

HOUSE BILL REPORT

2E2SHB 1147

As Passed House:

May 17, 1999

Title: An act relating to enhancing novice driver traffic safety by improving traffic safety education and restricting the driving privilege for novice drivers who commit motor vehicle offenses.

Brief Description: Enhancing novice driver traffic safety.

Sponsors: By House Committee on Transportation (Originally sponsored by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire).

Brief History:

Committee Activity:

Transportation: 1/25/99, 2/23/99 [DPS];

Appropriations: 3/4/99, 3/6/99 [DP2S(w/o sub TR)].

Floor Activity:

Passed House: 3/15/99, 97-0.

Passed House: 5/19/99, 96-0.

Brief Summary of Second Engrossed Second Substitute Bill

- Enhances traffic safety education by requiring more behind-the-wheel training and increased testing of driving abilities. The additional training is partially funded by a \$5 increase in the learner's permit fee to \$10.
- Requires traffic safety education teachers to take continuing education in traffic safety education.
- Restricts the night-time driving privilege for novice drivers (drivers within two years of having received their first license) who commit traffic infractions. The parent or guardian who gave permission for an under-18 driver to get a license is given authority to revoke that license.
- Requirement for additional behind-the-wheel training and imposition of driving restrictions for novice drivers are null and void if funding is not provided in the operating budget.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schual-Berke; Scott and Skinner.

Minority Report: Without recommendation. Signed by 1 member: Representative Fortunato.

Staff: Paul Neal (786-7315).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Mark Matteson (786-7145).

Background:

Washington State has the fourth lowest automobile accident fatality rate nationwide. However, young drivers are disproportionately represented in the crashes that do occur. Drivers aged 16 to 19 have collision rates three times higher than those for the overall population and fatality rates that are twice as high. During the summer of 1998, members of the House Transportation Policy and Budget Committee formed the Youth Traffic Safety Task Force to examine ways to address the issue of youth traffic safety.

A person must acquire a learner's permit in order to participate in traffic safety education. A person must have completed traffic safety education and have the written permission of a parent or guardian in order to obtain a license prior to age 18. If a person completes those requirements, he or she receives a full, unrestricted

driver's license. Currently there are no specific statutory requirements regarding traffic safety education curriculum or required hours of driving practice while holding a learner's permit. Nor are there license restrictions or penalties specifically directed at young drivers other than provisions suspending the driver's license for alcohol, drug, or weapon violations.

Summary of Bill:

Novice driver traffic is improved by enhancing educational requirements, administrative requirements, and providing safe driving incentives.

Education enhancements:

- *Increased adult involvement in driver education.* To qualify for a license before age 18, a learner's permit holder must practice driving with a person aged 21 or older who has at least five years of driving experience. The Superintendent of Public Instruction (SPI) is given authority to set the required time between 15 and 50 hours. Beginning January 1, 2000, a parent or guardian must attest that this requirement has been met at the time he or she gives written consent for the driver's license.
- *Increase driver education behind-the-wheel training requirement to six hours.* Most school districts currently provide four hours of behind-the-wheel training; this is increased to six hours, the standard recommended by the National Highway Traffic Safety Council. The additional two hours is phased in with one additional hour effective September 1, 1999, and the second hour effective September 1, 2000. Additional two hours of behind-the-wheel training is not required if a student previously held a farm driving permit or a license from another state and can demonstrate that he or she is safely able to operate a motor vehicle. The cost for the additional two hours is partially funded through an increase in the learner's permit fee from \$5 to \$10.00.
- *Require passing comprehensive written and driving skills test to pass driver's education.* The Department of Licensing is given authority to waive the drivers examination for students who score 95 percent or more of the total possible points from their traffic safety education class.
- *Require use of Auto-Control Monster traffic education tool.* This device simulates how a vehicle can lose traction and is used to teach methods to avoid those situations. SPI may substitute another device if it determines that the substitute device is at least as effective. Districts that are unable to provide this tool are

only required to, and only receive funding for, an additional 1.5 hours of behind-the-wheel training.

Administrative enhancements:

- *Require continuing traffic safety education for driver's education teachers.* School districts must employ teachers who comply with a traffic safety continuing education requirement in order to qualify for state driver's education funding. SPI is given authority to determine how many hours of continuing education are required.
- *Increase SPI oversight of district programs.* A general fund appropriation of \$240,000 is requested to fund an additional statewide traffic safety education coordinator and .5 of a support staff.

