

2 **ESHB 2560** - S AMD 724  
3 By Senator Finkbeiner

4 NOT ADOPTED/OUT OF ORDER 03/06/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.20.100 and 1999 c 274 s 14 are each amended to  
8 read as follows:

9 (1) **Application.** The application of a person under the age of  
10 eighteen years for a driver's license or a motorcycle endorsement must  
11 be signed by a parent or guardian with custody of the minor. If the  
12 person under the age of eighteen has no father, mother, or guardian,  
13 then the application must be signed by the minor's employer.

14 (2) **Traffic safety education requirement.** For a person under the  
15 age of eighteen years to obtain a driver's license he or she must meet  
16 the traffic safety education requirements of this subsection.

17 (a) To meet the traffic safety education requirement for a driver's  
18 license the applicant must satisfactorily complete a traffic safety  
19 education course as defined in RCW (~~(28A.220.020. The course must meet~~  
20 ~~the standards established by the office of the state superintendent of~~  
21 ~~public instruction)) 46.82.280 for a course offered by a driver  
22 training school approved under chapter 46.82 RCW. The course offered  
23 by a driver training school must meet the standards established by the  
24 department of licensing through the driver training school advisory  
25 committee, pursuant to RCW 46.82.300. The traffic safety education  
26 course may be provided by:~~

27 (i) A (~~recognized secondary~~) public or private school with a  
28 traffic safety education course meeting the requirements of chapter  
29 46.82 RCW; or

30 (ii) A commercial (~~driving enterprise~~) driver training school  
31 licensed under chapter 46.82 RCW that is annually approved by the  
32 (~~office of the superintendent of public instruction~~) department of  
33 licensing.

34 (b) To meet the traffic safety education requirement for a  
35 motorcycle endorsement, the applicant must successfully complete a

1 motorcycle safety education course that meets the standards established  
2 by the department of licensing.

3 (c) The department may waive the traffic safety education  
4 requirement for a driver's license if the applicant demonstrates to the  
5 department's satisfaction that:

6 (i) He or she was unable to take or complete a traffic safety  
7 education course;

8 (ii) A need exists for the applicant to operate a motor vehicle;  
9 and

10 (iii) He or she has the ability to operate a motor vehicle in such  
11 a manner as not to jeopardize the safety of persons or property.

12 The department may adopt rules to implement this subsection (2)(c) in  
13 concert with the supervisor of the traffic safety education section of  
14 the office of the superintendent of public instruction.

15 (d) The department may waive the traffic safety education  
16 requirement if the applicant was licensed to drive a motor vehicle or  
17 motorcycle outside this state and provides proof that he or she has had  
18 education equivalent to that required under this subsection.

19 **Sec. 2.** RCW 46.20.055 and 1999 c 274 s 13 are each amended to read  
20 as follows:

21 (1) **Driver's instruction permit.** The department may issue a  
22 driver's instruction permit with a photograph to an applicant who has  
23 successfully passed all parts of the examination other than the driving  
24 test, provided the information required by RCW 46.20.091, paid a five-  
25 dollar fee, and meets the following requirements:

26 (a) Is at least fifteen and one-half years of age; or

27 (b) Is at least fifteen years of age and:

28 (i) Has submitted a proper application; and

29 (ii) Is enrolled in a traffic safety education program (~~approved~~  
30 ~~and accredited by the superintendent of public instruction~~) offered by  
31 a driver training school approved by the department of licensing under  
32 chapter 46.82 RCW, that includes practice driving.

33 (2) **Nonphoto permit fee.** An applicant who meets the requirements  
34 of subsection (1) of this section other than payment of the five-dollar  
35 fee may obtain a driver's instruction permit without a photograph by  
36 paying a fee of four dollars.

