

## CHAPTER 121.

[ Senate Bill No. 334. ]

## MOTOR VEHICLES—DRIVER LICENSING.

AN ACT relating to motor vehicle driver licensing; amending section 46.20.102, chapter 12, Laws of 1961 and RCW 46.20.102; amending section 46.20.104, chapter 12, Laws of 1961 and RCW 46.20.104; amending section 46.20.106, chapter 12, Laws of 1961 and RCW 46.20.106; amending section 46.20.120, chapter 12, Laws of 1961 and RCW 46.20.120; amending section 46.20.130, chapter 12, Laws of 1961 and RCW 46.20.130; amending section 46.20.190, chapter 12, Laws of 1961 and RCW 46.20.190; amending section 46.20.200, chapter 12, Laws of 1961 and RCW 46.20.200; amending section 46.20.270, chapter 12, Laws of 1961 and RCW 46.20.270; amending section 46.20.340, chapter 12, Laws of 1961 and RCW 46.20.340; repealing section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360, adding new sections to chapter 12, Laws of 1961 and to chapter 46.20 RCW; and providing penalties.

*Be it enacted by the Legislature of the State of Washington:*

New section.

SECTION 1. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled.

Driver licens-  
ing. Purpose—  
Construction.

SEC. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this 1965 amendatory act. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

License man-  
datory—Sur-  
render of  
out-of-state  
licenses—  
Disposition—  
Multiple  
licenses pro-  
hibited—  
State pre-  
empts licens-  
ing field.

(2) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise

Driver licens-  
ing. State pre-  
empts field.

such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

New section.

SEC. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Exempted  
persons.

The following persons are exempt from license hereunder:

(1) Any person in the service of the army, navy, air force, marine corps or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home state;

(3) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home country may operate a motor vehicle in this state for a period not to exceed one year;

(4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway.

New section.

SEC. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Unqualified  
persons.

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person

whose license has been revoked, except as provided in section 27;

(3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section.

(4) To any person who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;

(5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: *Provided, however,* That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(6) To any person who is required by this 1965 amendatory act to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor

vehicle with safety upon the highways; subject to review by a court of competent jurisdiction.

New section.

SEC. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Driver licens-  
ing. Physi-  
cally or  
mentally  
disabled—  
Restricted  
license—Vio-  
lation of—  
Penalty.

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect his ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

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

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this 1965 amendatory act.

(5) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

SEC. 6. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

No person who is under the age of eighteen years shall drive any school bus transporting school children. No person who is under the age of twenty-one years shall drive any motor vehicle when in use for the transportation of person for compensation.

Transporting of persons, age qualification.

SEC. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience and is licensed in the state of Washington and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve his driving proficiency.

Instruction permits—Types—Qualifications for—Duration.

Driver licens-  
ing. Instruc-  
tion permits—  
Types—Quali-  
fications for—  
Duration.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a driver education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to drive a motor vehicle only when an approved instructor or other driver licensed in Washington with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

New section.

SEC. 8. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Licenses, per-  
mits—Applica-  
tions—Form—  
Fee—Out-of-  
state drivers'  
record—Reci-  
procity in  
furnishing.

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit shall be accompanied by a fee of one dollar and fifty cents. The department shall forthwith transmit the fees collected for instruction permits

and temporary drivers' permits to the state treasurer.

(2) Every said application shall state the full name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge: *Provided, however,* That the other licensing jurisdiction extends the same privilege to the state of Washington otherwise there shall be a reasonable charge for transmittal of record, the amount whereof to be fixed by the director of the department.

SEC. 9. Section 46.20.120, chapter 12, Laws of 1961 and RCW 46.20.120 are each amended to read as follows:

RCW 46.20.120 amended.

No new driver's license shall be issued and no previously issued license shall be renewed until the applicant therefor has successfully passed a driver licensing examination: *Provided,* That the department may waive all or any part of the examination of any person applying for the renewal of a driv-

Applicants for new license or renewal to be examined—  
Waiver.



Driver licens-  
ing. Appli-  
cants for new  
license or re-  
newal to be  
examined—  
Waiver—Fee—  
New license  
defined—Ex-  
amination,  
time and  
place.

er's license issued under the laws of this state, except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license expired over sixty days prior to date of application.

Any person who is without the state at the time his driver's license expires or who is unable to renew his license due to any incapacity may renew the license within sixty days after his return to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses. The department shall provide for giving examinations at places and times reasonably available to the people of this state.

RCW 46.20.130  
amended.

SEC. 10. Section 46.20.130, chapter 12, Laws of 1961 and RCW 46.20.130 are each amended to read as follows:

Content and  
conduct of  
examination.

