
SENATE BILL 6227

State of Washington 63rd Legislature 2014 Regular Session

By Senators Eide, Frockt, Chase, Keiser, and McAuliffe

Read first time 01/17/14. Referred to Committee on Transportation.

1 AN ACT Relating to enhancing public safety by reducing distracted
2 driving incidents caused by the use of personal wireless communications
3 devices; amending RCW 46.20.075, 46.61.667, 46.61.668, 46.20.055,
4 46.25.010, and 46.20.130; creating a new section; prescribing
5 penalties; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that cell phones
8 can be a benefit to an individual's convenience and efficiency but are
9 a dangerous distraction when driving a vehicle. The legislature
10 further recognizes that under the federal funding authorization, moving
11 ahead for progress in the 21st century act, funds have been set aside
12 to combat the emerging national problem of distracted driving, and that
13 distracted driving is one of the top three causes of fatal teen
14 collisions. The legislature further recognizes that for Washington
15 state to enhance public safety and qualify for these federal funds, the
16 existing cell phone laws must be amended to meet the new requirements.
17 As such, it is the intent of the legislature that our state's existing
18 cell phone laws are brought in line with federal grant criteria to

1 ensure that the maximum amount of federal funds are made available to
2 these important safety programs.

3 **Sec. 2.** RCW 46.20.075 and 2011 c 60 s 44 are each amended to read
4 as follows:

5 (1) An intermediate license authorizes the holder to drive a motor
6 vehicle under the conditions specified in this section. An applicant
7 for an intermediate license must be at least sixteen years of age and:

8 (a) Have possessed a valid instruction permit for a period of not
9 less than six months;

10 (b) Have passed a driver licensing examination administered by the
11 department;

12 (c) Have passed a course of driver's education in accordance with
13 the standards established in RCW 46.20.100;

14 (d) Present certification by his or her parent, guardian, or
15 employer to the department stating (i) that the applicant has had at
16 least fifty hours of driving experience, ten of which were at night,
17 during which the driver was supervised by a person at least twenty-one
18 years of age who has had a valid driver's license for at least three
19 years, and (ii) that the applicant has not been issued a notice of
20 traffic infraction or cited for a traffic violation that is pending at
21 the time of the application for the intermediate license;

22 (e) Not have been convicted of or found to have committed a traffic
23 violation within the last six months before the application for the
24 intermediate license; and

25 (f) Not have been adjudicated for an offense involving the use of
26 alcohol or drugs during the period the applicant held an instruction
27 permit.

28 (2) For the first six months after the issuance of an intermediate
29 license or until the holder reaches eighteen years of age, whichever
30 occurs first, the holder of the license may not operate a motor vehicle
31 that is carrying any passengers under the age of twenty who are not
32 members of the holder's immediate family as defined in RCW 42.17A.005.
33 For the remaining period of the intermediate license, the holder may
34 not operate a motor vehicle that is carrying more than three passengers
35 who are under the age of twenty who are not members of the holder's
36 immediate family.

1 (3) The holder of an intermediate license may not operate a motor
2 vehicle between the hours of 1 a.m. and 5 a.m. except when the holder
3 is accompanied by a parent, guardian, or a licensed driver who is at
4 least twenty-five years of age.

5 (4)(a) The holder of an intermediate license may not operate a
6 (~~moving~~) motor vehicle while using a personal wireless communications
7 device unless the holder is using the device to (~~report illegal~~
8 ~~activity, summon medical or other emergency help, or prevent injury to~~
9 ~~a person or property~~) contact emergency services. For purposes of
10 this subsection (4), (i) "operate a motor vehicle" includes the
11 operation of a motor vehicle while it is moving and while it is
12 temporarily stationary because of traffic, a traffic light, or a stop
13 sign, and does not include when the vehicle has pulled over to the side
14 of, or off, the roadway and has stopped in a location where it can
15 safely remain stationary, and (ii) "personal wireless communications
16 device" includes a device through which personal wireless services, as
17 defined in 47 U.S.C. Sec. 332(c)(7)(C)(i), are transmitted, and does
18 not include a global navigation satellite system receiver used for
19 positioning, emergency notification, or navigation purposes.

