

SSB 5428 - S AMD 713  
By Senator Horn

ADOPTED 02/17/2004

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW  
4 to read as follows:

5 "Electronic commerce" may include, but is not limited to,  
6 transactions conducted over the Internet or by telephone or other  
7 electronic means.

8 **Sec. 2.** RCW 46.20.035 and 1999 c 6 s 8 are each amended to read as  
9 follows:

10 The department may not issue an identicard or a Washington state  
11 driver's license that is valid for identification purposes unless the  
12 applicant meets the identification requirements of subsection (1), (2),  
13 or (3) of this section.

14 (1) A driver's license or identicard applicant must provide the  
15 department with at least one of the following pieces of valid  
16 identifying documentation that contains the signature and a photograph  
17 of the applicant:

18 (a) A valid or recently expired driver's license or instruction  
19 permit that includes the date of birth of the applicant;

20 (b) A Washington state identicard or an identification card issued  
21 by another state;

22 (c) An identification card issued by the United States, a state, or  
23 an agency of either the United States or a state, of a kind commonly  
24 used to identify the members or employees of the government agency;

25 (d) A military identification card;

26 (e) A United States passport; or

27 (f) An Immigration and Naturalization Service form.

28 (2) An applicant who is a minor may establish identity by providing

1 an affidavit of the applicant's parent or guardian. The parent or  
2 guardian must accompany the minor and display or provide:

3 (a) At least one piece of documentation in subsection (1) of this  
4 section establishing the identity of the parent or guardian; and

5 (b) Additional documentation establishing the relationship between  
6 the parent or guardian and the applicant.

7 (3) A person unable to provide identifying documentation as  
8 specified in subsection (1) or (2) of this section may request that the  
9 department review other available documentation in order to ascertain  
10 identity. The department may waive the requirement if it finds that  
11 other documentation clearly establishes the identity of the applicant.

12 (4) An identicard or a driver's license that includes a photograph  
13 that has been renewed by mail or by electronic commerce is valid for  
14 identification purposes if the applicant met the identification  
15 requirements of subsection (1), (2), or (3) of this section at the time  
16 of previous issuance.

17 (5) The form of an applicant's name, as established under this  
18 section, (~~must be~~) is the person's name of record for the purposes of  
19 this chapter.

20 (~~(5)~~) (6) If the applicant is unable to prove his or her identity  
21 under this section, the department shall plainly label the license "not  
22 valid for identification purposes."

23 **Sec. 3.** RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are  
24 each reenacted and amended to read as follows:

25 (1) **Driver's instruction permit.** The department may issue a  
26 driver's instruction permit with or without a photograph to an  
27 applicant who has successfully passed all parts of the examination  
28 other than the driving test, provided the information required by RCW  
29 46.20.091, paid a fee of fifteen dollars, and meets the following  
30 requirements:

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

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

33 (i) Has submitted a proper application; and

34 (ii) Is enrolled in a traffic safety education program offered,  
35 approved, and accredited by the superintendent of public instruction or

1 offered by a (~~driving [driver]~~) driver training school licensed and  
2 inspected by the department of licensing under chapter 46.82 RCW, that  
3 includes practice driving.

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

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

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

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

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

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

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

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

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

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

25 (c) A person applying to renew an instruction permit must submit  
26 the application to the department in person.

27 **Sec. 4.** RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are  
28 each reenacted and amended to read as follows:

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

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

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

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

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

6 (e) The applicant has paid a fee of fifteen dollars.

7 The permit must contain a photograph of the person.

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

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

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

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

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

23 (a) A person under the age of eighteen who holds a permit may renew  
24 the permit by paying a fee of fifteen dollars.

25 (b) A person applying to renew an agricultural driving permit must  
26 submit the application to the department in person.

27 (c) An agricultural driving permit is invalidated when a permittee  
28 attains age eighteen. In order to drive a motor vehicle on a highway  
29 he or she must obtain a motor vehicle driver's license under this  
30 chapter.