1 (3) **Waiver of written examination for instruction permit.** The  
2 department may waive the written examination, if, at the time of  
3 application, an applicant is enrolled in:

4 (a) A traffic safety education course as defined by RCW  
5 28A.220.020(2); or

6 (b) A course of instruction offered by a licensed driver training  
7 school as defined by RCW 46.82.280(1).

8 The department may require proof of registration in such a course  
9 as it deems necessary.

10 (4) **Effect of instruction permit.** A person holding a driver's  
11 instruction permit may drive a motor vehicle, other than a motorcycle,  
12 upon the public highways if:

13 (a) The person has immediate possession of the permit; and

14 (b) An approved instructor, or a licensed driver with at least five  
15 years of driving experience, occupies the seat beside the driver.

16 (5) **Term of instruction permit.** A driver's instruction permit is  
17 valid for one year from the date of issue.

18 (a) The department may issue one additional one-year permit.

19 (b) The department may issue a third driver's permit if it finds  
20 after an investigation that the permittee is diligently seeking to  
21 improve driving proficiency.

22 **Sec. 3.** RCW 46.20.070 and 1999 c 6 s 13 are each amended to read  
23 as follows:

24 (1) **Agricultural driving permit authorized.** The director may issue  
25 a juvenile agricultural driving permit to a person under the age of  
26 eighteen years if:

27 (a) The application is signed by the applicant and the applicant's  
28 father, mother, or legal guardian;

29 (b) The applicant has passed the driving examination required by  
30 RCW 46.20.120;

31 (c) The department has investigated the applicant's need for the  
32 permit and determined that the need justifies issuance;

33 (d) The department has determined the applicant is capable of  
34 operating a motor vehicle without endangering himself or herself or  
35 other persons and property; and

36 (e) The applicant has paid a fee of three dollars.

37 The permit must contain a photograph of the person.

1       (2) **Effect of agricultural driving permit.**       (a) The permit  
2 authorizes the holder to:

3       (i) Drive a motor vehicle on the public highways of this state in  
4 connection with farm work. The holder may drive only within a  
5 restricted farming locality described on the permit; and

6       (ii) Participate in the classroom portion of a traffic safety  
7 education course (~~authorized under RCW 28A.220.030~~) offered by a  
8 driver training school approved by the department of licensing under  
9 chapter 46.82 RCW offered in the community where the holder resides.

10       (b) The director may transfer the permit from one farming locality  
11 to another. A transfer is not a renewal of the permit.

12       (3) **Term and renewal of agricultural driving permit.** An  
13 agricultural driving permit expires one year from the date of issue.

14       (a) A person under the age of eighteen who holds a permit may renew  
15 the permit by paying a three-dollar fee.

16       (b) An agricultural driving permit is invalidated when a permittee  
17 attains age eighteen. In order to drive a motor vehicle on a highway  
18 he or she must obtain a motor vehicle driver's license under this  
19 chapter.

20       (4) **Suspension, revocation, or cancellation.** The director has sole  
21 discretion to suspend, revoke, or cancel a juvenile agricultural  
22 driving permit if:

23       (a) The permittee has been found to have committed an offense that  
24 requires mandatory suspension or revocation of a driver's license; or

25       (b) The director is satisfied that the permittee has violated the  
26 permit's restrictions.

27       NEW SECTION. **Sec. 4.** A new section is added to chapter 46.82 RCW  
28 to read as follows:

29       (1) Persons instructing students under eighteen years of age are  
30 required to have a background check through the Washington state patrol  
31 criminal identification system and through the federal bureau of  
32 investigation. The background check shall also include a fingerprint  
33 check using a fingerprint card.

34       (2) The cost of the background check shall be paid by the  
35 instructor.

36       (3) The department may waive the background check for any applicant  
37 who has had a background check within two years before applying to  
38 become an instructor.

1       **Sec. 5.** RCW 46.82.280 and 1986 c 80 s 1 are each amended to read  
2 as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section shall apply throughout this chapter.