The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any

facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21 and 46.29, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways.

SEC. 11. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

The department shall upon receipt of a fee of four dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Issuance of license—Fee—Minimum contents—Signature for validity.

SEC. 12. Section 46.20.102, chapter 12, Laws of 1961 and RCW 46.20.102 are each amended to read as follows:

RCW 46.20.102 amended.

Any driver's license issued to a person under the age of twenty-one years shall bear the word "minor" or shall be of such color or design as to be readily distinguishable from drivers' licenses issued to persons over twenty-one years of age.

Minor's license to be distinguishable.

SEC. 13. Section 46.20.104, chapter 12, Laws of 1961 and RCW 46.20.104 are each amended to read as follows:

RCW 46.20.104 amended.

A minor attaining the age of twenty-one years prior to the expiration date of his driver's license may upon proper application to the licensing agent have issued to him without fee a substitute license of the type issued to persons over the age of twenty-one years.

—Substitute license on reaching majority.

RCW 46.20.106 amended.

SEC. 14. Section 46.20.106, chapter 12, Laws of 1961 and RCW 46.20.106 are each amended to read as follows:

Driver licens- ing. Evidence of age may be required.

Any agent authorized to issue a driver's license in this state is authorized to require satisfactory evidence of the age of the applicant as a condition precedent to the issuance of a driver's license.

RCW 46.20.190 amended.

SEC. 15. Section 46.20.190, chapter 12, Laws of 1961 and RCW 46.20.190 are each amended to read as follows:

License to be in immediate possession when operating vehicle.

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so.

RCW 46.20.200 amended.

SEC. 16. Section 46.20.200, chapter 12, Laws of 1961 and RCW 46.20.200 are each amended to read as follows:

Licenses, permits, if lost or destroyed— Duplicates— Fee.

In the event that an instruction permit or a driver's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the department without reexamination upon payment of a fee of fifty cents to the department.

New section.

SEC. 17. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

License—Ex- piration—Re- newal period —Fee.

Every driver's license shall expire on the licen- see's birthdate in the second calendar year follow- ing the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of four dollars.

New section.

SEC. 18. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Whenever any person after applying for or receiving a driver's license shall remove from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Change of  
name, address  
—Notice to  
department.

SEC. 19. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

Departmental  
records.

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the convictions of such licensee, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

SEC. 20. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

Driver licens-  
ing. Cancell-  
ation of  
license—  
Grounds.

(1) The department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application.

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

New section.

SEC. 21. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Nonresidents  
—Suspension  
or cancellation  
of driving  
privilege—  
Report to li-  
censing state.

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was the result of the forfeiture of bail, bond or other security.

RCW 46.20.270  
amended.

SEC. 22. Section 46.20.270, chapter 12, Laws of 1961 and RCW 46.20.270 are each amended to read as follows:

Court to take  
up license and  
forward to  
department,  
when—Ab-  
stract of court  
record for-  
warded—  
"Conviction"  
defined.

(1) Whenever any person is convicted of any offense for which this act makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this act, and the court

in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: *Provided*, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: *Provided, also*, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: *Provided*, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this 1965 amendatory act, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within ten days an abstract of court record in the form prescribed by rule of the supreme court, showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or park-

Driver licensing. "Conviction" defined.

ing, and may recommend the suspension of the driver's license of the person so convicted.

(3) For the purposes of chapter 46.20 RCW the term "conviction" shall mean a final conviction in either a state or municipal court. Also, for the purposes of chapter 46.20 RCW an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

New section.

SEC. 23. There is added to chapter 12, Laws of 1961 and chapter 46.64 RCW a new section to read as follows:

Notice by court of failure to appear—Certificate of adjudication.

Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of licenses. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

New section.

SEC. 24. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Mandatory revocation, when.

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

(1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a

motor vehicle, upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of five years;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(6) Reckless driving upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of two years.

SEC. 25. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

(1) The department is hereby authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee: Suspension authorized, when.

(a) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(b) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(c) Has been convicted with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(d) Is incompetent to drive a motor vehicle for any of the reasons enumerated in subsections (4), (5) and (8) of section 4 of this 1965 amendatory act;



(e) Has committed one of the prohibited practices relating to drivers' licenses defined in section 41 of this 1965 amendatory act.

New section.

SEC. 26. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Driver licens-  
ing. Depart-  
mental scope  
if cause to  
believe driver  
not qualified  
or incompete-  
tent.

The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him to submit to an examination. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department. Upon the conclusion of such examination the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under section 5 of this 1965 amendatory act. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

New section.