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

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

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

1       **Sec. 5.** RCW 46.20.117 and 2002 c 352 s 12 are each amended to read  
2 as follows:

3       (1) **Issuance.** The department shall issue an identicard, containing  
4 a picture, if the applicant:

5           (a) Does not hold a valid Washington driver's license;

6           (b) Proves his or her identity as required by RCW 46.20.035; and

7           (c) Pays the required fee. The fee is fifteen dollars unless an  
8 applicant is a recipient of continuing public assistance grants under  
9 Title 74 RCW, who is referred in writing by the secretary of social and  
10 health services. For those persons the fee must be the actual cost of  
11 production of the identicard.

12       (2) **Design and term.** The identicard must:

13           (a) Be distinctly designed so that it will not be confused with the  
14 official driver's license; and

15           (b) Expire on the fifth anniversary of the applicant's birthdate  
16 after issuance.

17       (3) **Renewal.** An application for identicard renewal may be  
18 submitted by means of:

19           (a) Personal appearance before the department; or

20           (b) Mail or electronic commerce, if permitted by rule of the  
21 department and if the applicant did not renew his or her identicard by  
22 mail or by electronic commerce when it last expired. However, the  
23 department may accept an application for renewal of an identicard  
24 submitted by means of mail or electronic commerce only if specific  
25 authority and funding is provided for this purpose by June 30, 2004, in  
26 the omnibus transportation appropriations act.

27       An identicard may not be renewed by mail or by electronic commerce  
28 unless the renewal issued by the department includes a photograph of  
29 the identicard holder.

30       (4) **Cancellation.** The department may cancel an identicard if the  
31 holder of the identicard used the card or allowed others to use the  
32 card in violation of RCW 46.20.0921.

33       **Sec. 6.** RCW 46.20.120 and 2002 c 352 s 13 are each amended to read  
34 as follows:

35       An applicant for a new or renewed driver's license must

1 successfully pass a driver licensing examination to qualify for a  
2 driver's license. The department shall give examinations at places and  
3 times reasonably available to the people of this state.

4 (1) **Waiver.** The department may waive:

5 (a) All or any part of the examination of any person applying for  
6 the renewal of a driver's license unless the department determines that  
7 the applicant is not qualified to hold a driver's license under this  
8 title; or

9 (b) The actual demonstration of the ability to operate a motor  
10 vehicle if the applicant:

11 (i) Surrenders a valid driver's license issued by the person's  
12 previous home state; and

13 (ii) Is otherwise qualified to be licensed.

14 (2) **Fee.** Each applicant for a new license must pay an examination  
15 fee of ten dollars.

16 (a) The examination fee is in addition to the fee charged for  
17 issuance of the license.

18 (b) "New license" means a license issued to a driver:

19 (i) Who has not been previously licensed in this state; or

20 (ii) Whose last previous Washington license has been expired for  
21 more than five years.

22 (3) An application for driver's license renewal may be submitted by  
23 means of:

24 (a) Personal appearance before the department; or

25 (b) Mail or electronic commerce, if permitted by rule of the  
26 department and if the applicant did not renew his or her license by  
27 mail or by electronic commerce when it last expired. However, the  
28 department may accept an application for renewal of a driver's license  
29 submitted by means of mail or electronic commerce only if specific  
30 authority and funding is provided for this purpose by June 30, 2004, in  
31 the omnibus transportation appropriations act.