5       (1) "Driver training school" means a commercial driver training  
6 school ~~((engaged in the business of giving instruction, for a fee, in~~  
7 ~~the operation of automobiles))~~, a public school, or a private school  
8 providing traffic safety education courses.

9       (2) "Commercial driver training school" means a private driver  
10 training school engaged in the business of giving traffic safety  
11 education for a fee.

12       (3) "Public school" means a public high school that teaches  
13 children in grades ten through twelve at a minimum.

14       (4) "Private school" means a school approved under chapter 28A.195  
15 RCW.

16       (5) "Director" means the director of the department of licensing of  
17 the state of Washington.

18       ~~((+3))~~ (6) "Advisory committee" means the ~~((driving instructors<sup>4</sup>))~~  
19 driver training school advisory committee as created in this chapter.

20       ~~((+4))~~ (7) "Fraudulent practices" means any conduct or  
21 representation on the part of a licensee under this chapter tending to  
22 induce anyone to believe, or to give the impression, that a license to  
23 operate a motor vehicle or any other license granted by the director  
24 may be obtained by any means other than those prescribed by law, or  
25 furnishing or obtaining the same by illegal or improper means, or  
26 requesting, accepting, or collecting money for such purposes.

27       ~~((+5))~~ (8) "Instructor" means any person employed by a driver  
28 training school to instruct ~~((persons in the operation of automobiles))~~  
29 a traffic safety education course.

30       ~~((+6))~~ (9) "Place of business" means a designated location at  
31 which the business of a commercial driver training school is transacted  
32 and its records are kept.

33       ~~((+7))~~ (10) "Person" means any individual, firm, corporation,  
34 partnership, or association.

35       (11) "Traffic safety education course" means a course of  
36 instruction in traffic safety education that includes classroom  
37 instruction and on-street driving instruction. Each phase shall meet  
38 basic course requirements that shall be established by the department

1 of licensing and each part of the course shall be taught by an  
2 instructor certified under RCW 46.82.320.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.82 RCW  
4 to read as follows:

5 Any public or private school may contract with a commercial driver  
6 training school for the instruction of a traffic safety education  
7 course.

8 **Sec. 7.** RCW 46.82.300 and 1984 c 287 s 93 are each amended to read  
9 as follows:

10 (1) The director shall be assisted in the duties and  
11 responsibilities of this chapter by the driver (~~((instructors<sup>4</sup>))~~)  
12 training school advisory committee, consisting of five members.  
13 Members of the advisory committee shall be appointed by the director  
14 for two-year terms and shall consist of a representative of the driver  
15 training schools, a representative of the driving instructors (who  
16 shall not be from the same school as the school member), a  
17 representative of the superintendent of public instruction, a  
18 representative of the department of licensing, and a representative  
19 from the Washington state traffic safety commission. Members shall be  
20 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
21 43.03.060. A member who is receiving a salary from the state shall not  
22 receive compensation other than travel expenses incurred in such  
23 service.

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

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

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

32 (b) Review violations of this chapter and to recommend to the  
33 director appropriate enforcement or disciplinary action as provided in  
34 this chapter;

35 (c) Review and update when necessary a curriculum consisting of a  
36 list of items of knowledge and the processes of driving a motor vehicle

1 specifying the minimum requirements adjudged necessary in teaching a  
2 proper and adequate course of driver education; ((and))

3 (d) Review and update instructor certification standards to be  
4 consistent with RCW 46.82.330 and take into consideration those  
5 standards required to be met by teachers under chapter 28A.410 RCW when  
6 the instructors are teaching children under the age of eighteen; and

7 (e) Prepare the examination for a driver instructor's certificate  
8 and review examination results at least once each calendar year for the  
9 purpose of updating and revising examination standards.

