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**SENATE BILL 5560**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Hunt, Lias, and C. Wilson

Read first time 01/25/23. Referred to Committee on Transportation.

1 AN ACT Relating to improving older driver safety; amending RCW  
2 46.20.181, 46.20.117, and 46.20.041; adding new sections to chapter  
3 46.20 RCW; adding new sections to chapter 46.04 RCW; and adding a new  
4 section to chapter 42.56 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20  
7 RCW to read as follows:

8 (1) By January 1, 2024, the department, in consultation with  
9 relevant groups and agencies, shall develop a comprehensive plan  
10 aimed at improving older driver safety. The plan must include, but is  
11 not limited to:

12 (a) A draft of the rules associated with the plan;

13 (b) An implementation schedule for the components of the plan;

14 (c) Any additional recommended statutory changes required to  
15 implement the plan; and

16 (d) Detailed information on how each component of the plan  
17 improves the safety associated with older drivers, while preserving  
18 the maximum level of older driver independence and privacy.

19 (2) By January 1, 2025, the department must adopt rules  
20 implementing phase one of a comprehensive set of policy changes

1 designed to improve older driver safety. The rules may include, but  
2 are not limited to:

3 (a) Creating a voluntary program by which an older driver may  
4 voluntarily surrender their driver's license before the expiration  
5 date and receive a no cost identicard; and

6 (b) Reducing the length of time by which the driver's license of  
7 an older driver expires.

8 (3) By January 1, 2026, the department must adopt rules  
9 implementing phase two of a comprehensive set of policy changes  
10 designed to improve older driver safety. The rules may include, but  
11 are not limited to:

12 (a) Requiring as a condition of initial issuance or renewal of a  
13 driver's license of an older driver that they successfully complete  
14 an older driver knowledge and skills refresher course that emphasizes  
15 the unique issues faced by older drivers;

16 (b) Imposing additional restrictions or conditions on high-risk  
17 older drivers that may include, but are not limited to, time and  
18 place driving restrictions, and requirements for the installation and  
19 the use of driver monitoring technology in the vehicle while operated  
20 by the older driver; and

21 (c) Developing an assessment of competency to determine a  
22 driver's potential risk to themselves or others when operating a  
23 motor vehicle so the department may make informed decisions on  
24 appropriate courses of action within the older driver program.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04  
26 RCW to read as follows:

27 "Older driver" means a driver receiving an initial issuance of a  
28 driver's license or renewing the driver's license after the age of  
29 70.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.04  
31 RCW to read as follows:

32 "Older driver knowledge and skills refresher course" means a  
33 course of instruction in traffic safety education intended for older  
34 drivers that is approved by the department consisting of classroom  
35 instruction, online, or behind-the-wheel instruction that follows the  
36 approved curriculum as determined in rule. The department may  
37 contract with one or more providers to deliver the older driver  
38 knowledge and skills refresher course and must ensure that the

1 courses are reasonably available to people throughout the state,  
2 including overburdened communities.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.04  
4 RCW to read as follows:

5 "High-risk older driver" means a driver over the age of 70 and as  
6 determined based on any combination of age and the number of traffic  
7 infractions, moving violations, or collisions combined with the  
8 results of assessments by department staff or medical professionals  
9 to warrant the imposition of driving restrictions and conditions as  
10 specified in rules adopted by the department pursuant to section 1 of  
11 this act.

12 **Sec. 5.** RCW 46.20.181 and 2021 c 158 s 8 are each amended to  
13 read as follows:

14 (1) Except as provided in subsection (4) (~~(4)~~), (5), or (6) of  
15 this section, every driver's license expires on the eighth  
16 anniversary of the licensee's birthdate following the issuance of the  
17 license.

18 (2) A person may renew a license on or before the expiration date  
19 by submitting an application as prescribed by the department and  
20 paying a fee of (~~seventy-two dollars~~) \$72. This fee includes the  
21 fee for the required photograph.

22 (3) A person renewing a driver's license more than (~~sixty~~) 60  
23 days after the license has expired shall pay a penalty fee of (~~ten~~  
24 ~~dollars~~) \$10 in addition to the renewal fee, unless the license  
25 expired when:

26 (a) The person was outside the state and the licensee renews the  
27 license within (~~sixty~~) 60 days after returning to this state; or

28 (b) The person was incapacitated and the licensee renews the  
29 license within (~~sixty~~) 60 days after the termination of the  
30 incapacity.

31 (4) The department may issue or renew a driver's license for a  
32 period other than eight years, or may extend by mail or electronic  
33 commerce a license that has already been issued. The fee for a  
34 driver's license issued or renewed for a period other than eight  
35 years, or that has been extended by mail or electronic commerce, is  
36 (~~nine dollars~~) \$9 for each year that the license is issued,  
37 renewed, or extended. The department must offer the option to issue  
38 or renew a driver's license for six years in addition to the eight

1 year issuance. The department may adopt any rules as are necessary to  
2 carry out this subsection.

