

ESHB 1635 - S COMM AMD

By Committee on Transportation

ADOPTED AS AMENDED 04/09/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 utilize the infrastructure and resources of the commercial driver
5 training schools and the school districts' traffic safety education
6 programs by authorizing these entities to provide driver licensing
7 examinations. The legislature intends for the department of licensing
8 to authorize the administration of driver licensing examinations by
9 these entities in order to maintain and reprioritize its staff for the
10 purpose of reducing the wait times at its driver licensing offices.

11 Further, the legislature recognizes the growing importance of the
12 work performed by department of licensing driver licensing services
13 employees, who play an increasingly vital role in our security by
14 ensuring that applicants are properly issued identification.

15 **Sec. 2.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to
16 read as follows:

17 (1) The superintendent of public instruction is authorized to
18 establish a section of traffic safety education, and through such
19 section shall: Define a "realistic level of effort" required to
20 provide an effective traffic safety education course, establish a level
21 of driving competency required of each student to successfully complete
22 the course, and ensure that an effective statewide program is
23 implemented and sustained, administer, supervise, and develop the
24 traffic safety education program and shall assist local school
25 districts in the conduct of their traffic safety education programs.
26 The superintendent shall adopt necessary rules and regulations
27 governing the operation and scope of the traffic safety education
28 program; and each school district shall submit a report to the

1 superintendent on the condition of its traffic safety education
2 program: PROVIDED, That the superintendent shall monitor the quality
3 of the program and carry out the purposes of this chapter.

4 (2) The board of directors of any school district maintaining a
5 secondary school which includes any of the grades 10 to 12, inclusive,
6 may establish and maintain a traffic safety education course. If a
7 school district elects to offer a traffic safety education course and
8 has within its boundaries a private accredited secondary school which
9 includes any of the grades 10 to 12, inclusive, at least one class in
10 traffic safety education shall be given at times other than regular
11 school hours if there is sufficient demand therefor.

12 (3) The board of directors of a school district, or combination of
13 school districts, may contract with any drivers' school licensed under
14 the provisions of chapter 46.82 RCW to teach the laboratory phase of
15 the traffic safety education course. Instructors provided by any such
16 contracting drivers' school must be properly qualified teachers of
17 traffic safety education under the joint qualification requirements
18 adopted by the superintendent of public instruction and the director of
19 licensing.

20 (4) The superintendent shall establish a required minimum number of
21 hours of continuing traffic safety education for traffic safety
22 education instructors. The superintendent may phase in the requirement
23 over not more than five years.

24 (5) School districts that offer a traffic safety education program
25 under this chapter may administer the portions of the driver licensing
26 examination that test the applicant's knowledge of traffic laws and
27 ability to safely operate a motor vehicle as authorized under RCW
28 46.20.120(7). The superintendent shall work with the department of
29 licensing, in consultation with school districts that offer a traffic
30 safety education program, to develop standards and requirements for
31 administering each portion of the driver licensing examination that are
32 comparable to the standards and requirements for driver training
33 schools under section 6 of this act.

34 (6) Before a school district may provide a portion of the driver
35 licensing examination, the school district must, after consultation
36 with the superintendent, enter into an agreement with the department of
37 licensing that sets forth an accountability and audit process that

1 takes into account the unique nature of school district facilities and
2 school hours and, at a minimum, contains provisions that:

3 (a) Allow the department of licensing to conduct random
4 examinations, inspections, and audits without prior notice;

5 (b) Allow the department of licensing to conduct on-site
6 inspections at least annually;

7 (c) Allow the department of licensing to test, at least annually,
8 a random sample of the drivers approved by the school district for
9 licensure and to cancel any driver's license that may have been issued
10 to any driver selected for testing who refuses to be tested; and

11 (d) Reserve to the department of licensing the right to take prompt
12 and appropriate action against a school district that fails to comply
13 with state or federal standards for a driver licensing examination or
14 to comply with any terms of the agreement.

15 NEW SECTION. Sec. 3. A new section is added to chapter 46.01 RCW
16 to read as follows:

17 A civil suit or action may not be commenced or prosecuted against
18 the director, the state of Washington, any driver training school
19 licensed by the department, any other government officer or entity,
20 including a school district or an employee of a school district, or
21 against any other person, by reason of any act done or omitted to be
22 done in connection with administering the portions of the driver
23 licensing examination that test the applicant's knowledge of traffic
24 laws and ability to safely operate a motor vehicle. This section does
25 not bar the state of Washington or the director from bringing any
26 action, whether civil or criminal, against any driver training school
27 licensed by the department.

28 **Sec. 4.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
29 each reenacted and amended to read as follows:

30 An applicant for a new or renewed driver's license must
31 successfully pass a driver licensing examination to qualify for a
32 driver's license. The department (~~shall give~~) must ensure that
33 examinations are given at places and times reasonably available to the
34 people of this state. If the department does not administer driver
35 licensing examinations as a routine part of its licensing services
36 within a department region because adequate testing sites are provided

1 by driver training schools or school districts within that region, the
2 department shall, at a minimum, administer driver licensing
3 examinations by appointment to applicants eighteen years of age and
4 older in at least one licensing office within that region.

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

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

10 (b) All or any part of the examination involving operating a motor
11 vehicle if the applicant:

12 (i) Surrenders a valid driver's license issued by the person's
13 previous home state; or

14 (ii) Provides for verification a valid driver's license issued by
15 a foreign driver licensing jurisdiction with which the department has
16 an informal agreement under RCW 46.20.125; and

17 (iii) Is otherwise qualified to be licensed.

