CERTIFICATION OF ENROLLMENT

HOUSE BILL 2829

Chapter 219, Laws of 2006

59th Legislature
2006 Regular Session

DRIVER TRAINING SCHOOLS

EFFECTIVE DATE: 3/24/06

Passed by the House February 11, 2006
Yeas 82  Nays 13

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate February 28, 2006
Yeas 48  Nays 0

BRAD OWEN
President of the Senate

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 2829 as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER
Chief Clerk

FILED
March 24, 2006 - 2:49 p.m.

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to driver training schools; amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340, 46.82.350, 46.82.360, 46.82.370, 46.82.420, 18.235.020, and 46.20.055; adding a new section to chapter 46.82 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 46.82 RCW to read as follows:

The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

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

(Unless the context clearly requires otherwise,) The definitions in this section (shall) apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

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

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

((2)) (5) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction as documented by the minimum approved curriculum.

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

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

((4)) (8) "Fraudulent practices" means any conduct or representation on the part of a ((licensee under this chapter tending to induce)) driver training school owner or instructor including:

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

(b) Operation of a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being licensed, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;
(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

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

((5)) (9) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of automobiles.

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

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

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

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

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

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

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

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

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

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

(14) "Student" means any person enrolled in a driver training course that pays a fee for instruction.
Sec. 3. RCW 46.82.300 and 2002 c 195 s 5 are each amended to read as follows:

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

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

(3) Duties of the advisory committee shall be to:
(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;
(b) (Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;)
((c))) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education;
((c))) (c) Review and update instructor certification standards to be consistent with RCW 46.82.330 and take into consideration those standards required to be met by traffic safety education teachers under RCW 28A.220.020(3); and
((c))) (d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.
Sec. 4. RCW 46.82.310 and 2002 c 352 s 24 are each amended to read as follows:

(1) No person shall engage in the business of conducting a driver training school without a license issued by the director for that purpose. The school's license must be displayed before the school may:
   (a) Schedule, enroll, or engage any students in a course of instruction;
   (b) Issue a verification of enrollment to any student; or
   (c) Begin any classroom or behind-the-wheel instruction.

(2) An application for a driver training school license shall be filed with the director, containing such information as prescribed by the director, including a uniform business identifier number, accompanied by an application fee (( of three hundred dollars)) as set by rule of the department, which shall in no event be refunded. Before an application for a driver training school license is approved, the business practices, facilities, records, and insurance of the proposed school must be inspected and reviewed by authorized representatives of the director. If an application is approved by the director, the applicant ((upon payment of an additional fee of two hundred dollars)) shall be granted a license valid for a period of one year from the date of issuance.

(3) A driver training school may apply for a license to establish a branch office or branch classroom by filing an application with the director, containing such information as prescribed by the director, accompanied by an application fee as set by rule of the department, which shall in no event be refunded. Before an application for a license to establish a branch office or branch classroom is approved, the business practices, facilities, records, and insurance of the proposed branch location must be inspected and reviewed by authorized representatives of the director. If an application is approved by the director, the applicant shall be granted a license valid for a period of one year from the date of issuance.

(4) The annual fee for renewal of a school or branch location license shall be ((two hundred fifty dollars)) set by rule of the department. Subject to the department's inspection of the business, the director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the licensee. If the director has not received a renewal application ((has
not been received by the director within sixty days from) on or before
the date a ((notice of)) license ((expiration was mailed to the
licensee)) expires, the license will be void requiring a new
application as provided for in this chapter, including payment of all
fees.

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

((4) Driver training school licenses shall not be transferable.
In the event of any transfer of ownership in the business, an
application for) (6) A change involving the ownership of a driver
training school requires a new license application, including payment
of all fees((, must be made)).

(a) The owner relinquishing the business must notify the director
in writing within ten business days.

(b) The new owner must submit an application and fee as prescribed
by rule of the department for transfer of the school's license to the
director within ten business days.

(c) Upon receipt of the required notification and the application
and fees for license transfer, the director shall permit continuance of
the business for a period not to exceed sixty days from the date of
transfer pending approval of the new application for a school license.

