
ENGROSSED SUBSTITUTE HOUSE BILL 1635

State of Washington

62nd Legislature

2011 Regular Session

By House Transportation (originally sponsored by Representatives Upthegrove, Clibborn, Eddy, Armstrong, Llias, Rivers, Angel, Van De Wege, Wilcox, Maxwell, Rolfes, Finn, Sullivan, Dammeier, Orwall, Warnick, and Moscoso)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to reducing customer wait times at driver licensing
2 offices; amending RCW 28A.220.030, 46.20.049, 46.20.117, 46.20.161,
3 46.20.181, 46.20.505, and 46.20.515; reenacting and amending RCW
4 46.20.120; adding a new section to chapter 46.01 RCW; adding a new
5 section to chapter 46.82 RCW; and creating new sections.

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

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

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

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

3 (1) The superintendent of public instruction is authorized to
4 establish a section of traffic safety education, and through such
5 section shall: Define a "realistic level of effort" required to
6 provide an effective traffic safety education course, establish a level
7 of driving competency required of each student to successfully complete
8 the course, and ensure that an effective statewide program is
9 implemented and sustained, administer, supervise, and develop the
10 traffic safety education program and shall assist local school
11 districts in the conduct of their traffic safety education programs.
12 The superintendent shall adopt necessary rules and regulations
13 governing the operation and scope of the traffic safety education
14 program; and each school district shall submit a report to the
15 superintendent on the condition of its traffic safety education
16 program: PROVIDED, That the superintendent shall monitor the quality
17 of the program and carry out the purposes of this chapter.

18 (2) The board of directors of any school district maintaining a
19 secondary school which includes any of the grades 10 to 12, inclusive,
20 may establish and maintain a traffic safety education course. If a
21 school district elects to offer a traffic safety education course and
22 has within its boundaries a private accredited secondary school which
23 includes any of the grades 10 to 12, inclusive, at least one class in
24 traffic safety education shall be given at times other than regular
25 school hours if there is sufficient demand therefor.

26 (3) The board of directors of a school district, or combination of
27 school districts, may contract with any drivers' school licensed under
28 the provisions of chapter 46.82 RCW to teach the laboratory phase of
29 the traffic safety education course. Instructors provided by any such
30 contracting drivers' school must be properly qualified teachers of
31 traffic safety education under the joint qualification requirements
32 adopted by the superintendent of public instruction and the director of
33 licensing.

34 (4) The superintendent shall establish a required minimum number of
35 hours of continuing traffic safety education for traffic safety
36 education instructors. The superintendent may phase in the requirement
37 over not more than five years.

1 (5) School districts that offer a traffic safety education program
2 under this chapter may administer the portions of the driver licensing
3 examination that test the applicant's knowledge of traffic laws and
4 ability to safely operate a motor vehicle as authorized under RCW
5 46.20.120(7). The superintendent shall work with the department of
6 licensing, in consultation with school districts that offer a traffic
7 safety education program, to develop standards and requirements for
8 administering each portion of the driver licensing examination that are
9 comparable to the standards and requirements for driver training
10 schools under section 11 of this act.

11 (6) Before a school district may provide a portion of the driver
12 licensing examination, the school district must, after consultation
13 with the superintendent, enter into an agreement with the department of
14 licensing that, at a minimum, contains provisions that:

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

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

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

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

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

29 A civil suit or action may not be commenced or prosecuted against
30 the director, the state of Washington, any driver training school
31 licensed by the department, any other government officer or entity,
32 including a school district or an employee of a school district, or
33 against any other person, by reason of any act done or omitted to be
34 done in connection with administering the portions of the driver
35 licensing examination that test the applicant's knowledge of traffic
36 laws and ability to safely operate a motor vehicle. This section does

1 not bar the state of Washington or the director from bringing any
2 action, whether civil or criminal, against any driver training school
3 licensed by the department.

4 **Sec. 4.** RCW 46.20.049 and 2005 c 314 s 309 are each amended to
5 read as follows:

6 There shall be an additional fee for issuing any class of
7 commercial driver's license in addition to the prescribed fee required
8 for the issuance of the original driver's license. The additional fee
9 for each class shall be (~~(thirty)~~) thirty-six dollars for the original
10 commercial driver's license or subsequent renewals. If the commercial
11 driver's license is renewed or extended for a period other than
12 (~~(five)~~) six years, the fee for each class shall be six dollars for
13 each year that the commercial driver's license is renewed or extended.
14 The fee shall be deposited in the highway safety fund.

15 **Sec. 5.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
16 read as follows:

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

- 19 (a) Does not hold a valid Washington driver's license;
- 20 (b) Proves his or her identity as required by RCW 46.20.035; and
- 21 (c) Pays the required fee. The fee is (~~(twenty)~~) twenty-four
22 dollars unless an applicant is a recipient of continuing public
23 assistance grants under Title 74 RCW, who is referred in writing by the
24 secretary of social and health services. For those persons the fee
25 must be the actual cost of production of the identicard.

