
SUBSTITUTE HOUSE BILL 1635

State of Washington

62nd Legislature

2011 Regular Session

By House Transportation (originally sponsored by Representatives Upthegrove, Clibborn, Eddy, Armstrong, Lias, 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 contracting with these entities for the provision of driver
11 licensing examinations. The legislature intends for the department of
12 licensing to contract for the administration of driver licensing
13 examinations 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's license 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 to develop standards and requirements for administering each
7 portion of the driver licensing examination.

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

10 A civil suit or action may not be commenced or prosecuted against
11 the director, the state of Washington, any driver training school
12 licensed by the department, any other government officer or entity, or
13 against any other person, by reason of any act done or omitted to be
14 done in connection with administering the portions of the driver
15 licensing examination that test the applicant's knowledge of traffic
16 laws and ability to safely operate a motor vehicle. This section does
17 not bar the state of Washington or the director from bringing any
18 action, whether civil or criminal, against any driver training school
19 licensed by the department.

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

22 There shall be an additional fee for issuing any class of
23 commercial driver's license in addition to the prescribed fee required
24 for the issuance of the original driver's license. The additional fee
25 for each class shall be (~~thirty~~) thirty-six dollars for the original
26 commercial driver's license or subsequent renewals. If the commercial
27 driver's license is renewed or extended for a period other than
28 (~~five~~) six years, the fee for each class shall be six dollars for
29 each year that the commercial driver's license is renewed or extended.
30 The fee shall be deposited in the highway safety fund.

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

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

35 (a) Does not hold a valid Washington driver's license;

1 (b) Proves his or her identity as required by RCW 46.20.035; and
2 (c) Pays the required fee. The fee is (~~twenty~~) twenty-four
3 dollars unless an applicant is a recipient of continuing public
4 assistance grants under Title 74 RCW, who is referred in writing by the
5 secretary of social and health services. For those persons the fee
6 must be the actual cost of production of the identicard.

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

8 (a) Be distinctly designed so that it will not be confused with the
9 official driver's license; and

10 (b) Expire on the (~~fifth~~) sixth anniversary of the applicant's
11 birthdate after issuance.

12 (3) **Renewal.** An application for identicard renewal may be
13 submitted by means of:

14 (a) Personal appearance before the department; or

15 (b) Mail or electronic commerce, if permitted by rule of the
16 department and if the applicant did not renew his or her identicard by
17 mail or by electronic commerce when it last expired. (~~However, the~~
18 ~~department may accept an application for renewal of an identicard~~
19 ~~submitted by means of mail or electronic commerce only if specific~~
20 ~~authority and funding is provided for this purpose by June 30, 2004, in~~
21 ~~the omnibus transportation appropriations act.))~~

22 An identicard may not be renewed by mail or by electronic commerce
23 unless the renewal issued by the department includes a photograph of
24 the identicard holder.

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

28 (5) From the effective date of this section to July 1, 2020, the
29 department may issue or renew an identicard for a period other than six
30 years, or may extend by mail an identicard that has already been
31 issued, in order to evenly distribute, as nearly as possible, the
32 yearly renewal rate of identicard holders; however, the department may
33 not issue or renew an identicard for a period that exceeds six years.
34 The fee for an identicard issued or renewed for a period other than six
35 years, or that has been extended by mail, is four dollars for each year
36 that the identicard is issued, renewed, or extended. The department
37 may adopt rules as necessary to administer this subsection.

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

3 An applicant for a new or renewed driver's license must
4 successfully pass a driver licensing examination to qualify for a
5 driver's license. The department (~~shall give~~) must ensure that
6 examinations are given at places and times reasonably available to the
7 people of this state. If the department does not administer driver
8 licensing examinations as a routine part of its licensing services
9 within a department region because adequate testing sites are provided
10 by driver training schools or school districts within that region, the
11 department shall, at a minimum, administer driver licensing
12 examinations by appointment to applicants eighteen years of age and
13 older in at least one licensing office within that region.

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

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

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

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

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

26 (iii) Is otherwise qualified to be licensed.

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

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

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

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

33 (ii) Whose last previous Washington license has been expired for
34 more than (~~five~~) six years.

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

37 (a) Personal appearance before the department; or

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

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

10 (a) Apply to the department to extend the validity of his or her
11 license for no more than twelve months. If the person establishes to
12 the department's satisfaction that he or she is unable to return to
13 Washington before the date his or her license expires, the department
14 shall extend the person's license. The department may grant
15 consecutive extensions, but in no event may the cumulative total of
16 extensions exceed twelve months. An extension granted under this
17 section does not change the expiration date of the license for purposes
18 of RCW 46.20.181. The department shall charge a fee of five dollars
19 for each license extension;

20 (b) Apply to the department to renew his or her license by mail or,
21 if permitted by rule of the department, by electronic commerce even if
22 subsection (3)(b) of this section would not otherwise allow renewal by
23 that means. If the person establishes to the department's satisfaction
24 that he or she is unable to return to Washington within twelve months
25 of the date that his or her license expires, the department shall renew
26 the person's license by mail or, if permitted by rule of the
27 department, by electronic commerce.

