

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal.

SEC. 25. Section 10, chapter 98, Laws of 1935, and RCW 18.64.055; section 2, chapter 180, Laws of 1923, and RCW 18.64.060; section 1, chapter 180, Laws of 1923, and RCW 18.64.065; section 4, chapter 180, Laws of 1923, as amended by section 2, chapter 253, Laws of 1927, and RCW 18.64.070; section 5, chapter 180, Laws of 1923, as amended by section 3, chapter 253, Laws of 1927, and RCW 18.64.090; section 7, chapter 180, Laws of 1923, and RCW 18.64.100; section 6, chapter 121, Laws of 1899, as amended by section 3, chapter 213, Laws of 1909, and RCW 18.64.120; and section 2, chapter 23, Laws of 1955, and RCW 69.40.062, are each repealed.

Passed the Senate March 1, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 14, 1963.

CHAPTER 39.

[H. B. 94.]

MOTOR VEHICLES—DRIVER EDUCATION.

AN ACT relating to the training of motor vehicle operators; prescribing certain penalty assessments for the financing thereof; creating a driver education account in the general fund of the state treasury; amending sections 46.20.030, 46.20.070, and 46.68.040, chapter 12, Laws of 1961 and RCW 46.20.030, 46.20.070, and 46.68.040; and amending section 46.20.110, chapter 12, Laws of 1961 as amended by section 1, chapter 214, Laws of 1961 and RCW 46.20.110.

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

Driver
education.
Purpose.

SECTION 1. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in driver education and by that means to develop in the youth of this

state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents. The course in driver education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles.

SEC. 2. The following words and phrases whenever used in this act shall have the following meaning: Definitions.

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Driver education course" shall mean an accredited course of instruction in driver education which shall consist of three parts: Classroom instruction, behind-the-wheel instruction or equivalent, and observation time. Each of said parts shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of driver education. Any or all portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of driver education" shall mean an instructor certificated by the superintendent of public instruction to teach either the classroom part or the behind-the-wheel part of the driver education course, or both, under regulations promulgated by the superintendent but such teacher need not be certificated under the provisions of chapter 28.70 RCW.

SEC. 3. (1) The superintendent of public instruction is authorized to establish a section of driver education, under the division of curriculum and instruction and through such section shall administer, supervise, and develop the driver education program

Implementa-
tion of driver
education
program.

and shall assist local school districts in the conduct of their driver education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the driver education program.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a driver education course. If a school district elects to offer a driver education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in driver education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) Subject to the rules and regulations adopted by the superintendent of public instruction, the board of directors of a school district may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the behind-the-wheel part of the driver education program. Instructors provided by any such contracting drivers' school must be certificated as qualified teachers of driver education.

SEC. 4. There shall be levied and paid into the driver education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

- (1) Where a fine is imposed, two dollars for each twenty dollars of fine, or fraction thereof.
- (2) If bail is forfeited, two dollars for each twenty dollars of bail, or fraction thereof.
- (3) Where multiple offenses are involved, the

Driver
education.
Penalty
assessment
to finance.

penalty assessment shall be based on the total fine or bail forfeited for all offenses.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with fine actually imposed.

SEC. 5. When any deposit of bail is made for an offense to which section 4 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail.

Bail deposit to include penalty assessment.

SEC. 6. The gross proceeds of the penalty assessments provided for in section 4 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the driver education account in the general fund.

Disposition of penalty assessment.

SEC. 7. There is hereby created the driver education account in the general fund of the state treasury to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the superintendent of public instruction in administering this act and all payments by the superintendent of public instruction to school districts as authorized by this act shall be borne by appropriations from this account.

Driver education account created—Use.

SEC. 8. (1) Each school district offering a course in driver education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to section 7 each school district shall be reimbursed from the driver education account in an amount not to exceed thirty dollars for each pupil who is instructed

Districts to keep records—Reimbursement for driver education costs.

Proviso.

in the course in accordance with the regulations set forth by the superintendent: *Provided*, That beginning June 30, 1964 and on June 30 of each year thereafter the state superintendent shall determine the approximate per pupil cost of driver education and may increase to more than thirty dollars the amount of reimbursement to the school district but in no instance shall the amount of reimbursement exceed more than seventy-five percent of the estimated per pupil cost of driver education. Per pupil cost of driver education shall include the per pupil cost of vehicles used exclusively in driver education programs and simulators used in such programs amortized by school districts over a twenty-four month period.

A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of driver education instruction under simulated driving conditions.

Driver
education.
Fee—
Disposition.

(2) The directors of any school district or combination of school districts shall establish a driver education fee, which fee when imposed shall be required to be paid by any duly enrolled student in such school district prior to the enrollment in a driver education course. Driver education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the driver education course.

RCW 46.20.070
amended.

SEC. 9. Section 46.20.070, chapter 12, Laws of 1961 and RCW 46.20.070 are each amended to read as follows:

Juvenile
agricultural
driving
permit.

Upon receiving a written application on a form provided by the director of licenses for permission for a person under the age of sixteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving per-

mit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle operator's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of sixteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle operator's license.

