

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5428

58th Legislature
2004 Regular Session

Passed by the Senate February 17, 2004
YEAS 37 NAYS 11

President of the Senate

Passed by the House March 10, 2004
YEAS 95 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE SENATE BILL
5428** as passed by the Senate and
the House of Representatives on
the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5428

Passed Legislature - 2004 Regular Session

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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