

WSR 24-17-038

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 13, 2024, 9:12 a.m., effective September 13, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 308-104-050 to reflect the department of licensing's current process and recent statutory changes related to RCW 46.20.100 Persons under eighteen, per a rule-making petition from the public.

Citation of Rules Affected by this Order: Amending WAC 308-104-050 Waiver of driver education requirement—When granted.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, and 46.20.100 (2) (c) (iii) Persons under eighteen.

Adopted under notice filed as WSR 24-10-102 on May 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 13, 2024.

Ellis Starrett
Rules and Policy Manager

OTS-5336.2

AMENDATORY SECTION (Amending WSR 90-17-028, filed 8/8/90, effective 9/8/90)

WAC 308-104-050 Waiver of driver education requirement—When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless ~~((+ (1)))~~ the parent, guardian, responsible adult as defined in RCW 46.20.075 (9) (b), or other person having the care, custody and control of the applicant certifies that the applicant is:

~~((a))~~ (1) Unable to take or successfully complete a traffic safety education course and the reasons therefor ~~((r))~~; and

~~((b))~~ (2) That there exists ~~((an immediate))~~ a need to operate a motor vehicle. The ~~((immediate))~~ need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "~~((an immediate))~~ a need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the ~~((immediate))~~ need to drive. If

operating a motor vehicle does not reduce the hardship which was created by the situation, "~~((an immediate))~~ a need" does not exist(~~(; and~~
~~(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years)).~~