

Chapter 308-108 WAC

DRIVER TRAINING SCHOOLS

WAC

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WAC 308-108-010 Promulgation—Authority. Pursuant to RCW 46.82.290(2), this chapter is promulgated for the purpose of establishing basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses, and includes policies and practices for monitoring and ensuring the ongoing quality of the commercial driver training program.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-010, filed 7/29/05, effective 8/29/05.]

WAC 308-108-020 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions that has been approved by the director.

(2) "Branch office" or "branch classroom" means a facility within a thirty-five mile radius of a driver training school's established place of business, except where the thirty-five mile radius requirement has been waived or extended by the department as provided by RCW 46.82.360 (6)(c), that has been approved by the department for use by the driver training school.

(3) "Engage in a course of instruction" means to enroll in, schedule, collect a fee for, or sign an application for an instruction permit in order to attend or take part in a driver training education course.

(4) "Inactive instructor" means an instructor with a valid Washington instructor's license who is no longer employed by or otherwise associated with a licensed driver training school.

(5) "Instructor-trainer" means a currently licensed instructor who is training traffic safety education instructors and who has not less than:

(a) One thousand hours of experience in providing traffic safety education in the past year;

(10/20/09)

(b) Five years of previous experience in providing traffic safety education; or

(c) One thousand hours or five years experience in the field of traffic safety and proof of training acceptable to the director in how to teach and train others, and not less than three hundred hours of previous experience in training others.

(6) "Records" means all documents, papers and reports required to own a driver training school, including but not limited to:

(a) Vehicle registration, title, insurance policy, and maintenance information;

(b) Business financial documents, such as franchise agreements, corporate documents, bank records, partnership agreements, lease agreements, and purchase and sale agreements; and

(c) Student classroom and behind-the-wheel instruction reports.

(7) "Student" means any person enrolled in an approved driver training education course who is at least fifteen years of age.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-020, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-020, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-020, filed 7/29/05, effective 8/29/05.]

WAC 308-108-025 Fees. The following fees shall be charged by the driver services division, department of licensing:

Title of Fee	Fee
Driver training school license original application	\$500.00
Driver training school license renewal application	250.00
Driver training school license transfer	500.00
Branch office or branch classroom original application	250.00
Branch office or branch classroom renewal application	125.00
Instructor's license original application	125.00
Instructor's license renewal application	100.00
Duplicate license	10.00
Knowledge and/or skill examination	25.00

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-025, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-025, filed 12/18/06, effective 1/18/07.]

WAC 308-108-070 Background check and fingerprint check. An instructor, owner, or other person affiliated with a school who has contact with students must complete a background check through the Washington state patrol criminal identification system and through the federal bureau of

investigation, including a fingerprint check, as required by RCW 46.82.325(1).

(1) An applicant for an instructor's license must complete the check at the time of initial application or, for a currently licensed instructor who has not completed such check within the past five years, at the time of the next application for a license renewal.

(2) An owner must complete the check at the time of initial application for a driver training school license or, for an owner of a currently licensed school who has not completed such check within the past five years, at the time of the next application for a license renewal.

(3) A person affiliated with a school who has contact with students must complete the check at the time of initial affiliation with the school or, for a person who is currently affiliated with a school who has not completed such check within the past five years, within the sixty-days prior to the next application for a license renewal for the school. A person who must complete the check under this subsection at the time of initial affiliation with a school may begin duties following the department's notice that it has received an acceptable local criminal background check through the Washington state patrol criminal identification system, pending the outcome of the fingerprint check using the fingerprint card.

(4) For the purpose of chapter 46.82 RCW, a person affiliated with a school is considered to be a person directly or indirectly interested in the driver training school's business.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-070, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-070, filed 12/18/06, effective 1/18/07.]

WAC 308-108-080 Instructor's license—Application. (1) To ensure that an applicant or instructor meets the conditions set out in RCW 46.82.330 (2)(a), the department shall review the complete abstract of driving record for all instructor's license applicants and licensed instructors. For this purpose:

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) A drug or alcohol-related traffic violation will be deemed to have occurred if it resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.-522 (1)(b), or 46.61.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(2) The instructor's license applicant must submit satisfactory evidence of completion of a course of instruction as

approved by the director in the training of drivers at time of initial application.

(3) For instructor's licenses that expire on or after July 1, 2007, each application for renewal of an instructor's license must be accompanied by proof of no less than eight hours of continuing professional development as approved by the director.

(4) Application for initial or renewal of an instructor's license is not complete until the applicant passes any examination requirement for licensure under RCW 46.82.320(1) or 46.82.330 (2)(e).

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-080, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-080, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-080, filed 7/29/05, effective 8/29/05.]

