

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1212

Chapter 199, Laws of 1999

(partial veto)

56th Legislature
1999 Regular Session

DRIVER'S LICENSES--OUT OF STATE RENEWALS

EFFECTIVE DATE: 5/7/99

Passed by the House February 19, 1999
Yeas 95 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 13, 1999
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved May 7, 1999, with the
exception of section 2, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1212** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 7, 1999 - 3:37 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1212

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Eickmeyer, Clements, Mielke, Benson, Voloria, Haigh, O'Brien, Doumit, Murray, Anderson, Conway, Constantine, Fisher, Hatfield, Dunshee, H. Sommers and Kenney)

Read first time 01/28/1999.

1 AN ACT Relating to the extension of the validity of a driver's
2 license that expires while the driver is outside the state or where the
3 driver is a spouse or dependent child of a member of the armed forces;
4 amending RCW 46.20.027, 46.20.116, and 46.20.120; creating a new
5 section; and declaring an emergency.

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

7 **Sec. 1.** RCW 46.20.027 and 1967 c 129 s 1 are each amended to read
8 as follows:

9 A Washington state motor vehicle driver's license issued to any
10 person serving in the armed forces of the United States, if valid and
11 in force and effect while such person is serving in the armed forces,
12 shall remain in full force and effect so long as such service continues
13 unless the same is sooner suspended, canceled, or revoked for cause as
14 provided by law and for not to exceed ninety days following the date on
15 which the holder of such driver's license is honorably separated from
16 service in the armed forces of the United States. A Washington state
17 driver's license issued to the spouse or dependent child of such
18 service member likewise remains in full force and effect if the person
19 is residing with the service member.

1 *Sec. 2. RCW 46.20.116 and 1993 c 452 s 2 are each amended to read
2 as follows:

3 The department shall plainly label each license "not valid for
4 identification purposes" where:

5 (1) The applicant is unable to prove his or her identity as
6 provided in RCW 46.20.035; or

7 (2) The applicant is renewing his or her license by mail under RCW
8 46.20.120 and the department does not have a digital (reproducible)
9 photograph on file.

10 *Sec. 2 was vetoed. See message at end of chapter.

11 **Sec. 3.** RCW 46.20.120 and 1990 c 9 s 1 are each amended to read as
12 follows:

13 ~~((No new driver's license may be issued and no previously issued~~
14 ~~license may be renewed until the applicant therefor has successfully~~
15 ~~passed)) An applicant for a new or renewed driver's license must~~
16 ~~successfully pass a driver licensing examination to qualify for a~~
17 ~~driver's license. The department shall give examinations at places and~~
18 ~~times reasonably available to the people of this state. ((However,))~~

19 (1) Waiver. The department may waive:

20 (a) All or any part of the examination of any person applying for
21 the renewal of a driver's license ((except when)) unless the department
22 determines that ((an)) the applicant ((for a driver's license)) is not
23 qualified to hold a driver's license under this title((. The
24 department may also waive)); or

25 (b) The actual demonstration of the ability to operate a motor
26 vehicle ((by a person who)) if the applicant:

27 (i) Surrenders a valid driver's license issued by the person's
28 previous home state; and ((who))

29 (ii) Is otherwise qualified to be licensed. ((For a new license))

30 (2) Fee. Each applicant for a new license must pay an examination
31 ~~((a))~~ fee of seven dollars ~~((shall be paid by each applicant,)).~~

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

34 ~~((A))~~ (b) "New license ((is one))" means a license issued to a
35 driver:

36 (i) Who has not been previously licensed in this state; or ((to a
37 driver))

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

3 (~~Any 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 under RCW 46.20.181. The~~
6 ~~penalty fee shall be deposited in the highway safety fund.~~

7 ~~Any person who is outside the state at the time his or her driver's~~
8 ~~license expires or who is unable to renew the license due to any~~
9 ~~incapacity may renew the license within sixty days after returning to~~
10 ~~this state or within sixty days after the termination of any such~~
11 ~~incapacity without the payment of the penalty fee.~~

12 ~~The department shall provide for giving examinations at places and~~
13 ~~times reasonably available to the people of this state.)~~

14 (3) A person whose license expired or will expire on or after
15 January 1, 1998, while he or she was or is living outside the state
16 may:

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

27 (b) Apply to the department to renew his or her license by mail.
28 If the person establishes to the department's satisfaction that he or
29 she is unable to return to Washington within twelve months of the date
30 that his or her license expires, the department shall renew the
31 person's license by mail. If a person qualifies for a mail-in renewal
32 he or she is not required to pass an examination nor provide an updated
33 photograph. He or she must, however, pay the fee required by RCW
34 46.20.181 plus an additional five-dollar mail-in renewal fee. A
35 license renewed by mail that does not include a photograph of the
36 licensee must be labeled "not valid for identification purposes."

37 (4) If a person's driver's license is extended or renewed under
38 subsection (3) of this section while he or she is outside the state, he
39 or she must submit to the examination required under this section

1 within sixty days of returning to this state. The department will not
2 assess a penalty or examination fee for the examination.

3 NEW SECTION. **Sec. 4.** (1) If the driver's license of a spouse or
4 dependent of a member of the armed forces expired between January 1,
5 1998, and the effective date of this act and the department did not
6 renew that person's license, the department shall:

7 (a) Renew that person's license if otherwise allowable under this
8 chapter;

9 (b) Renew the license for an additional four-year term as otherwise
10 provided under RCW 46.20.181; and

11 (c) Waive the late renewal fee authorized under RCW 46.20.120.

12 (2) The department shall waive the late renewal fee authorized
13 under RCW 46.20.120 for drivers who qualify for license renewal or
14 extension under RCW 46.20.120(3) if the driver's license expired before
15 the effective date of this act.

16 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

Passed the House February 19, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 7, 1999, with the exception of certain
items that were vetoed.

Filed in Office of Secretary of State May 7, 1999.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,
3 Substitute House Bill No. 1212 entitled:

4 "AN ACT Relating to the extension of the validity of a driver's
5 license that expires while the driver is outside the state or where
6 the driver is a spouse or dependent child of a member of the armed
7 forces;"

8 Section 2 of Substitute House Bill No. 1212 would require that
9 driver's licenses that are renewed by mail be labeled "not valid for
10 identification purposes". However, Substitute House Bill No. 1294,
11 which I signed on March 30, 1999, repealed the statute amended by
12 section 2. Accordingly, section 2 is superfluous. Without this veto,
13 the Code Reviser would be required to annotate RCW 46.20.116 indicating
14 that the legislature both repealed and amended the same statute during
15 its 1999 session. The legislature's intent would be unclear.

16 The concept of labeling driver's licenses as not valid for
17 identification purposes when the Department of Licensing cannot take a

1 current photograph was covered in SHB 1294, and will be law. This
2 partial veto is purely ministerial.

3 For these reasons, I have vetoed section 2 of Substitute House
4 Bill No. 1212.

5 With the exception of section 2, Substitute House Bill No. 1212 is
6 approved."