20 (b) A person found to have committed more than one violation of
21 this subsection (4) within a five-year period must be assessed a
22 monetary penalty equal to twice the penalty assessed under RCW
23 46.63.110. Fifty percent of the moneys collected under this subsection
24 (4)(b) must be deposited into the highway safety fund under RCW
25 46.68.060.

26 (5) It is a traffic infraction for the holder of an intermediate
27 license to operate a motor vehicle in violation of the restrictions
28 imposed under this section.

29 (6) Except for a violation of subsection (4) of this section,
30 enforcement of this section by law enforcement officers may be
31 accomplished only as a secondary action when a driver of a motor
32 vehicle has been detained for a suspected violation of this title or an
33 equivalent local ordinance or some other offense.

34 (7) An intermediate licensee may drive at any hour without
35 restrictions on the number of passengers in the vehicle if necessary
36 for agricultural purposes.

37 (8) An intermediate licensee may drive at any hour without

1 restrictions on the number of passengers in the vehicle if, for the
2 twelve-month period following the issuance of the intermediate license,
3 he or she:

4 (a) Has not been involved in an accident involving only one motor
5 vehicle;

6 (b) Has not been involved in an accident where he or she was cited
7 in connection with the accident or was found to have caused the
8 accident;

9 (c) Has not been involved in an accident where no one was cited or
10 was found to have caused the accident; and

11 (d) Has not been convicted of or found to have committed a traffic
12 offense described in chapter 46.61 RCW or violated restrictions placed
13 on an intermediate licensee under this section.

14 **Sec. 3.** RCW 46.61.667 and 2013 c 224 s 15 are each amended to read
15 as follows:

16 (1)((+a)) Except as provided in subsections (2)((+a)) and
17 (3)((+a)) of this section, a person operating a ((moving)) motor
18 vehicle while holding a personal wireless communications device ((to
19 his or her ear)) is guilty of a traffic infraction.

20 ((+b) Except as provided in subsection (2)(b) and (3)(b) of this
21 section, a person driving a commercial motor vehicle, as defined in RCW
22 46.25.010, including while temporarily stationary because of traffic,
23 a traffic control device, or other momentary delays, while using a
24 hand-held mobile telephone is guilty of a traffic infraction. For
25 purposes of this subsection, "driving" does not include operating a
26 commercial motor vehicle with or without the motor running when the
27 driver has moved the vehicle to the side of, or off, a highway and has
28 stopped in a location where the vehicle can safely remain stationary.)

29 (2)((+a)) Subsection (1)((+a)) of this section does not apply to
30 a person operating:

31 ((+i)) (a) An authorized emergency vehicle, or a tow truck
32 responding to a disabled vehicle;

33 ((+ii)) (b) A ((moving)) motor vehicle using a personal wireless
34 communications device in hands-free mode;

35 ((+iii)) (c) A ((moving)) motor vehicle using a ((hand-held))
36 personal wireless communications device to((+)

37 (A) Report illegal activity;

