
SENATE BILL 6264

State of Washington

56th Legislature

2000 Regular Session

By Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin

Read first time 01/12/2000. Referred to Committee on Transportation.

1 AN ACT Relating to intermediate drivers' licenses; amending RCW
2 46.20.091, 46.20.100, 46.20.105, 46.20.311, and 46.20.342; adding new
3 sections to chapter 46.20 RCW; creating a new section; and providing an
4 effective date.

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

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

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

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

- 1 (a) Have possessed a valid instruction permit for a period of not
2 less than six months;
- 3 (b) Have passed a driver licensing examination administered by the
4 department;
- 5 (c) Have passed a course of driver's education in accordance with
6 the standards established in RCW 46.20.100;
- 7 (d) Present certification by his or her parent or guardian to the
8 department stating that the person has had at least fifty hours of
9 driving experience, ten of which were at night, during which the driver
10 was supervised by a person at least twenty-one years of age who has had
11 a valid driver's license for at least three years;
- 12 (e) Not have been convicted of or found to have committed a traffic
13 violation within the last six months before the application for the
14 intermediate license;
- 15 (f) Not have been cited for a traffic violation that is pending at
16 the time of the application for the intermediate license; and
- 17 (g) Not have been adjudicated for an offense involving the use of
18 alcohol or drugs during the period the applicant held an instruction
19 permit.
- 20 (2) For the first six months after the issuance of an intermediate
21 license, the holder of the license may not operate a motor vehicle that
22 is carrying any passengers under the age of twenty-one who are not
23 members of the holder's immediate family. For the remaining period of
24 the intermediate license, the holder may not operate a motor vehicle
25 that is carrying more than three passengers who are under the age of
26 twenty-one who are not members of the holder's immediate family.
- 27 (3) For the first six months after the issuance of an intermediate
28 license, the holder of the license may not operate a motor vehicle
29 between the hours of 12 a.m. and 5 a.m. except when:
- 30 (a) The holder is accompanied by a parent, guardian, or a licensed
31 driver who is at least twenty-five years of age;
- 32 (b) The holder is driving between the holder's home and place of
33 employment;
- 34 (c) The holder is driving between the holder's home and a school
35 event for which no other transportation is available;
- 36 (d) The holder is driving for employment purposes; or
- 37 (e) The holder is not an employee of a farm, but is moving a
38 vehicle from one farm to another, or to a farm employee.

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;

13 (3) On the third such conviction or finding, the department shall
14 revoke the person's intermediate driver's license and shall not
15 reinstate it. No regular driving privileges may be issued to a person
16 whose license is suspended under this subsection until the person
17 reaches eighteen years of age.

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

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

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

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

25 (c) Sex;

26 (d) Washington residence address;

27 (e) Description;

28 (f) Driving licensing history, including:

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

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

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

37 (2) **Sworn statement.** An application for an instruction permit or
38 for an original driver's license must be made upon a form provided by

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

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

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

22 **Sec. 5.** RCW 46.20.100 and 1999 c 274 s 14 are each amended to read
23 as follows:

24 (1) **Application.** The application of a person under the age of
25 eighteen years for a driver's license or a motorcycle endorsement must
26 be signed by a parent or guardian with custody of the minor. If the
27 person under the age of eighteen has no father, mother, or guardian,
28 then the application must be signed by the minor's employer.

29 (2) **Traffic safety education requirement.** For a person under the
30 age of eighteen years to obtain a driver's license he or she must meet
31 the traffic safety education requirements of this subsection and the
32 intermediate license requirements of section 2 of this act.

33 (a) To meet the traffic safety education requirement for a driver's
34 license the applicant must satisfactorily complete a traffic safety
35 education course as defined in RCW 28A.220.020. The course must meet
36 the standards established by the office of the state superintendent of
37 public instruction. The traffic safety education course may be
38 provided by:

1 (i) A recognized secondary school; or
2 (ii) A commercial driving enterprise that is annually approved by
3 the office of the superintendent of public instruction.

4 (b) To meet the traffic safety education requirement for a
5 motorcycle endorsement, the applicant must successfully complete a
6 motorcycle safety education course that meets the standards established
7 by the department of licensing.

8 (c) The department may waive the traffic safety education
9 requirement for a driver's license if the applicant demonstrates to the
10 department's satisfaction that:

11 (i) He or she was unable to take or complete a traffic safety
12 education course;

13 (ii) A need exists for the applicant to operate a motor vehicle;
14 and

15 (iii) He or she has the ability to operate a motor vehicle in such
16 a manner as not to jeopardize the safety of persons or property.

