
ENGROSSED SUBSTITUTE SENATE BILL 6264

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin)

Read first time 01/28/2000.

1 AN ACT Relating to intermediate drivers' licenses; amending RCW
2 46.20.091, 46.20.105, 46.20.161, 46.20.311, 46.20.342, 28A.220.030, and
3 28A.220.040; adding new sections to chapter 46.20 RCW; adding a new
4 section to chapter 28A.220 RCW; creating a new section; and providing
5 an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature has recognized the need to
8 develop a graduated licensing system in light of the disproportionately
9 high incidence of motor vehicle crashes involving youthful motorists.
10 This system will improve highway safety by progressively developing and
11 improving the skills of younger drivers in the safest possible
12 environment, thereby reducing the number of vehicle crashes.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
14 to read as follows:

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

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

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

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

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

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

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

21 (2) For the first six months after the issuance of an intermediate
22 license or until the holder reaches eighteen years of age, whichever
23 occurs first, the holder of the license may not operate a motor vehicle
24 that is carrying any passengers under the age of twenty who are not
25 members of the holder's immediate family as defined in RCW 42.17.020.
26 For the remaining period of the intermediate license, the holder may
27 not operate a motor vehicle that is carrying more than three passengers
28 who are under the age of twenty who are not members of the holder's
29 immediate family.

30 (3) The holder of an intermediate license may not operate a motor
31 vehicle between the hours of 12 a.m. and 5 a.m. except when:

32 (a) The holder is accompanied by a parent, guardian, or a licensed
33 driver who is at least twenty-five years of age;

34 (b) The holder is driving between the holder's home and place of
35 employment;

36 (c) The holder is driving between the holder's home and a public,
37 private, or home school event for which no other transportation is
38 available;

39 (d) The holder is driving for employment purposes; or

1 (e) The holder is not an employee of a farm, but is moving a
2 vehicle from one farm to another, or to a farm employee.

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

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

10 (6) An intermediate licensee may drive at any hour without
11 restriction on the number of passengers in the vehicle if required due
12 to an emergency.

13 (7) An intermediate licensee may drive at any hour without
14 restrictions on the number of passengers in the vehicle if required by
15 family necessity as evidenced by a signed statement of a parent or
16 guardian. The note must be dated and is effective for only one day.

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

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
21 to read as follows:

22 If a person issued an intermediate license is convicted of or found
23 to have committed a traffic offense described in chapter 46.61 RCW or
24 violated restrictions placed on an intermediate license under section
25 2 of this act:

26 (1) On the first such conviction or finding, the department shall
27 mail the parent or guardian of the person a letter warning the person
28 of the provisions of this section;

29 (2) On the second such conviction or finding, the department shall
30 suspend the person's intermediate driver's license for a period of six
31 months or until the person reaches eighteen years of age, whichever
32 occurs first;

33 (3) On the third such conviction or finding, the department shall
34 suspend the person's intermediate driver's license until the person
35 reaches eighteen years of age.

36 For the purposes of this section, a single ticket for one or more
37 traffic offenses constitutes a single traffic offense.

1 **Sec. 4.** RCW 46.20.091 and 1999 c 6 s 14 are each amended to read
2 as follows:

3 (1) **Application.** In order to apply for a driver's license or
4 instruction permit the applicant must provide his or her:

5 (a) Name of record, as established by documentation required under
6 RCW 46.20.035;

7 (b) Date of birth, as established by satisfactory evidence of age;

8 (c) Sex;

9 (d) Washington residence address;

10 (e) Description;

11 (f) Driving licensing history, including:

12 (i) Whether the applicant has ever been licensed as a driver or
13 chauffeur and, if so, (A) when and by what state or country; (B)
14 whether the license has ever been suspended or revoked; and (C) the
15 date of and reason for the suspension or revocation; or

16 (ii) Whether the applicant's application to another state or
17 country for a driver's license has ever been refused and, if so, the
18 date of and reason for the refusal; and

19 (g) Any additional information required by the department.

20 (2) **Sworn statement.** An application for an instruction permit or
21 for an original driver's license must be made upon a form provided by
22 the department. The form must include a section for the applicant to
23 indicate whether he or she has received driver training and, if so,
24 where. The identifying documentation verifying the name of record must
25 be accompanied by the applicant's written statement that it is valid.
26 The information provided on the form must be sworn to and signed by the
27 applicant before a person authorized to administer oaths. An applicant
28 who makes a false statement on an application for a driver's license or
29 instruction permit is guilty of false swearing, a gross misdemeanor,
30 under RCW 9A.72.040.

31 (3) **Driving records from other jurisdictions.** If a person
32 previously licensed in another jurisdiction applies for a Washington
33 driver's license, the department shall request a copy of the
34 applicant's driver's record from the other jurisdiction. The driving
35 record from the other jurisdiction becomes a part of the driver's
36 record in this state.