WAC 308-108-090 Instructing instructors in the training of drivers. (1) The course of instruction approved by the director in the training of drivers required under RCW 46.82.330 (2)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) To ensure the quality of the training given, the instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Be not less than one hundred hours in total length and consist of:

(i) Not less than forty hours of instruction in behind the wheel teaching methods;

(ii) Not less than twenty hours of supervised practice in behind the wheel teaching of driving techniques;

(iii) Not less than forty hours total of instruction that includes all of the following areas:

(A) Education and special education;

(B) Driver education teacher, instructor, or trainer skills training;

(C) Classroom teaching techniques;

(D) Communication skills;

(E) Teaching the concepts of driving and traffic safety to others;

(F) Educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(G) Developing instructional materials and activities that aid student learning and performance;

(H) Defining and describing the nature of the driving task on public highways;

(I) Establishing and maintaining classroom organization;

(J) Managing enrollment, student scheduling, student records, and required reports; and

(K) Planning a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) The department must approve an instructor training course curriculum before use by an instructor-trainer.

(4) Any revision to an approved instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department no less than thirty days prior to its use.

(5) The department may consider other instructional methods, instruction providers, or academic instruction in lieu of those listed in subsection (2) of this section.

(6) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

[Statutory Authority: RCW 46.82.290, 09-21-093, § 308-108-090, filed 10/20/09, effective 11/20/09; 07-01-070, § 308-108-090, filed 12/18/06, effective 9/1/07; 05-16-061, § 308-108-090, filed 7/29/05, effective 8/29/05.]

WAC 308-108-100 Place of business—Classroom space. (1) The place of business of a driver training school:

(a) Shall not be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's 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. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is suspended or revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Shall meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-100, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-100, filed 7/29/05, effective 8/29/05. Statutory Authority: RCW 46.01.110. 91-01-063, § 308-108-100, filed 12/14/90, effective 1/14/91.]

WAC 308-108-110 Traffic safety education vehicles.

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a minimum twenty-piece approved first aid kit, fire extinguisher safely secured in the vehicle and fully charged, and an emergency strobe light, reflective triangle, or two eighteen-inch traffic cones;

(10/20/09)

(b) Maintain an annual vehicle inspection form meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations and annual vehicle safety inspection report.

[Statutory Authority: RCW 46.82.290, 09-21-093, § 308-108-110, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-110, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-110, filed 7/29/05, effective 8/29/05.]

WAC 308-108-120 Administration. (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before engaging students in a course of instruction.

(2) Each driver training school shall adopt and provide for its customers a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats;

(d) The minimum and maximum course duration;

(e) Refusing to allow a student to attend a driver training education course before the age of fifteen years;

(f) Refusing to enroll new students in a driver education course after the first three classes have been completed; and

(g) Information about Washington's intermediate licensing requirements, restrictions, and penalties and a place for parents to initial indicating that they have received the information.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

(b) The dates and times for each session of classroom and behind the wheel instruction;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Classroom and behind the wheel performance evaluation results;

(e) The name and signature of the instructor who provided each session of classroom and behind the wheel instruction; and

(f) That both the student and parent received intermediate license requirements, restriction, and penalty information.

(4) Student records must be maintained by a driver training school for three years from the date instruction has ended.

(5) Driver training school records that must be maintained by a driver training school for three years, include but are not limited to:

- (a) The school's written curriculum guide;
 - (b) Insurance policies;
 - (c) Collision or injury reports;
 - (d) Traffic safety education vehicle registration records;
- and
- (e) Records of any traffic violations committed by an instructor employed by the school.
 - (6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.
 - (7) The driving school owner must notify the department within thirty days of closing the school and submit all unused traffic safety certificates and student course completion reports to the department.
 - (8) Class size must not exceed city fire code requirements for the classroom.
 - (9) Traffic safety education classroom hours shall not overlap between two or more classes.
 - (10) Failure to renew a school license before it expires will put all related branch office or branch classroom licenses into an inactive status.
 - (11) Student records are subject to department audit and inspection anytime after ninety days of the school's initial licensing, or as soon as practicable for the department.
 - (12) Branch office or classroom locations must display an official license issued by the department in a conspicuous place.

[Statutory Authority: RCW 46.82.290, 09-21-093, § 308-108-120, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-120, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-120, filed 7/29/05, effective 8/29/05.]

WAC 308-108-130 Inspection and review. (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be housed and immediately available for inspection at a driver training school's primary place of business. Branch office records may be housed at the primary place of business, however, such records must be made available for inspection at the branch location within twenty-four hours following a request for review by the department.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-130, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-130, filed 7/29/05, effective 8/29/05.]

WAC 308-108-140 Reporting requirements. All driver training school owners shall:

(1) Report to the department within ten days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

- (a) Conviction for a traffic violation;
- (b) Finding that a traffic infraction has been committed;
- (c) Entry into a deferred prosecution agreement; or
- (d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has

been made under the provisions of RCW 46.52.030. Prior to the return to service of any traffic safety education vehicle that has been involved in a collision, the school owner must forward a vehicle inspection report to the department.

(3) Forward to the department by the seventh day of each month, a report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Not less than annually, have completed and have on file at the main school location a vehicle inspection report as required under WAC 308-108-110 (1)(b) for all traffic safety education vehicles in use by the school.

(5) Report to the department within ten days any new vehicles used by the school for instructional purposes or any vehicles taken out of service.

[Statutory Authority: RCW 46.82.290, 09-21-093, § 308-108-140, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-140, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-140, filed 7/29/05, effective 8/29/05.]