17 The department may adopt rules to implement this subsection (2)(c) in
18 concert with the supervisor of the traffic safety education section of
19 the office of the superintendent of public instruction.

20 (d) The department may waive the traffic safety education
21 requirement if the applicant was licensed to drive a motor vehicle or
22 motorcycle outside this state and provides proof that he or she has had
23 education equivalent to that required under this subsection.

24 **Sec. 6.** 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. 7.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read
36 as follows:

1 (1)(a) The department shall not suspend a driver's license or
2 privilege to drive a motor vehicle on the public highways for a fixed
3 period of more than one year, except as specifically permitted under
4 section 3 of this act, RCW 46.20.342, or other provision of law.
5 Except for a suspension under section 3 of this act, RCW 46.20.289,
6 46.20.291(5), or 74.20A.320, whenever the license or driving privilege
7 of any person is suspended by reason of a conviction, a finding that a
8 traffic infraction has been committed, pursuant to chapter 46.29 RCW,
9 or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain
10 in effect until the person gives and thereafter maintains proof of
11 financial responsibility for the future as provided in chapter 46.29
12 RCW. If the suspension is the result of a violation of RCW 46.61.502
13 or 46.61.504, the department shall determine the person's eligibility
14 for licensing based upon the reports provided by the alcoholism agency
15 or probation department designated under RCW 46.61.5056 and shall deny
16 reinstatement until enrollment and participation in an approved program
17 has been established and the person is otherwise qualified. Whenever
18 the license or driving privilege of any person is suspended as a result
19 of certification of noncompliance with a child support order under
20 chapter 74.20A RCW or a residential or visitation order, the suspension
21 shall remain in effect until the person provides a release issued by
22 the department of social and health services stating that the person is
23 in compliance with the order.

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

27 (ii) If the suspension is the result of a violation of RCW
28 46.61.502 or 46.61.504, or is the result of administrative action under
29 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

30 (2)(a) Any person whose license or privilege to drive a motor
31 vehicle on the public highways has been revoked, unless the revocation
32 was for a cause which has been removed, is not entitled to have the
33 license or privilege renewed or restored until: (i) After the
34 expiration of one year from the date the license or privilege to drive
35 was revoked; (ii) after the expiration of the applicable revocation
36 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
37 expiration of two years for persons convicted of vehicular homicide; or
38 (iv) after the expiration of the applicable revocation period provided
39 by RCW 46.20.265.

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

4 (ii) If the revocation is the result of a violation of RCW
5 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
6 hundred fifty dollars. If the revocation is the result of a violation
7 of RCW 46.61.502 or 46.61.504, the department shall determine the
8 person's eligibility for licensing based upon the reports provided by
9 the alcoholism agency or probation department designated under RCW
10 46.61.5056 and shall deny reissuance of a license, permit, or privilege
11 to drive until enrollment and participation in an approved program has
12 been established and the person is otherwise qualified.

13 (c) Except for a revocation under RCW 46.20.265, the department
14 shall not then issue a new license unless it is satisfied after
15 investigation of the driving ability of the person that it will be safe
16 to grant the privilege of driving a motor vehicle on the public
17 highways, and until the person gives and thereafter maintains proof of
18 financial responsibility for the future as provided in chapter 46.29
19 RCW. For a revocation under RCW 46.20.265, the department shall not
20 issue a new license unless it is satisfied after investigation of the
21 driving ability of the person that it will be safe to grant that person
22 the privilege of driving a motor vehicle on the public highways.

23 (3)(a) Whenever the driver's license of any person is suspended
24 pursuant to Article IV of the nonresident violators compact or RCW
25 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
26 to the person any new or renewal license until the person pays a
27 reissue fee of twenty dollars.

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

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

36 (1) It is unlawful for any person to drive a motor vehicle in this
37 state while that person is in a suspended or revoked status or when his
38 or her privilege to drive is suspended or revoked in this or any other

1 state. Any person who has a valid Washington driver's license is not
2 guilty of a violation of this section.

3 (a) A person found to be an habitual offender under chapter 46.65
4 RCW, who violates this section while an order of revocation issued
5 under chapter 46.65 RCW prohibiting such operation is in effect, is
6 guilty of driving while license suspended or revoked in the first
7 degree, a gross misdemeanor. Upon the first such conviction, the
8 person shall be punished by imprisonment for not less than ten days.
9 Upon the second conviction, the person shall be punished by
10 imprisonment for not less than ninety days. Upon the third or
11 subsequent conviction, the person shall be punished by imprisonment for
12 not less than one hundred eighty days. If the person is also convicted
13 of the offense defined in RCW 46.61.502 or 46.61.504, when both
14 convictions arise from the same event, the minimum sentence of
15 confinement shall be not less than ninety days. The minimum sentence
16 of confinement required shall not be suspended or deferred. A
17 conviction under this subsection does not prevent a person from
18 petitioning for reinstatement as provided by RCW 46.65.080.

