

2 SSB 6264 - S AMD - 067

3 By Senators Hargrove, Benton and Eide

4 ADOPTED 2/10/00

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. Sec. 1. The legislature has recognized the need to
8 develop a graduated licensing system in light of the disproportionately
9 high incidence of motor vehicle crashes involving youthful motorists.
10 This system will improve highway safety by progressively developing and
11 improving the skills of younger drivers in the safest possible
12 environment, thereby reducing the number of vehicle crashes.

13 NEW SECTION. Sec. 2. A new section is added to chapter 46.20 RCW
14 to read as follows:

15 (1) An intermediate license authorizes the holder to drive a motor
16 vehicle under the conditions specified in this section. An applicant
17 for an intermediate license must be at least sixteen years of age and:

18 (a) Have possessed a valid instruction permit for a period of not
19 less than six months;

20 (b) Have passed a driver licensing examination administered by the
21 department;

22 (c) Have passed a course of driver's education in accordance with
23 the standards established in RCW 46.20.100;

24 (d) Present certification by his or her parent, guardian, or
25 employer to the department stating (i) that the applicant has had at
26 least fifty hours of driving experience, ten of which were at night,
27 during which the driver was supervised by a person at least twenty-one
28 years of age who has had a valid driver's license for at least three
29 years, and (ii) that the applicant has not been issued a notice of
30 traffic infraction or cited for a traffic violation that is pending at
31 the time of the application for the intermediate license;

32 (e) Not have been convicted of or found to have committed a traffic
33 violation within the last six months before the application for the
34 intermediate license; and

1 (f) Not have been adjudicated for an offense involving the use of
2 alcohol or drugs during the period the applicant held an instruction
3 permit.

4 (2) For the first six months after the issuance of an intermediate
5 license or until the holder reaches eighteen years of age, whichever
6 occurs first, the holder of the license may not operate a motor vehicle
7 that is carrying any passengers under the age of twenty who are not
8 members of the holder's immediate family as defined in RCW 42.17.020.
9 For the remaining period of the intermediate license, the holder may
10 not operate a motor vehicle that is carrying more than three passengers
11 who are under the age of twenty who are not members of the holder's
12 immediate family.

13 (3) The holder of an intermediate license may not operate a motor
14 vehicle between the hours of 12 a.m. and 5 a.m. except when:

15 (a) The holder is accompanied by a parent, guardian, or a licensed
16 driver who is at least twenty-five years of age;

17 (b) The holder is driving between the holder's home and place of
18 employment;

19 (c) The holder is driving between the holder's home and a school
20 event for which no other transportation is available;

21 (d) The holder is driving for employment purposes; or

22 (e) The holder is not an employee of a farm, but is moving a
23 vehicle from one farm to another, or to a farm employee.

24 (4) It is a traffic infraction for the holder of an intermediate
25 license to operate a motor vehicle in violation of the restrictions
26 imposed under this section.

27 (5) Enforcement of this section by law enforcement officers may be
28 accomplished only as a secondary action when a driver of a motor
29 vehicle has been detained for a suspected violation of this title or an
30 equivalent local ordinance or some other offense.

31 (6) An intermediate licensee may drive at any hour without
32 restriction on the number of passengers in the vehicle if required due
33 to an emergency.

34 (7) An intermediate licensee may drive at any hour without
35 restrictions on the number of passengers in the vehicle if required by
36 family necessity as evidenced by a signed statement of a parent or
37 guardian. The note must be dated and is effective for only one day.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 If a person issued an intermediate license is convicted of or found
4 to have committed a traffic offense described in chapter 46.61 RCW or
5 violated restrictions placed on an intermediate license under section
6 2 of this act:

7 (1) On the first such conviction or finding, the department shall
8 mail the parent or guardian of the person a letter warning the person
9 of the provisions of this section;

10 (2) On the second such conviction or finding, the department shall
11 suspend the person's intermediate driver's license for a period of six
12 months or until the person reaches eighteen years of age, whichever
13 occurs first;

14 (3) On the third such conviction or finding, the department shall
15 suspend the person's intermediate driver's license until the person
16 reaches eighteen years of age.

17 For the purposes of this section, a single ticket for one or more
18 traffic offenses constitutes a single traffic offense.

