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**HOUSE BILL 1159**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Pike, Wylie, Moeller, Zeiger, Kochmar, Harmsworth, and Ryu

AN ACT Relating to the safety of new drivers; amending RCW 46.20.055 and 46.20.075; adding a new section to chapter 46.20 RCW; creating new sections; prescribing penalties; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that young drivers are involved in a disproportional number of traffic accidents and fatalities in the state. The legislature intends to reduce these accident rates by requiring the display of decals announcing new drivers to alert other drivers that inexperienced drivers are sharing the roadway with them and to keep a safe distance.

NEW SECTION. **Sec.**  This act may be known and cited as the teen driving safety act.

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

(1) A person who is under nineteen years of age and operating a motor vehicle must affix a new driver decal to the inside of the motor vehicle's rear window on the lower portion of the passenger side of that window. The decal must be displayed any time a vehicle is being operated by a person under nineteen years of age.

(a) For the purposes of this section, "new driver decal" means a decal issued by the department, indicating that the person operating the vehicle is under nineteen years of age. The decal must: (i) Be at least twelve inches wide and four inches high; (ii) display the words "NEW DRIVER" in white lettering on a red background; and (iii) be printed on a material, such as a static cling, UV-resistant vinyl, which allows the decal to be easily removed and reused.

(b) Upon a person's application for a driver's instruction permit, intermediate license, or driver's license, the department must provide a new driver decal to the applicant if he or she is under nineteen years of age and may offer the new driver decal to any other applicant. The department must charge a fee to the applicant equal to the cost of producing the new driver decal. The department must provide replacement decals at the same cost to any permit or license holder who requests a replacement.

(2) A failure to properly display a new driver decal as required under this section is a traffic infraction with a monetary penalty of up to two hundred fifty dollars.

**Sec.**  RCW 46.20.055 and 2012 c 80 s 5 are each amended to read as follows:

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

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

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

(i) Has submitted a proper application; and

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

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

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

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

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

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

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

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

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

(d) The new driver decal is displayed on the motor vehicle being operated as required under section 3 of this act.

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

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

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

(c) A person applying for an additional instruction permit must submit the application to the department in person and pay an application fee of twenty-five dollars for each issuance.

**Sec.**  RCW 46.20.075 and 2011 c 60 s 44 are each amended to read as follows:

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

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

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

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

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

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

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

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17A.005. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

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

(4) The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

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

(6) Except for a violation of subsections (4) and (9) of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

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

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

(a) Has not been involved in an accident involving only one motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

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

(9) An intermediate licensee may not operate a motor vehicle unless a new driver decal is displayed on the motor vehicle as required under section 3 of this act.

NEW SECTION. **Sec.**  This act expires December 31, 2021.

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