
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 in accordance with rules adopted
11 under section 11 of this act by a person at least twenty-one years of
12 age who has had a valid driver's license for at least three years, and
13 (ii) that the applicant has not been issued a notice of traffic
14 infraction or cited for a traffic violation that is pending at the time
15 of the application for the intermediate license;

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

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

22 (2) For the first six months after the issuance of an intermediate
23 license or until the holder reaches eighteen years of age, whichever
24 occurs first, the holder of the license may not operate a motor vehicle
25 that is carrying any passengers under the age of twenty who are not
26 members of the holder's immediate family. For the remaining period of
27 the intermediate license, the holder may not operate a motor vehicle
28 that is carrying more than three passengers who are under the age of
29 twenty who are not members of the holder's 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 school
37 event for which no other transportation is available;

38 (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 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
11 to read as follows:

12 If a person issued an intermediate license is convicted of or found
13 to have committed a traffic offense described in chapter 46.61 RCW or
14 violated restrictions placed on an intermediate license under section
15 2 of this act:

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

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

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

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

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

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

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

33 (c) Sex;

34 (d) Washington residence address;

35 (e) Description;

36 (f) Driving licensing history, including:

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

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

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

9 (2) **Sworn statement.** An application for an instruction permit or
10 for an original driver's license must be made upon a form provided by
11 the department. The form must include a section for the applicant to
12 indicate whether he or she has received driver training and, if so,
13 where. The identifying documentation verifying the name of record must
14 be accompanied by the applicant's written statement that it is valid.
15 The information provided on the form must be sworn to and signed by the
16 applicant before a person authorized to administer oaths. An applicant
17 who makes a false statement on an application for a driver's license or
18 instruction permit is guilty of false swearing, a gross misdemeanor,
19 under RCW 9A.72.040.

20 (3) **Driving records from other jurisdictions.** If a person
21 previously licensed in another jurisdiction applies for a Washington
22 driver's license, the department shall request a copy of the
23 applicant's driver's record from the other jurisdiction. The driving
24 record from the other jurisdiction becomes a part of the driver's
25 record in this state.

26 (4) **Driving records to other jurisdictions.** If another
27 jurisdiction requests a copy of a person's Washington driver's record,
28 the department shall provide a copy of the record. The department
29 shall forward the record without charge if the other jurisdiction
30 extends the same privilege to the state of Washington. Otherwise the
31 department shall charge a reasonable fee for transmittal of the record.

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

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

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

4 (3) An intermediate license must be identified as an "intermediate
5 license" and issued in a distinctive form as determined by the
6 department.

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

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

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

26 (1)(a) The department shall not suspend a driver's license or
27 privilege to drive a motor vehicle on the public highways for a fixed
28 period of more than one year, except as specifically permitted under
29 section 3 of this act, RCW 46.20.342, or other provision of law.
30 Except for a suspension under section 3 of this act, RCW 46.20.289,
31 46.20.291(5), or 74.20A.320, whenever the license or driving privilege
32 of any person is suspended by reason of a conviction, a finding that a
33 traffic infraction has been committed, pursuant to chapter 46.29 RCW,
34 or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain
35 in effect until the person gives and thereafter maintains proof of
36 financial responsibility for the future as provided in chapter 46.29
37 RCW. If the suspension is the result of a violation of RCW 46.61.502

1 or 46.61.504, the department shall determine the person's eligibility
2 for licensing based upon the reports provided by the alcoholism agency
3 or probation department designated under RCW 46.61.5056 and shall deny
4 reinstatement until enrollment and participation in an approved program
5 has been established and the person is otherwise qualified. Whenever
6 the license or driving privilege of any person is suspended as a result
7 of certification of noncompliance with a child support order under
8 chapter 74.20A RCW or a residential or visitation order, the suspension
9 shall remain in effect until the person provides a release issued by
10 the department of social and health services stating that the person is
11 in compliance with the order.