1 ~~(B) Summon medical or other emergency help;~~
2 ~~(C) Prevent injury to a person or property; or~~
3 ~~(D) Relay information that is time sensitive between a transit or~~
4 ~~for hire operator and that operator's dispatcher, in which the device~~
5 ~~is permanently affixed to the vehicle)) contact emergency services; or~~
6 ~~((+iv+)) (d) A ((moving)) motor vehicle while using a hearing aid.~~
7 ~~((b) Subsection (1)(b) of this section does not apply to a person~~
8 ~~operating a commercial motor vehicle:~~
9 ~~(i) When necessary to communicate with law enforcement officials or~~
10 ~~other emergency services; or~~
11 ~~(ii) Using a mobile telephone in hands free mode.))~~
12 ~~(3)((a) Subsection (1)(a) of this section does not restrict the~~
13 ~~operation of an amateur radio station by a person who holds a valid~~
14 ~~amateur radio operator license issued by the federal communications~~
15 ~~commission.~~
16 ~~(b) Subsection (1)(b) of this section does not restrict the~~
17 ~~operation of two way or citizens band radio services.~~
18 ~~(4)) For purposes of this section((, "hands free mode" means the~~
19 ~~use of a wireless communications device with a speaker phone, headset,~~
20 ~~or earpiece)): (a) "Operating a motor vehicle" includes the operation~~
21 ~~of a motor vehicle while it is moving and while it is temporarily~~
22 ~~stationary because of traffic, a traffic light, or a stop sign, and~~
23 ~~does not include when the vehicle has pulled over to the side of, or~~
24 ~~off, the roadway and has stopped in a location where it can safely~~
25 ~~remain stationary; and (b) "personal wireless communications device"~~
26 ~~includes a device through which personal wireless services, as defined~~
27 ~~in 47 U.S.C. Sec. 332(c)(7)(C)(i), are transmitted, and does not~~
28 ~~include a global navigation satellite system receiver used for~~
29 ~~positioning, emergency notification, or navigation purposes.~~
30 ~~((+5+)) (4) The state preempts the field of regulating the use of~~
31 ~~personal wireless communications devices in motor vehicles, and this~~
32 ~~section supersedes any local laws, ordinances, orders, rules, or~~
33 ~~regulations enacted by a political subdivision or municipality to~~
34 ~~regulate the use of personal wireless communications devices by the~~
35 ~~operator of a motor vehicle.~~
36 ~~((+6) Infractions that result from the use of a wireless~~
37 ~~communications device while operating a motor vehicle under subsection~~
38 ~~(1)(a) of this section shall not become part of the driver's record~~

1 under RCW 46.52.101 and 46.52.120. Additionally, a finding that a
2 person has committed a traffic infraction under subsection (1)(a) of
3 this section shall not be made available to insurance companies or
4 employers.))

5 (5) A person found to have committed more than one violation of
6 this section within a five-year period must be assessed a monetary
7 penalty equal to twice the penalty assessed under RCW 46.63.110. Fifty
8 percent of the moneys collected under this subsection must be deposited
9 into the highway safety fund under RCW 46.68.060.

10 **Sec. 4.** RCW 46.61.668 and 2013 c 224 s 16 are each amended to read
11 as follows:

12 ~~(1)((a) Except as provided in subsection (2)(a) of this section,)~~
13 A person operating a ((moving noncommercial)) motor vehicle who, by
14 means of ((an electronic)) a personal wireless communications device,
15 ((sends,)) reads((,)) or ((writes a text message)) manually enters data
16 including, but not limited to, short message service, texting, e-
17 mailing, instant messaging, or engaging in any other form of electronic
18 data retrieval or electronic data communication, is guilty of a traffic
19 infraction.

20 ~~((b) Except as provided in subsection (2)(b) of this section, a~~
21 ~~person driving a commercial motor vehicle, as defined in RCW 46.25.010,~~
22 ~~including while temporarily stationary because of traffic, a traffic~~
23 ~~control device, or other momentary delays, who, by means of an~~
24 ~~electronic wireless communications device, sends, reads, or writes a~~
25 ~~text message, is guilty of a traffic infraction. For purposes of this~~
26 ~~subsection, "driving" does not include operating a commercial motor~~
27 ~~vehicle with or without the motor running when the driver has moved the~~
28 ~~vehicle to the side of, or off, a highway and has stopped in a location~~
29 ~~where the vehicle can safely remain stationary.~~

30 ~~(c) A person does not send, read, or write a text message when he~~
31 ~~or she reads, selects, or enters a phone number or name in a wireless~~
32 ~~communications device for the purpose of making a phone call.))~~

33 (2)((a)) Subsection (1)((a)) of this section does not apply to
34 ((a person operating)):

- 35 ((i) An authorized emergency vehicle;
- 36 ((ii) A voice-operated global positioning or navigation system that

1 ~~is affixed to the vehicle and that allows the user to send or receive~~
2 ~~messages without diverting visual attention from the road or engaging~~
3 ~~the use of either hand; or~~

4 ~~(iii) A moving motor vehicle while using an electronic wireless~~
5 ~~communications device to:~~

