

strued as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 7. Part II of this 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the date upon which the 1969 education code becomes effective.

Passed the House April 4, 1969.

Passed the Senate April 25, 1969.

Approved by the Governor May 8, 1969.

Filed in office of Secretary of State May 8, 1969.

CHAPTER 218
[Engrossed House Bill No. 314]
TRAFFIC SAFETY EDUCATION

AN ACT Relating to the education of motor vehicle drivers; prescribing certain penalty assessments for the financing thereof; renaming the driver education account of the general fund as the traffic safety education account of the general fund in the state treasury; amending section 2, chapter 39, Laws of 1963 and RCW 46.81.010; amending section 3, chapter 39, Laws of 1963 and RCW 46.81.020; amending section 4, chapter 39, Laws of 1963, as amended by section 11 chapter 167, Laws of 1967, and RCW 46.81.030; amending section 6, chapter 39, Laws of 1963 and RCW 46.81.050; amending section 7, chapter 39, Laws of 1963 and RCW 46.81.060; amending section 8, chapter 39, Laws of 1963, as amended by section 5, chapter 147, Laws of 1967 ex. sess., and RCW 46.81.070; amending section 1, chapter 39, Laws of 1963, and RCW 46.81.900; amending section 7, chapter 121, Laws of 1965 ex. sess., and RCW 46.20.055; amending section 46.20.070, chapter 12, Laws of 1961, as last amended by section 27, chapter 32, Laws of 1967, and RCW 46.20.070; amending section 46.20.100, chapter 12, Laws of 1961, as last amended by section 1, chapter 167, Laws of 1967, and RCW 46.20.100; amending section 4, chapter 25, Laws of 1965, as amended by section 3, chapter 174, Laws of 1967, and RCW 46.68.041; and

declaring an emergency.

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

Section 1. Section 2, chapter 39, Laws of 1963, and RCW 46-.81.010 are each amended to read as follows:

The following words and phrases whenever used in ~~((this-act))~~ chapter 46.81 RCW shall have the following meaning:

- (1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.
- (2) "~~((Driver))~~ Traffic safety education course" shall mean an accredited course of instruction in ~~((driver))~~ traffic safety education which shall consist of three parts: Classroom instruction, ~~((behind the-wheel-instruction-or-equivalent))~~ laboratory experience, and observation time. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. 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))~~ traffic safety education. Any ~~((ex-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))~~ traffic safety education" shall mean an instructor certificated under the provisions of chapter 28.70 RCW and certificated by the superintendent of public instruction to teach either the classroom part or the ~~((behind-the-wheel))~~ laboratory part of the ~~((driver))~~ traffic safety 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. 2. Section 3, chapter 39, Laws of 1963, and RCW 46.81.020 are each amended to read as follows:

- (1) The superintendent of public instruction is authorized to establish a section of ~~((driver))~~ traffic safety education, under the division of curriculum and instruction and through such section shall

administer, supervise, and develop the ((~~driver~~)) traffic safety education program and shall assist local school districts in the conduct of their ((~~driver~~)) traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the ((~~driver~~)) traffic safety education program; and each school district shall submit an annual report to the superintendent on the financial condition of its traffic safety education program: PROVIDED, That the superintendent shall conduct audits or such other examination of the records and accounts of said school districts and shall require their reporting of such information as the superintendent deems necessary to adequately monitor the quality of the program and to carry out the purposes of this 1969 amendatory act, and in order to make regular reports to the legislature.

(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~~)) traffic safety education course. If a school district elects to offer a ((~~driver~~)) traffic safety 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~~)) traffic safety 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~~)) laboratory part of the ((~~driver~~)) traffic safety education program. Instructors provided by any such contracting drivers' school must be certificated as qualified teachers of ((~~driver~~)) traffic safety education.

Sec. 3. Section 4, chapter 39, Laws of 1963, as amended by section 11, chapter 167, Laws of 1967, and RCW 46.81.030 are each

amended to read as follows:

There shall be levied and paid into the ((~~driver~~)) traffic safety 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, ((~~three~~)) five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, ((~~three~~)) five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the 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 the fine actually imposed.

Sec. 4. Section 6, chapter 39, Laws of 1963 and RCW 46.81.050 are each amended to read as follows:

The gross proceeds of the penalty assessments provided for in RCW 46.81.030 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~~)) traffic safety education account in the general fund.

Sec. 5. Section 7, chapter 39, Laws of 1963 and RCW 46.81-.060 are each amended to read as follows:

There is hereby created the ((~~driver~~)) traffic safety education account in the general fund of the state treasury (formerly named the driver education account) 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 chapter and all payments by the superintendent of public instruction to school districts as authorized by this chapter shall be borne by appropriations from this account.