19 (b) A person who violates this section while an order of suspension
20 or revocation prohibiting such operation is in effect and while the
21 person is not eligible to reinstate his or her driver's license or
22 driving privilege, other than for a suspension for the reasons
23 described in (c) of this subsection, is guilty of driving while license
24 suspended or revoked in the second degree, a gross misdemeanor. This
25 subsection applies when a person's driver's license or driving
26 privilege has been suspended or revoked by reason of:

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

29 (ii) A previous conviction under this section;

30 (iii) A notice received by the department from a court or diversion
31 unit as provided by RCW 46.20.265, relating to a minor who has
32 committed, or who has entered a diversion unit concerning an offense
33 relating to alcohol, legend drugs, controlled substances, or imitation
34 controlled substances;

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

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

1 (vi) A conviction of RCW 46.52.020, relating to duty in case of
2 injury to or death of a person or damage to an attended vehicle;
3 (vii) A conviction of RCW 46.61.024, relating to attempting to
4 elude pursuing police vehicles;
5 (viii) A conviction of RCW 46.61.500, relating to reckless driving;
6 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
7 person under the influence of intoxicating liquor or drugs;
8 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
9 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
10 (xii) A conviction of RCW 46.61.527(4), relating to reckless
11 endangerment of roadway workers;
12 (xiii) A conviction of RCW 46.61.530, relating to racing of
13 vehicles on highways;
14 (xiv) A conviction of RCW 46.61.685, relating to leaving children
15 in an unattended vehicle with motor running;
16 (xv) A conviction of RCW 46.64.048, relating to attempting, aiding,
17 abetting, coercing, and committing crimes;
18 (xvi) An administrative action taken by the department under
19 chapter 46.20 RCW; or
20 (xvii) A conviction of a local law, ordinance, regulation, or
21 resolution of a political subdivision of this state, the federal
22 government, or any other state, of an offense substantially similar to
23 a violation included in this subsection.
24 (c) A person who violates this section when his or her driver's
25 license or driving privilege is, at the time of the violation,
26 suspended or revoked solely because (i) the person must furnish proof
27 of satisfactory progress in a required alcoholism or drug treatment
28 program, (ii) the person must furnish proof of financial responsibility
29 for the future as provided by chapter 46.29 RCW, (iii) the person has
30 failed to comply with the provisions of chapter 46.29 RCW relating to
31 uninsured accidents, (iv) the person has failed to respond to a notice
32 of traffic infraction, failed to appear at a requested hearing,
33 violated a written promise to appear in court, or has failed to comply
34 with the terms of a notice of traffic infraction or citation, as
35 provided in RCW 46.20.289, (v) the person has committed an offense in
36 another state that, if committed in this state, would not be grounds
37 for the suspension or revocation of the person's driver's license,
38 ((or)) (vi) the person has been suspended or revoked by reason of one
39 or more of the items listed in (b) of this subsection, but was eligible

1 to reinstate his or her driver's license or driving privilege at the
2 time of the violation, or (vii) the person failed to comply with
3 section 2 of this act relating to intermediate drivers' licenses, or
4 any combination of (i) through (~~(vi)~~) (vii), is guilty of driving
5 while license suspended or revoked in the third degree, a misdemeanor.

6 (2) Upon receiving a record of conviction of any person or upon
7 receiving an order by any juvenile court or any duly authorized court
8 officer of the conviction of any juvenile under this section, the
9 department shall:

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

16 (b) For a conviction of driving while suspended or revoked in the
17 second degree, as provided by subsection (1)(b) of this section, not
18 issue a new license or restore the driving privilege for an additional
19 period of one year from and after the date the person would otherwise
20 have been entitled to apply for a new license or have his or her
21 driving privilege restored; or

22 (c) Not extend the period of suspension or revocation if the
23 conviction was under subsection (1)(c) of this section. If the
24 conviction was under subsection (1) (a) or (b) of this section and the
25 court recommends against the extension and the convicted person has
26 obtained a valid driver's license, the period of suspension or
27 revocation shall not be extended.

28 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2001.

--- END ---