32 (4) A person whose license expired or will expire (~~on or after~~  
33 ~~January 1, 1998,~~) while he or she (~~was or~~) is living outside the  
34 state, may:

35 (a) Apply to the department to extend the validity of his or her  
36 license for no more than twelve months. If the person establishes to  
37 the department's satisfaction that he or she is unable to return to

1 Washington before the date his or her license expires, the department  
2 shall extend the person's license. The department may grant  
3 consecutive extensions, but in no event may the cumulative total of  
4 extensions exceed twelve months. An extension granted under this  
5 section does not change the expiration date of the license for purposes  
6 of RCW 46.20.181. The department shall charge a fee of five dollars  
7 for each license extension;

8 (b) Apply to the department to renew his or her license by mail or,  
9 if permitted by rule of the department, by electronic commerce even if  
10 subsection (3)(b) of this section would not otherwise allow renewal by  
11 that means. If the person establishes to the department's satisfaction  
12 that he or she is unable to return to Washington within twelve months  
13 of the date that his or her license expires, the department shall renew  
14 the person's license by mail or, if permitted by rule of the  
15 department, by electronic commerce.

16 (5) If a qualified person (~~((qualifies for a mail-in))~~) submits an  
17 application for renewal under subsection (3)(b) or (4)(b) of this  
18 section, he or she is not required to pass an examination nor provide  
19 an updated photograph. (~~((He or she must, however, pay the fee required~~  
20 ~~by RCW 46.20.181 plus an additional five dollar mail-in renewal fee.))~~)  
21 A license renewed by mail or by electronic commerce that does not  
22 include a photograph of the licensee must be labeled "not valid for  
23 identification purposes."

24 (~~((4) If a person's driver's license is extended or renewed under~~  
25 ~~subsection (3) of this section while he or she is outside the state, he~~  
26 ~~or she must submit to the examination required under this section~~  
27 ~~within sixty days of returning to this state. The department will not~~  
28 ~~assess a penalty or examination fee for the examination.))~~)

29 **Sec. 7.** RCW 46.20.155 and 2001 c 41 s 14 are each amended to read  
30 as follows:

31 (1) Before issuing an original license or (~~((identification card))~~)  
32 identicard or renewing a license or (~~((identification card))~~) identicard  
33 under this chapter, the licensing agent shall determine if the  
34 applicant wants to register to vote or transfer his or her voter  
35 registration by asking the following question:

1 "Do you want to register to vote or transfer your voter  
2 registration?"

3 If the applicant chooses to register or transfer a registration,  
4 the agent shall state the following:

5 "I would like to remind you that you must be a United States  
6 citizen and at least eighteen years of age in order to vote."

7 The agent shall then provide the applicant with a voter  
8 registration form and instructions and shall record that the applicant  
9 has requested to register to vote or transfer a voter registration.

10 (2) The department shall establish a procedure that substantially  
11 meets the requirements of subsection (1) of this section when  
12 permitting an applicant to renew a license or identicard by mail or by  
13 electronic commerce.

14 **Sec. 8.** RCW 46.25.080 and 1996 c 30 s 2 are each amended to read  
15 as follows:

16 (1) The commercial driver's license must be marked "commercial  
17 driver's license" or "CDL," and must be, to the maximum extent  
18 practicable, tamperproof. It must include, but not be limited to, the  
19 following information:

- 20 (a) The name and residence address of the person;
- 21 (b) The person's color photograph;
- 22 (c) A physical description of the person including sex, height,  
23 weight, and eye color;
- 24 (d) Date of birth;
- 25 (e) The person's Social Security number or any number or identifier  
26 deemed appropriate by the department;
- 27 (f) The person's signature;
- 28 (g) The class or type of commercial motor vehicle or vehicles that  
29 the person is authorized to drive, together with any endorsements or  
30 restrictions;
- 31 (h) The name of the state; and
- 32 (i) The dates between which the license is valid.

33 (2) Commercial driver's licenses may be issued with the  
34 classifications, endorsements, and restrictions set forth in this  
35 subsection. The holder of a valid commercial driver's license may



1 drive all vehicles in the class for which that license is issued and  
2 all lesser classes of vehicles except motorcycles and vehicles that  
3 require an endorsement, unless the proper endorsement appears on the  
4 license.

