



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

**Washington Administrative Code
Notice of Permanent Rules for
WAC 308-104-050 Waiver of driver education requirement – When
granted.**

Adoption of: WAC 308-104-050 Waiver of driver education requirement – When granted.

Effective date: These rule changes will become effective 31 days after filing, on September 13, 2024.

What are the agency’s reasons for adopting this rule?

The Department is amending WAC 308-104-050 to reflect DOLs current process and recent statutory changes related to RCW 46.20.100 Persons under eighteen, per a rulemaking petition received from the public.

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

Comments	
Paraphrased Comment	Department Response
What outreach did DOL conduct to the industry or teenagers and their families who would be most affected by the outcome of this rulemaking?	The Department met with the Department of Children, Youth and Families’ Emerging Adulthood Program Manager, the Health Care Authority’s Stable Housing Policy Lead, and the Office of Equity. We reached out to the Department of Commerce Office of Homeless Youth, the Office of the Superintendent of Public Instruction’s Homeless Student Stability Program Supervisor, Washington Traffic Safety Commission, ten non-profits supporting young people and their families, and all of the state business resource groups that help develop policy for the many diverse communities in our state. The Department shared information about the rulemaking, and requested input from these partners to determine the circumstances that might

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.

	lead to an individual requiring a waiver of traffic safety education, as well as solicited input on what criteria the Department should use to determine when a waiver should be allowed.
Does DOL plan to add qualifications or requirements to the statutory provisions of “ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property”?	The Department does not plan to add qualifications or requirements to the statutory provisions of “ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property”. The Department believes current statute, rule, and policy are sufficient to guide determinations if the need arises to evaluate a person’s ability to safely operate a motor vehicle.
Does DOL plan to still allow the use of Zoom for classroom instruction?	Yes. RCW 46.82.280(3) states, “Classroom instruction” means that portion of a traffic safety education course that is characterized by in-person classroom-based student instruction or virtual classroom-based student instruction [emphasis added] with a live instructor using the required curriculum conducted by or under the direct supervision of a licensed instructor or licensed instructors. Classroom instruction may include self-paced, online components as authorized and certified by the department of licensing.”
Why does the WAC language specify an “immediate need” to operate a motor vehicle, while statute simply says “a need”?	After a review of the language, the Department determined that the statute only requires “a need” to operate a motor vehicle, and removed the word “immediate” from the rule language in response to public comment.

Written comments were submitted regarding this rule change and there was no 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:

Based on public comment, DOL has removed the term “immediate need” from the proposed WAC language and replaced it with “need” to reflect current statutory language.

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