6 ~~(A) Report illegal activity;~~

7 ~~(B) Summon medical or other emergency help;~~

8 ~~(C) Prevent injury to a person or property; or~~

9 ~~(D) Relay information that is time sensitive between a transit or~~
10 ~~for-hire operator and that operator's dispatcher, in which the device~~
11 ~~is permanently affixed to the vehicle.~~

12 ~~(b) Subsection (1)(b) of this section does not apply to a person~~
13 ~~operating a commercial motor vehicle when necessary to communicate with~~
14 ~~law enforcement officials or other emergency services.~~

15 ~~(3) Infractions under subsection (1)(a) of this section shall not~~
16 ~~become part of the driver's record under RCW 46.52.101 and 46.52.120.~~

17 ~~Additionally, a finding that a person has committed a traffic~~
18 ~~infraction under subsection (1)(a) of this section shall not be made~~

19 ~~available to insurance companies or employers)) (a) A driver who uses~~
20 ~~a personal wireless communications device to contact emergency~~
21 ~~services;~~

22 ~~(b) Emergency services personnel who use a personal wireless~~
23 ~~communications device while (i) operating an emergency services vehicle~~
24 ~~and (ii) engaged in the performance of their duties as emergency~~
25 ~~services personnel; or~~

26 ~~(c) An individual employed as a commercial motor vehicle driver or~~
27 ~~a school bus driver who uses a personal wireless communications device~~
28 ~~within the scope of the driver's employment if such use is otherwise~~
29 ~~permitted by law.~~

30 ~~(3) For purposes of this section: (a) "Operating a motor vehicle"~~
31 ~~includes the operation of a motor vehicle while it is moving and while~~
32 ~~it is temporarily stationary because of traffic, a traffic light, or a~~
33 ~~stop sign, and does not include when the vehicle has pulled over to the~~
34 ~~side of, or off, the roadway and has stopped in a location where it can~~
35 ~~safely remain stationary; and (b) "personal wireless communications~~
36 ~~device" includes a device through which personal wireless services, as~~
37 ~~defined in 47 U.S.C. Sec. 332(c)(7)(C)(i), are transmitted, and does~~

1 not include a global navigation satellite system receiver used for
2 positioning, emergency notification, or navigation purposes.

3 (4) A person found to have committed more than one violation of
4 this section within a five-year period must be assessed a monetary
5 penalty equal to twice the penalty assessed under RCW 46.63.110. Fifty
6 percent of the moneys collected under this subsection must be deposited
7 into the highway safety fund under RCW 46.68.060.

8 **Sec. 5.** RCW 46.20.055 and 2012 c 80 s 5 are each amended to read
9 as follows:

10 (1) **Driver's instruction permit.** The department may issue a
11 driver's instruction permit with or without a photograph to an
12 applicant who has successfully passed all parts of the examination
13 other than the driving test, provided the information required by RCW
14 46.20.091, paid an application fee of twenty-five dollars, and meets
15 the following requirements:

16 (a) Is at least fifteen and one-half years of age; or

17 (b) Is at least fifteen years of age and:

18 (i) Has submitted a proper application; and

19 (ii) Is enrolled in a traffic safety education program offered,
20 approved, and accredited by the superintendent of public instruction or
21 offered by a driver training school licensed and inspected by the
22 department of licensing under chapter 46.82 RCW, that includes practice
23 driving.

24 (2) **Waiver of written examination for instruction permit.** The
25 department may waive the written examination, if, at the time of
26 application, an applicant is enrolled in:

27 (a) A traffic safety education course as defined by RCW
28 28A.220.020(2); or

29 (b) A course of instruction offered by a licensed driver training
30 school as defined by RCW 46.82.280.

31 The department may require proof of registration in such a course
32 as it deems necessary.

33 (3) **Effect of instruction permit.** A person holding a driver's
34 instruction permit may drive a motor vehicle, other than a motorcycle,
35 upon the public highways if:

36 (a) The person has immediate possession of the permit;

1 (b) The person is not using a personal wireless communications
2 device, unless the person is using the device to (~~report illegal~~
3 ~~activity, summon medical or other emergency help, or prevent injury to~~
4 ~~a person or property~~) contact emergency services; and

5 (c) An approved instructor, or a licensed driver with at least five
6 years of driving experience, occupies the seat beside the driver.