3 (5) A driver's license that includes a hazardous materials  
4 endorsement under chapter 46.25 RCW may expire on an anniversary of  
5 the licensee's birthdate other than the eighth year following  
6 issuance or renewal of the license in order to match, as nearly as  
7 possible, the validity of certification from the federal  
8 transportation security administration that the licensee has been  
9 determined not to pose a security risk. The fee for a driver's  
10 license issued or renewed for a period other than eight years is nine  
11 dollars for each year that the license is issued or renewed, not  
12 including any endorsement fees. The department may adjust the  
13 expiration date of a driver's license that has previously been issued  
14 to conform to the provisions of this subsection if a hazardous  
15 materials endorsement is added to the license subsequent to its  
16 issuance. If the validity of the driver's license is extended, the  
17 licensee must pay a fee of (~~nine dollars~~) \$9 for each year that the  
18 license is extended.

19 (6) For initial driver's license issuances or renewals after  
20 January 1, 2025, the department may establish an earlier expiration  
21 date for older drivers.

22 (7) The department may adopt any rules as are necessary to carry  
23 out this section.

24 **Sec. 6.** RCW 46.20.117 and 2021 c 158 s 5 are each amended to  
25 read as follows:

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

28 (~~(a)~~) (i) Does not hold a valid Washington driver's license;

29 (~~(b)~~) (ii) Proves the applicant's identity as required by RCW  
30 46.20.035; and

31 (~~(c)~~) (iii) Pays the required fee. Except as provided in  
32 subsection (7) of this section, the fee is (~~seventy-two dollars~~)  
33 \$72, unless an applicant is:

34 (~~(i)~~) (A) A recipient of continuing public assistance grants  
35 under Title 74 RCW, who is referred in writing by the secretary of  
36 social and health services or by the secretary of children, youth,  
37 and families;

1       (~~(i)~~) (B) Under the age of (~~(twenty-five)~~) 25 and does not  
2 have a permanent residence address as determined by the department by  
3 rule; (~~(or~~

4       (~~(iii)~~) (C) An individual who is scheduled to be released from an  
5 institution as defined in RCW 13.40.020, a community facility as  
6 defined in RCW 72.05.020, or other juvenile rehabilitation facility  
7 operated by the department of social and health services or the  
8 department of children, youth, and families; or an individual who has  
9 been released from such an institution or facility within (~~(thirty)~~)  
10 30 calendar days before the date of the application; or

11       (D) Beginning January 1, 2025, an older driver who voluntarily  
12 surrenders the driver's license before its expiration date under  
13 rules adopted by the department pursuant to section 1 of this act,  
14 who may receive a no cost identicard.

15       (b) For those persons under (~~(e)(i)~~) (a)(iii)(A) through  
16 (~~(iii)~~) (C) of this subsection, the fee must be the actual cost of  
17 production of the identicard.

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

19       (i) Be distinctly designed so that it will not be confused with  
20 the official driver's license; and

21       (ii) Except as provided in subsection (7) of this section, expire  
22 on the eighth anniversary of the applicant's birthdate after  
23 issuance.

24       (b) The identicard may include the person's status as a veteran,  
25 consistent with RCW 46.20.161(4).

26       (c) If applicable, the identicard may include a medical alert  
27 designation as provided in subsection (5) of this section.

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

30       (a) Personal appearance before the department;

31       (b) Mail or electronic commerce, if permitted by rule of the  
32 department and if the applicant did not renew the identicard by mail  
33 or by electronic commerce when it last expired; or

34       (c) From January 1, 2022, to June 30, 2024, electronic commerce,  
35 if permitted by rule of the department.

36       An identicard may not be renewed by mail or by electronic  
37 commerce unless the renewal issued by the department includes a  
38 photograph of the identicard holder.

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

4 (5) Any person may apply to the department to obtain a medical  
5 alert designation, a developmental disability designation, or a  
6 deafness designation on an identicard issued under this chapter by  
7 providing:

8 (a) Self-attestation that the individual:

9 (i) Has a medical condition that could affect communication or  
10 account for a health emergency;

11 (ii) Is deaf or hard of hearing; or

12 (iii) Has a developmental disability as defined in RCW  
13 71A.10.020;

14 (b) A statement from the person that they have voluntarily  
15 provided the self-attestation and other information verifying the  
16 condition; and

17 (c) For persons under (~~eighteen~~) 18 years of age or who have a  
18 developmental disability, the signature of a parent or legal  
19 guardian.

20 (6) A self-attestation or data contained in a self-attestation  
21 provided under this section:

22 (a) Shall not be disclosed; and

23 (b) Is for the confidential use of the director, the chief of the  
24 Washington state patrol, and law enforcement and emergency medical  
25 service providers as designated by law.