(d) The transferred license shall remain subject to suspension,
revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

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

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Evidence of liability insurance coverage must be filed with the director prior to the issuance or renewal of a school license, and shall meet the following standards:

(a) Coverage must be provided by a company authorized to do business in Washington state;

(b) Automobile liability coverage shall be in the amount of not less than one million dollars, and shall include property damage and uninsured motorists coverage;

(c) The required coverage shall be maintained in full force and effect for the term of the school license;

(d) Changes in insurance coverage due to cancellation or expiration require notification of the director and proof of continuing coverage within ten working days following any change; and

(e) Coverage shall be issued in the name of the school and identify the covered locations and vehicles.

(8) The increased insurance requirements of subsection (((5))) (7) of this section must be in effect by no later than one year after ((September 1, 1979)) July 1, 2006.

Sec. 5. RCW 46.82.320 and 2002 c 352 s 25 are each amended to read as follows:

(1) No person((, including the owner, operator, partner, officer, or stockholder of)) affiliated with a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an original or renewal instructor's license shall be filed with the director, containing such information as prescribed by this chapter and by the director, accompanied by an application fee ((of seventy-five dollars)) set by rule of the department, which shall in no event be refunded. An application for a renewal instructor's license must be accompanied by proof of the applicant's continuing professional development that meets the standards adopted by the director. If the ((application is approved by the director and the)) applicant satisfactorily meets the application requirements and the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.
(2) (The annual fee for renewal of an instructor's license shall be twenty-five dollars.) The director shall issue a license certificate to each (licensee which shall be) qualified applicant.

   (a) An employing driver training school must conspicuously (displayed in the) display an instructor's license at its established place of business (of the employing driver training school) and display copies of the instructor's license at any branch office where the instructor provides instruction.

   (b) Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school.

   (c) If the director has not received a renewal application (has not been received by the director within sixty days from) on or before the date a (notice of) license (expiration was mailed to the licensee) expires, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

   (d) If revoked, canceled, or denied by the director, the license must be surrendered to the department within ten days following the effective date of such action.

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

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

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

Sec. 6. RCW 46.82.325 and 2002 c 195 s 4 are each amended to read as follows:

(1) (Persons instructing students under eighteen years of age))
Instructors, owners, and other persons affiliated with a school who have contact with students are required to have a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation. The background check shall also include a fingerprint check using a fingerprint card. Persons covered by this section must have their background rechecked under this subsection every five years.

(2) In addition to the background check required under subsection (1) of this section, persons covered by this section must have a background check through the Washington criminal identification system at the time of application for any renewal license.

(3) The cost of the background check shall be paid by the person.

Sec. 7. RCW 46.82.330 and 1979 ex.s. c 51 s 6 are each amended to read as follows:

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

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

(3) No)) The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel phases of a driver training education program in a commercial driver training school.

(2) An applicant shall be ((permitted by the director to take the examination for an instructor's license until it is determined that the applicant meets the following requirements)) eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:
(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in (((3))) (2)(a) (i), (ii), or (iii) of this section. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than ((three)) one moving traffic violation((e)) within the preceding twelve months or more than ((four)) two moving traffic violations in the preceding twenty-four months;

(ii) No alcohol-related traffic violation or incident within the preceding ((three)) seven years; and

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

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

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

(d) Has satisfactorily completed a ((sixty-hour)) course of instruction in the training of drivers acceptable to the director((. The course shall include at least twelve hours of)) that is no less than sixty hours in length and includes instruction in classroom and behind-the-wheel teaching methods and ((at least six hours)) supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has paid an examination fee as set by rule of the department and has successfully completed an instructor's examination as prepared by the advisory committee, which shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine:

(i) The applicant's knowledge of driving laws and rules;

(ii) The applicant's ability to safely operate a motor vehicle; and

(iii) The applicant's ability to impart this knowledge and ability to others.

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

Sec. 8. RCW 46.82.340 and 1979 ex.s. c 51 s 7 are each amended to read as follows:

In case of the loss, mutilation, or destruction of a driver training school license certificate or an instructor's license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee (of two dollars) as set by rule of the department.

