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HOUSE BILL 2150

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State of Washington

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By Representatives K. Schmidt, Skinner, R. Fisher, Sterk, Romero, Conway, Smith, Veloria, Lambert, D. Schmidt, Mitchell, Robertson, Backlund, Ballasiotes, Kremen, Pennington, Hymes, Crouse, Delvin, Buck, Chappell, Ogden, Brown, Scott, Blanton, Lisk, Mulliken, Sheldon, Grant, Chandler, Radcliff, Honeyford, Koster, Huff, L. Thomas, Quall, Johnson, Hickel, Thompson, Cooke, Patterson, Costa and McMahan

Read first time 01/08/96. Referred to Committee on Transportation.

1 AN ACT Relating to identification requirements for drivers'  
2 licenses and identicards; amending RCW 46.20.035, 46.20.055, and  
3 46.20.091; reenacting and amending RCW 46.63.020; and prescribing  
4 penalties.

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

6 **Sec. 1.** RCW 46.20.035 and 1993 c 452 s 1 are each amended to read  
7 as follows:

8 (1) The department may not issue an identicard or a Washington  
9 state driver's license, except as provided in RCW 46.20.116, unless the  
10 applicant has satisfied the department regarding his or her identity.  
11 Except as provided in subsection (2) of this section, an applicant has  
12 not satisfied the identity requirements of this section unless he or  
13 she displays or provides the department with at least one of the  
14 following pieces of valid identifying documentation:

15 (a) A valid or recently expired driver's license or instruction  
16 permit that contains the signature, date of birth, and a photograph of  
17 the applicant;

1 (b) A Washington state identicard or an identification card issued  
2 by another state that contains the signature and a photograph of the  
3 applicant;

4 (c) An identification card issued by the United States, a state, or  
5 an agency of either the United States or a state, of a kind commonly  
6 used to identify the members of employees of the government agency,  
7 that contains the signature and a photograph of the applicant;

8 (d) A United States military identification card that contains the  
9 signature and a photograph of the applicant;

10 (e) A United States passport that contains the signature and a  
11 photograph of the applicant;

12 (f) An immigration and naturalization service form that contains  
13 the signature and photograph of the applicant; or

14 (g) If the applicant is a minor, an affidavit of the applicant's  
15 parent or guardian where the parent or guardian displays or provides at  
16 least one piece of identifying documentation as specified in this  
17 subsection along with additional documentation establishing the  
18 relationship between the parent or guardian and the applicant.

19 (2) A person unable to provide identifying satisfactory  
20 documentation as specified in subsection (1) of this section may  
21 request that the department review other available documentation in  
22 order to ascertain identity. The department may retain documentation  
23 submitted for review under this subsection for a period of time  
24 necessary to investigate its validity. The department may waive the  
25 requirement for specific identifying documentation under subsection (1)  
26 of this section if it finds that other documentation clearly  
27 establishes the identity of the applicant. The department may issue a  
28 temporary driver's permit as provided in RCW 46.20.055(4), pending the  
29 investigation of documentation submitted by an applicant for review.

30 **Sec. 2.** RCW 46.20.055 and 1990 c 250 s 34 are each amended to read  
31 as follows:

32 (1) Any person who is at least fifteen and a half years of age may  
33 apply to the department for an instruction permit for the operation of  
34 any motor vehicle except a motorcycle. Any person sixteen years of age  
35 or older, holding a valid driver's license, may apply for an  
36 instruction permit for the operation of a motorcycle. The department  
37 may in its discretion, after the applicant has successfully passed all

1 parts of the examination other than the driving test, issue to the  
2 applicant a driver's or motorcyclist's instruction permit.

3 (a) A driver's instruction permit entitles the permittee while  
4 having the permit in immediate possession to drive a motor vehicle upon  
5 the public highways for a period of one year when accompanied by a  
6 licensed driver who has had at least five years of driving experience  
7 and is occupying a seat beside the driver. Except as provided in  
8 subsection (c) of this subsection, only one additional permit, valid  
9 for one year, may be issued.

10 (b) A motorcyclist's instruction permit entitles the permittee  
11 while having the permit in immediate possession to drive a motorcycle  
12 upon the public highways for a period of ninety days as provided in RCW  
13 46.20.510(~~(+3)~~) (2). Except as provided in subsection (c) of this  
14 subsection, only one additional permit, valid for ninety days, may be  
15 issued.

16 (c) The department after investigation may issue a third driver's  
17 or motorcyclist's instruction permit when it finds that the permittee  
18 is diligently seeking to improve driving proficiency.