7 (4) **Term of instruction permit.** A driver's instruction permit is
8 valid for one year from the date of issue.

9 (a) The department may issue one additional one-year permit.

10 (b) The department may issue a third driver's permit if it finds
11 after an investigation that the permittee is diligently seeking to
12 improve driving proficiency.

13 (c) A person applying for an additional instruction permit must
14 submit the application to the department in person and pay an
15 application fee of twenty-five dollars for each issuance.

16 **Sec. 6.** RCW 46.25.010 and 2013 c 224 s 3 are each amended to read
17 as follows:

18 The definitions set forth in this section apply throughout this
19 chapter.

20 (1) "Alcohol" means any substance containing any form of alcohol,
21 including but not limited to ethanol, methanol, propanol, and
22 isopropanol.

23 (2) "Alcohol concentration" means:

24 (a) The number of grams of alcohol per one hundred milliliters of
25 blood; or

26 (b) The number of grams of alcohol per two hundred ten liters of
27 breath.

28 (3) "Commercial driver's license" (CDL) means a license issued to
29 an individual under chapter 46.20 RCW that has been endorsed in
30 accordance with the requirements of this chapter to authorize the
31 individual to drive a class of commercial motor vehicle.

32 (4) The "commercial driver's license information system" (CDLIS) is
33 the information system established pursuant to 49 U.S.C. Sec. 31309 to
34 serve as a clearinghouse for locating information related to the
35 licensing and identification of commercial motor vehicle drivers.

36 (5) "Commercial learner's permit" (CLP) means a permit issued under
37 RCW 46.25.052 for the purposes of behind-the-wheel training.

1 (6) "Commercial motor vehicle" means a motor vehicle or combination
2 of motor vehicles used in commerce to transport passengers or property
3 if the motor vehicle:

4 (a) Has a gross combination weight rating or gross combination
5 weight of 11,794 kilograms or more (26,001 pounds or more), whichever
6 is greater, inclusive of (~~a [any]~~) any towed unit (~~[for units]~~) or
7 units with a gross vehicle weight rating or gross vehicle weight of
8 more than 4,536 kilograms (10,000 pounds or more), whichever is
9 greater; or

10 (b) Has a gross vehicle weight rating or gross vehicle weight of
11 11,794 kilograms or more (26,001 pounds or more), whichever is greater;
12 or

13 (c) Is designed to transport sixteen or more passengers, including
14 the driver; or

15 (d) Is of any size and is used in the transportation of hazardous
16 materials as defined in this section; or

17 (e) Is a school bus regardless of weight or size.

18 (7) "Conviction" means an unvacated adjudication of guilt, or a
19 determination that a person has violated or failed to comply with the
20 law in a court of original jurisdiction or by an authorized
21 administrative tribunal, an unvacated forfeiture of bail or collateral
22 deposited to secure the person's appearance in court, a plea of guilty
23 or nolo contendere accepted by the court, the payment of a fine or
24 court cost, entry into a deferred prosecution program under chapter
25 10.05 RCW, or violation of a condition of release without bail,
26 regardless of whether or not the penalty is rebated, suspended, or
27 probated.

28 (8) "Disqualification" means a prohibition against driving a
29 commercial motor vehicle.

30 (9) "Drive" means to drive, operate, or be in physical control of
31 a motor vehicle in any place open to the general public for purposes of
32 vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
33 46.25.120, "drive" includes operation or physical control of a motor
34 vehicle anywhere in the state.

35 (10) "Drugs" are those substances as defined by RCW 69.04.009,
36 including, but not limited to, those substances defined by 49 C.F.R.
37 Sec. 40.3.

1 (11) "Employer" means any person, including the United States, a
2 state, or a political subdivision of a state, who owns or leases a
3 commercial motor vehicle, or assigns a person to drive a commercial
4 motor vehicle.