Sec. 9. RCW 46.82.350 and 1979 ex.s. c 51 s 8 are each amended to read as follows:

((1)) The director may suspend, revoke, deny, or refuse to renew an instructor's license or a driver training school license, or impose such other disciplinary action authorized under RCW 18.235.110, upon determination that the applicant, licensee, or owner has engaged in unprofessional conduct as defined by RCW 18.235.130 or for any of the following causes:

((a)) (1) Upon determination that the licensee has made a false statement or concealed any material fact in connection with the application or license renewal;

((b)) (2) Upon ((conviction of)) determination that the applicant, licensee, owner, or any person directly or indirectly interested in the driver training school's business has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

((c)) (3) Upon determination that the applicant, licensee, owner, or any person directly or indirectly interested in the driver training school's business previously held a driver training school license which was revoked, suspended, or refused renewal by the director;

((d)) (4) Upon determination that the applicant ((or licensee)), or owner does not have ((a)) an established place of business as required by this chapter;

((e)) (5) Upon determination that the applicant or licensee has failed to require all persons with financial interest in the driver training school to be signatories to the application;
(6) Upon determination that the applicant, licensee, or owner has committed fraud, induced another to commit fraud, or engaged in fraudulent practices in relation to the business conducted under the license, or has induced another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle; 

(7) Upon determination that the applicant, licensee, or owner has engaged in conduct that could endanger the educational welfare or personal safety of students or others;

(8) Upon determination that a licensed instructor no longer possesses and meets the qualifications and conditions set out in RCW 46.82.330(2)(a); or

(9) Upon determination that the applicant, licensee, or owner failed to satisfy or fails to satisfy the other conditions stated in this chapter.

Sec. 10. RCW 46.82.360 and 1989 c 337 s 19 are each amended to read as follows:

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal, or such other disciplinary action authorized under RCW 18.235.110 may be imposed, for failure to comply with the business practices specified in this section.

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

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

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

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

(c) A sign in legible, printed English letters displayed on the back or top, or both, of the vehicle that:
(i) Is not less than twenty inches in horizontal width or less than
ten inches in vertical height ((and having));

(ii) Has the words "student driver," "instruction car," or
((both, in legible, printed, English)) "driving school" in letters at
least two and one-half inches in height near the top ((and));

(iii) Has the name and telephone number of the school in similarly
legible letters not less than one inch in height placed somewhere below
the aforementioned words((, and the street number and name and the
telephone number in similarly legible letters at least one inch in
height placed next below the name of the school. The));

(iv) Has lettering and background colors ((shall be of contrasting
shades so as to be)) that make it clearly readable at one hundred feet
in clear daylight((. The sign shall be));

(v) Is displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student who
is under the age of fifteen, and behind-the-wheel instruction may not
be given by an instructor to a student in an automobile unless the
student possesses a current and valid instruction permit issued
pursuant to RCW 46.20.055 or a current and valid driver's license.

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

(5) No driver training school or instructor shall utilize any types
of advertising without using the full, legal name of the school and
identifying itself as a driver training school. ((Items)) Instruction
vehicles and equipment, classrooms, driving simulators, training
materials and services advertised must be available in a manner as
might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of
business owned, rented, or leased by the school and regularly occupied
and used exclusively for the business of giving driver instruction.
The established place of business of a driver training school ((that
applies for an initial license after July 23, 1989)) shall be located
in a district that is zoned for business or commercial purposes.

(a) The established place of business, branch office, or classroom
or advertised address of any such driver training school shall not
consist of or include a house trailer, residence, tent, temporary
stand, temporary address, bus, telephone answering service if such
service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house.

(b) A driver training school may lease classroom space within a public or private school that is recognized and regulated by the office of the superintendent of public instruction to conduct student instruction as approved by the director. However, such use of public or private classroom space does not alleviate the driver training school from securing and maintaining an established place of business nor from using its own classroom on a regular basis as required by this chapter.

(c) To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business.

(d) Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

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

(8) Each driver training school shall maintain its student, instructor, vehicle, and operating records at its established place of business.

(a) Student records must include the student's name, address, and telephone number, the starting and ending date of enrollment and all dates of instruction, the student's instruction permit or driver's license number, the type of training given, the total number of hours of instruction, and the name and signature of the instructor or instructors.

(b) Instructor records shall include the instructor's license number, the date of hire, the dates and duration of an instructor's training including initial certification as an instructor and continuing education, an abstract of the driving record for the instructor obtained within the past year, and a list of the locations where the instructor is providing student instruction.