18 (2) **Fee.** Each applicant for a new license must pay an examination
19 fee of twenty dollars.

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

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

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

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

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

28 (a) Personal appearance before the department; or

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

36 (4) A person whose license expired or will expire while he or she
37 is living outside the state, may:

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

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

19 (5) If a qualified person submits an application for renewal under
20 subsection (3)(b) or (4)(b) of this section, he or she is not required
21 to pass an examination nor provide an updated photograph. A license
22 renewed by mail or by electronic commerce that does not include a
23 photograph of the licensee must be labeled "not valid for
24 identification purposes."

25 (6) Driver training schools licensed by the department under
26 chapter 46.82 RCW may administer the portions of the driver licensing
27 examination that test the applicant's knowledge of traffic laws and
28 ability to safely operate a motor vehicle.

29 (7) School districts that offer a traffic safety education program
30 under chapter 28A.220 RCW may administer the portions of the driver
31 licensing examination that test the applicant's knowledge of traffic
32 laws and ability to safely operate a motor vehicle.

33 **Sec. 5.** RCW 46.20.515 and 2003 c 41 s 3 are each amended to read
34 as follows:

35 (1) The motorcycle endorsement examination must emphasize maneuvers
36 necessary for on-street operation, including emergency braking and
37 turning as may be required to avoid an impending collision.

1 (2) The examination for a two-wheeled motorcycle endorsement and
2 the examination for a three-wheeled motorcycle endorsement must be
3 separate and distinct examinations emphasizing the skills and maneuvers
4 necessary to operate each type of motorcycle.

5 (3) The department may authorize an entity that has entered into a
6 contract under RCW 46.20.520 to administer the motorcycle endorsement
7 examination.

8 (4) The department may waive all or part of the examination for
9 persons who satisfactorily complete the voluntary motorcycle operator
10 training and education program authorized under RCW 46.20.520 or who
11 satisfactorily complete a private motorcycle skills education course
12 that has been certified by the department under RCW 46.81A.020.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.82 RCW
14 to read as follows:

15 (1) Driver training schools may administer the portions of the
16 driver licensing examination that test the applicant's knowledge of
17 traffic laws and ability to safely operate a motor vehicle as
18 authorized under RCW 46.20.120(6).

19 (2) The director shall adopt rules to regulate the administration
20 of the knowledge and driving portions of the driver licensing
21 examination. The rules must include, but are not limited to, the
22 following provisions:

23 (a) Limitations or requirements that determine which driver
24 training schools may administer the knowledge portion of the
25 examination;

26 (b) Limitations or requirements that determine which driver
27 training schools may administer the driving portion of the examination;

28 (c) Requirements for the content and method of conducting the
29 examinations to ensure consistency with industry practices;

30 (d) Requirements for recordkeeping;

31 (e) A requirement that all driver training school employees
32 conducting driver licensing examinations meet the same qualifications
33 and education and training standards as department employees who
34 conduct such examinations, to the extent necessary to conduct the
35 written and driving skills portions of the examinations;

36 (f) Requirements related to whether a driver training school staff

1 member may provide both driver training instruction and the driver
2 licensing examination to any one student;

3 (g) Requirements for retesting and expiring examination results;

4 (h) Limitations on fees that may be charged by driver training
5 schools for administering the knowledge portion of the examination and
6 the driving portion of the examination. The examination fees must be
7 limited to an amount that does not exceed the amount that is sufficient
8 for driver training schools to recover the costs of administering each
9 examination;

10 (i) Requirements for the department to monitor outcomes for
11 applicants who take a driver licensing examination through a driver
12 training school and to make the outcomes available to the public;

13 (j) Requirements for annual auditing, which must include the
14 collection of current information regarding insurance, curriculums,
15 instructors' names and licenses, and a selection of random student
16 files to review for accuracy; and

17 (k) Sanctions for violations of the rules adopted under this
18 section.

19 (3) Before a driver training school may provide a portion of the
20 driver licensing examination, it must enter into an agreement with the
21 department that, at a minimum, contains provisions that:

22 (a) Allow the department to conduct random examinations,
23 inspections, and audits without prior notice;

24 (b) Allow the department to conduct on-site inspections at least
25 annually;

26 (c) Allow the department to test, at least annually, a random
27 sample of the drivers approved by the driver training school for
28 licensure and to cancel any driver's license that may have been issued
29 to any driver selected for testing who refuses to be tested; and

30 (d) Reserve to the department the right to take prompt and
31 appropriate action against a driver training school that fails to
32 comply with state or federal standards for a driver licensing
33 examination or to comply with any terms of the agreement.

34 NEW SECTION. **Sec. 7.** In communications facilitating the
35 transition to driver training schools and school districts
36 administering portions of the driver licensing examination, the
37 department of licensing shall include at least one representative from

1 each stakeholder group, including the superintendent of public
2 instruction, driver training schools, the unions representing licensing
3 services representatives, and the Washington state school directors'
4 association."

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5 On page 1, line 2 of the title, after "offices;" strike the
6 remainder of the title and insert "amending RCW 28A.220.030 and
7 46.20.515; reenacting and amending RCW 46.20.120; adding a new section
8 to chapter 46.01 RCW; adding a new section to chapter 46.82 RCW; and
9 creating new sections."

EFFECT: Removes the fee increase and extended expiration period
of the driver's license and identicard. Language creating the advisory
committee is replaced with language requiring DOL to include all
stakeholders in communications regarding the transition to driver
training schools and school districts administering portions of the
driver licensing examination.

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