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ENGROSSED SUBSTITUTE SENATE BILL 5428

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State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Haugen, Horn and Shin; by request of Department of Licensing)

READ FIRST TIME 01/29/04.

1 AN ACT Relating to renewal of driver's licenses and identicards by  
2 alternative means; 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 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW  
7 to read as follows:

8 "Electronic commerce" may include, but is not limited to,  
9 transactions conducted over the Internet or by telephone or other  
10 electronic means.

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

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

17 (1) A driver's license or identicard applicant must provide the

1 department with at least one of the following pieces of valid  
2 identifying documentation that contains the signature and a photograph  
3 of the applicant:

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

6 (b) A Washington state identicard or an identification card issued  
7 by another state;

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

11 (d) A military identification card;

12 (e) A United States passport; or

13 (f) An Immigration and Naturalization Service form.

14 (2) An applicant who is a minor may establish identity by providing  
15 an affidavit of the applicant's parent or guardian. The parent or  
16 guardian must accompany the minor and display or provide:

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

19 (b) Additional documentation establishing the relationship between  
20 the parent or guardian and the applicant.

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

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

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

34 ~~((+5))~~ (6) If the applicant is unable to prove his or her identity  
35 under this section, the department shall plainly label the license "not  
36 valid for identification purposes."

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

3       (1) **Driver's instruction permit.** The department may issue a  
4 driver's instruction permit with or without a photograph to an  
5 applicant who has successfully passed all parts of the examination  
6 other than the driving test, provided the information required by RCW  
7 46.20.091, paid a fee of fifteen dollars, and meets the following  
8 requirements:

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

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

11       (i) Has submitted a proper application; and

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

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

20       (a) A traffic safety education course as defined by RCW  
21 28A.220.020(2); or

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

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

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

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

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

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

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

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

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

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

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

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

10       (b) The applicant has passed the driving examination required by  
11 RCW 46.20.120;

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

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

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

18       The permit must contain a photograph of the person.

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

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

24       (ii) Participate in the classroom portion of a traffic safety  
25 education course authorized under RCW 28A.220.030 or the classroom  
26 portion of a traffic safety education course offered by a driver  
27 training school licensed and inspected by the department of licensing  
28 under chapter 46.82 RCW offered in the community where the holder  
29 resides.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30       (a) Personal appearance before the department; or

31       (b) Mail or electronic commerce, if permitted by rule of the  
32 department and if the applicant did not renew his or her identicard by  
33 mail or by electronic commerce when it last expired. However, the  
34 department may accept an application for renewal of an identicard  
35 submitted by means of mail or electronic commerce only if specific  
36 authority and funding is provided for this purpose by June 30, 2004, in  
37 the omnibus transportation appropriations act.

1 An identicard may not be renewed by mail or by electronic commerce  
2 unless the renewal issued by the department includes a photograph of  
3 the identicard holder.

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

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

9 An applicant for a new or renewed driver's license must  
10 successfully pass a driver licensing examination to qualify for a  
11 driver's license. The department shall give examinations at places and  
12 times reasonably available to the people of this state.

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

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

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

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

22 (ii) Is otherwise qualified to be licensed.

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

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

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

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

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

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

33 (a) Personal appearance before the department; or

34 (b) Mail or electronic commerce, if permitted by rule of the  
35 department and if the applicant did not renew his or her license by  
36 mail or by electronic commerce when it last expired. However, the  
37 department may accept an application for renewal of a driver's license

1 submitted by means of mail or electronic commerce only if specific  
2 authority and funding is provided for this purpose by June 30, 2004, in  
3 the omnibus transportation appropriations act.

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

7 (a) Apply to the department to extend the validity of his or her  
8 license for no more than twelve months. If the person establishes to  
9 the department's satisfaction that he or she is unable to return to  
10 Washington before the date his or her license expires, the department  
11 shall extend the person's license. The department may grant  
12 consecutive extensions, but in no event may the cumulative total of  
13 extensions exceed twelve months. An extension granted under this  
14 section does not change the expiration date of the license for purposes  
15 of RCW 46.20.181. The department shall charge a fee of five dollars  
16 for each license extension;

17 (b) Apply to the department to renew his or her license by mail or,  
18 if permitted by rule of the department, by electronic commerce even if  
19 subsection (3)(b) of this section would not otherwise allow renewal by  
20 that means. If the person establishes to the department's satisfaction  
21 that he or she is unable to return to Washington within twelve months  
22 of the date that his or her license expires, the department shall renew  
23 the person's license by mail or, if permitted by rule of the  
24 department, by electronic commerce.

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

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

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

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

8       "Do you want to register to vote or transfer your voter  
9 registration?"

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

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

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

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

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

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

- 27       (a) The name and residence address of the person;
- 28       (b) The person's color photograph;
- 29       (c) A physical description of the person including sex, height,  
30 weight, and eye color;
- 31       (d) Date of birth;
- 32       (e) The person's Social Security number or any number or identifier  
33 deemed appropriate by the department;
- 34       (f) The person's signature;
- 35       (g) The class or type of commercial motor vehicle or vehicles that



1 the person is authorized to drive, together with any endorsements or  
2 restrictions;

3 (h) The name of the state; and

4 (i) The dates between which the license is valid.

5 (2) Commercial driver's licenses may be issued with the  
6 classifications, endorsements, and restrictions set forth in this  
7 subsection. The holder of a valid commercial driver's license may  
8 drive all vehicles in the class for which that license is issued and  
9 all lesser classes of vehicles except motorcycles and vehicles that  
10 require an endorsement, unless the proper endorsement appears on the  
11 license.

12 (a) Licenses may be classified as follows:

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

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

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

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

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

27 (b) The following endorsements and restrictions may be placed on a  
28 license:

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

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

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

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

35 (v) "P2" authorizes driving vehicles with a GVWR of less than  
36 26,001 pounds carrying sixteen or more passengers, including the  
37 driver.

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

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

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

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

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

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

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

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

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

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

22 (c) If the applicant wishes to retain a hazardous materials  
23 endorsement, ((the applicant shall)) take and pass the written test for  
24 a hazardous materials endorsement.

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

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

1       The use of a personal credit card does not rely upon the credit of  
2 the state as prohibited by Article VIII, section 5 of the state  
3 Constitution.

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