



STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
PO Box 9020, Olympia, Washington 9850-9020

**Washington Administrative Code  
Notice of Permanent Rules for  
Chapter 308-109 WAC Motorcycle Permit and Endorsement  
Requirements**

**Adoption of:** Chapter 308-109 WAC Motorcycle Permit and Endorsement Requirements

**Effective date:** These rule changes will become effective 31 days after filing or on March 1, 2024

**What are the agency's reasons for adopting this rule?**

The Department is creating new chapters within WAC 308-109 to address criteria for issuance of motorcycle instructional permits and endorsements, for both 2-wheel and 3-wheel motorcycles. Currently, issuance criteria are only written in DOL internal policy and are not customer facing in state law or rules. This rulemaking will codify the requirements for issuance of a 2-wheel or 3-wheel motorcycle permit or endorsement and address the length of validity for each criterion.

**Summary of all public comments received on this rule proposal and the agency's response to those comments:**

Paraphrased Comment	Department Response
<b>If the goal is a net zero return on motorcycle facilities, why doesn't DOL adopt a requirement like the model set by Army Regulation 385-10?</b>	While the Department appreciates the suggestion, this is beyond the scope of the proposed changes.  Additionally, this change would pose unique challenges as the DOL motorcycle safety program does not have authority to require individuals to attend training, and the funding mechanism would be dependent on costly license renewals.
<b>Would the Department consider going back to permits by written exam and endorsements by a single skill test, rather than the current 2 written tests and 2 riding tests?</b>	The Department will not be returning to its previous model based on several data points that indicated a need for change.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Ellis Starrett, Agency Rules Coordinator, at (360) 902-3846 or email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov).

	<p>These include statistics from 2017-19 that showed 70% of single vehicle, fatal motorcycle crashes were caused by a rider's inability to negotiate a curve. The new model's requirements address this by requiring motorcyclists to prove they have a minimum skill set to qualify for a permit.</p> <p>Additionally, during a review of fatal motorcycle crashes in 2022, DOL found that 9 had received their endorsements between 2020-2022, 59 were unendorsed, and 50 met the standards set prior to 2020. While this is preliminary data, it demonstrates the new standard may be reducing the number of motorcyclists killed in fatal accidents.</p>
<p><b>Why aren't motorcycle safety classes mandatory for all riders?</b></p>	<p>The Department does not have an adequate budget to mandate motorcycle safety classes for all riders. Even with a large budget increase there would still be additional costs for monitoring all licenses and training, and a need to provide locations and instructors for training to be conducted.</p>
<p><b>Why doesn't DOL base the rider's deadline on test scores only similar to cars? As long as riders apply for their permit or endorsement while they still have valid scores on file, allow them to get what they qualify for.</b></p>	<p>This rulemaking is the first of a larger effort to bring all testing under a standard timeline.</p> <p>The Department is unable to change the length a motorcycle instructional permit is valid as these rules are established by the legislature in <a href="#">RCW 46.20.510</a> and would require legislative action. However, customers can renew their permit for 360 days of total permit time.</p>

Multiple written comments were submitted regarding this rule change and there was oral testimony. Each of the questions or comments received by the department are included in the summary above.

**Changes made to the proposed WAC as a result of public comment:**

The Department did not make any changes to the proposed WAC as a result of public comment.

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