

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6264

56th Legislature
2000 Regular Session

Passed by the Senate March 6, 2000
YEAS 39 NAYS 9

President of the Senate

Passed by the House March 2, 2000
YEAS 66 NAYS 31

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6264** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6264

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin)

Read first time 01/28/2000.

1 AN ACT Relating to intermediate drivers' licenses; amending RCW
2 46.20.091, 46.20.105, 46.20.161, 46.20.311, 46.20.342, 28A.220.030, and
3 28A.220.040; adding new sections to chapter 46.20 RCW; adding a new
4 section to chapter 28A.220 RCW; adding new sections to chapter 43.131
5 RCW; creating a new section; and providing an effective date.

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

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:

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, guardian, or
8 employer to the department stating (i) that the applicant has had at
9 least fifty hours of driving experience, ten of which were at night,
10 during which the driver was supervised by a person at least twenty-one
11 years of age who has had a valid driver's license for at least three
12 years, and (ii) that the applicant has not been issued a notice of
13 traffic infraction or cited for a traffic violation that is pending at
14 the time of the application for the intermediate license;

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

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

21 (2) For the first six months after the issuance of an intermediate
22 license or until the holder reaches eighteen years of age, whichever
23 occurs first, the holder of the license may not operate a motor vehicle
24 that is carrying any passengers under the age of twenty who are not
25 members of the holder's immediate family as defined in RCW 42.17.020.
26 For the remaining period of the intermediate license, the holder may
27 not operate a motor vehicle that is carrying more than three passengers
28 who are under the age of twenty who are not members of the holder's
29 immediate family.

30 (3) The holder of an intermediate license may not operate a motor
31 vehicle between the hours of 1 a.m. and 5 a.m. except when the holder
32 is accompanied by a parent, guardian, or a licensed driver who is at
33 least twenty-five years of age.

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

37 (5) Enforcement of this section by law enforcement officers may be
38 accomplished only as a secondary action when a driver of a motor

1 vehicle has been detained for a suspected violation of this title or an
2 equivalent local ordinance or some other offense.

3 (6) An intermediate licensee may drive at any hour without
4 restrictions on the number of passengers in the vehicle if necessary
5 for agricultural purposes.

6 (7) An intermediate licensee may drive at any hour without
7 restrictions on the number of passengers in the vehicle if, for the
8 twelve-month period following the issuance of the intermediate license,
9 he or she:

10 (a) Has not been involved in an automobile accident; and

11 (b) Has not been convicted or found to have committed a traffic
12 offense described in chapter 46.61 RCW or violated restrictions placed
13 on an intermediate licensee under this section.

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

16 If a person issued an intermediate license is convicted of or found
17 to have committed a traffic offense described in chapter 46.61 RCW or
18 violated restrictions placed on an intermediate license under section
19 2 of this act:

20 (1) On the first such conviction or finding the department shall
21 mail the parent or guardian of the person a letter warning the person
22 of the provisions of this section;

23 (2) On the second such conviction or finding, the department shall
24 suspend the person's intermediate driver's license for a period of six
25 months or until the person reaches eighteen years of age, whichever
26 occurs first, and mail the parent or guardian of the person a
27 notification of the suspension;

28 (3) On the third such conviction or finding, the department shall
29 suspend the person's intermediate driver's license until the person
30 reaches eighteen years of age, and mail the parent or guardian of the
31 person a notification of the suspension.

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

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

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

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

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

4 (c) Sex;

5 (d) Washington residence address;

6 (e) Description;

7 (f) Driving licensing history, including:

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

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

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

16 (2) **Sworn statement.** An application for an instruction permit or
17 for an original driver's license must be made upon a form provided by
18 the department. The form must include a section for the applicant to
19 indicate whether he or she has received driver training and, if so,
20 where. The identifying documentation verifying the name of record must
21 be accompanied by the applicant's written statement that it is valid.
22 The information provided on the form must be sworn to and signed by the
23 applicant before a person authorized to administer oaths. An applicant
24 who makes a false statement on an application for a driver's license or
25 instruction permit is guilty of false swearing, a gross misdemeanor,
26 under RCW 9A.72.040.

27 (3) **Driving records from other jurisdictions.** If a person
28 previously licensed in another jurisdiction applies for a Washington
29 driver's license, the department shall request a copy of the
30 applicant's driver's record from the other jurisdiction. The driving
31 record from the other jurisdiction becomes a part of the driver's
32 record in this state.