5 (12) "Gross vehicle weight rating" (GVWR) means the value specified
6 by the manufacturer as the maximum loaded weight of a single vehicle.
7 The GVWR of a combination or articulated vehicle, commonly referred to
8 as the "gross combined weight rating" or GCWR, is the GVWR of the power
9 unit plus the GVWR of the towed unit or units. If the GVWR of any unit
10 cannot be determined, the actual gross weight will be used. If a
11 vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or
12 less) has been structurally modified to carry a heavier load, then the
13 actual gross weight capacity of the modified vehicle, as determined by
14 RCW 46.44.041 and 46.44.042, will be used as the GVWR.

15 (13) "Hazardous materials" means any material that has been
16 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be
17 placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a
18 material listed as a select agent or toxin in 42 C.F.R. Part 73.

19 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or
20 semitrailer propelled or drawn by mechanical power used on highways, or
21 any other vehicle required to be registered under the laws of this
22 state, but does not include a vehicle, machine, tractor, trailer, or
23 semitrailer operated exclusively on a rail.

24 (15) "Out-of-service order" means a declaration by an authorized
25 enforcement officer of a federal, state, Canadian, Mexican, or local
26 jurisdiction that a driver, a commercial motor vehicle, or a motor
27 carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72,
28 392.5, 395.13, 396.9, or compatible laws, or the North American uniform
29 out-of-service criteria.

30 (16) "Positive alcohol confirmation test" means an alcohol
31 confirmation test that:

32 (a) Has been conducted by a breath alcohol technician under 49
33 C.F.R. Part 40; and

34 (b) Indicates an alcohol concentration of 0.04 or more.

35 A report that a person has refused an alcohol test, under
36 circumstances that constitute the refusal of an alcohol test under 49
37 C.F.R. Part 40, will be considered equivalent to a report of a positive
38 alcohol confirmation test for the purposes of this chapter.

1 (17) "School bus" means a commercial motor vehicle used to
2 transport preprimary, primary, or secondary school students from home
3 to school, from school to home, or to and from school-sponsored events.
4 School bus does not include a bus used as a common carrier.

5 (18) "Serious traffic violation" means:

6 (a) Excessive speeding, defined as fifteen miles per hour or more
7 in excess of the posted limit;

8 (b) Reckless driving, as defined under state or local law;

9 (c) Driving while using a (~~hand-held~~) personal wireless
10 communications device (~~{hand-held mobile telephone}~~), defined as a
11 violation of RCW 46.61.667(1)(~~(b)~~) or an equivalent administrative
12 rule or local law, ordinance, rule, or resolution;

13 (d) Texting, defined as a violation of RCW 46.61.668(1)(~~(b)~~) or
14 an equivalent administrative rule or local law, ordinance, rule, or
15 resolution;

16 (e) A violation of a state or local law relating to motor vehicle
17 traffic control, other than a parking violation, arising in connection
18 with an accident or collision resulting in death to any person;

19 (f) Driving a commercial motor vehicle without obtaining a
20 commercial driver's license;

21 (g) Driving a commercial motor vehicle without a commercial
22 driver's license in the driver's possession; however, any individual
23 who provides proof to the court by the date the individual must appear
24 in court or pay any fine for such a violation, that the individual held
25 a valid CDL on the date the citation was issued, is not guilty of a
26 "serious traffic violation";

27 (h) Driving a commercial motor vehicle without the proper class of
28 commercial driver's license endorsement or endorsements for the
29 specific vehicle group being operated or for the passenger or type of
30 cargo being transported; and

31 (i) Any other violation of a state or local law relating to motor
32 vehicle traffic control, other than a parking violation, that the
33 department determines by rule to be serious.

34 (19) "State" means a state of the United States and the District of
35 Columbia.

36 (20) "Substance abuse professional" means an alcohol and drug
37 specialist meeting the credentials, knowledge, training, and continuing
38 education requirements of 49 C.F.R. Sec. 40.281.

1 (21) "Tank vehicle" means any commercial motor vehicle that is
2 designed to transport any liquid or gaseous materials within a tank or
3 tanks having an individual rated capacity of more than one hundred
4 nineteen gallons and an aggregate rated capacity of one thousand
5 gallons or more that is either permanently or temporarily attached to
6 the vehicle or the chassis. A commercial motor vehicle transporting an
7 empty storage container tank, not designed for transportation, with a
8 rated capacity of one thousand gallons or more that is temporarily
9 attached to a flatbed trailer is not considered a tank vehicle.

