

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1635

Chapter 370, Laws of 2011

62nd Legislature
2011 Regular Session

DRIVER LICENSING OFFICES--CUSTOMER WAIT TIMES

EFFECTIVE DATE: 07/22/11

Passed by the House April 15, 2011
Yeas 95 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 9, 2011
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 16, 2011, 3:35 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1635** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 17, 2011

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1635

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Transportation (originally sponsored by Representatives Upthegrove, Clibborn, Eddy, Armstrong, Llias, Rivers, Angel, Van De Wege, Wilcox, Maxwell, Rolfes, Finn, Sullivan, Dammeier, Orwall, Warnick, and Moscoso)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to reducing customer wait times at driver licensing
2 offices; amending RCW 28A.220.030 and 46.20.515; reenacting and
3 amending RCW 46.20.120; adding a new section to chapter 46.01 RCW;
4 adding a new section to chapter 46.82 RCW; and creating new sections.

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

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

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

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

3 (1) The superintendent of public instruction is authorized to
4 establish a section of traffic safety education, and through such
5 section shall: Define a "realistic level of effort" required to
6 provide an effective traffic safety education course, establish a level
7 of driving competency required of each student to successfully complete
8 the course, and ensure that an effective statewide program is
9 implemented and sustained, administer, supervise, and develop the
10 traffic safety education program and shall assist local school
11 districts in the conduct of their traffic safety education programs.
12 The superintendent shall adopt necessary rules and regulations
13 governing the operation and scope of the traffic safety education
14 program; and each school district shall submit a report to the
15 superintendent on the condition of its traffic safety education
16 program: PROVIDED, That the superintendent shall monitor the quality
17 of the program and carry out the purposes of this chapter.

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

26 (3) The board of directors of a school district, or combination of
27 school districts, may contract with any drivers' school licensed under
28 the provisions of chapter 46.82 RCW to teach the laboratory phase of
29 the traffic safety education course. Instructors provided by any such
30 contracting drivers' school must be properly qualified teachers of
31 traffic safety education under the joint qualification requirements
32 adopted by the superintendent of public instruction and the director of
33 licensing.

34 (4) The superintendent shall establish a required minimum number of
35 hours of continuing traffic safety education for traffic safety
36 education instructors. The superintendent may phase in the requirement
37 over not more than five years.

1 (5) School districts that offer a traffic safety education program
2 under this chapter 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 as authorized under RCW
5 46.20.120(7). The superintendent shall work with the department of
6 licensing, in consultation with school districts that offer a traffic
7 safety education program, to develop standards and requirements for
8 administering each portion of the driver licensing examination that are
9 comparable to the standards and requirements for driver training
10 schools under section 6 of this act.

11 (6) Before a school district may provide a portion of the driver
12 licensing examination, the school district must, after consultation
13 with the superintendent, enter into an agreement with the department of
14 licensing that sets forth an accountability and audit process that
15 takes into account the unique nature of school district facilities and
16 school hours and, at a minimum, contains provisions that:

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

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

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

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

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

31 A civil suit or action may not be commenced or prosecuted against
32 the director, the state of Washington, any driver training school
33 licensed by the department, any other government officer or entity,
34 including a school district or an employee of a school district, or
35 against any other person, by reason of any act done or omitted to be
36 done in connection with administering the portions of the driver
37 licensing examination that test the applicant's knowledge of traffic

1 laws and ability to safely operate a motor vehicle. This section does
2 not bar the state of Washington or the director from bringing any
3 action, whether civil or criminal, against any driver training school
4 licensed by the department.

5 **Sec. 4.** 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 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. 5.** RCW 46.20.515 and 2003 c 41 s 3 are each amended to read
10 as follows:

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

14 (2) The examination for a two-wheeled motorcycle endorsement and
15 the examination for a three-wheeled motorcycle endorsement must be
16 separate and distinct examinations emphasizing the skills and maneuvers
17 necessary to operate each type of motorcycle.

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

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

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.82 RCW
27 to read as follows:

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

32 (2) The director shall adopt rules to regulate the administration
33 of the knowledge and driving portions of the driver licensing
34 examination. The rules must include, but are not limited to, the
35 following provisions:

1 (a) Limitations or requirements that determine which driver
2 training schools may administer the knowledge portion of the
3 examination;

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

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

8 (d) Requirements for recordkeeping;

9 (e) A requirement that all driver training school employees
10 conducting driver licensing examinations meet the same qualifications
11 and education and training standards as department employees who
12 conduct such examinations, to the extent necessary to conduct the
13 written and driving skills portions of the examinations;

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

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

18 (h) Requirements for the department to monitor outcomes for
19 applicants who take a driver licensing examination through a driver
20 training school and to make the outcomes available to the public;

21 (i) Requirements for annual auditing, which must include the
22 collection of current information regarding insurance, curriculums,
23 instructors' names and licenses, and a selection of random student
24 files to review for accuracy; and

25 (j) Sanctions for violations of the rules adopted under this
26 section.

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

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

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

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

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

5 NEW __ SECTION. **Sec. 7.** In communications facilitating the
6 transition to driver training schools and school districts
7 administering portions of the driver licensing examination, the
8 department of licensing shall include at least one representative from
9 each stakeholder group, including the superintendent of public
10 instruction, driver training schools, the unions representing licensing
11 services representatives, and the Washington state school directors'
12 association.

Passed by the House April 15, 2011.

Passed by the Senate April 9, 2011.

Approved by the Governor May 16, 2011.

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