WAC 308-108-150 Curriculum schedule. A driver training school may offer classroom and behind the wheel instruction to students throughout the year. In order to be approved by the director, a curriculum schedule must satisfy or include the following requirements:

(1) Classroom and behind the wheel instruction that is complementary. This means that classroom instruction is integrated in a timely manner with behind the wheel instruction;

(2) Having students under age eighteen complete no more than two hours of classroom instruction during any single day, except for make-up classes which shall be no more than two additional hours of class not to exceed three total make-up classes during the traffic safety education course, and no more than one hour of behind the wheel instruction during any single day;

(3) For students under the age of eighteen to meet the traffic safety education requirement of RCW 46.20.100, instruction that:

(a) Includes not less than thirty hours of classroom instruction;

(b) Meets the behind the wheel instruction and observation requirements of WAC 308-108-160;

(c) Consists of at least one hour minimum and no more than two hours maximum of class session during a single day, except when adding a make-up class as provided in subsection (2) of this section, in which case classroom instruction must not exceed four hours in a single day;

(d) With the exception of make-up lessons, ensures that all students in a classroom session must be on the same lesson. Open enrollment or self-paced instruction is not permitted; and

(e) Ensures that each traffic safety education classroom course is at least fifty-percent instructor-led verbal instruction consisting of:

- (i) In-person training;
- (ii) Teacher and student interaction; and
- (iii) Questions and answers;

(4) Classroom and behind the wheel instruction in a course that is scheduled for not less than thirty days in which lessons must be in contiguous weeks;

(5) Students may not enroll in a traffic safety education course after the third class session of any given course;

(6) All make-up assignments and instruction must be equivalent to the instruction given during the missed sessions;

(7) Distributing to students instructional material developed by the department and the federally designated organ procurement organization for Washington state relating to organ and tissue donation awareness education; and

(8) Review and approval of the local school curriculum by the department as part of the initial application for a school license. To help ensure that minimum standards of instruction are met, the local school curriculum must include but is not limited to the following:

(a) Comprehensive elements of classroom and behind the wheel instruction as defined by the department;

(b) Comprehensive written and behind the wheel examinations, to include:

(i) Written examinations as submitted to and approved by the department; and

(ii) Behind the wheel examination criteria as approved by the department;

(c) A flow chart that indicates how the classroom and behind the wheel instruction are integrated;

(d) Information on the state of Washington's intermediate license requirements, restrictions, violations, and sanctions for violation of these requirements; and

(e) A designated time for a parent, guardian, or employer night that is no less than one hour, which may be a part of the thirty hours required for student training, and must include:

(i) Instruction on the parent, guardian, or employer responsibilities and the importance of parent, guardian, or employer involvement with the teen driver;

(ii) Information on intermediate license laws, restrictions, and sanctions;

(iii) An introduction to the parent guide to teen driving; and

(iv) A questions and answers period.

[Statutory Authority: RCW 46.82.290. 09-21-092, § 308-108-150, filed 10/20/09, effective 1/1/10. Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-150, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-150, filed 7/29/05, effective 8/29/05.]

WAC 308-108-160 Behind the wheel instruction and observation. (1) Instruction provided to students under the age of eighteen must include:

(a) Behind the wheel instruction consisting of:

(i) Not less than six hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or

(ii) Five or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and

(b) One or more hours of additional in-vehicle driver observation.

(2) Behind the wheel instruction must be documented on a form provided or approved by the department, including the time the instruction was conducted, the signature of the instructor, and initials of the student.

[Statutory Authority: RCW 46.82.290. 07-01-070, § 308-108-160, filed 12/18/06, effective 9/1/07; 05-16-061, § 308-108-160, filed 7/29/05, effective 8/29/05.]

WAC 308-108-165 Prohibition on wireless communication devices during instruction. (1) Driving school instructors must not use wireless communication devices,

hands-free or otherwise, that distract from or interfere with the behind the wheel or classroom instruction task. This includes the use of any communications devices that result in verbal or written text responses while conducting instruction. While supervising the operation of a vehicle, instructors are additionally prohibited from sending or receiving messages with these devices. Ring volumes for these devices, or any phone in proximity, are to be silenced so as not to interfere in any way with the student learning or interacting with the instructor.

(2) This section does not apply to voice activated GPS devices or classroom devices that are being used as part of an approved curriculum. This section also does not preclude the use of devices to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property, as permitted under RCW 46.61.667.

(3) An unreasonable risk associated with a failure to obey this section is a violation of RCW 18.235.130(4).

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-165, filed 10/20/09, effective 11/20/09.]

WAC 308-108-170 Ensuring student accomplishment. (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) In order to receive a traffic safety education certificate, all students under the age of eighteen must satisfactorily complete all portions of the course of instruction included in the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests that deals with all or many of the relevant details of the course curriculum that meets the standards established by the department.

(4) Each driver training school must assess the needs and progress of students and give appropriate direction for additional driving experience and/or parent guided practice.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-170, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-

310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-170, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-170, filed 7/29/05, effective 8/29/05.]

WAC 308-108-180 Disciplinary action—Public notice of actions taken. (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-180, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-180, filed 7/29/05, effective 8/29/05.]