
SENATE BILL 5448

State of Washington 60th Legislature 2007 Regular Session

By Senators Swecker, Benton, Sheldon, Pflug and Delvin

Read first time 01/19/2007. Referred to Committee on Transportation.

1 AN ACT Relating to parent taught driver training education courses;
2 and amending RCW 28A.220.020, 46.82.280, 46.82.290, and 46.82.300.

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

4 **Sec. 1.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to
5 read as follows:

6 The following words and phrases whenever used in chapter 28A.220
7 RCW shall have the following meaning:

8 (1) "Superintendent" or "state superintendent" (~~shall~~) means the
9 superintendent of public instruction.

10 (2) "Traffic safety education course" (~~shall~~) means (a) an
11 accredited course of instruction in traffic safety education (~~which~~
12 ~~shall~~) that consists of two phases, classroom instruction(~~,~~) and
13 laboratory experience, or (b) a course of instruction approved by the
14 director of the department of licensing under RCW 46.82.290(3).
15 "Laboratory experience" (~~shall~~) must include on-street, driving
16 range, or simulator experience or some combination thereof. Each phase
17 (~~shall~~) must meet basic course requirements (~~which shall be~~)
18 established by the superintendent of public instruction and each part
19 of (~~said~~) the course (~~shall~~) must be taught by a qualified teacher

1 of traffic safety education. Any portions of the course may be taught
2 after regular school hours or on Saturdays as well as on regular school
3 days or as a summer school course, at the option of the local school
4 districts.

5 (3) "Qualified teacher of traffic safety education" (~~shall~~) means
6 an instructor certificated under (~~the provisions of~~) chapter 28A.410
7 RCW and certificated by the superintendent of public instruction to
8 teach either the classroom phase or the laboratory phase of the traffic
9 safety education course, or both, under (~~regulations promulgated~~)
10 rules adopted by the superintendent(~~(PROVIDED, That)~~). However, the
11 laboratory experience phase of the traffic safety education course may
12 be taught by instructors certificated under rules (~~promulgated~~)
13 adopted by the superintendent of public instruction, exclusive of any
14 requirement that the instructor be certificated under (~~the provisions~~
15 ~~of~~) chapter 28A.410 RCW. Professional instructors certificated under
16 (~~the provisions of~~) chapter 46.82 RCW, and participating in this
17 program, (~~shall be~~) are subject to reasonable qualification
18 requirements jointly adopted by the superintendent of public
19 instruction and the director of licensing. "Qualified teacher of
20 traffic safety education" includes a parent or guardian teaching a
21 traffic safety education course, as defined in subsection (2)(b) of
22 this section, to his or her own child.

23 (4) "Realistic level of effort" means the classroom and laboratory
24 student learning experiences considered acceptable to the
25 superintendent of public instruction that must be satisfactorily
26 accomplished by the student in order to successfully complete the
27 traffic safety education course.

28 **Sec. 2.** RCW 46.82.280 and 2006 c 219 s 2 are each amended to read
29 as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

32 (1) "Behind-the-wheel instruction" means instruction in an approved
33 driver training school instruction vehicle according to and inclusive
34 of the minimum required curriculum. Behind-the-wheel instruction is
35 characterized by driving experience.

36 (2) "Classroom" means a space dedicated to and used exclusively by
37 a driver training instructor for the instruction of students. With

1 prior department approval, a branch office classroom may be located
2 within alternative facilities, such as a public or private library,
3 school, community college, college or university, or a business
4 training facility.

5 (3) "Classroom instruction" means that portion of a traffic safety
6 education course that is characterized by classroom-based student
7 instruction conducted by or under the direct supervision of a licensed
8 instructor or licensed instructors.

9 (4) "Driver training school" means a commercial driver training
10 school engaged in the business of giving instruction, for a fee, in the
11 operation of automobiles.

12 (5) "Driver training education course" means (a) a course of
13 instruction in traffic safety education approved and licensed by the
14 department of licensing that consists of classroom and behind-the-wheel
15 instruction as documented by the minimum approved curriculum, or (b) a
16 commercially available, parent taught course of instruction in traffic
17 safety education that has been approved by the director under RCW
18 46.82.290(3).

19 (6) "Director" means the director of the department of licensing of
20 the state of Washington.

21 (7) "Advisory committee" means the driving instructors' advisory
22 committee as created in this chapter.

