

RCW 46.52.020, and is also convicted of operating a motor vehicle while the order of revocation is in effect, shall be confined in the county jail for not less than thirty days nor more than one year, and such sentence shall not be suspended or deferred.

~~((For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged, the court shall have jurisdiction for trial of the charge.))~~

Sec. 7. Section 46.04.480, chapter 12, Laws of 1961 and RCW 46.04-.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of chapter 46.65 RCW the invalidation may last for a period to exceed one calendar year.

NEW SECTION. Sec. 8. If any provision of this 1979 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. The following acts or parts of acts are each hereby repealed:

- (1) Section 6, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.040;
  - (2) Section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050;
- and
- (3) Section 13, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.110.

Passed the Senate February 13, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

## CHAPTER 63

[Senate Bill No. 2094]

### MOTOR VEHICLE OPERATORS—INSTRUCTION PERMITS

AN ACT Relating to motor vehicles; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 8, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.091; and amending section 4, chapter 25, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1977 and RCW 46.68.041.

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

Section 1. Section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055 are each amended to read as follows:

(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))~~ one year 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.

(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 traffic safety 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 licensed 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.

Sec. 2. Section 8, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.091 are each amended to read as follows:

(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))~~ two dollars 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 the record, the amount ~~((whereof))~~ to be fixed by the director of the department.

Sec. 3. Section 4, chapter 25, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1977 and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar and forty cents of each fee collected for a temporary instruction permit shall be deposited in the traffic safety education account in the general fund.

(3) Out of each fee of six dollars collected for a driver's license, the sum of four dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund.

Passed the Senate January 23, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

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