19 (2) The department may waive the examination, except as to eyesight  
20 and other potential physical restrictions, for any applicant who is  
21 enrolled in either a traffic safety education course as defined by RCW  
22 28A.220.020(2) or a course of instruction offered by a licensed driver  
23 training school as defined by RCW 46.82.280(1) at the time the  
24 application is being considered by the department. The department may  
25 require proof of registration in such a course as it deems necessary.

26 (3) The department upon receiving proper application may in its  
27 discretion issue a driver's instruction permit to an applicant who is  
28 at least fifteen years of age and is enrolled in a traffic safety  
29 education program which includes practice driving and which is approved  
30 and accredited by the superintendent of public instruction. Such  
31 instruction permit shall entitle the permittee having the permit in  
32 immediate possession to drive a motor vehicle only when an approved  
33 instructor or other licensed driver with at least five years of driving  
34 experience, is occupying a seat beside the permittee.

35 (4) The department may in its discretion issue a temporary driver's  
36 permit to an applicant for a driver's license permitting the applicant  
37 to drive a motor vehicle for a period not to exceed sixty days while  
38 the department is completing its investigation and determination of all  
39 facts relative to such applicant's right to receive a driver's license,

1 including any necessary investigation into the validity of  
2 identification documentation submitted by the applicant. Such permit  
3 must be in the permittee's immediate possession while driving a motor  
4 vehicle, and it shall be invalid when the permittee's license has been  
5 issued or for good cause has been refused.

6 **Sec. 3.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read  
7 as follows:

8 (1) Every application for an instruction permit or for an original  
9 driver's license shall be made upon a form prescribed and furnished by  
10 the department which shall be sworn to and signed by the applicant  
11 before a person authorized to administer oaths. An applicant making a  
12 false statement under this subsection is guilty of false swearing, a  
13 gross misdemeanor, under RCW 9A.72.040. Every application for an  
14 instruction permit containing a photograph shall be accompanied by a  
15 fee of five dollars. The department shall forthwith transmit the fees  
16 collected for instruction permits and temporary drivers' permits to the  
17 state treasurer.

18 (2) Every such application shall state the full name, date of  
19 birth, sex, and Washington residence address of the applicant, and  
20 briefly describe the applicant, and shall state whether the applicant  
21 has theretofore been licensed as a driver or chauffeur, and, if so,  
22 when and by what state or country, and whether any such license has  
23 ever been suspended or revoked, or whether an application has ever been  
24 refused, and, if so, the date of and reason for such suspension,  
25 revocation, or refusal, and shall state such additional information as  
26 the department shall require, including a statement that identifying  
27 documentation presented by the applicant is valid.

28 (3) Whenever application is received from a person previously  
29 licensed in another jurisdiction, the department shall request a copy  
30 of such driver's record from such other jurisdiction. When received,  
31 the driving record shall become a part of the driver's record in this  
32 state.

33 (4) Whenever the department receives request for a driving record  
34 from another licensing jurisdiction, the record shall be forwarded  
35 without charge if the other licensing jurisdiction extends the same  
36 privilege to the state of Washington. Otherwise there shall be a  
37 reasonable charge for transmittal of the record, the amount to be fixed  
38 by the director of the department.

1       **Sec. 4.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s  
2 16, and 1995 c 256 s 25 are each reenacted and amended to read as  
3 follows:

4       Failure to perform any act required or the performance of any act  
5 prohibited by this title or an equivalent administrative regulation or  
6 local law, ordinance, regulation, or resolution relating to traffic  
7 including parking, standing, stopping, and pedestrian offenses, is  
8 designated as a traffic infraction and may not be classified as a  
9 criminal offense, except for an offense contained in the following  
10 provisions of this title or a violation of an equivalent administrative  
11 regulation or local law, ordinance, regulation, or resolution:

12       (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
13 vehicle while under the influence of intoxicating liquor or a  
14 controlled substance;

15       (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

16       (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
17 while under the influence of intoxicating liquor or narcotics or  
18 habit-forming drugs or in a manner endangering the person of another;

19       (4) RCW 46.10.130 relating to the operation of snowmobiles;

20       (5) Chapter 46.12 RCW relating to certificates of ownership and  
21 registration and markings indicating that a vehicle has been destroyed  
22 or declared a total loss;

23       (6) RCW 46.16.010 relating to initial registration of motor  
24 vehicles;

25       (7) RCW 46.16.011 relating to permitting unauthorized persons to  
26 drive;

27       (8) RCW 46.16.160 relating to vehicle trip permits;

28       (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
29 acquisition of a special placard or license plate for disabled persons'  
30 parking;

31       (10) RCW 46.20.021 relating to driving without a valid driver's  
32 license;

33       (11) RCW 46.20.091 relating to false statements regarding a  
34 driver's license or instruction permit;

35       (12) RCW 46.20.336 relating to the unlawful possession and use of  
36 a driver's license;