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

- 27 (a) Be distinctly designed so that it will not be confused with the
28 official driver's license; and
- 29 (b) Expire on the (~~(fifth)~~) sixth anniversary of the applicant's
30 birthdate after issuance.

31 (3) **Renewal.** An application for identicard renewal may be
32 submitted by 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 identicard by
36 mail or by electronic commerce when it last expired. (~~(However, the~~

1 ~~department may accept an application for renewal of an identicard~~
2 ~~submitted by means of mail or electronic commerce only if specific~~
3 ~~authority and funding is provided for this purpose by June 30, 2004, in~~
4 ~~the omnibus transportation appropriations act.))~~

5 An identicard may not be renewed by mail or by electronic commerce
6 unless the renewal issued by the department includes a photograph of
7 the identicard holder.

8 (4) **Cancellation.** The department may cancel an identicard if the
9 holder of the identicard used the card or allowed others to use the
10 card in violation of RCW 46.20.0921.

11 (5) From the effective date of this section to July 1, 2020, the
12 department may issue or renew an identicard for a period other than six
13 years, or may extend by mail an identicard that has already been
14 issued, in order to evenly distribute, as nearly as possible, the
15 yearly renewal rate of identicard holders; however, the department may
16 not issue or renew an identicard for a period that exceeds six years.
17 The fee for an identicard issued or renewed for a period other than six
18 years, or that has been extended by mail, is four dollars for each year
19 that the identicard is issued, renewed, or extended. The department
20 may adopt rules as necessary to administer this subsection.

21 **Sec. 6.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
22 each reenacted and amended to read as follows:

23 An applicant for a new or renewed driver's license must
24 successfully pass a driver licensing examination to qualify for a
25 driver's license. The department (~~(shall-give)~~) must ensure that
26 examinations are given at places and times reasonably available to the
27 people of this state. If the department does not administer driver
28 licensing examinations as a routine part of its licensing services
29 within a department region because adequate testing sites are provided
30 by driver training schools or school districts within that region, the
31 department shall, at a minimum, administer driver licensing
32 examinations by appointment to applicants eighteen years of age and
33 older in at least one licensing office within that region.

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

35 (a) All or any part of the examination of any person applying for
36 the renewal of a driver's license unless the department determines that

1 the applicant is not qualified to hold a driver's license under this
2 title; or

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

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

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

10 (iii) Is otherwise qualified to be licensed.

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

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

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

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

17 (ii) Whose last previous Washington license has been expired for
18 more than ((five)) six years.

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

21 (a) Personal appearance before the department; or

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

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

31 (a) Apply to the department to extend the validity of his or her
32 license for no more than twelve months. If the person establishes to
33 the department's satisfaction that he or she is unable to return to
34 Washington before the date his or her license expires, the department
35 shall extend the person's license. The department may grant
36 consecutive extensions, but in no event may the cumulative total of
37 extensions exceed twelve months. An extension granted under this

1 section does not change the expiration date of the license for purposes
2 of RCW 46.20.181. The department shall charge a fee of five dollars
3 for each license extension;

4 (b) Apply to the department to renew his or her license by mail or,
5 if permitted by rule of the department, by electronic commerce even if
6 subsection (3)(b) of this section would not otherwise allow renewal by
7 that means. If the person establishes to the department's satisfaction
8 that he or she is unable to return to Washington within twelve months
9 of the date that his or her license expires, the department shall renew
10 the person's license by mail or, if permitted by rule of the
11 department, by electronic commerce.

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

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

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

26 **Sec. 7.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read
27 as follows:

28 The department, upon receipt of a fee of (~~twenty-five~~) thirty
29 dollars, unless the driver's license is issued for a period other than
30 (~~five~~) six years, in which case the fee shall be five dollars for
31 each year that the license is issued, which includes the fee for the
32 required photograph, shall issue to every qualifying applicant a
33 driver's license. A driver's license issued to a person under the age
34 of eighteen is an intermediate license, subject to the restrictions
35 imposed under RCW 46.20.075, until the person reaches the age of
36 eighteen. The license must include a distinguishing number assigned to
37 the licensee, the name of record, date of birth, Washington residence

1 address, photograph, a brief description of the licensee, and either a
2 facsimile of the signature of the licensee or a space upon which the
3 licensee shall write his or her usual signature with pen and ink
4 immediately upon receipt of the license. No license is valid until it
5 has been so signed by the licensee.

6 **Sec. 8.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
7 as follows:

8 (1) Except as provided in subsection (4) of this section, every
9 driver's license expires on the (~~five~~) sixth anniversary of the
10 licensee's birthdate following the issuance of the license.