19 **Sec. 4.** RCW 46.20.091 and 1999 c 6 s 14 are each amended to read
20 as follows:

21 (1) **Application.** In order to apply for a driver's license or
22 instruction permit the applicant must provide his or her:

23 (a) Name of record, as established by documentation required under
24 RCW 46.20.035;

25 (b) Date of birth, as established by satisfactory evidence of age;

26 (c) Sex;

27 (d) Washington residence address;

28 (e) Description;

29 (f) Driving licensing history, including:

30 (i) Whether the applicant has ever been licensed as a driver or
31 chauffeur and, if so, (A) when and by what state or country; (B)
32 whether the license has ever been suspended or revoked; and (C) the
33 date of and reason for the suspension or revocation; or

34 (ii) Whether the applicant's application to another state or
35 country for a driver's license has ever been refused and, if so, the
36 date of and reason for the refusal; and

37 (g) Any additional information required by the department.

1 (2) **Sworn statement.** An application for an instruction permit or
2 for an original driver's license must be made upon a form provided by
3 the department. The form must include a section for the applicant to
4 indicate whether he or she has received driver training and, if so,
5 where. The identifying documentation verifying the name of record must
6 be accompanied by the applicant's written statement that it is valid.
7 The information provided on the form must be sworn to and signed by the
8 applicant before a person authorized to administer oaths. An applicant
9 who makes a false statement on an application for a driver's license or
10 instruction permit is guilty of false swearing, a gross misdemeanor,
11 under RCW 9A.72.040.

12 (3) **Driving records from other jurisdictions.** If a person
13 previously licensed in another jurisdiction applies for a Washington
14 driver's license, the department shall request a copy of the
15 applicant's driver's record from the other jurisdiction. The driving
16 record from the other jurisdiction becomes a part of the driver's
17 record in this state.

18 (4) **Driving records to other jurisdictions.** If another
19 jurisdiction requests a copy of a person's Washington driver's record,
20 the department shall provide a copy of the record. The department
21 shall forward the record without charge if the other jurisdiction
22 extends the same privilege to the state of Washington. Otherwise the
23 department shall charge a reasonable fee for transmittal of the record.

24 **Sec. 5.** RCW 46.20.105 and 1987 c 463 s 3 are each amended to read
25 as follows:

26 (1) The department may provide a method to distinguish the driver's
27 license of a person who is under the age of twenty-one from the
28 driver's license of a person who is twenty-one years of age or older.

29 (2) An instruction permit must be identified as an "instruction
30 permit" and issued in a distinctive form as determined by the
31 department.

32 (3) An intermediate license must be identified as an "intermediate
33 license" and issued in a distinctive form as determined by the
34 department.

35 **Sec. 6.** RCW 46.20.161 and 1999 c 308 s 2 are each amended to read
36 as follows:

1 The department, upon receipt of a fee of twenty-five dollars,
2 unless the driver's license is issued for a period other than five
3 years, in which case the fee shall be five dollars for each year that
4 the license is issued, which includes the fee for the required
5 photograph, shall issue to every qualifying applicant a driver's
6 license. A driver's license issued to a person under the age of
7 eighteen is an intermediate license, subject to the restrictions
8 imposed under section 2 of this act, until the person reaches the age
9 of eighteen. The license must include a distinguishing number assigned
10 to the licensee, the name of record, date of birth, Washington
11 residence address, photograph, a brief description of the licensee, and
12 either a facsimile of the signature of the licensee or a space upon
13 which the licensee shall write his or her usual signature with pen and
14 ink immediately upon receipt of the license. No license is valid until
15 it has been so signed by the licensee.

16 **Sec. 7.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
17 as follows:

18 (1)(a) The department shall not suspend a driver's license or
19 privilege to drive a motor vehicle on the public highways for a fixed
20 period of more than one year, except as specifically permitted under
21 section 3 of this act, RCW 46.20.342, or other provision of law.
22 Except for a suspension under section 3 of this act, RCW 46.20.289,
23 46.20.291(5), or 74.20A.320, whenever the license or driving privilege
24 of any person is suspended by reason of a conviction, a finding that a
25 traffic infraction has been committed, pursuant to chapter 46.29 RCW,
26 or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain
27 in effect until the person gives and thereafter maintains proof of
28 financial responsibility for the future as provided in chapter 46.29
29 RCW. If the suspension is the result of a violation of RCW 46.61.502
30 or 46.61.504, the department shall determine the person's eligibility
31 for licensing based upon the reports provided by the alcoholism agency
32 or probation department designated under RCW 46.61.5056 and shall deny
33 reinstatement until enrollment and participation in an approved program
34 has been established and the person is otherwise qualified. Whenever
35 the license or driving privilege of any person is suspended as a result
36 of certification of noncompliance with a child support order under
37 chapter 74.20A RCW or a residential or visitation order, the suspension
38 shall remain in effect until the person provides a release issued by

1 the department of social and health services stating that the person is
2 in compliance with the order.

