

## WSR 24-09-084

## PROPOSED RULES

## DEPARTMENT OF LICENSING

[Filed April 17, 2024, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-06-024.

Title of Rule and Other Identifying Information: WAC 308-104-050  
Waiver of driver education requirement—When granted.

Hearing Location(s): On May 29, 2024, at 1:00 p.m. Join Zoom meeting <https://dol-wa.zoom.us/j/87241577435?pwd=8CNe9T0akMWaYacwnZVq1kOMUnziOI.1>, Meeting ID 872 4157 7435, Passcode 615795; or One-tap mobile +12532158782,,87241577435#,,,,\*615795# US (Tacoma), +12532050468,,87241577435#,,,,\*615795# US, Meeting ID 872 4157 7435, Passcode 615795. Find your local number [https://dol-wa.zoom.us/u/kbcWBFZ5Sg](https://dol-wa.zoom.us/j/87241577435?pwd=8CNe9T0akMWaYacwnZVq1kOMUnziOI.1). If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: May 30, 2024.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), 360-902-3846, by May 29, 2024.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by May 14, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would amend WAC 308-104-050 to reflect the department of licensing's (DOL) current process and recent statutory changes related to RCW 46.20.100 Persons under eighteen.

Reasons Supporting Proposal: DOL received a petition from the public to update WAC 308-104-050 to reflect DOL's current process and changes made to RCW 46.20.100.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, and 46.25.140 Rules.

Statute Being Implemented: RCW 46.20.100 Persons under eighteen; and SB 5800.

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

Name of Proponent: Dave Sedelmeier, Apex Driving School, private.

Name of Agency Personnel Responsible for Drafting: Colton Myers, 1125 Washington Street S.E., Olympia, WA 98504, 360-634-5094; Implementation and Enforcement: Bryan Jackson, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-3854.

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. This rule making aligns rule with current practices and does not impose any additional requirements on customers or businesses.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify

language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.  
 Scope of exemption for rule proposal:  
 Is fully exempt.

April 17, 2024  
 Ellis Starrett  
 Rules and Policy Manager

## OTS-5336.1

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 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 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 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))~~.