23 (8) "Fraudulent practices" means any conduct or representation on
24 the part of a driver training school owner or instructor including:

25 (a) Inducing anyone to believe, or to give the impression, that a
26 license to operate a motor vehicle or any other license granted by the
27 director may be obtained by any means other than those prescribed by
28 law, or furnishing or obtaining the same by illegal or improper means,
29 or requesting, accepting, or collecting money for such purposes;

30 (b) (~~Operation of~~) Operating a driver training school without a
31 license, providing instruction without an instructor's license,
32 verifying enrollment prior to being licensed, misleading or false
33 statements on applications for a commercial driver training school
34 license or instructor's license or on any required records or
35 supporting documentation;

36 (c) Failing to fully document and maintain all required driver
37 training school records of instruction, school operation, and
38 instructor training;

1 (d) Issuing a driver training course certificate without requiring
2 completion of the necessary behind-the-wheel and classroom instruction.

3 (9) "Instructor" means (a) any person employed by or otherwise
4 associated with a driver training school to instruct persons in the
5 operation of an automobile or (b) a parent or guardian teaching his or
6 her own child.

7 (10) "Owner" means an individual, partnership, corporation,
8 association, or other person or group that holds a substantial interest
9 in a driver training school.

10 (11) "Place of business" means a designated location at which the
11 business of a driver training school is transacted and its records are
12 kept.

13 (12) "Person" means any individual, firm, corporation, partnership,
14 or association.

15 (13) "Substantial interest holder" means a person who has actual or
16 potential influence over the management or operation of any driver
17 training school. Evidence of substantial interest includes, but is not
18 limited to, one or more of the following:

19 (a) Directly or indirectly owning, operating, managing, or
20 controlling a driver training school or any part of a driver training
21 school;

22 (b) Directly or indirectly profiting from or assuming liability for
23 debts of a driver training school;

24 (c) Is an officer or director of a driver training school;

25 (d) Owning ten percent or more of any class of stock in a privately
26 or closely held corporate driver training school, or five percent or
27 more of any class of stock in a publicly traded corporate driver
28 training school;

29 (e) Furnishing ten percent or more of the capital, whether in cash,
30 goods, or services, for the operation of a driver training school
31 during any calendar year; or

32 (f) Directly or indirectly receiving a salary, commission,
33 royalties, or other form of compensation from the activity in which a
34 driver training school is or seeks to be engaged.

35 (14) "Student" means any person enrolled in a driver training
36 course that pays a fee for instruction.

1 **Sec. 3.** RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to
2 read as follows:

3 (1) The director (~~((shall be))~~) is responsible for the administration
4 and enforcement of the law pertaining to driver training schools as set
5 forth in this chapter.

6 (2) The director (~~((is authorized to))~~) may adopt and enforce (~~((such~~
7 ~~reasonable))~~) rules (~~((as may be))~~) that are consistent with and necessary
8 to carry out this chapter.

9 (3) The director may review and approve parent taught driver
10 training education courses designed for use in the home. The director
11 may charge a fee for enrollment in a parent taught driver training
12 education course that may not exceed the department's actual cost to
13 implement the course.

14 **Sec. 4.** RCW 46.82.300 and 2006 c 219 s 3 are each amended to read
15 as follows:

16 (1) The director shall be assisted in the duties and
17 responsibilities of this chapter by the driver instructors' advisory
18 committee, consisting of five members. Members of the advisory
19 committee shall be appointed by the director for two-year terms and
20 shall consist of a representative of the driver training schools, a
21 representative of the driving instructors (who shall not be from the
22 same school as the school member), a representative of the
23 superintendent of public instruction, a representative of the
24 department of licensing, and a representative from the Washington state
25 traffic safety commission. Members shall be reimbursed for travel
26 expenses in accordance with RCW 43.03.050 and 43.03.060. A member who
27 is receiving a salary from the state shall not receive compensation
28 other than travel expenses incurred in such service.

29 (2) The advisory committee shall meet at least semiannually and
30 shall have additional meetings as may be called by the director. The
31 director or the director's representative shall attend all meetings of
32 the advisory committee and shall serve as chairman.

33 (3) Duties of the advisory committee shall be to:

34 (a) Advise and confer with the director or the director's
35 representative on matters pertaining to the establishment of rules
36 necessary to carry out this chapter;

1 (b) Review and update when necessary a curriculum consisting of a
2 list of items of knowledge and the processes of driving a motor vehicle
3 specifying the minimum requirements adjudged necessary in teaching a
4 proper and adequate course of driver education;

5 (c) Review and update instructor certification standards to be
6 consistent with RCW 46.82.330 and take into consideration those
7 standards required to be met by traffic safety education teachers under
8 RCW 28A.220.020(3); (~~and~~)

9 (d) Prepare the examination for a driver instructor's certificate
10 and review examination results at least once each calendar year for the
11 purpose of updating and revising examination standards; and

12 (e) Review and recommend parent taught driver training education
13 courses designed for use in the home.

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