

WSR 22-17-134

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 23, 2022, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-09-004.

Title of Rule and Other Identifying Information: WAC 308-110-030 Administration of examinations and 308-104-046 Instruction permit—Verification of enrollment.

Hearing Location(s): On September 27, 2022, at 1:00 p.m. Pacific Time (United States and Canada), Zoom. Join Zoom meeting <https://dol-wa.zoom.us/j/85979759135?pwd=OHFPU0IvQkVJN3VkOHFJVXV2ckxWZz09>, Meeting ID 859 7975 9135, Passcode 995413, One tap mobile +12532158782,,85979759135#,,,,*995413# US (Tacoma). Find your local number [https://dol-wa.zoom.us/u/kcYyXTNBwV](https://dol-wa.zoom.us/j/85979759135?pwd=OHFPU0IvQkVJN3VkOHFJVXV2ckxWZz09).

If you are having issues joining the meeting at the time of the hearing, please call 360-902-3846.

Date of Intended Adoption: September 28, 2022.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street N.E., email rulescoordinator@dol.wa.gov, 360-902-3846, by September 26, 2022.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email rulescoordinator@dol.wa.gov, by September 19, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is considering rule making to better align WAC 308-110-030 and 308-104-046 with age requirements in RCW 46.20.055.

Reasons Supporting Proposal: Currently, WAC restricts the age a person can take the knowledge exam to obtain a permit beyond what is required by law. This proposal would align WAC 308-110-030 with WAC 308-104-046 for age requirements found within RCW 46.20.055.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority and 46.20.119 Reasonable rules.

Statute Being Implemented: WAC 308-110-030 Administration of examinations.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Not applicable.

Name of Agency Personnel Responsible for Drafting: Colton Myers, 1125 Washington Street S.E., Olympia, WA 98504, 360-634-5094; Implementation and Enforcement: Cara Jockumsen, 1125 Washington Street S.E., Olympia, WA 98504, 360-794-2600.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules impact individual drivers under age 18 seeking a driver's permit. The only impact to driver training schools is that this will allow them to test drivers under age 18 prior to enrollment in driver's education, as they have requested.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how

costs were calculated. These rules do not impose requirements on businesses, nor will businesses be required to adjust their processes.

August 23, 2022
Ellis Starrett
Rules and Policy Manager

OTS-4053.1

AMENDATORY SECTION (Amending WSR 12-17-059, filed 8/10/12, effective 9/10/12)

WAC 308-110-030 Administration of examinations. (1) Schools and examiners must conduct skills tests using routes that meet department standards.

(2) Knowledge test questions must be supplied by the department or meet department criteria.

(3) Knowledge tests must be conducted in an area separate from classroom instruction or when a class is not in session, minimizing distractions or interactions.

(4) Examinations must be conducted by examiners.

(5) Knowledge test results may be used to obtain a driver license for no more than two years from the date of completion.

(6) Skills test results may be used to obtain a driver license for no more than one year from the date of completion.

(7) In accordance with the department's guidelines, schools must refer to the department for testing any applicant who has a condition that may impair their ability to operate a motor vehicle safely.

(8) Prior to administering the knowledge and skills tests, schools ~~((must))~~ will ensure that applicants are ~~((at least fifteen years of age. When the applicant is less than eighteen years of age, the applicant must have successfully completed a traffic safety education course.~~

~~((9))~~ properly informed regarding testing requirements and their test results. Schools must also inform applicants of the school's current retesting, refund, and grievance policies and procedures.

(9) Prior to administering the knowledge exam, schools must ensure the applicants are at least 15 1/2 years old; or 15 years old and have successfully completed a traffic safety education course.

(10) Prior to administering the skills ((test)) exam, schools ((will)) must ensure that applicants are ((properly informed regarding testing requirements and their test results. Schools must also inform applicants of the school's current retesting, refund, and grievance policies and procedures)) at least 15 years of age. When the applicant is less than 18 years of age, the applicant must have successfully completed a traffic safety education course.

~~((10))~~ (11) Applicants must possess one of the following to participate in the skills testing portion of the examination:

(a) A Washington instruction permit issued under RCW 46.20.055;

(b) A temporary authorization to drive issued on a form prescribed by the department; or

(c) A valid foreign driver's license.

[Statutory Authority: RCW 46.01.110 and 46.82.450. WSR 12-17-059, § 308-110-030, filed 8/10/12, effective 9/10/12.]