37       (~~(12)~~) (13) RCW 46.20.342 relating to driving with a suspended or  
38 revoked license or status;

1       ~~((13))~~ (14) RCW 46.20.410 relating to the violation of  
2 restrictions of an occupational driver's license;  
3       ~~((14))~~ (15) RCW 46.20.420 relating to the operation of a motor  
4 vehicle with a suspended or revoked license;  
5       ~~((15))~~ (16) RCW 46.20.750 relating to assisting another person to  
6 start a vehicle equipped with an ignition interlock device;  
7       ~~((16))~~ (17) RCW 46.25.170 relating to commercial driver's  
8 licenses;  
9       ~~((17))~~ (18) Chapter 46.29 RCW relating to financial  
10 responsibility;  
11       ~~((18))~~ (19) RCW 46.30.040 relating to providing false evidence of  
12 financial responsibility;  
13       ~~((19))~~ (20) RCW 46.37.435 relating to wrongful installation of  
14 sunscreening material;  
15       ~~((20))~~ (21) RCW 46.44.180 relating to operation of mobile home  
16 pilot vehicles;  
17       ~~((21))~~ (22) RCW 46.48.175 relating to the transportation of  
18 dangerous articles;  
19       ~~((22))~~ (23) RCW 46.52.010 relating to duty on striking an  
20 unattended car or other property;  
21       ~~((23))~~ (24) RCW 46.52.020 relating to duty in case of injury to  
22 or death of a person or damage to an attended vehicle;  
23       ~~((24))~~ (25) RCW 46.52.090 relating to reports by repairmen,  
24 storagemen, and appraisers;  
25       ~~((25))~~ (26) RCW 46.52.100 relating to driving under the influence  
26 of liquor or drugs;  
27       ~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the  
28 driving record to be furnished to an insurance company, an employer,  
29 and an alcohol/drug assessment or treatment agency;  
30       ~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities  
31 of a registered tow truck operator without a registration certificate;  
32       ~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow  
33 truck operators;  
34       ~~((29))~~ (30) RCW 46.61.015 relating to obedience to police  
35 officers, flagmen, or fire fighters;  
36       ~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information  
37 to or cooperate with an officer;  
38       ~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give  
39 identification to an officer;

1       (~~(32)~~) (33) RCW 46.61.024 relating to attempting to elude  
2 pursuing police vehicles;  
3       (~~(33)~~) (34) RCW 46.61.500 relating to reckless driving;  
4       (~~(34)~~) (35) RCW 46.61.502 and 46.61.504 relating to persons under  
5 the influence of intoxicating liquor or drugs;  
6       (~~(35)~~) (36) RCW (~~(46.61.5055 (section 5, chapter 332 (Substitute~~  
7 ~~Senate Bill No. 5141), Laws of 1995)~~) 46.61.503 relating to a person  
8 under age twenty-one driving a motor vehicle after consuming alcohol;  
9       (~~(36)~~) (37) RCW 46.61.520 relating to vehicular homicide by motor  
10 vehicle;  
11       (~~(37)~~) (38) RCW 46.61.522 relating to vehicular assault;  
12       (~~(38)~~) (39) RCW 46.61.525 relating to negligent driving;  
13       (~~(39)~~) (40) RCW 46.61.527(4) relating to reckless endangerment of  
14 roadway workers;  
15       (~~(40)~~) (41) RCW 46.61.530 relating to racing of vehicles on  
16 highways;  
17       (~~(41)~~) (42) RCW 46.61.685 relating to leaving children in an  
18 unattended vehicle with the motor running;  
19       (~~(42)~~) (43) RCW 46.64.010 relating to unlawful cancellation of or  
20 attempt to cancel a traffic citation;  
21       (~~(43)~~) (44) RCW 46.64.048 relating to attempting, aiding,  
22 abetting, coercing, and committing crimes;  
23       (~~(44)~~) (45) Chapter 46.65 RCW relating to habitual traffic  
24 offenders;  
25       (~~(45)~~) (46) Chapter 46.70 RCW relating to unfair motor vehicle  
26 business practices, except where that chapter provides for the  
27 assessment of monetary penalties of a civil nature;  
28       (~~(46)~~) (47) Chapter 46.72 RCW relating to the transportation of  
29 passengers in for hire vehicles;  
30       (~~(47)~~) (48) Chapter 46.80 RCW relating to motor vehicle wreckers;  
31       (~~(48)~~) (49) Chapter 46.82 RCW relating to driver's training  
32 schools;  
33       (~~(49)~~) (50) RCW 46.87.260 relating to alteration or forgery of a  
34 cab card, letter of authority, or other temporary authority issued  
35 under chapter 46.87 RCW;  
36       (~~(50)~~) (51) RCW 46.87.290 relating to operation of an  
37 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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