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

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

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

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

7 The department, upon receipt of a fee of (~~twenty-five~~) thirty
8 dollars, unless the driver's license is issued for a period other than
9 (~~five~~) six years, in which case the fee shall be five dollars for
10 each year that the license is issued, which includes the fee for the
11 required photograph, shall issue to every qualifying applicant a
12 driver's license. A driver's license issued to a person under the age
13 of eighteen is an intermediate license, subject to the restrictions
14 imposed under RCW 46.20.075, until the person reaches the age of
15 eighteen. The license must include a distinguishing number assigned to
16 the licensee, the name of record, date of birth, Washington residence
17 address, photograph, a brief description of the licensee, and either a
18 facsimile of the signature of the licensee or a space upon which the
19 licensee shall write his or her usual signature with pen and ink
20 immediately upon receipt of the license. No license is valid until it
21 has been so signed by the licensee.

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

24 (1) Except as provided in subsection (4) of this section, every
25 driver's license expires on the (~~fifth~~) sixth anniversary of the
26 licensee's birthdate following the issuance of the license.

27 (2) A person may renew his or her license on or before the
28 expiration date by submitting an application as prescribed by the
29 department and paying a fee of (~~twenty-five~~) thirty dollars. This
30 fee includes the fee for the required photograph. The department may
31 waive five dollars of the renewal fee under this subsection if a person
32 renews his or her driver's license through the mail or through online
33 services.

34 (3) A person renewing his or her driver's license more than sixty
35 days after the license has expired shall pay a penalty fee of ten

1 dollars in addition to the renewal fee, unless his or her license
2 expired when:

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

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

7 (4) (~~During the period from July 1, 2000, to July 1, 2006~~) From
8 the effective date of this section to July 1, 2020, the department may
9 issue or renew a driver's license for a period other than (~~five~~) six
10 years, or may extend by mail a license that has already been issued, in
11 order to evenly distribute, as nearly as possible, the yearly renewal
12 rate of licensed drivers; however, the department may not issue or
13 renew a driver's license for a period that exceeds six years. The fee
14 for a driver's license issued or renewed for a period other than
15 (~~five~~) six years, or that has been extended by mail, is five dollars
16 for each year that the license is issued, renewed, or extended. The
17 department may adopt any rules as are necessary to carry out this
18 subsection.

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

21 Every person applying for a special endorsement of a driver's
22 license authorizing such person to drive a two or three-wheeled
23 motorcycle or a motor-driven cycle shall pay a fee of five dollars,
24 which is not refundable. In addition, the endorsement fee for the
25 initial motorcycle endorsement shall not exceed (~~ten~~) twelve dollars,
26 and the subsequent renewal endorsement fee shall not exceed (~~twenty-~~
27 ~~five~~) thirty dollars, unless the endorsement is renewed or extended
28 for a period other than (~~five~~) six years, in which case the
29 subsequent renewal endorsement fee shall not exceed five dollars for
30 each year that the endorsement is renewed or extended. Fees collected
31 under this section shall be deposited in the motorcycle safety
32 education account of the highway safety fund.

33 **Sec. 10.** 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

1 necessary for on-street operation, including emergency braking and
2 turning as may be required to avoid an impending collision.

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

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

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

15 NEW SECTION. Sec. 11. A new section is added to chapter 46.82 RCW
16 to read as follows:

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

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

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

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

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

32 (d) Requirements for recordkeeping;

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

1 (f) A prohibition on driver training school staff members from
2 providing both driver training instruction and the driver licensing
3 examination to any one student;

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

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

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

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

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

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

23 (a) Allow the department, or its representative, to conduct random
24 examinations, inspections, and audits without prior notice;

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

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

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

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

1 (2) The purpose of the committee is to facilitate communication in
2 connection with the transition to driving training schools and school
3 districts administering portions of the driver licensing examination.

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

5 (a) Three people appointed by the director of the department of
6 licensing to represent the department of licensing;

7 (b) One person appointed by the office of the superintendent of
8 public instruction;

9 (c) Two people appointed by the director of the department of
10 licensing to represent driver training schools that are licensed by the
11 department of licensing;

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

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

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

19 (5) The department of licensing shall provide administrative
20 support to the committee.

21 (6) The committee shall evaluate the transition to driving training
22 schools and school districts administering portions of the driver
23 licensing examination. The committee shall report on outcomes of the
24 transition and report its recommendations, including whether to
25 continue, modify, or discontinue the transition, to the transportation
26 committees of the legislature by December 1, 2013.

--- END ---