33 (4) **Driving records to other jurisdictions.** If another
34 jurisdiction requests a copy of a person's Washington driver's record,
35 the department shall provide a copy of the record. The department
36 shall forward the record without charge if the other jurisdiction
37 extends the same privilege to the state of Washington. Otherwise the
38 department shall charge a reasonable fee for transmittal of the record.

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

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

6 (2) An instruction permit must be identified as an "instruction
7 permit" and issued in a distinctive form as determined by the
8 department.

9 (3) An intermediate license must be identified as an "intermediate
10 license" and issued in a distinctive form as determined by the
11 department.

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

14 The department, upon receipt of a fee of twenty-five dollars,
15 unless the driver's license is issued for a period other than five
16 years, in which case the fee shall be five dollars for each year that
17 the license is issued, which includes the fee for the required
18 photograph, shall issue to every qualifying applicant a driver's
19 license. A driver's license issued to a person under the age of
20 eighteen is an intermediate license, subject to the restrictions
21 imposed under section 2 of this act, until the person reaches the age
22 of eighteen. The license must include a distinguishing number assigned
23 to the licensee, the name of record, date of birth, Washington
24 residence address, photograph, a brief description of the licensee, and
25 either a facsimile of the signature of the licensee or a space upon
26 which the licensee shall write his or her usual signature with pen and
27 ink immediately upon receipt of the license. No license is valid until
28 it has been so signed by the licensee.

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

31 (1)(a) The department shall not suspend a driver's license or
32 privilege to drive a motor vehicle on the public highways for a fixed
33 period of more than one year, except as specifically permitted under
34 section 3 of this act, RCW 46.20.342, or other provision of law.
35 Except for a suspension under section 3 of this act, RCW 46.20.289,
36 46.20.291(5), or 74.20A.320, whenever the license or driving privilege
37 of any person is suspended by reason of a conviction, a finding that a

1 traffic infraction has been committed, pursuant to chapter 46.29 RCW,
2 or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain
3 in effect until the person gives and thereafter maintains proof of
4 financial responsibility for the future as provided in chapter 46.29
5 RCW. If the suspension is the result of a violation of RCW 46.61.502
6 or 46.61.504, the department shall determine the person's eligibility
7 for licensing based upon the reports provided by the alcoholism agency
8 or probation department designated under RCW 46.61.5056 and shall deny
9 reinstatement until enrollment and participation in an approved program
10 has been established and the person is otherwise qualified. Whenever
11 the license or driving privilege of any person is suspended as a result
12 of certification of noncompliance with a child support order under
13 chapter 74.20A RCW or a residential or visitation order, the suspension
14 shall remain in effect until the person provides a release issued by
15 the department of social and health services stating that the person is
16 in compliance with the order.

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

20 (ii) If the suspension is the result of a violation of RCW
21 46.61.502 or 46.61.504, or is the result of administrative action under
22 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

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

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

36 (ii) If the revocation is the result of a violation of RCW
37 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
38 hundred fifty dollars. If the revocation is the result of a violation
39 of RCW 46.61.502 or 46.61.504, the department shall determine the

1 person's eligibility for licensing based upon the reports provided by
2 the alcoholism agency or probation department designated under RCW
3 46.61.5056 and shall deny reissuance of a license, permit, or privilege
4 to drive until enrollment and participation in an approved program has
5 been established and the person is otherwise qualified.

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

16 (3)(a) Whenever the driver's license of any person is suspended
17 pursuant to Article IV of the nonresident violators compact or RCW
18 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
19 to the person any new or renewal license until the person pays a
20 reissue fee of twenty dollars.

