
HOUSE BILL 2568

State of Washington

59th Legislature

2006 Regular Session

By Representatives Morrell, Campbell, Williams, Wallace, Roberts and Appleton

Read first time 01/10/2006. Referred to Committee on Transportation.

1 AN ACT Relating to the use of wireless communication devices by
2 holders of instruction permits and intermediate licenses; amending RCW
3 46.20.055 and 46.20.075; and providing an effective date.

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

5 **Sec. 1.** RCW 46.20.055 and 2005 c 314 s 303 are each amended to
6 read as follows:

7 (1) **Driver's instruction permit.** The department may issue a
8 driver's instruction permit with or without a photograph to an
9 applicant who has successfully passed all parts of the examination
10 other than the driving test, provided the information required by RCW
11 46.20.091, paid a fee of twenty dollars, and meets the following
12 requirements:

- 13 (a) Is at least fifteen and one-half years of age; or
14 (b) Is at least fifteen years of age and:
15 (i) Has submitted a proper application; and
16 (ii) Is enrolled in a traffic safety education program offered,
17 approved, and accredited by the superintendent of public instruction or
18 offered by a driver training school licensed and inspected by the

1 department of licensing under chapter 46.82 RCW, that includes practice
2 driving.

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

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

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

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

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

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

16 (b) The person is not using a wireless communication device, unless
17 the person is using the device to report illegal activity, summon
18 medical or other emergency help, or prevent injury to a person or
19 property; and

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

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

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

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

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

30 **Sec. 2.** RCW 46.20.075 and 2000 c 115 s 2 are each amended to read
31 as follows:

32 (1) An intermediate license authorizes the holder to drive a motor
33 vehicle under the conditions specified in this section. An applicant
34 for an intermediate license must be at least sixteen years of age and:

35 (a) Have possessed a valid instruction permit for a period of not
36 less than six months;

1 (b) Have passed a driver licensing examination administered by the
2 department;

3 (c) Have passed a course of driver's education in accordance with
4 the standards established in RCW 46.20.100;

5 (d) Present certification by his or her parent, guardian, or
6 employer to the department stating (i) that the applicant has had at
7 least fifty hours of driving experience, ten of which were at night,
8 during which the driver was supervised by a person at least twenty-one
9 years of age who has had a valid driver's license for at least three
10 years, and (ii) that the applicant has not been issued a notice of
11 traffic infraction or cited for a traffic violation that is pending at
12 the time of the application for the intermediate license;

13 (e) Not have been convicted of or found to have committed a traffic
14 violation within the last six months before the application for the
15 intermediate license; and

16 (f) Not have been adjudicated for an offense involving the use of
17 alcohol or drugs during the period the applicant held an instruction
18 permit.

19 (2) For the first six months after the issuance of an intermediate
20 license or until the holder reaches eighteen years of age, whichever
21 occurs first, the holder of the license may not operate a motor vehicle
22 that is carrying any passengers under the age of twenty who are not
23 members of the holder's immediate family as defined in RCW 42.17.020.
24 For the remaining period of the intermediate license, the holder may
25 not operate a motor vehicle that is carrying more than three passengers
26 who are under the age of twenty who are not members of the holder's
27 immediate family.

28 (3) The holder of an intermediate license may not operate a motor
29 vehicle between the hours of 1 a.m. and 5 a.m. except when the holder
30 is accompanied by a parent, guardian, or a licensed driver who is at
31 least twenty-five years of age.

32 (4) The holder of an intermediate license may not operate a motor
33 vehicle while using a wireless communication device unless the holder
34 is using the device to:

35 (a) Report illegal activity;

36 (b) Summon medical or other emergency help; or

37 (c) Prevent injury to a person or property.

1 (5) It is a traffic infraction for the holder of an intermediate
2 license to operate a motor vehicle in violation of the restrictions
3 imposed under this section.

4 (~~(5)~~) (6) Enforcement of this section by law enforcement officers
5 may be accomplished only as a secondary action when a driver of a motor
6 vehicle has been detained for a suspected violation of this title or an
7 equivalent local ordinance or some other offense, except in the case of
8 a violation of the restriction on the use of wireless communication
9 devices, which is a primary infraction and need not be accompanied by
10 the suspected violation of some other offense.

11 (~~(6)~~) (7) An intermediate licensee may drive at any hour without
12 restrictions on the number of passengers in the vehicle if necessary
13 for agricultural purposes.

14 (~~(7)~~) (8) An intermediate licensee may drive at any hour without
15 restrictions on the number of passengers in the vehicle if, for the
16 twelve-month period following the issuance of the intermediate license,
17 he or she:

18 (a) Has not been involved in an automobile accident; and

19 (b) Has not been convicted or found to have committed a traffic
20 offense described in chapter 46.61 RCW or violated restrictions placed
21 on an intermediate licensee under this section.

22 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2006.

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