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

15 (ii) If the suspension is the result of a violation of RCW
16 46.61.502 or 46.61.504, or is the result of administrative action under
17 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

18 (2)(a) Any person whose license or privilege to drive a motor
19 vehicle on the public highways has been revoked, unless the revocation
20 was for a cause which has been removed, is not entitled to have the
21 license or privilege renewed or restored until: (i) After the
22 expiration of one year from the date the license or privilege to drive
23 was revoked; (ii) after the expiration of the applicable revocation
24 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
25 expiration of two years for persons convicted of vehicular homicide; or
26 (iv) after the expiration of the applicable revocation period provided
27 by RCW 46.20.265.

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

31 (ii) If the revocation is the result of a violation of RCW
32 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
33 hundred fifty dollars. If the revocation is the result of a violation
34 of RCW 46.61.502 or 46.61.504, the department shall determine the
35 person's eligibility for licensing based upon the reports provided by
36 the alcoholism agency or probation department designated under RCW
37 46.61.5056 and shall deny reissuance of a license, permit, or privilege
38 to drive until enrollment and participation in an approved program has
39 been established and the person is otherwise qualified.

1 (c) Except for a revocation under RCW 46.20.265, the department
2 shall not then issue a new license unless it is satisfied after
3 investigation of the driving ability of the person that it will be safe
4 to grant the privilege of driving a motor vehicle on the public
5 highways, and until the person gives and thereafter maintains proof of
6 financial responsibility for the future as provided in chapter 46.29
7 RCW. For a revocation under RCW 46.20.265, the department shall not
8 issue a new license unless it is satisfied after investigation of the
9 driving ability of the person that it will be safe to grant that person
10 the privilege of driving a motor vehicle on the public highways.

11 (3)(a) Whenever the driver's license of any person is suspended
12 pursuant to Article IV of the nonresident violators compact or RCW
13 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
14 to the person any new or renewal license until the person pays a
15 reissue fee of twenty dollars.

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

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

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

29 (a) A person found to be an habitual offender under chapter 46.65
30 RCW, who violates this section while an order of revocation issued
31 under chapter 46.65 RCW prohibiting such operation is in effect, is
32 guilty of driving while license suspended or revoked in the first
33 degree, a gross misdemeanor. Upon the first such conviction, the
34 person shall be punished by imprisonment for not less than ten days.
35 Upon the second conviction, the person shall be punished by
36 imprisonment for not less than ninety days. Upon the third or
37 subsequent conviction, the person shall be punished by imprisonment for
38 not less than one hundred eighty days. If the person is also convicted

1 of the offense defined in RCW 46.61.502 or 46.61.504, when both
2 convictions arise from the same event, the minimum sentence of
3 confinement shall be not less than ninety days. The minimum sentence
4 of confinement required shall not be suspended or deferred. A
5 conviction under this subsection does not prevent a person from
6 petitioning for reinstatement as provided by RCW 46.65.080.

7 (b) A person who violates this section while an order of suspension
8 or revocation prohibiting such operation is in effect and while the
9 person is not eligible to reinstate his or her driver's license or
10 driving privilege, other than for a suspension for the reasons
11 described in (c) of this subsection, is guilty of driving while license
12 suspended or revoked in the second degree, a gross misdemeanor. This
13 subsection applies when a person's driver's license or driving
14 privilege has been suspended or revoked by reason of:

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

17 (ii) A previous conviction under this section;

18 (iii) A notice received by the department from a court or diversion
19 unit as provided by RCW 46.20.265, relating to a minor who has
20 committed, or who has entered a diversion unit concerning an offense
21 relating to alcohol, legend drugs, controlled substances, or imitation
22 controlled substances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (c) A person who violates this section when his or her driver's
12 license or driving privilege is, at the time of the violation,
13 suspended or revoked solely because (i) the person must furnish proof
14 of satisfactory progress in a required alcoholism or drug treatment
15 program, (ii) the person must furnish proof of financial responsibility
16 for the future as provided by chapter 46.29 RCW, (iii) the person has
17 failed to comply with the provisions of chapter 46.29 RCW relating to
18 uninsured accidents, (iv) the person has failed to respond to a notice
19 of traffic infraction, failed to appear at a requested hearing,
20 violated a written promise to appear in court, or has failed to comply
21 with the terms of a notice of traffic infraction or citation, as
22 provided in RCW 46.20.289, (v) the person has committed an offense in
23 another state that, if committed in this state, would not be grounds
24 for the suspension or revocation of the person's driver's license,
25 (~~(or)~~) (vi) the person has been suspended or revoked by reason of one
26 or more of the items listed in (b) of this subsection, but was eligible
27 to reinstate his or her driver's license or driving privilege at the
28 time of the violation, or (vii) the person has received traffic
29 citations or notices of traffic infraction that have resulted in a
30 suspension under section 3 of this act relating to intermediate
31 drivers' licenses, or any combination of (i) through (~~(vi)~~) (vii), is
32 guilty of driving while license suspended or revoked in the third
33 degree, a misdemeanor.

