

WSR 24-03-114

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed January 19, 2024, 11:25 a.m., effective March 1, 2024]

Effective Date of Rule: March 1, 2024.

Purpose: Creating new chapters in WAC to address criteria for issuance of motorcycle instructional permits and endorsements, for both 2-wheel and 3-wheel motorcycles. These new chapters will address the length of validity for motorcycle permit and endorsement tests.

Citation of Rules Affected by this Order: New WAC 308-109-040 Outlining requirements for 2-wheel motorcycle instruction permit and endorsement, 308-109-050 Outlining requirements for 3-wheel motorcycle instruction permit and endorsement, and 308-109-060 Reinstatement of surrendered endorsements and reciprocity; and amending WAC 308-109-010 Definitions.

Statutory Authority for Adoption: RCW 46.20.510 Instruction permit—Fee—Examinations—Director may adopt and enforce rule.

Adopted under notice filed as WSR 23-21-097 on October 18, 2023.

A final cost-benefit analysis is available by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/rulemaking-activity.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 19, 2024.

Ellis Starrett
Rules and Policy Manager

OTS-4987.2

AMENDATORY SECTION (Amending WSR 20-08-039, filed 3/24/20, effective 4/24/20)

WAC 308-109-010 Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Contracted training provider" means an agency, firm, provider, organization, individual, or other entity performing services as outlined in RCW 46.20.520 and 46.81A.020 and is under contract with the department.

(2) "Student" means persons who receive a pass, fail or incomplete status on a course completion report furnished to the department.

(3) "2-wheel permit level knowledge test" is a test created/approved by the department of licensing to determine an acceptable novice knowledge level for operating a 2-wheel motorcycle. This test is valid for 365 days.

(4) "2-wheel permit level skills test" is a test created/approved by the department of licensing to determine an acceptable novice skill level for operating a 2-wheel motorcycle. This test is valid for 365 days.

(5) "2-wheel endorsement level knowledge test" is a test created/approved by the department of licensing to determine an acceptable knowledge level for operating a 2-wheel motorcycle. This test is valid for 365 days.

(6) "2-wheel endorsement level skills test is a test created/approved by the department of licensing to determine an acceptable skill level for operating a 2-wheel motorcycle. This test is valid for 365 days.

(7) "3-wheel knowledge test" is a test created/approved by the department of licensing to determine an acceptable knowledge level for operating a 3-wheel motorcycle. This test is valid for 365 days.

(8) "3-wheel skills test" is a test created/approved by the department of licensing to determine an acceptable skill level for operating a 3-wheel motorcycle. This test is valid for 365 days.

(9) "Motorcycle safety course" means any course offered by a contracted training provider and approved by the department of licensing. This also includes approved out-of-state courses.

(10) "2-wheel motorcycle instruction permit" means authorization to ride a 2-wheel motorcycle on the roads and highways of Washington. With limitations found in RCW 46.20.510.

(11) "3-wheel motorcycle instruction permit" means authorization to ride a 3-wheel motorcycle on the roads and highways of Washington. With limitations found in RCW 46.20.510.

NEW SECTION

WAC 308-109-040 Outlining requirements for 2-wheel motorcycle instruction permit and endorsement. (1) The requirement to add a 2-wheel motorcycle instruction permit (2W MCIP) is passing a permit level knowledge test and a permit level skills test. An approved motorcycle safety course completion (either in state or out-of-state) may waive the required tests.

(a) 2W MCIP may be added at any point the tests and/or motorcycle safety course completion (either in state or out-of-state) are valid.

(b) A valid 2W MCIP may be renewed prior to its expiration for an additional 180 days (effective the day of expiration of original 2W MCIP). Per RCW 46.20.510 the department may only issue two, 180-day permits within a five-year period.

(2) The requirement to add a 2-wheel motorcycle endorsement is **either:**

(a) Valid 2W permit level knowledge and skills tests (a valid motorcycle safety course completion may replace these tests) and valid 2W endorsement level knowledge and skills tests;

or

(b) A valid 2W MCIP and valid 2W endorsement level knowledge and skills tests.

(3) Active-duty military personnel may have all permit and endorsement level testing waived upon completion of an approved motorcycle safety training course (either in state or out-of-state).

NEW SECTION

WAC 308-109-050 Outlining requirements for 3-wheel motorcycle instruction permit and endorsement. (1) The requirement to add a 3-wheel motorcycle instruction permit (3W MCIP) is passing a level knowledge test. A 3W MCIP may be added at any point the tests are valid. A valid 3W MCIP may be renewed prior to its expiration for an additional 180 days (effective the day of expiration of original 3W MCIP).

(2) The requirement to add a 3-wheel motorcycle endorsement is **either:**

(a) A valid 3W knowledge test and a valid 3W skills test;

or

(b) A valid 3W MCIP and a valid 3W skills test.

NEW SECTION

WAC 308-109-060 Reinstatement of surrendered endorsements and reciprocity. (1) If an endorsement is surrendered, the customer has 365 days to reinstate the endorsement without the need for retesting. Once the 365 days passes, the customer is required to pass all required tests in WAC 308-109-040.

(2) Customers transferring from a reciprocal jurisdiction, with a valid motorcycle endorsement, will be issued the appropriate endorsement on their Washington credential (2W or 3W or both). If the jurisdiction the customer is transferring from does not distinguish between 2W and 3W endorsement, the customer will be issued a 2W endorsement unless they can prove they tested on a 3W motorcycle.

(3) If an endorsement is, involuntarily, not transferred from out-of-state, the customer has one renewal cycle to reinstate the endorsement without the need for retesting.