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SENATE BILL 5430

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State of Washington

58th Legislature

2003 Regular Session

By Senators Swecker, Haugen, Horn, Schmidt and Esser; by request of Department of Licensing

Read first time 01/24/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to verification that applicants for driver's  
2 licenses, permits, and identicards are lawfully within the United  
3 States; amending RCW 46.20.031, 46.20.117, 46.20.181, and 46.20.207;  
4 reenacting and amending RCW 46.20.055 and 46.20.070; adding new  
5 sections to chapter 46.20 RCW; and providing an effective date.

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

7 **Sec. 1.** RCW 46.20.031 and 2002 c 279 s 3 are each amended to read  
8 as follows:

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

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

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

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

17 (a) Has been granted a deferred prosecution under chapter 10.05  
18 RCW; or

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

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

9 (a) Has been restored to competency by the methods provided by law;  
10 or

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

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

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

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

23 (8) Who has not proven that he or she is lawfully within the United  
24 States.

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

27 (1) **Driver's instruction permit.** The department may issue a  
28 driver's instruction permit with or without a photograph to an  
29 applicant who has successfully passed all parts of the examination  
30 other than the driving test, provided the information required by RCW  
31 46.20.091, paid a fee of fifteen dollars, and meets the following  
32 requirements:

33 (a) Proves that he or she is lawfully within the United States; and

34 (b) Is at least fifteen and one-half years of age; or

35 ~~((b))~~ (c) Is at least fifteen years of age and:

36 (i) Has submitted a proper application; and

1 (ii) Is enrolled in a traffic safety education program offered,  
2 approved, and accredited by the superintendent of public instruction or  
3 offered by a (~~driving-[driver]~~) driver training school licensed and  
4 inspected by the department of licensing under chapter 46.82 RCW, that  
5 includes practice driving.

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

9 (a) A traffic safety education course as defined by RCW  
10 28A.220.020(2); or

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

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

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

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

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

21 (4) **Term of instruction permit.** A driver's instruction permit is  
22 valid for one year from the date of issue or until the date the  
23 applicant's authorization to be within the United States expires,  
24 whichever occurs sooner.

25 (a) The department may issue one additional (~~one-year~~) permit,  
26 valid for a like period.

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

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

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

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

1 (b) The applicant has passed the driving examination required by  
2 RCW 46.20.120;

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

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

8 (e) The applicant proves that he or she is lawfully within the  
9 United States; and

10 (f) The applicant has paid a fee of fifteen dollars.

11 The permit must contain a photograph of the person.

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

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

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

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

25 (3) **Term and renewal of agricultural driving permit.** An  
26 agricultural driving permit expires one year from the date of issue or  
27 until the date the applicant's authorization to be within the United  
28 States expires, whichever occurs sooner.

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

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

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

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

4 (b) The department has determined that the holder's authorization  
5 to be within the United States has expired or has been withdrawn; or

6 (c) The director is satisfied that the permittee has violated the  
7 permit's restrictions.

8 **Sec. 4.** RCW 46.20.117 and 2002 c 352 s 12 are each amended to read  
9 as follows:

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

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

13 (b) Proves his or her identity as required by RCW 46.20.035;  
14 (~~and~~)

15 (c) Proves that he or she is lawfully within the United States; and

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

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

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

24 (b) Expire on the fifth anniversary of the applicant's birthdate  
25 after issuance or on the date the applicant's authorization to be  
26 within the United States expires, whichever occurs sooner.

27 (3) **Cancellation.** The department may cancel an identicard if:

28 (a) The holder of the identicard used the card or allowed others to  
29 use the card in violation of RCW 46.20.0921; or

30 (b) The department has determined that the holder's authorization  
31 to be within the United States has expired or has been withdrawn.

32 **Sec. 5.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read  
33 as follows:

34 (1) Except as provided in subsection (4) of this section, every  
35 driver's license expires on the fifth anniversary of the licensee's

1 birthdate following the issuance of the license or on the date the  
2 licensee's authorization to be within the United States expires,  
3 whichever occurs sooner.

4 (2) A person may renew his or her license on or before the  
5 expiration date by submitting an application as prescribed by the  
6 department and paying a fee of twenty-five dollars. This fee includes  
7 the fee for the required photograph.

8 (3) A person renewing his or her driver's license more than sixty  
9 days after the license has expired shall pay a penalty fee of ten  
10 dollars in addition to the renewal fee, unless his or her license  
11 expired when:

12 (a) The person was outside the state and he or she renews the  
13 license within sixty days after returning to this state; or

14 (b) The person was incapacitated and he or she renews the license  
15 within sixty days after the termination of the incapacity.

16 (4) During the period from July 1, 2000, to July 1, 2006, the  
17 department may issue or renew a driver's license for a period other  
18 than five years, or may extend by mail a license that has already been  
19 issued, in order to evenly distribute, as nearly as possible, the  
20 yearly renewal rate of licensed drivers. The fee for a driver's  
21 license issued or renewed for a period other than five years, or that  
22 has been extended by mail, is five dollars for each year that the  
23 license is issued, renewed, or extended. The department may adopt any  
24 rules as are necessary to carry out this subsection.

25 **Sec. 6.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to read  
26 as follows:

27 (1) The department is authorized to cancel any driver's license or  
28 permit upon determining that the licensee or permit holder was not  
29 entitled to the issuance of the license or permit, or that the licensee  
30 or permit holder failed to give the required or correct information in  
31 his or her application, or that the licensee or permit holder is  
32 incompetent to drive a motor vehicle for any of the reasons under RCW  
33 46.20.031 (4) and (7), or that the licensee's or permit holder's  
34 authorization to be within the United States has expired or has been  
35 withdrawn.

36 (2) Upon such cancellation, the licensee or permit holder must  
37 surrender the license or permit so canceled to the department.

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

3        The department may adjust the term of a license, permit, or  
4 identicard that has been issued to expire on the expiration date of an  
5 applicant's authorization to be within the United States upon receiving  
6 satisfactory proof that the applicant's presence in the United States  
7 has been reauthorized or extended. The expiration date of a license,  
8 permit, or identicard may be adjusted under this subsection up to the  
9 date the applicant's authorization to be within the United States has  
10 been extended, or up to the full term for which the license, permit, or  
11 identicard could originally have been issued, whichever occurs sooner.  
12 There is no additional fee for a license, permit, or identicard  
13 adjusted under this subsection.

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

16        The department may adopt rules to establish procedures for: (1)  
17 Verifying that a driver's license, permit, or identicard applicant's  
18 presence in the United States is authorized under federal law,  
19 including appropriate documentation of that status; (2) issuance of  
20 temporary licenses or permits pending verification of status; and (3)  
21 appeals hearings from denials and cancellation of licenses, permits, or  
22 identicards based on the requirement that a licensee, permit holder, or  
23 identicard holder be lawfully within the United States.

24        NEW SECTION.    **Sec. 9.**    This act takes effect July 1, 2004.

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