34 (2) Upon receiving a record of conviction of any person or upon
35 receiving an order by any juvenile court or any duly authorized court
36 officer of the conviction of any juvenile under this section, the
37 department shall:

38 (a) For a conviction of driving while suspended or revoked in the
39 first degree, as provided by subsection (1)(a) of this section, extend

1 the period of administrative revocation imposed under chapter 46.65 RCW
2 for an additional period of one year from and after the date the person
3 would otherwise have been entitled to apply for a new license or have
4 his or her driving privilege restored; or

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

11 (c) Not extend the period of suspension or revocation if the
12 conviction was under subsection (1)(c) of this section. If the
13 conviction was under subsection (1) (a) or (b) of this section and the
14 court recommends against the extension and the convicted person has
15 obtained a valid driver's license, the period of suspension or
16 revocation shall not be extended.

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

19 (1) The superintendent of public instruction is authorized to
20 establish a section of traffic safety education, and through such
21 section shall: Define a "realistic level of effort" required to
22 provide an effective traffic safety education course, establish a level
23 of driving competency required of each student to successfully complete
24 the course, and ensure that an effective state-wide program is
25 implemented and sustained, administer, supervise, and develop the
26 traffic safety education program and shall assist local school
27 districts in the conduct of their traffic safety education programs.
28 The superintendent shall adopt necessary rules and regulations
29 governing the operation and scope of the traffic safety education
30 program; and each school district shall submit a report to the
31 superintendent on the condition of its traffic safety education
32 program: PROVIDED, That the superintendent shall monitor the quality
33 of the program and carry out the purposes of this chapter.

34 (2) The board of directors of any school district maintaining a
35 secondary school which includes any of the grades 10 to 12, inclusive,
36 may establish and maintain a traffic safety education course. If a
37 school district elects to offer a traffic safety education course and
38 has within its boundaries a private accredited secondary school which

1 includes any of the grades 10 to 12, inclusive, at least one class in
2 traffic safety education shall be given at times other than regular
3 school hours if there is sufficient demand therefor.

4 (3) The board of directors of a school district, or combination of
5 school districts, may contract with any drivers' school licensed under
6 the provisions of chapter 46.82 RCW to teach the laboratory phase of
7 the traffic safety education course. Instructors provided by any such
8 contracting drivers' school must be properly qualified teachers of
9 traffic safety education under the joint qualification requirements
10 adopted by the superintendent of public instruction and the director of
11 licensing.

12 (4) The superintendent shall establish a required minimum number of
13 hours of continuing traffic safety education for traffic safety
14 education instructors. The superintendent may phase in the requirement
15 over not more than five years.

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

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

20 (a) The state superintendent shall determine the per-pupil
21 reimbursement amount for the traffic safety education course to be
22 funded by the state. Each school district offering an approved
23 standard traffic safety education course shall be reimbursed or granted
24 an amount up to the level established by the superintendent of public
25 instruction as may be appropriated.

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

29 (2) The board of directors of any school district or combination of
30 school districts may establish a traffic safety education fee, which
31 fee when imposed shall be required to be paid by any duly enrolled
32 student in any such school district prior to or while enrolled in a
33 traffic safety education course. Traffic safety education fees
34 collected by a school district shall be deposited with the county
35 treasurer to the credit of such school district, to be used to pay
36 costs of the traffic safety education course.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220
2 RCW to read as follows:

3 The superintendent of public instruction, in consultation with the
4 department of licensing, shall adopt rules that define the supervised
5 driving requirement of section 2(1)(d) of this act.

6 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act take
7 effect July 1, 2001.

--- END ---