11 (2) A person may renew his or her license on or before the
12 expiration date by submitting an application as prescribed by the
13 department and paying a fee of (~~twenty-five~~) thirty dollars. This
14 fee includes the fee for the required photograph. The department may
15 waive five dollars of the renewal fee under this subsection if a person
16 renews his or her driver's license through the mail or through online
17 services.

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

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

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

26 (4) (~~During the period from July 1, 2000, to July 1, 2006~~) From
27 the effective date of this section to July 1, 2020, the department may
28 issue or renew a driver's license for a period other than (~~five~~) six
29 years, or may extend by mail a license that has already been issued, in
30 order to evenly distribute, as nearly as possible, the yearly renewal
31 rate of licensed drivers; however, the department may not issue or
32 renew a driver's license for a period that exceeds six years. The fee
33 for a driver's license issued or renewed for a period other than
34 (~~five~~) six years, or that has been extended by mail, is five dollars
35 for each year that the license is issued, renewed, or extended. The
36 department may adopt any rules as are necessary to carry out this
37 subsection.

1 **Sec. 9.** RCW 46.20.505 and 2007 c 97 s 1 are each amended to read
2 as follows:

3 Every person applying for a special endorsement of a driver's
4 license authorizing such person to drive a two or three-wheeled
5 motorcycle or a motor-driven cycle shall pay a fee of five dollars,
6 which is not refundable. In addition, the endorsement fee for the
7 initial motorcycle endorsement shall not exceed (~~ten~~) twelve dollars,
8 and the subsequent renewal endorsement fee shall not exceed (~~twenty-~~
9 ~~five~~) thirty dollars, unless the endorsement is renewed or extended
10 for a period other than (~~five~~) six years, in which case the
11 subsequent renewal endorsement fee shall not exceed five dollars for
12 each year that the endorsement is renewed or extended. Fees collected
13 under this section shall be deposited in the motorcycle safety
14 education account of the highway safety fund.

15 **Sec. 10.** RCW 46.20.515 and 2003 c 41 s 3 are each amended to read
16 as follows:

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

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

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

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

32 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.82 RCW
33 to read as follows:

34 (1) Driver training schools may administer the portions of the
35 driver licensing examination that test the applicant's knowledge of

1 traffic laws and ability to safely operate a motor vehicle as
2 authorized under RCW 46.20.120(6).

3 (2) The director shall adopt rules to regulate the administration
4 of the knowledge and driving portions of the driver licensing
5 examination. The rules must include, but are not limited to, the
6 following provisions:

7 (a) Limitations or requirements that determine which driver
8 training schools may administer the knowledge portion of the
9 examination;

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

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

14 (d) Requirements for recordkeeping;

15 (e) A requirement that all driver training school employees
16 conducting driver licensing examinations meet the same qualifications
17 and education and training standards as department employees who
18 conduct such examinations, to the extent necessary to conduct the
19 written and driving skills portions of the examinations;

20 (f) Requirements related to whether a driver training school staff
21 member may provide both driver training instruction and the driver
22 licensing examination to any one student;

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

24 (h) Limitations on fees that may be charged by driver training
25 schools for administering the knowledge portion of the examination and
26 the driving portion of the examination. The examination fees must be
27 limited to an amount that does not exceed the amount that is sufficient
28 for driver training schools to recover the costs of administering each
29 examination;

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

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

37 (k) Sanctions for violations of the rules adopted under this
38 section.

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

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

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

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

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

16 NEW SECTION. **Sec. 12.** (1) The driver licensing examination
17 advisory committee is established within the department of licensing.

18 (2) The purpose of the committee is to facilitate communication in
19 connection with the transition to driver training schools and school
20 districts administering portions of the driver licensing examination
21 and to monitor and evaluate the effectiveness of the transition.

22 (3) The committee must include the following members:

23 (a) Two people appointed by the director of the department of
24 licensing to represent the department of licensing;

25 (b) One person appointed by the office of the superintendent of
26 public instruction;

27 (c) One person appointed by the director of the department of
28 licensing to represent driver training schools that are licensed by the
29 department of licensing;

30 (d) One person appointed by a labor union that represents licensing
31 services representatives 3; and

32 (e) Two people appointed by a labor union that represents licensing
33 services representatives 1 and 2.

34 (4) Members of the committee may not receive compensation for their
35 services as members of the committee, but may be reimbursed for travel
36 and other expenses in accordance with RCW 43.03.050 and 43.03.060.

1 (5) The department of licensing shall provide administrative
2 support to the committee.

3 (6) The committee shall evaluate the effectiveness of the
4 transition to driver training schools and school districts
5 administering portions of the driver licensing examination. The
6 committee shall submit an initial report on outcomes of the transition
7 and report its recommendations, including whether to continue, modify,
8 or discontinue the transition, to the transportation committees of the
9 legislature by December 1, 2013. The committee shall continue to
10 monitor the effectiveness of the transition after it submits the
11 initial report.

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