Sec. 6. Section 8, chapter 39, Laws of 1963, as amended by section 5, chapter 147, Laws of 1967 ex. sess., and RCW 46.81.070 are each amended to read as follows:

(1) Each school district offering a course in ~~((driver))~~ traffic safety education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to RCW 46.81.060 each school district shall be reimbursed from the ~~((driver))~~ traffic safety education account: PROVIDED, That the state superintendent shall determine the approximate per pupil cost of ~~((driver))~~ traffic safety education and may reimburse up to seventy-five percent of the estimated per pupil cost of ~~((driver))~~ traffic safety education. Per pupil cost of ~~((driver))~~ traffic safety education shall include the per pupil cost of vehicles used exclusively in ~~((driver))~~ traffic safety education programs and simulators used in such programs amortized by school districts over a sixty-month period.

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

(2) The directors of any school district or combination of school districts shall establish a ~~((driver))~~ traffic safety 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))~~ traffic safety education course. ~~((Driver))~~ Traffic safety 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))~~ traffic safety education

course.

Sec. 7. Section 1, chapter 39, Laws of 1963 and RCW 46.81.900 are each amended to read as follows:

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~~) traffic safety 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~~) traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles.

Sec. 8. Section 7, chapter 121, Laws of 1965 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 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 (~~driver~~) 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 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. 9. Section 46.20.070, chapter 12, Laws of 1961, as last amended by section 27, chapter 32, Laws of 1967, and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director 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 permit 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 driver'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 driver's license.

The director 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 driver's licenses and deposited to the credit of the ((driver)) traffic safety 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 driver'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.

Sec. 10. Section 46.20.100, chapter 12, Laws of 1961, as last [1640]

amended by section 1, chapter 167, Laws of 1967, and RCW 46.20.100 are each amended to read as follows:

The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father of the applicant if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a ~~((driver))~~ traffic safety education course as defined in section 1 of this 1969 amendatory act, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a ~~((driver))~~ traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That until July 1, 1969 the director may upon a showing that a ~~((driver))~~ traffic safety education course was not available to the minor waive said requirement if the minor shows to the satisfaction of the department that he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

Sec. 11. Section 4, chapter 25, Laws of 1965, as amended by section 3, chapter 174, Laws of 1967, 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 46.21 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 of each fee collected for a temporary instruction permit shall be deposited in the (~~driver~~) traffic safety education account in the general fund.

(3) Out of each fee of four dollars collected for a driver's license, the sum of two dollars and twenty cents shall be deposited in the parks and parkways account in the general fund to be used for carrying out the provisions of chapter 43.51 RCW except that not to exceed fifty thousand dollars in a biennium as by appropriation provided shall be paid from the parks and parkways account for use in carrying out the provisions of law relating to drivers' licenses.

(4) Out of each fee of four dollars collected for a driver's license, the sum of one dollar and twenty cents shall be deposited in the highway safety fund, and sixty cents shall be deposited in the state patrol highway account.

NEW SECTION. Sec. 12. Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education."

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 14, 1969.

Passed the Senate April 22, 1969.

Approved by the Governor May 3, 1969, with the exception of Section 11, which is vetoed.

Filed in office of Secretary of State May 9, 1969.

NOTE: Governor's explanation of partial veto is as follows:
"...Under RCW 46.68.041, one dollar of the driver's license fee is transferred to the driver education account. Section 11 of Engrossed House Bill No. 314 changes the name of the account to which this dollar is allocated from the driver education account to the traffic safety education account.

Senate Bill No. 287, adopted by the first session of the 41st Legislature raised the driver's license fee to \$5.00. This bill is now Chapter 99, Laws of 1969. Section 9 of Chapter 99 provided for the allocation of the new \$5.00 driver's license fee.

Section 11 of Engrossed House Bill No. 314 neither mentions the amendment to RCW 46.68.041 by Chapter 99 nor provides for the allocation of the increased driver's license fee.

In order to avoid the confusion resulting from both these amendments to the same section from becoming effective and the danger that section 9 of Chapter 99, Laws of 1969, would thereby be repealed by implication, I have vetoed section 11 of Engrossed House Bill No. 314. Since section 5 of Engrossed House Bill No. 314 specifically changes the name of the "driver education account" to the "traffic safety education account", my veto will not affect the practical operation of the bill.

With the exception of Section 11 which I have vetoed, the remainder of Engrossed House Bill No. 314 is approved."

CHAPTER 219

[Engrossed Substitute Senate Bill No. 468]
POLICEMEN'S AND FIREMEN'S BENEFITS

AN ACT Relating to public employment; amending section 1, chapter 6, Laws of 1959 as last amended by section 36, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 37, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.060; amending section 11, chapter ..., Laws of 1969 (Engrossed Substitute SB 74); amending section 15, chapter ..., Laws of 1969 (Engrossed Substitute SB 74); and declaring an emergency.

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

Section 1. Section 1, chapter 6, Laws of 1959 as last amended by section 36, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund