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ENGROSSED SUBSTITUTE HOUSE BILL 2560

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State of Washington

57th Legislature

2002 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Quall, O'Brien, Lovick, Mitchell, Clements, Sump, Simpson, Sehlin, Cooper, Delvin, Boldt, Morell, Kessler, Buck, Hankins, Fisher, Armstrong, Mielke, Rockefeller, Haigh, Nixon, Kenney and Jackley)

Read first time . Referred to Committee on .

1 AN ACT Relating to driver training schools; amending RCW 46.20.055,  
2 46.20.070, and 46.20.100; adding a new section to chapter 46.82 RCW;  
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 46.20.055 and 1999 c 274 s 13 are each amended to read  
6 as follows:

7 (1) **Driver's instruction permit.** The department may issue a  
8 driver's instruction permit with a photograph to an applicant who has  
9 successfully passed all parts of the examination other than the driving  
10 test, provided the information required by RCW 46.20.091, paid a five-  
11 dollar fee, and meets the following requirements:

12 (a) Is at least fifteen and one-half years of age; or

13 (b) Is at least fifteen years of age and:

14 (i) Has submitted a proper application; and

15 (ii) Is enrolled in a traffic safety education program offered,  
16 approved, and accredited by the superintendent of public instruction,  
17 or offered by a driver training school licensed and inspected by the  
18 department of licensing under chapter 46.82 RCW, that includes practice  
19 driving.

1 (2) **Nonphoto permit fee.** An applicant who meets the requirements  
2 of subsection (1) of this section other than payment of the five-dollar  
3 fee may obtain a driver's instruction permit without a photograph by  
4 paying a fee of four dollars.

5 (3) **Waiver of written examination for instruction permit.** The  
6 department may waive the written examination, if, at the time of  
7 application, an applicant is enrolled in:

8 (a) A traffic safety education course as defined by RCW  
9 28A.220.020(2); or

10 (b) A course of instruction offered by a licensed driver training  
11 school as defined by RCW 46.82.280(1).

12 The department may require proof of registration in such a course  
13 as it deems necessary.

14 (4) **Effect of instruction permit.** A person holding a driver's  
15 instruction permit may drive a motor vehicle, other than a motorcycle,  
16 upon the public highways if:

17 (a) The person has immediate possession of the permit; and

18 (b) An approved instructor, or a licensed driver with at least five  
19 years of driving experience, occupies the seat beside the driver.

20 (5) **Term of instruction permit.** A driver's instruction permit is  
21 valid for one year from the date of issue.

22 (a) The department may issue one additional one-year permit.

23 (b) The department may issue a third driver's permit if it finds  
24 after an investigation that the permittee is diligently seeking to  
25 improve driving proficiency.

26 **Sec. 2.** RCW 46.20.070 and 1999 c 6 s 13 are each amended to read  
27 as follows:

28 (1) **Agricultural driving permit authorized.** The director may issue  
29 a juvenile agricultural driving permit to a person under the age of  
30 eighteen years if:

31 (a) The application is signed by the applicant and the applicant's  
32 father, mother, or legal guardian;

33 (b) The applicant has passed the driving examination required by  
34 RCW 46.20.120;

35 (c) The department has investigated the applicant's need for the  
36 permit and determined that the need justifies issuance;

1 (d) The department has determined the applicant is capable of  
2 operating a motor vehicle without endangering himself or herself or  
3 other persons and property; and

4 (e) The applicant has paid a fee of three dollars.

5 The permit must contain a photograph of the person.

6 (2) **Effect of agricultural driving permit.** (a) The permit  
7 authorizes the holder to:

8 (i) Drive a motor vehicle on the public highways of this state in  
9 connection with farm work. The holder may drive only within a  
10 restricted farming locality described on the permit; and

11 (ii) Participate in the classroom portion of a traffic safety  
12 education course authorized under RCW 28A.220.030, or the classroom  
13 portion of a traffic safety education course offered by a driver  
14 training school licensed and inspected by the department of licensing  
15 under chapter 46.82 RCW, offered in the community where the holder  
16 resides.

17 (b) The director may transfer the permit from one farming locality  
18 to another. A transfer is not a renewal of the permit.

19 (3) **Term and renewal of agricultural driving permit.** An  
20 agricultural driving permit expires one year from the date of issue.

21 (a) A person under the age of eighteen who holds a permit may renew  
22 the permit by paying a three-dollar fee.

23 (b) An agricultural driving permit is invalidated when a permittee  
24 attains age eighteen. In order to drive a motor vehicle on a highway  
25 he or she must obtain a motor vehicle driver's license under this  
26 chapter.

27 (4) **Suspension, revocation, or cancellation.** The director has sole  
28 discretion to suspend, revoke, or cancel a juvenile agricultural  
29 driving permit if:

30 (a) The permittee has been found to have committed an offense that  
31 requires mandatory suspension or revocation of a driver's license; or

32 (b) The director is satisfied that the permittee has violated the  
33 permit's restrictions.

34 **Sec. 3.** RCW 46.20.100 and 1999 c 274 s 14 are each amended to read  
35 as follows:

36 (1) **Application.** The application of a person under the age of  
37 eighteen years for a driver's license or a motorcycle endorsement must  
38 be signed by a parent or guardian with custody of the minor. If the

1 person under the age of eighteen has no father, mother, or guardian,  
2 then the application must be signed by the minor's employer.

3 (2) **Traffic safety education requirement.** For a person under the  
4 age of eighteen years to obtain a driver's license he or she must meet  
5 the traffic safety education requirements of this subsection.

6 (a) To meet the traffic safety education requirement for a driver's  
7 license the applicant must satisfactorily complete a traffic safety  
8 education course as defined in RCW 28A.220.020 for a course offered by  
9 a school district, or as defined by the department of licensing for a  
10 course offered by a driver training school licensed under chapter 46.82  
11 RCW. The course offered by a school district or an approved private  
12 school must meet the standards established by the office of the state  
13 superintendent of public instruction. The course offered by a driver  
14 training school must meet the standards established by the department  
15 of licensing with the advice of the driver instructors' advisory  
16 committee under RCW 46.82.300. The traffic safety education course may  
17 be provided by:

18 (i) A recognized secondary school; or

19 (ii) A ~~((commercial driving enterprise))~~ driver training school  
20 licensed under chapter 46.82 RCW that is annually approved by the  
21 ~~((office of the superintendent of public instruction))~~ department of  
22 licensing.

23 (b) To meet the traffic safety education requirement for a  
24 motorcycle endorsement, the applicant must successfully complete a  
25 motorcycle safety education course that meets the standards established  
26 by the department of licensing.

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

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

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

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

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

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

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.82 RCW  
6 to read as follows:

7 (1) Persons instructing students under eighteen years of age are  
8 required to have a background check through the Washington state patrol  
9 criminal identification system and through the Federal Bureau of  
10 Investigation. The background check must also include a fingerprint  
11 check using a fingerprint card.

12 (2) The cost of the background check will be paid by the  
13 instructor.

14 (3) The department may waive the background check for an applicant  
15 who has had a background check within two years before applying to  
16 become an instructor.

17 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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