, but in no event may the cumulative total of
21 extensions exceed twelve months. An extension granted under this
22 section does not change the expiration date of the license for purposes
23 of RCW 46.20.181. The department shall charge a fee of five dollars
24 for each license extension;

25 (b) Apply to the department to renew his or her license by mail or,
26 if permitted by rule of the department, by electronic commerce even if
27 subsection (3)(b) of this section would not otherwise allow renewal by
28 that means. If the person establishes to the department's satisfaction
29 that he or she is unable to return to Washington within twelve months
30 of the date that his or her license expires, the department shall renew
31 the person's license by mail or, if permitted by rule of the
32 department, by electronic commerce.

33 (5) If a qualified person submits an application for renewal under
34 subsection (3)(b) or (4)(b) of this section, he or she is not required
35 to pass an examination nor provide an updated photograph. A license
36 renewed by mail or by electronic commerce that does not include a
37 photograph of the licensee must be labeled "not valid for
38 identification purposes."

1 (6) Driver training schools licensed by the department under
2 chapter 46.82 RCW may administer the portions of the driver licensing
3 examination that test the applicant's knowledge of traffic laws and
4 ability to safely operate a motor vehicle.

5 (7) School districts that offer a traffic safety education program
6 under chapter 28A.220 RCW may administer the portions of the driver
7 licensing examination that test the applicant's knowledge of traffic
8 laws and ability to safely operate a motor vehicle.

9 **Sec. 7.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read
10 as follows:

11 The department, upon receipt of a fee of (~~twenty-five~~) thirty
12 dollars, unless the driver's license is issued for a period other than
13 (~~five~~) six years, in which case the fee shall be five dollars for
14 each year that the license is issued, which includes the fee for the
15 required photograph, shall issue to every qualifying applicant a
16 driver's license. A driver's license issued to a person under the age
17 of eighteen is an intermediate license, subject to the restrictions
18 imposed under RCW 46.20.075, until the person reaches the age of
19 eighteen. The license must include a distinguishing number assigned to
20 the licensee, the name of record, date of birth, Washington residence
21 address, photograph, a brief description of the licensee, and either a
22 facsimile of the signature of the licensee or a space upon which the
23 licensee shall write his or her usual signature with pen and ink
24 immediately upon receipt of the license. No license is valid until it
25 has been so signed by the licensee.

26 **Sec. 8.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
27 as follows:

28 (1) Except as provided in subsection (4) of this section, every
29 driver's license expires on the (~~fifth~~) sixth anniversary of the
30 licensee's birthdate following the issuance of the license.

31 (2) A person may renew his or her license on or before the
32 expiration date by submitting an application as prescribed by the
33 department and paying a fee of (~~twenty-five~~) thirty dollars. This
34 fee includes the fee for the required photograph. The department may
35 waive five dollars of the renewal fee under this subsection if a person

1 renews his or her driver's license through the mail or through online
2 services.

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

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

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

11 (4) (~~During the period from July 1, 2000, to July 1, 2006~~) From
12 the effective date of this section to July 1, 2020, the department may
13 issue or renew a driver's license for a period other than (~~five~~) six
14 years, or may extend by mail a license that has already been issued, in
15 order to evenly distribute, as nearly as possible, the yearly renewal
16 rate of licensed drivers; however, the department may not issue or
17 renew a driver's license for a period that exceeds six years. The fee
18 for a driver's license issued or renewed for a period other than
19 (~~five~~) six years, or that has been extended by mail, is five dollars
20 for each year that the license is issued, renewed, or extended. The
21 department may adopt any rules as are necessary to carry out this
22 subsection.

23 **Sec. 9.** RCW 46.20.505 and 2007 c 97 s 1 are each amended to read
24 as follows:

25 Every person applying for a special endorsement of a driver's
26 license authorizing such person to drive a two or three-wheeled
27 motorcycle or a motor-driven cycle shall pay a fee of five dollars,
28 which is not refundable. In addition, the endorsement fee for the
29 initial motorcycle endorsement shall not exceed (~~ten~~) twelve dollars,
30 and the subsequent renewal endorsement fee shall not exceed (~~twenty-~~
31 ~~five~~) thirty dollars, unless the endorsement is renewed or extended
32 for a period other than (~~five~~) six years, in which case the
33 subsequent renewal endorsement fee shall not exceed five dollars for
34 each year that the endorsement is renewed or extended. Fees collected
35 under this section shall be deposited in the motorcycle safety
36 education account of the highway safety fund.

1 **Sec. 10.** RCW 46.20.515 and 2003 c 41 s 3 are each amended to read
2 as follows:

3 (1) The motorcycle endorsement examination must emphasize maneuvers
4 necessary for on-street operation, including emergency braking and
5 turning as may be required to avoid an impending collision.

6 (2) The examination for a two-wheeled motorcycle endorsement and
7 the examination for a three-wheeled motorcycle endorsement must be
8 separate and distinct examinations emphasizing the skills and maneuvers
9 necessary to operate each type of motorcycle.

10 (3) The department may authorize an entity that has entered into a
11 contract under RCW 46.20.520 to administer the motorcycle endorsement
12 examination.