37 (4) **Driving records to other jurisdictions.** If another
38 jurisdiction requests a copy of a person's Washington driver's record,
39 the department shall provide a copy of the record. The department

1 shall forward the record without charge if the other jurisdiction
2 extends the same privilege to the state of Washington. Otherwise the
3 department shall charge a reasonable fee for transmittal of the record.

4 **Sec. 5.** RCW 46.20.105 and 1987 c 463 s 3 are each amended to read
5 as follows:

6 (1) The department may provide a method to distinguish the driver's
7 license of a person who is under the age of twenty-one from the
8 driver's license of a person who is twenty-one years of age or older.

9 (2) An instruction permit must be identified as an "instruction
10 permit" and issued in a distinctive form as determined by the
11 department.

12 (3) An intermediate license must be identified as an "intermediate
13 license" and issued in a distinctive form as determined by the
14 department.

15 **Sec. 6.** RCW 46.20.161 and 1999 c 308 s 2 are each amended to read
16 as follows:

17 The department, upon receipt of a fee of twenty-five dollars,
18 unless the driver's license is issued for a period other than five
19 years, in which case the fee shall be five dollars for each year that
20 the license is issued, which includes the fee for the required
21 photograph, shall issue to every qualifying applicant a driver's
22 license. A driver's license issued to a person under the age of
23 eighteen is an intermediate license, subject to the restrictions
24 imposed under section 2 of this act, until the person reaches the age
25 of eighteen. The license must include a distinguishing number assigned
26 to the licensee, the name of record, date of birth, Washington
27 residence address, photograph, a brief description of the licensee, and
28 either a facsimile of the signature of the licensee or a space upon
29 which the licensee shall write his or her usual signature with pen and
30 ink immediately upon receipt of the license. No license is valid until
31 it has been so signed by the licensee.

32 **Sec. 7.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
33 as follows:

34 (1)(a) The department shall not suspend a driver's license or
35 privilege to drive a motor vehicle on the public highways for a fixed
36 period of more than one year, except as specifically permitted under

1 section 3 of this act, RCW 46.20.342, or other provision of law.
2 Except for a suspension under section 3 of this act, RCW 46.20.289,
3 46.20.291(5), or 74.20A.320, whenever the license or driving privilege
4 of any person is suspended by reason of a conviction, a finding that a
5 traffic infraction has been committed, pursuant to chapter 46.29 RCW,
6 or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain
7 in effect until the person gives and thereafter maintains proof of
8 financial responsibility for the future as provided in chapter 46.29
9 RCW. If the suspension is the result of a violation of RCW 46.61.502
10 or 46.61.504, the department shall determine the person's eligibility
11 for licensing based upon the reports provided by the alcoholism agency
12 or probation department designated under RCW 46.61.5056 and shall deny
13 reinstatement until enrollment and participation in an approved program
14 has been established and the person is otherwise qualified. Whenever
15 the license or driving privilege of any person is suspended as a result
16 of certification of noncompliance with a child support order under
17 chapter 74.20A RCW or a residential or visitation order, the suspension
18 shall remain in effect until the person provides a release issued by
19 the department of social and health services stating that the person is
20 in compliance with the order.

21 (b)(i) The department shall not issue to the person a new,
22 duplicate, or renewal license until the person pays a reissue fee of
23 twenty dollars.

24 (ii) If the suspension is the result of a violation of RCW
25 46.61.502 or 46.61.504, or is the result of administrative action under
26 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

27 (2)(a) Any person whose license or privilege to drive a motor
28 vehicle on the public highways has been revoked, unless the revocation
29 was for a cause which has been removed, is not entitled to have the
30 license or privilege renewed or restored until: (i) After the
31 expiration of one year from the date the license or privilege to drive
32 was revoked; (ii) after the expiration of the applicable revocation
33 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
34 expiration of two years for persons convicted of vehicular homicide; or
35 (iv) after the expiration of the applicable revocation period provided
36 by RCW 46.20.265.

37 (b)(i) After the expiration of the appropriate period, the person
38 may make application for a new license as provided by law together with
39 a reissue fee in the amount of twenty dollars.

1 (ii) If the revocation is the result of a violation of RCW
2 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
3 hundred fifty dollars. If the revocation is the result of a violation
4 of RCW 46.61.502 or 46.61.504, the department shall determine the
5 person's eligibility for licensing based upon the reports provided by
6 the alcoholism agency or probation department designated under RCW
7 46.61.5056 and shall deny reissuance of a license, permit, or privilege
8 to drive until enrollment and participation in an approved program has
9 been established and the person is otherwise qualified.

