
HOUSE BILL 1658

State of Washington

58th Legislature

2003 Regular Session

By Representatives Talcott, Quall, Anderson, Rockefeller, Holmquist, Miloscia, Hunter, Tom, Delvin, Shabro, Ericksen, Sump, Lantz, Chase, Campbell, Alexander, Sullivan, Skinner, Simpson, Kristiansen, Bush and Berkey

Read first time 02/05/2003. Referred to Committee on Education.

1 AN ACT Relating to linking success on academic assessments to
2 driving privileges for persons under eighteen years of age; amending
3 RCW 46.20.031, 46.20.091, and 46.20.100; reenacting and amending RCW
4 46.20.055; adding new sections to chapter 46.20 RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) The challenges our citizens face in the twenty-first century
9 will require that students attain increasingly rigorous academic
10 standards;

11 (b) Middle and high school students, who face countless
12 distractions and conflicting messages, need meaningful incentives to
13 make academic achievement a higher priority in their lives;

14 (c) For middle school and high school students, earning a driver's
15 license is one of the accomplishments that they value most highly;

16 (d) Research indicates a strong correlation between a student's
17 academic achievement and safe driving habits; and

18 (e) For students under the age of eighteen, driving is a privilege

1 that must be earned and a student's responsibility is to become a
2 successful student before learning to become a successful driver.

3 (2) Therefore, the legislature intends to increase the attention of
4 middle and high school students on their academic responsibilities by
5 requiring the students to successfully complete an assessment of their
6 reading and writing skills before they obtain a driver's license.

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

9 (1) In addition to other statutory requirements, beginning July 1,
10 2006, a person under eighteen years of age shall meet the following
11 conditions in order to apply for or receive a state driver's
12 instruction permit, driver's license, intermediate driver's license, or
13 motorcycle endorsement:

14 (a) A person who does not meet the characteristics in (b) of this
15 subsection shall demonstrate successful completion of both the reading
16 and writing assessments on one of the following: The seventh, eighth,
17 or high school Washington assessment of student learning.

18 (b) A person who is enrolled in a private school approved under
19 chapter 28A.195 RCW or an education clinic under chapter 28A.205 RCW,
20 or who is engaged in home-based instruction under chapter 28A.200 RCW,
21 shall demonstrate successful completion of the reading and writing
22 assessments on one of the assessments in (a) of this subsection or on
23 a comparably rigorous assessment from a list of assessments, with
24 required performance levels, identified by the academic achievement and
25 accountability commission.

26 (2) Juvenile agricultural driving permits are not subject to these
27 requirements.

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

30 (1) Beginning on July 1, 2006, before accepting an application from
31 or issuing a driver's instruction permit, driver's license,
32 intermediate driver's license, or motorcycle endorsement to a person
33 under eighteen years of age, the department shall obtain documentation
34 that indicates that the applicant has met the requirements of section
35 2 of this act.

1 (2) At the request of the parent or guardian of a person under
2 eighteen years of age, a school district, private school, or education
3 clinic shall transmit to the department a document that demonstrates
4 whether the applicant has met the requirements of section 2 of this
5 act.

6 (3) A parent or guardian of a person under eighteen years of age in
7 home-based instruction shall provide to the department a document that
8 demonstrates whether the applicant has met the requirements of section
9 2 of this act.

10 (4) By June 30, 2004, the office of the superintendent of public
11 instruction shall develop and make available transmittal documents for
12 the purposes of sections 2 and 3 of this act, including documents that
13 may be transmitted electronically, for use by school districts, private
14 schools, education clinics, and parents in home-based instruction. The
15 office of the superintendent of public instruction shall work with the
16 department to create a system to facilitate the electronic transmittal
17 of documents required by sections 2 and 3 of this act.

18 **Sec. 4.** RCW 46.20.031 and 2002 c 279 s 3 are each amended to read
19 as follows:

20 The department shall not issue a driver's license to a person:

21 (1) Who is under the age of sixteen years;

22 (2) Whose driving privilege has been withheld unless and until the
23 department may authorize the driving privilege under RCW 46.20.311;

24 (3) Who has been classified as an alcoholic, drug addict, alcohol
25 abuser, or drug abuser by a program approved by the department of
26 social and health services. The department may, however, issue a
27 license if the person:

28 (a) Has been granted a deferred prosecution under chapter 10.05
29 RCW; or

30 (b) Is satisfactorily participating in or has successfully
31 completed an alcohol or drug abuse treatment program approved by the
32 department of social and health services and has established control of
33 his or her alcohol or drug abuse problem;

34 (4) Who has previously been adjudged to be mentally ill or insane,
35 or to be incompetent due to a mental disability or disease. The
36 department shall, however, issue a license to the person if he or she
37 otherwise qualifies and:

1 (a) Has been restored to competency by the methods provided by law;
2 or

3 (b) The superior court finds the person able to operate a motor
4 vehicle with safety upon the highways during such incompetency;

5 (5) Who has not passed the driver's licensing examination required
6 by RCW 46.20.120 and 46.20.305, if applicable;

7 (6) Who is required under the laws of this state to deposit proof
8 of financial responsibility and who has not deposited such proof;

9 (7) Who is unable to safely operate a motor vehicle upon the
10 highways due to a physical or mental disability. The department's
11 conclusion that a person is barred from licensing under this subsection
12 must be reasonable and be based upon good and substantial evidence.
13 This determination is subject to review by a court of competent
14 jurisdiction;

15 (8) Who is under eighteen years of age and has not met the
16 requirements of section 2 of this act.

17 **Sec. 5.** RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are
18 each reenacted and amended to read as follows:

19 (1) **Driver's instruction permit.** The department may issue a
20 driver's instruction permit with or without a photograph to an
21 applicant who has successfully passed all parts of the examination
22 other than the driving test, provided the information required by RCW
23 46.20.091, paid a fee of fifteen dollars, and meets the following
24 requirements:

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

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

27 (i) Has submitted a proper application; (~~and~~)

28 (ii) Is enrolled in a traffic safety education program offered,
29 approved, and accredited by the superintendent of public instruction or
30 offered by a (~~driving [driver]~~) driver training school licensed and
31 inspected by the department of licensing under chapter 46.82 RCW, that
32 includes practice driving; and

33 (c) If under the age of eighteen, has met the requirements of
34 section 2 of this act.

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

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

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

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

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

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

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

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

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

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

19 **Sec. 6.** RCW 46.20.091 and 2000 c 115 s 4 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~~)

1 (g) If under the age of eighteen, the information required under
2 section 2 of this act; and

3 (h) Any additional information required by the department.

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

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

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

27 **Sec. 7.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
28 as follows:

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

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

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

13 (i) A recognized secondary school; or

14 (ii) A driver training school licensed under chapter 46.82 RCW that
15 is annually approved by the department of licensing.

16 (b) To meet the traffic safety education requirement for a
17 motorcycle endorsement, the applicant must successfully complete a
18 motorcycle safety education course that meets the standards established
19 by the department of licensing.

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

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

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

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

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

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

36 (3) Basic literacy requirement. For a person under the age of
37 eighteen years to obtain a driver's instruction permit, driver's

1 license, intermediate driver's license, or motorcycle endorsement, the
2 person must meet the requirements of section 2 of this act.

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