

SENATE BILL REPORT

SB 5560

As of January 31, 2023

Title: An act relating to improving older driver safety.

Brief Description: Improving older driver safety.

Sponsors: Senators Hunt, Lias and Wilson, C..

Brief History:

Committee Activity: Transportation: 1/31/23.

Brief Summary of Bill

- Requires the Department of Licensing (DOL) to develop a comprehensive plan aimed at improving older driver safety by January 1, 2024, and gives DOL rule-making authority to implement the plan.
- Defines older driver as a driver receiving an initial issuance or renewal of a driver's license after the age of 70.
- Allows DOL to provide older drivers a no cost identicard if they voluntarily surrender their driver's license before the expiration date.
- Authorizes DOL to shorten the time period by which the driver's license of an older driver expires.
- Allows DOL to require older drivers to successfully complete a knowledge and skills refresher course.
- Specifies that DOL can impose additional driving restrictions on those determined to be high-risk older drivers.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Bryon Moore (786-7726)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Driver's License Requirements. To drive a motor vehicle upon a highway, a person must first obtain a driver's license issued by the Department of Licensing (DOL). Some exceptions to this requirement include:

- certain non-resident drivers and armed forces members;
- a person operating special highway construction equipment;
- a person driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or
- an operator of a locomotive upon rails.

Driver's licenses are valid for eight years, though DOL must offer the option to issue or renew driver licenses for six years. The fee for an initial issuance or renewal is \$72 for an 8-year driver's license and \$54 for a 6-year driver's license.

Driver's Licensing Examination. To obtain a driver's license, an individual must pass a driver's licensing examination. The driver's licensing examination includes:

- a test of the applicant's eyesight and ability to see, understand, and follow highway signs regulating, warning, and directing traffic;
- a written test of the applicant's knowledge of traffic laws and ability to understand and follow the laws that regulate traffic; and
- a skills test of the applicant's ability to safely operate a motor vehicle on roadways without endangering the public or property.

Driver Evaluation. If DOL has reason to believe a person is suffering from a physical or mental disability or disease that may affect that person's ability to drive a motor vehicle, DOL must evaluate whether the person is able to safely drive a motor vehicle. The evaluation must permit the person to demonstrate that despite the disability or disease, they are able to safely drive a motor vehicle and may require the person to obtain a statement signed by a licensed physician or other designated authority certifying the person's condition.

Based on the evaluation, DOL may:

- issue or renew a driver's license to the person without restrictions;
- cancel or withhold the driving privilege from the person; or
- issue a restricted driver's license to the person.

The restrictions must be suitable to the licensee's driving ability, including requirements to install special mechanical control devices on the motor vehicle operated by the licensee, limitations on the type of motor vehicle that the licensee may operate, or other restrictions determined by DOL to be appropriate to assure the licensee's safe operation of a motor vehicle.

Summary of Bill: Older Driver Safety Comprehensive Plan and Rule Making. By January 1, 2024, DOL, in consultation with relevant groups and agencies, must develop a comprehensive plan aimed at improving older driver safety. The plan must include:

- draft rules;
- an implementation schedule;
- any additional recommended statutory changes; and
- detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy.

By January 1, 2025, DOL must adopt rules implementing phase one of a comprehensive set of policy changes designed to improve older driver safety, which may include:

- creating a voluntary program by which an older driver may voluntarily surrender their driver's license before the expiration date and receive a no cost identicaid; and
- reducing the length of time by which the driver's license of an older driver expires.

By January 1, 2026, DOL must adopt rules implementing phase two of a comprehensive set of policy changes designed to improve older driver safety, which may include:

- requiring as a condition of initial issuance or renewal of a driver's license of an older driver that they successfully complete an older driver knowledge and skills refresher course that emphasizes the unique issues faced by older drivers;
- imposing additional restrictions or conditions on high-risk older drivers that may include, but are not limited to, time and place driving restrictions, and requirements for the installation and the use of driver monitoring technology in the vehicle while operated by the older driver; and
- developing an assessment of competency to determine a driver's potential risk to themselves or others when operating a motor vehicle so DOL may make informed decisions on appropriate courses of action within the older driver program.

Older Drivers. Older driver is defined as a driver receiving an initial issuance or renewal of a driver's license after the age of 70.

Older Driver Knowledge and Skills Refresher Course. An older driver knowledge and skills refresher course is instruction in traffic safety education intended for older drivers approved by DOL, which may include classroom, online, or behind-the-wheel instruction. DOL is given authority to contract with one or more providers to deliver the older driver knowledge and skills refresher course and must ensure the courses are reasonably available to people throughout the state, including overburdened communities.

High-Risk Older Driver. High-risk older driver is defined as a driver over the age of 70 and where it has been determined appropriate to impose driving restrictions or conditions based on the combination of:

- age;
- the number of traffic infractions, moving violations, or collisions; and
- the results of assessments by DOL staff or medical professionals.

Before imposing driver's license restrictions or conditions on high-risk older drivers, DOL

must allow the person to demonstrate they are able to safely drive a motor vehicle. DOL may require the person to obtain a statement signed by a licensed physician or other proper authority designated by DOL to certifying the person's condition. The statement is for the confidential use of the director of DOL, the chief of the Washington State Patrol, and for other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter law and may not be offered as evidence in any court except when associated with an appeal of the DOL decision.

Other Provisions. Statutory changes are made to allow for implementation of potential components of the older driver safety plan.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The research shows that age can impact driver cognitive and physical abilities. Increased age can also make older drivers more vulnerable in accidents. In attempting to address the dramatic increase in traffic fatalities and accidents on the state's roadways, it is only appropriate to focus on all population groups, including older drivers. The components of this plan around refresher education and providing red flag warnings should improve safety. This bill is not aimed at all older drivers, but it will provide new tools to identify and address older drivers where there is indication of their driving skills declining. The timeline in the bill will allow us, working with experts and others, to develop the right tools for this population group. While providing the needed focus on older drivers, there is some concern that the age 70 threshold might a little too young, particularly since many bus and other commercial drivers are in this age bracket.

CON: The bill seems like it is searching for a problem that has not been identified or demonstrated by the research. If this is such an issue, other states would have similar laws. This also seems like a potential money grab targeted at seniors. Older drivers are often some of the safest ones on the roads. Further evaluation of the workforce impacts on school bus and commercial drivers needed to be conducted. This bill is discriminatory is because it classifies all drivers over the age of 70 as high risk and potentially subjects them to the knowledge and skills refresher course. Instead of passing this bill, there should be greater focus on drivers that based on accident history, violations, and other factors are demonstrated to pose a higher risk. There is a process under current law by which law enforcement, medical professionals and others can identify high risk drivers.

OTHER: While this bill will have significant impact on the Department of Licensing and

drivers in the state, the bill provides new tools that should improve safety. The driver monitoring provisions should be converted to a study rather than being implemented as part of the plan.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Lynn Rogers, Professional Driving School Association of Washington.

CON: Jeff Pack, Many School Bus and CDL drivers.; Carla Higginson.

OTHER: Mark McKechnie, Washington Traffic Safety Commission; Beau Perschbacher, WA Dept. of Licensing.

Persons Signed In To Testify But Not Testifying: No one.