26 (7) **Alternative issuance/renewal/extension.** The department may  
27 issue or renew an identicard for a period other than eight years, or  
28 may extend by mail or electronic commerce an identicard that has  
29 already been issued. The fee for an identicard issued or renewed for  
30 a period other than eight years, or that has been extended by mail or  
31 electronic commerce, is (~~nine dollars~~) \$9 for each year that the  
32 identicard is issued, renewed, or extended. The department must offer  
33 the option to issue or renew an identicard for six years in addition  
34 to the eight year issuance. The department may adopt any rules as are  
35 necessary to carry out this subsection.

36 (8) Identicard photos must be updated in the same manner as  
37 driver's license photos under RCW 46.20.120(5).

38 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20  
39 RCW to read as follows:

1       Beginning January 1, 2026, the department may require as a  
2 condition of initial issuance or renewal of a driver's license an  
3 older driver to successfully complete an older driver knowledge and  
4 skills refresher course that emphasizes the unique issues faced by  
5 older drivers, pursuant to rules adopted under section 1 of this act.

6       **Sec. 8.** RCW 46.20.041 and 2005 c 274 s 306 are each amended to  
7 read as follows:

8       (1) If the department has reason to believe that a person is  
9 suffering from a physical or mental disability or disease that may  
10 affect that person's ability to drive a motor vehicle, the department  
11 must evaluate whether the person is able to safely drive a motor  
12 vehicle. As part of the evaluation:

13       (a) The department shall permit the person to demonstrate  
14 personally that notwithstanding the disability or disease he or she  
15 is able to safely drive a motor vehicle.

16       (b) The department may require the person to obtain a statement  
17 signed by a licensed physician or other proper authority designated  
18 by the department certifying the person's condition.

19       (i) The statement is for the confidential use of the director and  
20 the chief of the Washington state patrol and for other public  
21 officials designated by law. It is exempt from public inspection and  
22 copying notwithstanding chapter 42.56 RCW.

23       (ii) The statement may not be offered as evidence in any court  
24 except when appeal is taken from the order of the director canceling  
25 or withholding a person's driving privilege. However, the department  
26 may make the statement available to the director of the department of  
27 retirement systems for use in determining eligibility for or  
28 continuance of disability benefits and it may be offered and admitted  
29 as evidence in any administrative proceeding or court action  
30 concerning the disability benefits.

31       (2) On the basis of the evaluation the department may:

32       (a) Issue or renew a driver's license to the person without  
33 restrictions;

34       (b) Cancel or withhold the driving privilege from the person; or

35       (c) Issue a restricted driver's license to the person. The  
36 restrictions must be suitable to the licensee's driving ability. The  
37 restrictions may include:

38       (i) Special mechanical control devices on the motor vehicle  
39 operated by the licensee;

1 (ii) Limitations on the type of motor vehicle that the licensee  
2 may operate; or

3 (iii) Other restrictions determined by the department to be  
4 appropriate to assure the licensee's safe operation of a motor  
5 vehicle.

6 (3) The department may either issue a special restricted license  
7 or may set forth the restrictions upon the usual license form.

8 (4) The department may suspend or revoke a restricted license  
9 upon receiving satisfactory evidence of any violation of the  
10 restrictions. In that event the licensee is entitled to a driver  
11 improvement interview and a hearing as provided by RCW 46.20.322 or  
12 46.20.328.

13 (5) Operating a motor vehicle in violation of the restrictions  
14 imposed in a restricted license is a traffic infraction.

15 (6) Beginning January 1, 2026:

16 (a) Before imposing driver's license restrictions or conditions  
17 on high-risk older drivers pursuant to rules adopted under section 1  
18 of this act, the department shall permit the person to demonstrate  
19 personally that a high-risk older driver is able to safely drive a  
20 motor vehicle.

21 (b) The department may require the person to obtain a statement  
22 signed by a licensed physician or other proper authority designated  
23 by the department certifying the person's condition.

24 (c) The statement obtained pursuant to (b) of this subsection is  
25 for the confidential use of the director and the chief of the  
26 Washington state patrol and for other public officials designated by  
27 law. It is exempt from public inspection and copying notwithstanding  
28 chapter 42.56 RCW and may not be offered as evidence in any court  
29 except when appeal is taken from the order of the director.

30 NEW SECTION. Sec. 9. A new section is added to chapter 42.56  
31 RCW to read as follows:

32 Statements obtained pursuant to RCW 46.20.041(6)(b) is for the  
33 confidential use of the director of the department of licensing and  
34 the chief of the Washington state patrol and for other public  
35 officials designated by law. It is exempt from public inspection and  
36 copying and may not be offered as evidence in any court except when



1 appeal is taken from the order of the director of the department of  
2 licensing.

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