13 (4) The department may waive all or part of the examination for
14 persons who satisfactorily complete the voluntary motorcycle operator
15 training and education program authorized under RCW 46.20.520 or who
16 satisfactorily complete a private motorcycle skills education course
17 that has been certified by the department under RCW 46.81A.020.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.82 RCW
19 to read as follows:

20 (1) Driver training schools may administer the portions of the
21 driver licensing examination that test the applicant's knowledge of
22 traffic laws and ability to safely operate a motor vehicle as
23 authorized under RCW 46.20.120(6).

24 (2) The director shall adopt rules to regulate the administration
25 of the knowledge and driving portions of the driver licensing
26 examination. The rules must include, but are not limited to, the
27 following provisions:

28 (a) Limitations or requirements that determine which driver
29 training schools may administer the knowledge portion of the
30 examination;

31 (b) Limitations or requirements that determine which driver
32 training schools may administer the driving portion of the examination;

33 (c) Requirements for the content and method of conducting the
34 examinations to ensure consistency with industry practices;

35 (d) Requirements for recordkeeping;

36 (e) A requirement that all driver training school employees
37 conducting driver licensing examinations meet the same qualifications

1 and education and training standards as department employees who
2 conduct such examinations, to the extent necessary to conduct the
3 written and driving skills portions of the examinations;

4 (f) Requirements related to whether a driver training school staff
5 member may provide both driver training instruction and the driver
6 licensing examination to any one student;

7 (g) Requirements for retesting and expiring examination results;

8 (h) Limitations on fees that may be charged by driver training
9 schools for administering the knowledge portion of the examination and
10 the driving portion of the examination. The examination fees must be
11 limited to an amount that does not exceed the amount that is sufficient
12 for driver training schools to recover the costs of administering each
13 examination;

14 (i) Requirements for the department to monitor outcomes for
15 applicants who take a driver licensing examination through a driver
16 training school and to make the outcomes available to the public;

17 (j) Requirements for annual auditing, which must include the
18 collection of current information regarding insurance, curriculums,
19 instructors' names and licenses, and a selection of random student
20 files to review for accuracy; and

21 (k) Sanctions for violations of the rules adopted under this
22 section.

23 (3) Before a driver training school may provide a portion of the
24 driver licensing examination, it must enter into an agreement with the
25 department that, at a minimum, contains provisions that:

26 (a) Allow the department to conduct random examinations,
27 inspections, and audits without prior notice;

28 (b) Allow the department to conduct on-site inspections at least
29 annually;

30 (c) Allow the department to test, at least annually, a random
31 sample of the drivers approved by the driver training school for
32 licensure and to cancel any driver's license that may have been issued
33 to any driver selected for testing who refuses to be tested; and

34 (d) Reserve to the department the right to take prompt and
35 appropriate action against a driver training school that fails to
36 comply with state or federal standards for a driver licensing
37 examination or to comply with any terms of the agreement.

1 NEW SECTION. **Sec. 12.** (1) The driver licensing examination
2 advisory committee is established within the department of licensing.

3 (2) The purpose of the committee is to facilitate communication in
4 connection with the transition to driver training schools and school
5 districts administering portions of the driver licensing examination
6 and to monitor and evaluate the effectiveness of the transition.

7 (3) The committee must include the following members:

8 (a) Two people appointed by the director of the department of
9 licensing to represent the department of licensing;

10 (b) One person appointed by the office of the superintendent of
11 public instruction;

12 (c) One person appointed by the director of the department of
13 licensing to represent driver training schools that are licensed by the
14 department of licensing;

15 (d) One person appointed by a labor union that represents licensing
16 services representatives 3; and

17 (e) Two people appointed by a labor union that represents licensing
18 services representatives 1 and 2.

19 (4) Members of the committee may not receive compensation for their
20 services as members of the committee, but may be reimbursed for travel
21 and other expenses in accordance with RCW 43.03.050 and 43.03.060.

22 (5) The department of licensing shall provide administrative
23 support to the committee.

24 (6) The committee shall evaluate the effectiveness of the
25 transition to driver training schools and school districts
26 administering portions of the driver licensing examination. The
27 committee shall submit an initial report on outcomes of the transition
28 and report its recommendations, including whether to continue, modify,
29 or discontinue the transition, to the transportation committees of the
30 legislature by December 1, 2013. The committee shall continue to
31 monitor the effectiveness of the transition after it submits the
32 initial report."

33 Correct the title.

EFFECT: (1) Changes the intent section language to say that the

Legislature intends the Department of Licensing to authorize commercial driver training schools and school districts that offer traffic safety education programs to provide driver licensing examinations.

(2) Requires the Superintendent of Public Instruction to consult with school districts that offer a traffic safety education program when the Superintendent works with the Department of Licensing to develop standards and requirements for administering the driver licensing examination, and requires that the standards and requirements that are developed be comparable to those required of commercial driver training schools.

(3) Requires a school district to enter into a contract with the Department of Licensing before it may provide a portion of the driver licensing examination, and sets requirements for provisions that must be included in the contract.

(4) Clarifies that a government officer or entity includes a school district or an employee of a school district for the purposes of limiting liability.

(5) Adds to the purpose of the advisory committee established within the Department of Licensing to include monitoring and evaluating the effectiveness of the transition to school districts and driver training schools administering the driver licensing examination; changes the number of members representing the Department of Licensing and the driver training schools on the advisory committee; and requires the advisory committee to continue to monitor the effectiveness of the transition after it submits its initial report on the transition to the Legislature.

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