3 (b)(i) The department shall not issue to the person a new,
4 duplicate, or renewal license until the person pays a reissue fee of
5 twenty dollars.

6 (ii) If the suspension is the result of a violation of RCW
7 46.61.502 or 46.61.504, or is the result of administrative action under
8 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

9 (2)(a) Any person whose license or privilege to drive a motor
10 vehicle on the public highways has been revoked, unless the revocation
11 was for a cause which has been removed, is not entitled to have the
12 license or privilege renewed or restored until: (i) After the
13 expiration of one year from the date the license or privilege to drive
14 was revoked; (ii) after the expiration of the applicable revocation
15 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
16 expiration of two years for persons convicted of vehicular homicide; or
17 (iv) after the expiration of the applicable revocation period provided
18 by RCW 46.20.265.

19 (b)(i) After the expiration of the appropriate period, the person
20 may make application for a new license as provided by law together with
21 a reissue fee in the amount of twenty dollars.

22 (ii) If the revocation is the result of a violation of RCW
23 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
24 hundred fifty dollars. If the revocation is the result of a violation
25 of RCW 46.61.502 or 46.61.504, the department shall determine the
26 person's eligibility for licensing based upon the reports provided by
27 the alcoholism agency or probation department designated under RCW
28 46.61.5056 and shall deny reissuance of a license, permit, or privilege
29 to drive until enrollment and participation in an approved program has
30 been established and the person is otherwise qualified.

31 (c) Except for a revocation under RCW 46.20.265, the department
32 shall not then issue a new license unless it is satisfied after
33 investigation of the driving ability of the person that it will be safe
34 to grant the privilege of driving a motor vehicle on the public
35 highways, and until the person gives and thereafter maintains proof of
36 financial responsibility for the future as provided in chapter 46.29
37 RCW. For a revocation under RCW 46.20.265, the department shall not
38 issue a new license unless it is satisfied after investigation of the

1 driving ability of the person that it will be safe to grant that person
2 the privilege of driving a motor vehicle on the public highways.

3 (3)(a) Whenever the driver's license of any person is suspended
4 pursuant to Article IV of the nonresident violators compact or RCW
5 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
6 to the person any new or renewal license until the person pays a
7 reissue fee of twenty dollars.

8 (b) If the suspension is the result of a violation of the laws of
9 this or any other state, province, or other jurisdiction involving (i)
10 the operation or physical control of a motor vehicle upon the public
11 highways while under the influence of intoxicating liquor or drugs, or
12 (ii) the refusal to submit to a chemical test of the driver's blood
13 alcohol content, the reissue fee shall be one hundred fifty dollars.

14 **Sec. 8.** RCW 46.20.342 and 1999 c 274 s 3 are each amended to read
15 as follows:

16 (1) It is unlawful for any person to drive a motor vehicle in this
17 state while that person is in a suspended or revoked status or when his
18 or her privilege to drive is suspended or revoked in this or any other
19 state. Any person who has a valid Washington driver's license is not
20 guilty of a violation of this section.

21 (a) A person found to be an habitual offender under chapter 46.65
22 RCW, who violates this section while an order of revocation issued
23 under chapter 46.65 RCW prohibiting such operation is in effect, is
24 guilty of driving while license suspended or revoked in the first
25 degree, a gross misdemeanor. Upon the first such conviction, the
26 person shall be punished by imprisonment for not less than ten days.
27 Upon the second conviction, the person shall be punished by
28 imprisonment for not less than ninety days. Upon the third or
29 subsequent conviction, the person shall be punished by imprisonment for
30 not less than one hundred eighty days. If the person is also convicted
31 of the offense defined in RCW 46.61.502 or 46.61.504, when both
32 convictions arise from the same event, the minimum sentence of
33 confinement shall be not less than ninety days. The minimum sentence
34 of confinement required shall not be suspended or deferred. A
35 conviction under this subsection does not prevent a person from
36 petitioning for reinstatement as provided by RCW 46.65.080.