10 **Sec. 8.** RCW 46.82.310 and 1979 ex.s. c 51 s 4 are each amended to  
11 read as follows:

12 (1) No person shall engage in the business of conducting a  
13 commercial driver training school without a license issued by the  
14 director for that purpose. An application for a driver training school  
15 license shall be filed with the director, containing such information  
16 as prescribed by the director, accompanied by an application fee of one  
17 hundred dollars, which shall in no event be refunded. If an  
18 application is approved by the director, the applicant upon payment of  
19 an additional fee of twenty-five dollars shall be granted a license  
20 valid for a period of one year from the date of issuance.

21 (2) The annual fee for renewal of a school license shall be twenty-  
22 five dollars. The director shall issue a license certificate to each  
23 licensee which shall be conspicuously displayed in the place of  
24 business of the licensee. If a renewal application has not been  
25 received by the director within sixty days from the date a notice of  
26 license expiration was mailed to the licensee, the license will be void  
27 requiring a new application as provided for in this chapter, including  
28 payment of all fees.

29 (3) The person to whom a driver training school license has been  
30 issued must notify the director in writing within thirty days after any  
31 change is made in the officers, directors, or location of the place of  
32 business of the school.

33 (4) Driver training school licenses shall not be transferable. In  
34 the event of any transfer of ownership in the business, an application  
35 for a new license, including payment of all fees, must be made. The  
36 director shall permit continuance of the business for a period not to  
37 exceed sixty days from ((~~the~~)) the date of transfer pending approval  
38 of the new application for a school license.

1 (5) The director shall not issue or renew a school license  
2 certificate until the licensee has filed with the director evidence of  
3 liability insurance coverage with an insurance company authorized to do  
4 business in this state in the amount of not less than three hundred  
5 thousand dollars because of bodily injury or death to two or more  
6 persons in any one accident, not less than one hundred thousand dollars  
7 because of bodily injury or death to one person in one accident, and  
8 not less than fifty thousand dollars because of property damage to  
9 others in one accident, and the coverage shall include uninsured  
10 motorists coverage. The insurance coverage shall be maintained in full  
11 force and effect and the director shall be notified at least ten days  
12 prior to cancellation or expiration of any such policy of insurance.

13 (6) The increased insurance requirements of subsection (5) of this  
14 section must be in effect by no later than one year after September 1,  
15 1979.

16 **Sec. 9.** RCW 46.82.320 and 1989 c 337 s 18 are each amended to read  
17 as follows:

18 (1) No person, including the owner, operator, partner, officer, or  
19 stockholder of a driver training school shall give instruction (~~in the~~  
20 ~~operation of an automobile for a fee~~) for a traffic safety education  
21 course without a license issued by the director for that purpose. An  
22 application for an instructor's license shall be filed with the  
23 director, containing such information as prescribed by the director,  
24 accompanied by an application fee of twenty-five dollars which shall in  
25 no event be refunded. If the application is approved by the director  
26 and the applicant satisfactorily meets the examination requirements as  
27 prescribed in RCW 46.82.330, the applicant shall be granted a license  
28 valid for a period of one year from the date of issuance. An  
29 instructor shall take a requalification examination every five years.

30 (2) The annual fee for renewal of an instructor's license shall be  
31 five dollars. The director shall issue a license certificate to each  
32 licensee which shall be conspicuously displayed in the place of  
33 business of the employing driver training school. Unless revoked,  
34 canceled, or denied by the director, the license shall remain the  
35 property of the licensee in the event of termination of employment or  
36 employment by another driver training school. If a renewal application  
37 has not been received by the director within sixty days from the date  
38 a notice of license expiration was mailed to the licensee, the license



1 will be voided requiring a new application as provided for in this  
2 chapter, including examination and payment of all fees.

3 (3) Persons who qualify under the rules (~~((jointly))~~) adopted by  
4 (~~((the superintendent of public instruction and))~~) the director of  
5 licensing to teach only the laboratory phase, shall be subject to a ten  
6 dollar examination fee.

