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HOUSE BILL 1153

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Morrell, Campbell, Ericks, Green, Appleton,  
Wallace, Sells, Williams, Lantz, Kagi and Santos

Read first time 01/11/2007. 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; providing an effective date; and declaring an  
4 emergency.

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

6            **Sec. 1.** RCW 46.20.055 and 2006 c 219 s 14 are each amended to read  
7 as follows:

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

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

1 offered by a driver training school licensed and inspected by the  
2 department of licensing under chapter 46.82 RCW, that includes practice  
3 driving.

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

7 (a) A traffic safety education course as defined by RCW  
8 28A.220.020(2); or

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) Have possessed a valid instruction permit for a period of not  
37 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 is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 July 1, 2007.

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