37 (b) A person who violates this section while an order of suspension
38 or revocation prohibiting such operation is in effect and while the

1 person is not eligible to reinstate his or her driver's license or
2 driving privilege, other than for a suspension for the reasons
3 described in (c) of this subsection, is guilty of driving while license
4 suspended or revoked in the second degree, a gross misdemeanor. This
5 subsection applies when a person's driver's license or driving
6 privilege has been suspended or revoked by reason of:

7 (i) A conviction of a felony in the commission of which a motor
8 vehicle was used;

9 (ii) A previous conviction under this section;

10 (iii) A notice received by the department from a court or diversion
11 unit as provided by RCW 46.20.265, relating to a minor who has
12 committed, or who has entered a diversion unit concerning an offense
13 relating to alcohol, legend drugs, controlled substances, or imitation
14 controlled substances;

15 (iv) A conviction of RCW 46.20.410, relating to the violation of
16 restrictions of an occupational driver's license;

17 (v) A conviction of RCW (~~46.20.420~~) 46.20.345, relating to the
18 operation of a motor vehicle with a suspended or revoked license;

19 (vi) A conviction of RCW 46.52.020, relating to duty in case of
20 injury to or death of a person or damage to an attended vehicle;

21 (vii) A conviction of RCW 46.61.024, relating to attempting to
22 elude pursuing police vehicles;

23 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

24 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
25 person under the influence of intoxicating liquor or drugs;

26 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

27 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

28 (xii) A conviction of RCW 46.61.527(4), relating to reckless
29 endangerment of roadway workers;

30 (xiii) A conviction of RCW 46.61.530, relating to racing of
31 vehicles on highways;

32 (xiv) A conviction of RCW 46.61.685, relating to leaving children
33 in an unattended vehicle with motor running;

34 (xv) A conviction of RCW 46.64.048, relating to attempting, aiding,
35 abetting, coercing, and committing crimes;

36 (xvi) An administrative action taken by the department under
37 chapter 46.20 RCW; or

38 (xvii) A conviction of a local law, ordinance, regulation, or
39 resolution of a political subdivision of this state, the federal

1 government, or any other state, of an offense substantially similar to
2 a violation included in this subsection.

3 (c) A person who violates this section when his or her driver's
4 license or driving privilege is, at the time of the violation,
5 suspended or revoked solely because (i) the person must furnish proof
6 of satisfactory progress in a required alcoholism or drug treatment
7 program, (ii) the person must furnish proof of financial responsibility
8 for the future as provided by chapter 46.29 RCW, (iii) the person has
9 failed to comply with the provisions of chapter 46.29 RCW relating to
10 uninsured accidents, (iv) the person has failed to respond to a notice
11 of traffic infraction, failed to appear at a requested hearing,
12 violated a written promise to appear in court, or has failed to comply
13 with the terms of a notice of traffic infraction or citation, as
14 provided in RCW 46.20.289, (v) the person has committed an offense in
15 another state that, if committed in this state, would not be grounds
16 for the suspension or revocation of the person's driver's license,
17 (~~(or)~~) (vi) the person has been suspended or revoked by reason of one
18 or more of the items listed in (b) of this subsection, but was eligible
19 to reinstate his or her driver's license or driving privilege at the
20 time of the violation, or (vii) the person has received traffic
21 citations or notices of traffic infraction that have resulted in a
22 suspension under section 3 of this act relating to intermediate
23 drivers' licenses, or any combination of (i) through (~~(vi)~~) (vii), is
24 guilty of driving while license suspended or revoked in the third
25 degree, a misdemeanor.

26 (2) Upon receiving a record of conviction of any person or upon
27 receiving an order by any juvenile court or any duly authorized court
28 officer of the conviction of any juvenile under this section, the
29 department shall:

30 (a) For a conviction of driving while suspended or revoked in the
31 first degree, as provided by subsection (1)(a) of this section, extend
32 the period of administrative revocation imposed under chapter 46.65 RCW
33 for an additional period of one year from and after the date the person
34 would otherwise have been entitled to apply for a new license or have
35 his or her driving privilege restored; or

36 (b) For a conviction of driving while suspended or revoked in the
37 second degree, as provided by subsection (1)(b) of this section, not
38 issue a new license or restore the driving privilege for an additional
39 period of one year from and after the date the person would otherwise

1 have been entitled to apply for a new license or have his or her
2 driving privilege restored; or

3 (c) Not extend the period of suspension or revocation if the
4 conviction was under subsection (1)(c) of this section. If the
5 conviction was under subsection (1) (a) or (b) of this section and the
6 court recommends against the extension and the convicted person has
7 obtained a valid driver's license, the period of suspension or
8 revocation shall not be extended.