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

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

16 **Sec. 10.** RCW 46.82.350 and 1979 ex.s. c 51 s 8 are each amended to  
17 read as follows:

18 (1) The director may suspend, revoke, deny, or refuse to renew an  
19 instructor's license or a commercial driver training school license for  
20 any of the following causes:

21 (a) Upon determination that the licensee has made a false statement  
22 or concealed any material fact in connection with the application or  
23 license renewal;

24 (b) Upon conviction of the applicant, licensee, or any person  
25 directly or indirectly interested in the driver training school's  
26 business of a felony, or any crime involving violence, dishonesty,  
27 deceit, indecency, degeneracy, or moral turpitude;

28 (c) Upon determination that the applicant, licensee, or any person  
29 directly or indirectly interested in the driver training school's  
30 business previously held a driver training school license which was  
31 revoked, suspended, or refused renewal by the director;

32 (d) Upon determination that the applicant or licensee does not have  
33 a place of business as required by this chapter;

34 (e) Upon determination that the applicant or licensee has failed to  
35 require all persons with financial interest in the driver training  
36 school to be signatories to the application;

37 (f) Upon determination that the applicant or licensee has been  
38 found guilty of fraud or fraudulent practices in relation to the

1 business conducted under the license, or guilty of inducing another to  
2 resort to fraud in relation to securing for himself, herself, or  
3 another a license to drive a motor vehicle; or

4 (g) Upon determination that the applicant or licensee fails to  
5 satisfy the other conditions stated in this chapter.

6 **Sec. 11.** RCW 46.82.360 and 1989 c 337 s 19 are each amended to  
7 read as follows:

8 The license of any driver training school or instructor may be  
9 suspended, revoked, denied, or refused renewal for failure to comply  
10 with the business practices specified in this section.

11 (1) No place of business shall be established nor any business of  
12 a commercial driver training school conducted or solicited within one  
13 thousand feet of an office or building owned or leased by the  
14 department of licensing in which examinations for drivers' licenses are  
15 conducted. The distance of one thousand feet shall be measured along  
16 the public streets by the nearest route from the place of business to  
17 such building.

18 (2) Any automobile used by a driver training school or an  
19 instructor for instruction purposes must be equipped with:

20 (a) Dual controls for foot brake and clutch, or foot brake only in  
21 a vehicle equipped with an automatic transmission;

22 (b) An instructor's rear view mirror; and

23 (c) A sign displayed on the back or top, or both, of the vehicle  
24 not less than twenty inches in horizontal width or less than ten inches  
25 in vertical height and having the words "student driver" or  
26 "instruction car," or both, in legible, printed, English letters at  
27 least two and one-half inches in height near the top and the name of  
28 the school in similarly legible letters not less than one inch in  
29 height placed somewhere below the aforementioned words, and the street  
30 number and name and the telephone number in similarly legible letters  
31 at least one inch in height placed next below the name of the school.  
32 The lettering and background colors shall be of contrasting shades so  
33 as to be clearly readable at one hundred feet in clear daylight. The  
34 sign shall be displayed at all times when instruction is being given.

35 (3) Instruction may not be given by an instructor to a student in  
36 an automobile unless the student possesses a current and valid  
37 instruction permit issued pursuant to RCW 46.20.055 or a current and  
38 valid driver's license.

1 (4) No commercial driver training school or instructor shall  
2 advertise or otherwise indicate that the issuance of a driver's license  
3 is guaranteed or assured as a result of the course of instruction  
4 offered.

5 (5) No commercial driver training school or instructor shall  
6 utilize any types of advertising without using the full, legal name of  
7 the school and identifying itself as a commercial driver training  
8 school. Items and services advertised must be available in a manner as  
9 might be expected by the average person reading the advertisement.

