

SENATE BILL REPORT

HB 2829

As Reported By Senate Committee On:
Transportation, February 22, 2006

Title: An act relating to driver training schools.

Brief Description: Modifying provisions concerning the regulation of driver training schools.

Sponsors: Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller; by request of Department of Licensing.

Brief History: Passed House: 2/11/06, 82-13.

Committee Activity: Transportation: 2/21/06, 2/22/06 [DP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein.

Staff: Janice Baumgardt (786-7319)

Background: The Department of Licensing (DOL) is the sole agency responsible for overseeing the private driver training school program provided outside of the public K-12 school system. Driver training schools must meet standards set by DOL, and driver training schools must be annually approved by DOL. The Office of the Superintendent of Public Instruction (OSPI) sets the curriculum in schools, while the Driver Instructors Advisory Committee recommends the curriculum for the private driver training schools. The advisory committee also updates the instructor certification standards, taking into consideration the standards set by OSPI.

Summary of Bill: The licensing of driver training schools and instructors is under the authority of the Uniform Regulation of Business and Professions Act, giving DOL the same authority over these groups as it has for other licensees. DOL's ability to take disciplinary action for a variety of acts is also under the Uniform Regulation of Business and Professions Act

The definition of "fraudulent business practices" includes a variety of practices including operating a driver training school without a license, making false or misleading statements in an application, failing to keep proper records, and issuing driver training certificates without requiring completion of necessary training and instruction.

A driver training school must be inspected and its business practices reviewed prior to being licensed, and a transfer of ownership requires an application to DOL. The application fee for a driver training school license is set by DOL by rule, along with a number of other fees.

In order to qualify for an instructor's license, an applicant must meet a variety of requirements including passage of an exam and 60 hours of instruction in the training of drivers. Once licensed, driver instructors are required to undertake professional development according to standards set by the director of DOL, and instructor's licenses must be prominently displayed. Revoked or cancelled instructor licenses must be surrendered to DOL within 10 days of the date of action.

The requirement to undergo a criminal background check includes all staff who come into contact with students, and periodic rechecking is required.

Finally, DOL is responsible for compiling the driver training school curriculum and the curriculum must include information regarding the intermediate driver's license restrictions and sanctions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will strengthen the ability of the Department of Licensing to ensure the highest quality driver training is provided for our youth and bring credibility back to driver education in Washington. The driver training our youth receive has a direct effect on driving behaviors of our future drivers.

Testimony Against: The professional development the bill requires is difficult for some instructors to get. The insurance requirements are too high and insurance should not be required during times when instruction is not being given. There should be statutory restraints put on the related fees.

Who Testified: PRO: Liz Luce, Director, Department of Licensing; Clark Holloway, Department of Licensing; Gerald Apple, Washington Traffic Safety Education Association; John Batiste, Chief, Washington State Patrol; Deb Haberly; Dave Overstreet, AAA; Fred Wright, SWERVE Driver Training; Tom Harris, Sears Driving School; Dawn Vivian, Washington Proficient Traffic Safety Education Association; Andrew Finley, 911 Driving School Corporation; Jeffrey Papan, 911 Driving School Corporation.

CON: Michael Jackson, Washington Professional Traffic Safety Education Association; David Sedelmeier, APEX Driving School.