

## CHAPTER 234

[Substitute Senate Bill No. 3035]

## DRIVER AND MOTORCYCLE PERMITS—MOTORCYCLE ENDORSEMENTS

AN ACT Relating to motor vehicles; and amending RCW 46.20.055, 46.20.100, and 46.20.510.

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

Sec. 1. Section 10, chapter 260, Laws of 1981 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))~~ a driver's or motorcyclist's instruction permit ~~((which shall))~~.

(a) A driver's instruction permit entitles the ~~((applicant))~~ permittee while having ~~((such))~~ the permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver ~~((, except if the permittee is operating a motorcycle))~~. Except as provided in subsection (c) of this subsection, only one additional ~~((instruction))~~ permit, valid for one year, may be issued.

(b) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety days as provided in RCW 46.20.510(3). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may ~~((in its discretion))~~ issue a third driver's or motorcyclist's instruction permit ~~((where))~~ when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department upon receiving proper application may in its discretion issue ~~((an))~~ a driver's 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 having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver 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 the applicant 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 the ~~((applicant's))~~ permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the ~~((applicant's))~~ permittee's license has been issued or for good cause has been refused.

Sec. 2. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 146, chapter 158, Laws of 1979 and RCW 46.20.100 are each amended to read as follows:

The department of licensing shall not consider ~~((the))~~ an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent 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 or her application is also signed by ~~((his))~~ the minor's employer; and

(2) The ~~((minor))~~ applicant has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the ~~((minor))~~ applicant has satisfactorily completed a 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 the director may upon a showing that an ~~((individual))~~ applicant was unable to take or complete a driver education course waive ~~((said))~~ that requirement if the ~~((minor))~~ applicant shows to the satisfaction of the department that a need exists for ~~((him))~~ the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

Sec. 3. Section 3, chapter 77, Laws of 1982 and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.

(3) The department may issue ~~((an))~~ a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with ~~((an))~~ a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully controlled, limited access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category.

Passed the Senate April 15, 1985.

Passed the House April 10, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

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## CHAPTER 235

[Senate Bill No. 3906]

### MORAL NUISANCES—PORNOGRAPHY

AN ACT Relating to pornography and moral nuisances; amending RCW 7.48A.040, 7.48A.050, and 9.68.140; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 4, chapter 184, Laws of 1982 and RCW 7.48A.040 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil ~~((penalty))~~ fine and judgment of an amount as the court ~~((may))~~ shall determine to be appropriate. In imposing the civil ~~((penalty))~~ fine, the court shall consider the