10 (22) "Type of driving" means one of the following:

11 (a) "Nonexcepted interstate," which means the CDL or CLP holder or
12 applicant operates or expects to operate in interstate commerce, is
13 both subject to and meets the qualification requirements under 49
14 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date
15 as may be provided by the department by rule, consistent with the
16 purposes of this section, and is required to obtain a medical
17 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
18 July 8, 2014, or such subsequent date as may be provided by the
19 department by rule, consistent with the purposes of this section;

20 (b) "Excepted interstate," which means the CDL or CLP holder or
21 applicant operates or expects to operate in interstate commerce, but
22 engages exclusively in transportation or operations excepted under 49
23 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on July
24 8, 2014, or such subsequent date as may be provided by the department
25 by rule, consistent with the purposes of this section, from all or
26 parts of the qualification requirements of 49 C.F.R. Part 391 as it
27 existed on July 8, 2014, or such subsequent date as may be provided by
28 the department by rule, consistent with the purposes of this section,
29 and is therefore not required to obtain a medical examiner's
30 certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014,
31 or such subsequent date as may be provided by the department by rule,
32 consistent with the purposes of this section;

33 (c) "Nonexcepted intrastate," which means the CDL or CLP holder or
34 applicant operates only in intrastate commerce and is therefore subject
35 to state driver qualification requirements; or

36 (d) "Excepted intrastate," which means the CDL or CLP holder or
37 applicant operates in intrastate commerce, but engages exclusively in

1 transportation or operations excepted from all or parts of the state
2 driver qualification requirements.

3 (23) "United States" means the fifty states and the District of
4 Columbia.

5 (24) "Verified positive drug test" means a drug test result or
6 validity testing result from a laboratory certified under the authority
7 of the federal department of health and human services that:

8 (a) Indicates a drug concentration at or above the cutoff
9 concentration established under 49 C.F.R. Sec. 40.87; and

10 (b) Has undergone review and final determination by a medical
11 review officer.

12 A report that a person has refused a drug test, under circumstances
13 that constitute the refusal of a federal department of transportation
14 drug test under 49 C.F.R. Part 40, will be considered equivalent to a
15 report of a verified positive drug test for the purposes of this
16 chapter.

17 **Sec. 7.** RCW 46.20.130 and 2006 c 190 s 1 are each amended to read
18 as follows:

19 (1) The director shall prescribe the content of the driver
20 licensing examination and the manner of conducting the examination,
21 which shall include, but is not limited to:

22 (a) A test of the applicant's eyesight and ability to see,
23 understand, and follow highway signs regulating, warning, and directing
24 traffic;

25 (b) A test of the applicant's knowledge of traffic laws and ability
26 to understand and follow the directives of lawful authority, orally or
27 graphically, that regulate, warn, and direct traffic in accordance with
28 the traffic laws of this state. The director shall incorporate
29 questions on distracted driving in this portion of the examination;

30 (c) An actual demonstration of the applicant's ability to operate
31 a motor vehicle without jeopardizing the safety of persons or property.
32 If the applicant is deaf or hearing impaired, the applicant may be
33 accompanied by an interpreter to assist the applicant during the
34 demonstration. The interpreter will be of the applicant's choosing
35 from a list provided by the department of licensing; and

36 (d) Such further examination as the director deems necessary:

1 (i) To determine whether any facts exist that would bar the
2 issuance of a vehicle operator's license under chapters 46.20, 46.21,
3 and 46.29 RCW; and

4 (ii) To determine the applicant's fitness to operate a motor
5 vehicle safely on the highways.

6 (2) If the applicant desires to drive a motorcycle or a motor-
7 driven cycle, he or she must qualify for a motorcycle endorsement under
8 RCW 46.20.500 through 46.20.515.

9 NEW SECTION. **Sec. 8.** This act takes effect August 1, 2014.

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