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

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

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

34 (a) A person found to be an habitual offender under chapter 46.65
35 RCW, who violates this section while an order of revocation issued
36 under chapter 46.65 RCW prohibiting such operation is in effect, is
37 guilty of driving while license suspended or revoked in the first
38 degree, a gross misdemeanor. Upon the first such conviction, the

1 person shall be punished by imprisonment for not less than ten days.
2 Upon the second conviction, the person shall be punished by
3 imprisonment for not less than ninety days. Upon the third or
4 subsequent conviction, the person shall be punished by imprisonment for
5 not less than one hundred eighty days. If the person is also convicted
6 of the offense defined in RCW 46.61.502 or 46.61.504, when both
7 convictions arise from the same event, the minimum sentence of
8 confinement shall be not less than ninety days. The minimum sentence
9 of confinement required shall not be suspended or deferred. A
10 conviction under this subsection does not prevent a person from
11 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

22 (ii) A previous conviction under this section;

23 (iii) A notice received by the department from a court or diversion
24 unit as provided by RCW 46.20.265, relating to a minor who has
25 committed, or who has entered a diversion unit concerning an offense
26 relating to alcohol, legend drugs, controlled substances, or imitation
27 controlled substances;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) The superintendent of public instruction is authorized to
26 establish a section of traffic safety education, and through such
27 section shall: Define a "realistic level of effort" required to
28 provide an effective traffic safety education course, establish a level
29 of driving competency required of each student to successfully complete
30 the course, and ensure that an effective state-wide program is
31 implemented and sustained, administer, supervise, and develop the
32 traffic safety education program and shall assist local school
33 districts in the conduct of their traffic safety education programs.
34 The superintendent shall adopt necessary rules and regulations
35 governing the operation and scope of the traffic safety education
36 program; and each school district shall submit a report to the
37 superintendent on the condition of its traffic safety education

1 program: PROVIDED, That the superintendent shall monitor the quality
2 of the program and carry out the purposes of this chapter.

3 (2) The board of directors of any school district maintaining a
4 secondary school which includes any of the grades 10 to 12, inclusive,
5 may establish and maintain a traffic safety education course. If a
6 school district elects to offer a traffic safety education course and
7 has within its boundaries a private accredited secondary school which
8 includes any of the grades 10 to 12, inclusive, at least one class in
9 traffic safety education shall be given at times other than regular
10 school hours if there is sufficient demand therefor.

11 (3) The board of directors of a school district, or combination of
12 school districts, may contract with any drivers' school licensed under
13 the provisions of chapter 46.82 RCW to teach the laboratory phase of
14 the traffic safety education course. Instructors provided by any such
15 contracting drivers' school must be properly qualified teachers of
16 traffic safety education under the joint qualification requirements
17 adopted by the superintendent of public instruction and the director of
18 licensing.

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

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

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

27 (a) The state superintendent shall determine the per-pupil
28 reimbursement amount for the traffic safety education course to be
29 funded by the state. Each school district offering an approved
30 standard traffic safety education course shall be reimbursed or granted
31 an amount up to the level established by the superintendent of public
32 instruction as may be appropriated.

33 (b) The state superintendent may provide per-pupil reimbursements
34 to school districts only where all the traffic educators have satisfied
35 the continuing education requirement of RCW 28A.220.030(4).

36 (2) The board of directors of any school district or combination of
37 school districts may establish a traffic safety education fee, which
38 fee when imposed shall be required to be paid by any duly enrolled

1 student in any such school district prior to or while enrolled in a
2 traffic safety education course. Traffic safety education fees
3 collected by a school district shall be deposited with the county
4 treasurer to the credit of such school district, to be used to pay
5 costs of the traffic safety education course.

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

8 The superintendent of public instruction, in consultation with the
9 department of licensing, shall adopt rules for implementing section
10 2(1)(d) of this act.

11 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.131
12 RCW to read as follows:

13 The intermediate driver's license program created by this act shall
14 be reviewed under this chapter before June 30, 2008. The department of
15 licensing, in cooperation with the Washington traffic safety
16 commission, shall provide the information necessary for the joint
17 legislative audit and review committee to provide the required review.

18 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.131
19 RCW to read as follows:

20 The following acts or parts of acts, as now existing or hereafter
21 amended, are each repealed, effective June 30, 2009:

- 22 (1) Section 1 of this act;
- 23 (2) Section 2 of this act;
- 24 (3) Section 3 of this act;
- 25 (4) The amendment of RCW 46.20.105 by section 5 of this act;
- 26 (5) The amendment of RCW 46.20.161 by section 6 of this act;
- 27 (6) The amendment of RCW 46.20.311 by section 7 of this act;
- 28 (7) The amendment of RCW 46.20.342 by section 8 of this act;
- 29 (8) Section 11 of this act.

30 NEW SECTION. **Sec. 14.** Sections 1 through 10 of this act take
31 effect July 1, 2001.

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