Safe driving incentives:

- *License restrictions for novice drivers who commit traffic infractions.* Novice drivers who commit traffic infractions are prohibited from driving between the hours of 10:00 p.m. and 5:00 a.m. This restriction remains in place for one year. Traffic infractions are divided into three groups:
 - more serious infractions, such as failure to yield right-of-way, result in a restriction of the driving privilege for one infraction;
 - lesser infractions, such as improper backing, require two violations to invoke the driving restrictions.
 - suspendable offenses, such as DUI, require the imposition of driving restrictions if and when an offenders' license is reinstated.

Novice drivers under the age of 21 who commit infractions may be limited as to the number of passengers under the age of 21 they may carry. If a novice driver whose driving privilege is restricted drives a motor vehicle in violation of the law, the restrictions are extended for a year. If a novice driver's driving privilege is restricted, the Department of Licensing notifies the person who authorized the minor to get the license of the restriction.

- *Permit parent or guardian to retract permission for a driver's license for drivers under the age of 18.* The parent or guardian who granted permission for the youths driver's license is allowed to retract that permission until the youth reaches age 18 upon payment of a \$5 fee.

The requirements for additional behind-the-wheel training, the increased learner permit fee, and imposition of driving restrictions for novice drivers are null and void if funding is not provided by the legislature.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed, except as follows: section 1(3), permitting a parent or guardian who authorized a minor to obtain a driver's license to revoke that license, takes effect on April 1, 2000; and section 6, requiring the Department of Licensing to collect and store information about where a driver's license applicant took driver's education, and section 8, implementing restricted licenses for novice drivers who commit traffic infractions, take effect on September 1, 1999.

The requirements of section 3(2), (3) and (4), section 4, and 5(1)(c) for additional behind-the-wheel training and section 8 imposition of driving restrictions for novice drivers are null and void if funding is not provided in the operating budget.

Testimony For: (Transportation) (Original bill) The enhancements to traffic safety education will make a meaningful improvement in the quality of traffic safety education provided to students in Washington. Giving the SPI more resources to assist local programs and requiring continuing education for traffic safety educators will help ensure a better program for the students. The prospect of restricted night-time driving for those novice drivers who commit infractions will operate as a meaningful incentive to practice the safe driving skills taught in traffic safety education.

(Appropriations) (On substitute bill) This is a good bill with many people in support of it. The source of the funding is not important; that the bill gets funding is important. The Public Safety and Education Account (PSEA) is suggested because that account is the source of funding for the existing driver's safety education program. Part of the cost could be passed on to students who take the driver's safety course. It is important to have safer children driving. There are benefits in terms of consistency and the additional training provided in the bill. The increased driver's safety education will save people's lives.

Testimony Against: (Transportation) (Original bill) The Legislature should be cautious about allowing the Department of Licensing to waive the drive test. It may be difficult to ensure that individual traffic safety education programs are turning out qualified drivers without the check of a Department of Licensing test prior to granting a license.

(Appropriations) (On substitute bill) While supportive of the bill, the Office of the Superintendent of Public Instruction does not want to absorb any of the potential costs. Because the available funds in the Public Safety and Education Account are limited, another source of funds should be used to support this bill.

Testified: (Transportation) (Original bill) (Support) David Kinnunen, SPI; Syd Muzzy, SPI; John Harvey, SPI; Steve Lind, Traffic Safety Commission; Judith Giniger, Department of Licensing; Mike Patrick, Washington Council of Police Officers; Rick Jensen, Washington State Patrol Troopers' Association; Eric Robertson, Washington State Patrol; Debbie Cottonware, Onalaska Schools; Alex Hansen, Lakes High School; Ryan Driver, Mountlake Terrace High School; Richard Driver, parent; Haley Schoop, Lakes High School; Ken Coffin, Washington Professional Driver's Education Association; Jim Bricker, Pemco; Jean Leonard, State Farm WA Insurers; Janet Ray, AAA Washington; and Susie Tracy, Washington State Medical Association.

(Support with concerns) Karen Norton, Edmonds School District; Keith Bartol, Seattle School District; Angela Adkins, Shelton High School; and Kathy Cunningham, International Federation of Professional and Technical Engineers, Local 17.

(Appropriations) (Support) Rep. Karen Schmidt, prime sponsor; Sharon Foster, Washington Traffic Safety Education Association; and Lynda Hendrickson, Department of Licensing.

(Appropriations) (Support with concerns) David Kinnunen, Office of the Superintendent of Public Instruction.

(Appropriations) (Opposed) Tom McBride, Washington Association of Prosecuting Attorneys; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.