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HOUSE BILL 2821

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Radcliff, Cooke, Van Luven and Robertson

Read first time 01/20/98. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to driver training schools; and amending RCW  
2 46.82.280 and 46.82.360.

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

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

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

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

11 (2) "Director" means the director of the department of licensing of  
12 the state of Washington.

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

15 (4) "Fraudulent practices" means any conduct or representation on  
16 the part of a licensee under this chapter tending to induce anyone to  
17 believe, or to give the impression, that a license to operate a motor  
18 vehicle or any other license granted by the director may be obtained by  
19 any means other than those prescribed by law, or furnishing or

1 obtaining the same by illegal or improper means, or requesting,  
2 accepting, or collecting money for such purposes.

3 (5) "Instructor" means any person employed by a driver training  
4 school to instruct persons in the operation of automobiles.

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

8 (7) "Branch office" means a designated location where driver  
9 training takes place that is separate from the established place of  
10 business.

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

13 **Sec. 2.** RCW 46.82.360 and 1989 c 337 s 19 are each amended to read  
14 as follows:

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

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

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

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

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

30 (c) A sign displayed on the back or top, or both, of the vehicle  
31 not less than twenty inches in horizontal width or less than ten inches  
32 in vertical height and having the words "student driver" or  
33 "instruction car," or both, in legible, printed, English letters at  
34 least two and one-half inches in height near the top and the name of  
35 the school in similarly legible letters not less than one inch in  
36 height placed somewhere below the aforementioned words, and the street  
37 number and name and the telephone number in similarly legible letters  
38 at least one inch in height placed next below the name of the school.

1 The lettering and background colors shall be of contrasting shades so  
2 as to be clearly readable at one hundred feet in clear daylight. The  
3 sign shall be displayed at all times when instruction is being given.

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

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

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

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

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

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

10 (9) Each driver training school shall, at its established place of  
11 business or its branch office, display, in a place where it can be seen  
12 by all clients, a copy of the required minimum curriculum compiled by  
13 the driver advisory committee. Copies of the required minimum  
14 curriculum are to be provided to driver training schools and  
15 instructors by the director.

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

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