10 (6) A commercial driver training school shall have an established  
11 place of business owned, rented, or leased by the school and regularly  
12 occupied and used exclusively for the business of giving driver  
13 instruction. The established place of business of a commercial driver  
14 training school that applies for an initial license after July 23,  
15 1989, shall be located in a district that is zoned for business or  
16 commercial purposes. The established place of business, branch office,  
17 or classroom or advertised address of any such commercial driver  
18 training school shall not consist of or include a house trailer,  
19 residence, tent, temporary stand, temporary address, bus, telephone  
20 answering service if such service is the sole means of contacting the  
21 driver training school, a room or rooms in a hotel or rooming house or  
22 apartment house, or premises occupied by a single or multiple-unit  
23 dwelling house. To classify as a branch office or classroom the  
24 facility must be within a thirty-five mile radius of the established  
25 place of business. Nothing in this subsection may be construed as  
26 limiting the authority of local governments to grant conditional use  
27 permits or variances from zoning ordinances.

28 (7) No commercial driver training school or instructor shall  
29 conduct any type of instruction or training on a course used by the  
30 department of licensing for testing applicants for a Washington  
31 driver's license.

32 (8) Each driver training school shall maintain records on all of  
33 its students, including the student's name and address, the starting  
34 and ending dates of instruction, the student's instruction permit or  
35 driver's license number, the type of training given, and the total  
36 number of hours of instruction. Records of past students shall be  
37 maintained for five years following the completion of the instruction.

38 (9) Each driver training school shall, at its (~~established place~~  
39 ~~of business~~) location, display, in a place where it can be seen by all

1 clients, a copy of the required minimum curriculum compiled by the  
2 ((driver)) advisory committee. Copies of the required minimum  
3 curriculum are to be provided to driver training schools and  
4 instructors by the director.

5 (10) Driver training schools and instructors shall submit to  
6 periodic inspections of their business practices, facilities, records,  
7 and insurance by authorized representatives of the director of the  
8 department of licensing.

9 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.220  
10 RCW to read as follows:

11 Public and private schools may offer a traffic safety education  
12 course under the provisions of chapter 46.82 RCW to meet the traffic  
13 safety education requirement in RCW 46.20.100 for persons under the age  
14 of eighteen.

15 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 28A.220.010 (Legislative declaration) and 1977 c 76 s 1;

18 (2) RCW 28A.220.020 (Definitions) and 1990 c 33 s 218, 1979 c 158  
19 s 195, 1977 c 76 s 2, 1969 ex.s. c 218 s 1, & 1963 c 39 s 2;

20 (3) RCW 28A.220.030 (Administration of program--Powers and duties  
21 of school officials) and 2000 c 115 s 9, 1979 c 158 s 196, 1977 c 76 s  
22 3, 1969 ex.s. c 218 s 2, & 1963 c 39 s 3;

23 (4) RCW 28A.220.050 (Information on proper use of left-hand lane)  
24 and 1986 c 93 s 4;

25 (5) RCW 28A.220.060 (Information on effects of alcohol and drug  
26 use) and 1991 c 217 s 2;

27 (6) RCW 28A.220.070 (Rules) and 2000 c 115 s 11; and

28 (7) RCW 46.82.400 (Chapter not applicable to educational  
29 institutions) and 1979 ex.s. c 51 s 13.

30 NEW SECTION. **Sec. 14.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately."

1 **ESHB 2560** - S AMD

2 By Senator

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4 On page 1, line 1 of the title, after "schools;" strike the  
5 remainder of the title and insert "amending RCW 46.20.100, 46.20.055,  
6 46.20.070, 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.350, and  
7 46.82.360; adding new sections to chapter 46.82 RCW; adding a new  
8 section to chapter 28A.220 RCW; repealing RCW 28A.220.010, 28A.220.020,  
9 28A.220.030, 28A.220.050, 28A.220.060, 28A.220.070, and 46.82.400; and  
10 declaring an emergency."

EFFECT: The administration and regulation of traffic safety education courses, whether taught by schools or private business, shall be the sole responsibility of the Department of Licensing.

--- END ---