(c) Vehicle records shall include the original insurance policies and copies of the vehicle registration for all instruction vehicles.
(d) Student and instructor records ((of past students)) shall be maintained for five years following the completion of the instruction. Vehicle records shall be maintained for five years following their issuance. All records shall be made available for inspection upon the request of the department.

(e) Upon a transfer or sale of school ownership the school records shall be transferred to and become the property and responsibility of the new owner.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum ((compiled)) furnished by the ((driver advisory committee)) department and a copy of the school's own curriculum. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

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

Sec. 11. RCW 46.82.370 and 1979 ex.s. c 51 s 10 are each amended to read as follows:

Upon notification of suspension, revocation, denial, or refusal to renew a license under this chapter, a driver training school or instructor shall have the right to appeal the action being taken. An appeal may be made to the director, who shall cause a hearing to be held ((by the advisory committee)) in accordance with chapter 34.05 RCW. Filing an appeal shall stay the action pending the hearing and the director's decision. Upon conclusion of the hearing, ((the advisory committee shall notify the director of its findings of fact and recommended action. Within ten days of receipt of the advisory committee's findings and recommendation,)) the director shall issue a decision on the appeal.

(1) A license may, however, be temporarily suspended by the director without notice pending any prosecution, investigation, or hearing where such emergency action is warranted. A licensee or applicant entitled to a hearing shall be given due notice thereof.

(2) The sending of a notice of a hearing by registered mail to the
last known address of a licensee or applicant in accordance with chapter 34.05 RCW shall be deemed due notice.

(3) The director or the director's authorized representative shall preside over the hearing and shall have the power to subpoena witnesses, administer oaths to witnesses, take testimony of any person, and cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued by a court of record. Witnesses subpoenaed under this section and persons other than officers or employees of the department of licensing shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

**Sec. 12.** RCW 46.82.420 and 2004 c 126 s 2 are each amended to read as follows:

(1) The advisory committee shall consult with the department in the development and maintenance of a basic minimum required curriculum and the department shall furnish to each qualifying applicant for an instructor's license or a driver training school license a copy of such curriculum.

(2) In addition to information on the safe, lawful, and responsible operation of motor vehicles on the state's highways, the basic minimum required curriculum shall include:

(a) Intermediate driver's license issuance, passenger and driving restrictions and sanctions for violating the restrictions, and the effect of traffic violations and collisions on the driving privileges;

(b) The effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington and the current penalties for driving under the influence of drugs or alcohol; and

(c) Motorcycle awareness, approved by the Motorcycle Safety Foundation, to ensure new operators of motor vehicles have been instructed in the importance of safely sharing the road with motorcyclists.

(3) Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory
committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

Sec. 13. RCW 18.235.020 and 2002 c 86 s 103 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;
(ii) Bail bond agents under chapter 18.185 RCW;
(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
(iv) Commercial telephone solicitors under chapter 19.158 RCW;
(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
(vi) Court reporters under chapter 18.145 RCW;
(vii) Driver training schools and instructors under chapter 46.82 RCW;
(viii) Employment agencies under chapter 19.31 RCW;
((ix)) For hire vehicle operators under chapter 46.72 RCW;
(x) Limousines under chapter 46.72A RCW;
(xi) Notaries public under chapter 42.44 RCW;
(xii) Private investigators under chapter 18.165 RCW;
(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
(xiv) Real estate appraisers under chapter 18.140 RCW;
(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
(xvi) Security guards under chapter 18.170 RCW;
(xvii) Sellers of travel under chapter 19.138 RCW;
(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; and
(b) The boards and commissions having authority under this chapter are as follows:
   (i) The state board of registration for architects established in chapter 18.08 RCW;
   (ii) The cemetery board established in chapter 68.05 RCW;
   (iii) The Washington state collection agency board established in chapter 19.16 RCW;
   (iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;
   (v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;
   (vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and
   (vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 14. RCW 46.20.055 and 2005 c 314 s 303 are each amended to read as follows:
(1) Driver's instruction permit. The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a fee of twenty dollars, and meets the following requirements:
   (a) Is at least fifteen and one-half years of age; or
   (b) Is at least fifteen years of age and:
      (i) Has submitted a proper application; and
(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

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

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

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280((1)) (4).

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

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

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

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

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

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

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

(c) A person applying to renew an instruction permit must submit the application to the department in person.

**NEW SECTION. Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House February 11, 2006.
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