
SUBSTITUTE HOUSE BILL 1736

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Horn, Cairnes, Hickel, Mitchell, L. Thomas and Thompson)

Read first time 03/06/95.

1 AN ACT Relating to commercial driving instructors; amending RCW
2 46.82.320 and 46.82.330; and adding a new section to chapter 43.20A
3 RCW.

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

5 **Sec. 1.** RCW 46.82.320 and 1989 c 337 s 18 are each amended to read
6 as follows:

7 (1) No person, including the owner, operator, partner, officer, or
8 stockholder of a driver training school shall give instruction in the
9 operation of an automobile for a fee without a license issued by the
10 director for that purpose. An application for an instructor's license
11 shall be filed with the director, containing such information as
12 prescribed by the director, accompanied by an application fee of
13 twenty-five dollars which shall in no event be refunded. If the
14 application is approved by the director and the applicant
15 satisfactorily meets the examination requirements as prescribed in RCW
16 46.82.330, the applicant shall be granted a license valid for a period
17 of one year from the date of issuance. An instructor shall take a
18 requalification examination every five years.

1 (2) The annual fee for renewal of an instructor's license shall be
2 five dollars. The director shall issue a license certificate to each
3 licensee which shall be conspicuously displayed in the place of
4 business of the employing driver training school. Unless revoked,
5 canceled, or denied by the director, the license shall remain the
6 property of the licensee in the event of termination of employment or
7 employment by another driver training school. If a renewal application
8 has not been received by the director within sixty days from the date
9 a notice of license expiration was mailed to the licensee, the license
10 will be voided requiring a new application as provided for in this
11 chapter, including examination and payment of all fees.

12 (3) Persons who qualify under the rules jointly adopted by the
13 superintendent of public instruction and the director of licensing to
14 teach (~~(only)~~) both the classroom phase and the laboratory phase, shall
15 be subject to a ten dollar examination fee.

16 (4) Each licensee shall be provided with a wallet-size
17 identification card by the director at the time the license is issued
18 which shall be carried on the instructor's person at all times while
19 engaged in instructing.

20 (5) The person to whom an instructor's license has been issued
21 shall notify the director in writing within thirty days of any change
22 of employment or termination of employment, providing the name and
23 address of the new driver training school by whom the instructor will
24 be employed.

25 **Sec. 2.** RCW 46.82.330 and 1979 ex.s. c 51 s 6 are each amended to
26 read as follows:

27 (1) Upon receipt and approval of an application accompanied by the
28 proper fees, the director shall arrange for the examination of each
29 applicant for an instructor's license and shall notify each applicant
30 of the time and place to appear for examination.

31 (2)(a) The examination prepared by the advisory committee shall
32 consist of a knowledge test and an actual driving test conducted in a
33 vehicle provided by the applicant. The examination shall determine:
34 The applicant's knowledge of driving laws, rules, and regulations; the
35 applicant's ability to safely operate a motor vehicle; and the
36 applicant's ability to impart this knowledge to others.

37 (b) Experienced instructors who meet the requirements of subsection
38 (5) of this section may teach persons under the age of eighteen if they

1 satisfactorily complete any examination required jointly by the
2 department of licensing and the superintendent of public instruction.

3 (3) No applicant shall be permitted by the director to take the
4 examination for an instructor's license until it is determined that the
5 applicant meets the following requirements:

6 (a) Possesses a current and valid Washington driver's license and
7 does not have on his driving record any of the violations or penalties
8 set forth in (3)(a) (i), (ii), or (iii) of this section. The director
9 shall have the right to examine the driving record of the applicant
10 from the department of licensing and from other jurisdictions and from
11 these records determine if the applicant has had:

12 (i) Not more than three moving traffic violations within the
13 preceding twelve months or more than four moving traffic violations in
14 the preceding twenty-four months;

15 (ii) No alcohol-related traffic violation within the preceding
16 three years; and

17 (iii) No driver's license suspension, cancellation, revocation, or
18 denial within the preceding three years;

19 (b) Is a high school graduate or the equivalent and at least
20 twenty-one years of age;

21 (c) Has completed an acceptable application on a form prescribed by
22 the director; and

23 (d) Has satisfactorily completed a sixty-hour course of instruction
24 in the training of drivers acceptable to the director. The course
25 shall include at least twelve hours of instruction in behind-the-wheel
26 teaching methods and at least six hours supervised practice behind-the-
27 wheel teaching of driving techniques.

28 (4) Any person with a valid instructor's license in effect as of
29 September 1, 1979, shall not be required to take the examination, or
30 complete the revised course of instruction, otherwise required under
31 this section.

32 (5) Any person with a valid instructor's license who has
33 successfully completed at least one thousand hours of behind-the-wheel
34 teaching and who has completed an eighty-hour instructor's training
35 program approved by the superintendent of public instruction may teach
36 the classroom phase of instruction in the operation of an automobile to
37 persons under the age of eighteen.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW
2 to read as follows:

3 The secretary shall investigate the conviction records, pending
4 charges, or disciplinary board final decisions of persons who teach
5 drivers' education to persons under the age of eighteen. The
6 investigation may include an examination of state and national criminal
7 identification data and the child abuse and neglect register
8 established under chapter 26.44 RCW. The secretary shall provide the
9 results of the state background check on individuals to the director of
10 the department of licensing. The director shall use the information
11 solely for the purpose of determining the character, suitability, and
12 competence of these prospective teachers. Criminal justice agencies
13 shall provide the director such information as they may have and that
14 the director may require for such purpose. If necessary, persons may
15 be permitted to teach drivers' education on a conditional basis pending
16 completion of the background investigation.

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