9 **Sec. 9.** RCW 28A.220.030 and 1979 c 158 s 196 are each amended to
10 read as follows:

11 (1) The superintendent of public instruction is authorized to
12 establish a section of traffic safety education, and through such
13 section shall: Define a "realistic level of effort" required to
14 provide an effective traffic safety education course, establish a level
15 of driving competency required of each student to successfully complete
16 the course, and ensure that an effective state-wide program is
17 implemented and sustained, administer, supervise, and develop the
18 traffic safety education program and shall assist local school
19 districts in the conduct of their traffic safety education programs.
20 The superintendent shall adopt necessary rules and regulations
21 governing the operation and scope of the traffic safety education
22 program; and each school district shall submit a report to the
23 superintendent on the condition of its traffic safety education
24 program: PROVIDED, That the superintendent shall monitor the quality
25 of the program and carry out the purposes of this chapter.

26 (2) The board of directors of any school district maintaining a
27 secondary school which includes any of the grades 10 to 12, inclusive,
28 may establish and maintain a traffic safety education course. If a
29 school district elects to offer a traffic safety education course and
30 has within its boundaries a private accredited secondary school which
31 includes any of the grades 10 to 12, inclusive, at least one class in
32 traffic safety education shall be given at times other than regular
33 school hours if there is sufficient demand therefor.

34 (3) The board of directors of a school district, or combination of
35 school districts, may contract with any drivers' school licensed under
36 the provisions of chapter 46.82 RCW to teach the laboratory phase of
37 the traffic safety education course. Instructors provided by any such
38 contracting drivers' school must be properly qualified teachers of

1 traffic safety education under the joint qualification requirements
2 adopted by the superintendent of public instruction and the director of
3 licensing.

4 (4) The superintendent shall establish a required minimum number of
5 hours of continuing traffic safety education for traffic safety
6 education instructors. The superintendent may phase in the requirement
7 over not more than five years.

8 **Sec. 10.** RCW 28A.220.040 and 1984 c 258 s 331 are each amended to
9 read as follows:

10 (1) Each school district shall be reimbursed from funds
11 appropriated for traffic safety education(~~(:—PROVIDED, That)~~).

12 (a) The state superintendent shall determine the per-pupil
13 reimbursement amount for the traffic safety education course to be
14 funded by the state. Each school district offering an approved
15 standard traffic safety education course shall be reimbursed or granted
16 an amount up to the level established by the superintendent of public
17 instruction as may be appropriated.

18 (b) The state superintendent may provide per-pupil reimbursements
19 to school districts only where all the traffic educators have satisfied
20 the continuing education requirement of RCW 28A.220.030(5).

21 (2) The board of directors of any school district or combination of
22 school districts may establish a traffic safety education fee, which
23 fee when imposed shall be required to be paid by any duly enrolled
24 student in any such school district prior to or while enrolled in a
25 traffic safety education course. Traffic safety education fees
26 collected by a school district shall be deposited with the county
27 treasurer to the credit of such school district, to be used to pay
28 costs of the traffic safety education course.

29 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220
30 RCW to read as follows:

31 The superintendent of public instruction, in consultation with the
32 department of licensing, shall adopt rules for implementing section
33 2(1)(d) of this act.

34 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act take
35 effect July 1, 2001."

1 **SSB 6264** - S AMD - 067
2 By Senators Hargrove, Benton and Eide

ADOPTED 2/10/00

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4 In line 1 of the title, after "licenses;" strike the remainder of
5 the title and insert "amending RCW 46.20.091, 46.20.105, 46.20.161,
6 46.20.311, 46.20.342, 28A.220.030, and 28A.220.040; adding new sections
7 to chapter 46.20 RCW; adding a new section to chapter 28A.220 RCW;
8 creating a new section; and providing an effective date."

EFFECT: Technical corrections are made. The nighttime driving and passenger restrictions do not apply in an emergency or when the driver has written and dated permission from the parent.

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