5 (a) Licenses may be classified as follows:

6 (i) Class A is a combination of vehicles with a gross combined  
7 weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the  
8 vehicle being towed is in excess of 10,000 pounds.

9 (ii) Class B is a single vehicle with a GVWR of 26,001 pounds or  
10 more, and any such vehicle towing a vehicle not in excess of 10,000  
11 pounds.

12 (iii) Class C is a single vehicle with a GVWR of less than 26,001  
13 pounds or any such vehicle towing a vehicle with a GVWR not in excess  
14 of 10,000 pounds consisting of:

15 (A) Vehicles designed to transport sixteen or more passengers,  
16 including the driver; or

17 (B) Vehicles used in the transportation of hazardous materials that  
18 requires the vehicle to be identified with a placard under 49 C.F.R.,  
19 part 172, subpart F.

20 (b) The following endorsements and restrictions may be placed on a  
21 license:

22 (i) "H" authorizes the driver to drive a vehicle transporting  
23 hazardous materials.

24 (ii) "K" restricts the driver to vehicles not equipped with air  
25 brakes.

26 (iii) "T" authorizes driving double and triple trailers.

27 (iv) "P1" authorizes driving all vehicles carrying passengers.

28 (v) "P2" authorizes driving vehicles with a GVWR of less than  
29 26,001 pounds carrying sixteen or more passengers, including the  
30 driver.

31 (vi) "N" authorizes driving tank vehicles.

32 (vii) "X" represents a combination of hazardous materials and tank  
33 vehicle endorsements.

34 The license may be issued with additional endorsements and  
35 restrictions as established by rule of the director.

36 (3) All school bus drivers must have either a "P1" or "P2"  
37 endorsement depending on the GVWR of the school bus being driven.

1 (4) Before issuing a commercial driver's license, the department  
2 shall obtain driving record information through the commercial driver's  
3 license information system, the national driver register, and from the  
4 current state of record.

5 (5) Within ten days after issuing a commercial driver's license,  
6 the department must notify the commercial driver's license information  
7 system of that fact, and provide all information required to ensure  
8 identification of the person.

9 (6) A commercial driver's license shall expire in the same manner  
10 as provided in RCW 46.20.181.

11 (7) When applying for renewal of a commercial driver's license, the  
12 applicant shall:

13 (a) Complete the application form required by RCW 46.25.070(1),  
14 providing updated information and required certifications((~~-~~));

15 (b) Submit the application to the department in person; and

16 (c) If the applicant wishes to retain a hazardous materials  
17 endorsement, ((~~the applicant shall~~)) take and pass the written test for  
18 a hazardous materials endorsement.

19 **Sec. 9.** RCW 46.01.235 and 1999 c 271 s 1 are each amended to read  
20 as follows:

21 The department may adopt necessary rules and procedures to allow  
22 use of credit and debit cards for payment of fees and excise taxes to  
23 the department and its agents or subagents related to the licensing of  
24 drivers, the issuance of identicards, and vehicle and vessel titling  
25 and registration. The department may establish a convenience fee to be  
26 paid by the credit or debit card user whenever a credit or debit card  
27 is chosen as the payment method. The fee must be sufficient to offset  
28 the charges imposed on the department and its agents and subagents by  
29 credit and debit card companies. In no event may the use of credit or  
30 debit cards authorized by this section create a loss of revenue to the  
31 state.

32 The use of a personal credit card does not rely upon the credit of  
33 the state as prohibited by Article VIII, section 5 of the state  
34 Constitution."

**ADOPTED 02/17/2004**

1        In line 2 of the title, after "means;" strike the remainder of the  
2 title and insert "amending RCW 46.20.035, 46.20.117, 46.20.120,  
3 46.20.155, 46.25.080, and 46.01.235; reenacting and amending RCW  
4 46.20.055 and 46.20.070; and adding a new section to chapter 46.04  
5 RCW."

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