SEC. 27. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Suspension,  
limitations on,  
conditions for  
lifting—Revoca-  
tion, condi-  
tions for  
reissuance.

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under section 43 of this 1965 amendatory act. Whenever the license of any person is suspended by reason of a conviction or pursuant to section 25 of this 1965 amendatory act, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law, but the department shall not then issue a new license unless and until it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

SEC. 28. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee. Surrender of license on suspension or revocation—Return.

SEC. 29. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in sections 31 and 32 of this 1965 amendatory act. Notice and opportunity for driver improvement interview before licensing restrictions.

SEC. 30. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Driver licens-  
ing. Driver  
improvement  
interview—  
Notice,  
contents.

The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given.

New section.

SEC. 31. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Grounds for  
denial of  
driver  
improvement  
interview  
or hearing.

A person shall not be entitled to a driver improvement interview or formal hearing as hereinafter provided:

(1) When the action by the department is made mandatory by the provisions of this 1965 amendatory act or other law; or

(2) When the person has refused or neglected to submit to an examination as required by section 26 of this 1965 amendatory act.

New section.

SEC. 32. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Alternative  
procedure  
for licensing  
restrictions.

In the alternative to the procedure set forth in sections 29 and 30 of this 1965 amendatory act the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his request shall afford him an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof.

SEC. 33. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in sections 29 and 30 or failure to request a driver improvement interview within ten days as provided in section 33 of this 1965 amendatory act shall constitute a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview. Driver improvement interview—Waiver of—Effect.

SEC. 34. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing. Driver improvement interview—Conduct—Applicant or licensee's rights.

SEC. 35. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows: New section.

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and may Driver improvement interview—Recommendations from.

Driver licens-  
ing. Driver  
improvement  
interview—  
Recommendations from—  
Request for  
formal  
hearing.

prepare and submit recommendations to the department. After a review of the referee's report together with the department's records, the department shall render its decision concerning the matter under consideration and shall notify the person involved in writing by personal service or by registered or certified mail. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days request a formal hearing.

New section.

SEC. 36. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Formal hear-  
ing—Notice—  
Place—Stay of  
action pending  
—Officiating  
officers.

Upon receiving a request for a formal hearing as provided in section 35 of this 1965 amendatory act, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: *Provided*, That this stay shall be effective only so long as there is no conviction of a moving violation during pendency of hearing and appeal.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department.

New section.

SEC. 37. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Formal hear-  
ing—Evidence  
—Subpoena  
power—Re-

At a formal hearing the department shall consider its records and may receive sworn testimony

and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director.

examination—  
Proceedings  
recorded—  
Findings and  
recommendations.

SEC. 38. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

The director, upon review of the records, evidence, and of the findings after a formal hearing, shall render his decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to renew a license or the order imposing terms or conditions of probation, or he may set aside the prior action of the department and may direct the probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation.

Director's  
scope of  
action after  
formal  
hearing.

SEC. 39. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this 1965 amendatory act shall have the right within thirty days, after receiving notice of the director's decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

Court appeal  
from denial of  
license, re-  
newal or sus-  
pension or  
revocation.

New section.

SEC. 40. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Driver licens-  
ing. Probation  
in lieu of  
suspension or  
revocation of  
license.

Whenever by any provision of this 1965 amendatory act the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate.

New section.

SEC. 41. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Violations—  
Penalty.

It is a misdemeanor for any person:

- (1) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;
- (2) To lend his driver's license to any other person or knowingly permit the use thereof by another;
- (3) To display or represent as one's own any driver's license not issued to him;
- (4) Wilfully to fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled;
- (5) To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
- (6) To permit any unlawful use of a driver's license issued to him.

RCW 46.20.340  
amended.

SEC. 42. Section 46.20.340, chapter 12, Laws of 1961 and RCW 46.20.340 are each amended to read as follows:

The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 shall be conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

Court review  
of director's  
action.

SEC. 43. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

New section.

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

Driving while  
license sus-  
pended or  
revoked is  
misdemeanor  
—Extension of  
period if li-  
cense revoked.

(2) The department upon receiving a record of the conviction of any person under this section upon



Driver licens-  
ing. Driving  
while license  
suspended or  
revoked is  
misdemeanor  
—Extension of  
period if li-  
cense revoked.

a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

New section.

SEC. 44. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Responsibility  
for child or  
ward under  
eighteen years  
of age.

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this 1965 amendatory act.

New section.

SEC. 45. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

Responsibility  
to keep own  
motor vehicle  
from being  
driven by un-  
authorized  
person.

No person shall authorize and knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this 1965 amendatory act.

Repeal—  
Savings.

SEC. 46. Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and

RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

SEC. 47. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.