The director of licenses shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle operator's licenses and deposited to the credit of the driver education account in the general fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving

permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle operator's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated.

RCW 46.20.110
amended.

SEC. 10. Section 46.20.110, chapter 12, Laws of 1961 as amended by section 1, chapter 214, Laws of 1961 and RCW 46.20.110 are each amended to read as follows:

Temporary
instruction
permits—Fee.

The director of licenses upon receiving from any person over the age of fifteen and one-half years an application for a temporary instruction permit may in his discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to operate a motor vehicle upon the public highways for a period of six months when accompanied by a licensed vehicle operator who has had at least five years of driving experience and is licensed in the state of Washington and who is actually occupying a seat beside the operator: *Provided*, That a temporary instruction permit valid for the school semester may be issued to any person of the age of fifteen years if such a person is at the time enrolled in the behind-the-wheel part of an approved driver education course, recognized and accredited by the superintendent of public instruction. Temporary instruction permit shall be issued upon payment of a fee of one dollar and fifty cents in the manner provided for the payment of fees for vehicle operator licenses.

Proviso.

RCW 46.68.040
amended.

SEC. 11. Section 46.68.040, chapter 12, Laws of 1961 and RCW 46.68.040 are each amended to read as follows:

The director shall forward all funds accruing under the provisions of chapter 46.20 to the state treasurer, together with a proper identifying, detailed report. The state treasurer shall deposit such moneys to the credit of the highway safety fund, except that out of each fee of four dollars collected for a vehicle operator's license the sum of two dollars and twenty cents shall be paid into the state parks and parkways account to be used for carrying out the provisions of chapter 43.51 and for no other purpose except as hereinafter provided. All expenses incurred in carrying out the provisions of chapter 46.20 relating to vehicle operators' licenses shall be paid from the highway safety fund and not to exceed fifty thousand dollars in a biennium from the state parks and parkways account of the general fund as by appropriation provided: *Provided*, That one dollar of the fees collected for temporary instruction permits under RCW 46.20.110 shall be deposited in the driver education account in the general fund.

Disposition
of operators'
license fees—
Support of
state parks.

Proviso.

SEC. 12. Section 46.20.030, chapter 12, Laws of 1961 and RCW 46.20.030 are each amended to read as follows:

RCW 46.20.030
amended.

(1) The director of licenses shall not issue a vehicle operator's license to any person under the age of sixteen years;

Operators'
licenses.
Persons
ineligible
generally.

(2) The director of licenses shall not issue a vehicle operator's license to any person whose vehicle operator's license has been suspended, during the period for which such license was suspended, nor shall the director issue a vehicle operator's license to any person whose vehicle operator's license has been revoked until the expiration of one year from the revocation of such license, nor shall the director issue a vehicle operator's license to any person whose vehicle operator's license has been canceled until he shall determine that it is proper

to do so and the applicant is otherwise entitled thereto;

(3) The director of licenses shall not issue a vehicle operator's license to any person whom he has determined is an habitual drunkard or is addicted to the use of narcotic drugs;

(4) The director of licenses shall not issue a vehicle operator's license to any person who has previously been adjudged insane or an idiot, epileptic, imbecile or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent; nor shall the director then issue vehicle operator's license to such person unless he is satisfied that such person is competent to operate a motor vehicle with safety to persons and property;

(5) The director of licenses shall not issue a vehicle operator's license to any person when in the opinion of the director such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising a reasonable and ordinary control of a motor vehicle while operating the same upon the public highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language: *Provided, however,* That the director of licenses may permit any such person to demonstrate personally that notwithstanding such disability or disease he is a proper person to operate a motor vehicle and may further require a certificate of such person's condition signed by a proper authority designated by the director and the director in his discretion may cause to be issued to such person a restricted vehicle operator's license containing such restriction as he may deem advisable

Operators'
licenses.
Procedure as
to disabled—
Restricted
licenses.

Proviso.

under all the circumstances and such restriction shall be endorsed on such restricted vehicle operator's license. A person holding such a restricted vehicle operator's license shall not operate a motor vehicle except as, when and where permitted under such restriction and the director of licenses may at any time with or without further cause cancel or revoke such restricted license: *Provided further*, That this subsection shall not be construed to prevent the director from refusing a vehicle operator's license, either restricted or unrestricted, to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property. Proviso.

Passed the House March 9, 1963.

Passed the Senate March 8, 1963.

Approved by the Governor March 15, 1963.

CHAPTER 40.

[H. B. 155.]

SUPREME COURT—JUDGES PRO TEMPORE.

AN ACT relating to judges pro tempore of the supreme court; adding new sections to chapter 2.04 RCW; making an appropriation; and declaring an emergency.

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

SECTION 1. There is added to chapter 2.04 RCW a new section to read as follows: New section.

(1) *Declaration of Policy.* Whenever necessary for the prompt and orderly administration of justice, as authorized and empowered by Article IV, Section 2 (a), Amendment 38, of the state Constitution, a majority of the supreme court may appoint any regularly elected and qualified judge of the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the supreme court. Supreme court
—Judge pro
tempore.
Appointment
—Oath.