10 (c) Except for a revocation under RCW 46.20.265, the department
11 shall not then issue a new license unless it is satisfied after
12 investigation of the driving ability of the person that it will be safe
13 to grant the privilege of driving a motor vehicle on the public
14 highways, and until the person gives and thereafter maintains proof of
15 financial responsibility for the future as provided in chapter 46.29
16 RCW. For a revocation under RCW 46.20.265, the department shall not
17 issue a new license unless it is satisfied after investigation of the
18 driving ability of the person that it will be safe to grant that person
19 the privilege of driving a motor vehicle on the public highways.

20 (3)(a) Whenever the driver's license of any person is suspended
21 pursuant to Article IV of the nonresident violators compact or RCW
22 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
23 to the person any new or renewal license until the person pays a
24 reissue fee of twenty dollars.

25 (b) If the suspension is the result of a violation of the laws of
26 this or any other state, province, or other jurisdiction involving (i)
27 the operation or physical control of a motor vehicle upon the public
28 highways while under the influence of intoxicating liquor or drugs, or
29 (ii) the refusal to submit to a chemical test of the driver's blood
30 alcohol content, the reissue fee shall be one hundred fifty dollars.

31 **Sec. 8.** RCW 46.20.342 and 1999 c 274 s 3 are each amended to read
32 as follows:

33 (1) It is unlawful for any person to drive a motor vehicle in this
34 state while that person is in a suspended or revoked status or when his
35 or her privilege to drive is suspended or revoked in this or any other
36 state. Any person who has a valid Washington driver's license is not
37 guilty of a violation of this section.

1 (a) A person found to be an habitual offender under chapter 46.65
2 RCW, who violates this section while an order of revocation issued
3 under chapter 46.65 RCW prohibiting such operation is in effect, is
4 guilty of driving while license suspended or revoked in the first
5 degree, a gross misdemeanor. Upon the first such conviction, the
6 person shall be punished by imprisonment for not less than ten days.
7 Upon the second conviction, the person shall be punished by
8 imprisonment for not less than ninety days. Upon the third or
9 subsequent conviction, the person shall be punished by imprisonment for
10 not less than one hundred eighty days. If the person is also convicted
11 of the offense defined in RCW 46.61.502 or 46.61.504, when both
12 convictions arise from the same event, the minimum sentence of
13 confinement shall be not less than ninety days. The minimum sentence
14 of confinement required shall not be suspended or deferred. A
15 conviction under this subsection does not prevent a person from
16 petitioning for reinstatement as provided by RCW 46.65.080.

17 (b) A person who violates this section while an order of suspension
18 or revocation prohibiting such operation is in effect and while the
19 person is not eligible to reinstate his or her driver's license or
20 driving privilege, other than for a suspension for the reasons
21 described in (c) of this subsection, is guilty of driving while license
22 suspended or revoked in the second degree, a gross misdemeanor. This
23 subsection applies when a person's driver's license or driving
24 privilege has been suspended or revoked by reason of:

25 (i) A conviction of a felony in the commission of which a motor
26 vehicle was used;

27 (ii) A previous conviction under this section;

28 (iii) A notice received by the department from a court or diversion
29 unit as provided by RCW 46.20.265, relating to a minor who has
30 committed, or who has entered a diversion unit concerning an offense
31 relating to alcohol, legend drugs, controlled substances, or imitation
32 controlled substances;

33 (iv) A conviction of RCW 46.20.410, relating to the violation of
34 restrictions of an occupational driver's license;

35 (v) A conviction of RCW (~~46.20.420~~) 46.20.345, relating to the
36 operation of a motor vehicle with a suspended or revoked license;

37 (vi) A conviction of RCW 46.52.020, relating to duty in case of
38 injury to or death of a person or damage to an attended vehicle;

1 (vii) A conviction of RCW 46.61.024, relating to attempting to
2 elude pursuing police vehicles;

3 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

4 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
5 person under the influence of intoxicating liquor or drugs;

6 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

7 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

8 (xii) A conviction of RCW 46.61.527(4), relating to reckless
9 endangerment of roadway workers;

10 (xiii) A conviction of RCW 46.61.530, relating to racing of
11 vehicles on highways;

12 (xiv) A conviction of RCW 46.61.685, relating to leaving children
13 in an unattended vehicle with motor running;

14 (xv) A conviction of RCW 46.64.048, relating to attempting, aiding,
15 abetting, coercing, and committing crimes;

16 (xvi) An administrative action taken by the department under
17 chapter 46.20 RCW; or

18 (xvii) A conviction of a local law, ordinance, regulation, or
19 resolution of a political subdivision of this state, the federal
20 government, or any other state, of an offense substantially similar to
21 a violation included in this subsection.

22 (c) A person who violates this section when his or her driver's
23 license or driving privilege is, at the time of the violation,
24 suspended or revoked solely because (i) the person must furnish proof
25 of satisfactory progress in a required alcoholism or drug treatment
26 program, (ii) the person must furnish proof of financial responsibility
27 for the future as provided by chapter 46.29 RCW, (iii) the person has
28 failed to comply with the provisions of chapter 46.29 RCW relating to
29 uninsured accidents, (iv) the person has failed to respond to a notice
30 of traffic infraction, failed to appear at a requested hearing,
31 violated a written promise to appear in court, or has failed to comply
32 with the terms of a notice of traffic infraction or citation, as
33 provided in RCW 46.20.289, (v) the person has committed an offense in
34 another state that, if committed in this state, would not be grounds
35 for the suspension or revocation of the person's driver's license,
36 ((or)) (vi) the person has been suspended or revoked by reason of one
37 or more of the items listed in (b) of this subsection, but was eligible
38 to reinstate his or her driver's license or driving privilege at the
39 time of the violation, or (vii) the person has received traffic

1 citations or notices of traffic infraction that have resulted in a
2 suspension under section 3 of this act relating to intermediate
3 drivers' licenses, or any combination of (i) through ~~((vi))~~ (vii), is
4 guilty of driving while license suspended or revoked in the third
5 degree, a misdemeanor.

6 (2) Upon receiving a record of conviction of any person or upon
7 receiving an order by any juvenile court or any duly authorized court
8 officer of the conviction of any juvenile under this section, the
9 department shall:

10 (a) For a conviction of driving while suspended or revoked in the
11 first degree, as provided by subsection (1)(a) of this section, extend
12 the period of administrative revocation imposed under chapter 46.65 RCW
13 for an additional period of one year from and after the date the person
14 would otherwise have been entitled to apply for a new license or have
15 his or her driving privilege restored; or

16 (b) For a conviction of driving while suspended or revoked in the
17 second degree, as provided by subsection (1)(b) of this section, not
18 issue a new license or restore the driving privilege for an additional
19 period of one year from and after the date the person would otherwise
20 have been entitled to apply for a new license or have his or her
21 driving privilege restored; or

22 (c) Not extend the period of suspension or revocation if the
23 conviction was under subsection (1)(c) of this section. If the
24 conviction was under subsection (1) (a) or (b) of this section and the
25 court recommends against the extension and the convicted person has
26 obtained a valid driver's license, the period of suspension or
27 revocation shall not be extended.

28 **Sec. 9.** RCW 28A.220.030 and 1979 c 158 s 196 are each amended to
29 read as follows:

30 (1) The superintendent of public instruction is authorized to
31 establish a section of traffic safety education, and through such
32 section shall: Define a "realistic level of effort" required to
33 provide an effective traffic safety education course, establish a level
34 of driving competency required of each student to successfully complete
35 the course, and ensure that an effective state-wide program is
36 implemented and sustained, administer, supervise, and develop the
37 traffic safety education program and shall assist local school
38 districts in the conduct of their traffic safety education programs.

1 The superintendent shall adopt necessary rules and regulations
2 governing the operation and scope of the traffic safety education
3 program; and each school district shall submit a report to the
4 superintendent on the condition of its traffic safety education
5 program: PROVIDED, That the superintendent shall monitor the quality
6 of the program and carry out the purposes of this chapter.

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

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

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

27 **Sec. 10.** RCW 28A.220.040 and 1984 c 258 s 331 are each amended to
28 read as follows:

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

31 (a) The state superintendent shall determine the per-pupil
32 reimbursement amount for the traffic safety education course to be
33 funded by the state. Each school district offering an approved
34 standard traffic safety education course shall be reimbursed or granted
35 an amount up to the level established by the superintendent of public
36 instruction as may be appropriated.

1 (b) The state superintendent may provide per-pupil reimbursements
2 to school districts only where all the traffic educators have satisfied
3 the continuing education requirement of RCW 28A.220.030(5).

4 (2) The board of directors of any school district or combination of
5 school districts may establish a traffic safety education fee, which
6 fee when imposed shall be required to be paid by any duly enrolled
7 student in any such school district prior to or while enrolled in a
8 traffic safety education course. Traffic safety education fees
9 collected by a school district shall be deposited with the county
10 treasurer to the credit of such school district, to be used to pay
11 costs of the traffic safety education course.

12 NEW SECTION. Sec. 11. A new section is added to chapter 28A.220
13 RCW to read as follows:

14 The superintendent of public instruction, in consultation with the
15 department of licensing, shall adopt rules for implementing section
16 2(1)(d) of this act.

17 NEW SECTION. Sec. 12. Sections 1 through 10 of this act take
18 effect July 1, 2001.

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