

HOUSE BILL REPORT

HB 2829

As Passed House:
February 11, 2006

Title: An act relating to driver training schools.

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

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

Brief History:

Committee Activity:

Transportation: 1/25/06, 2/3/06 [DP].

Floor Activity:

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

Brief Summary of Bill

- Makes driver training schools subject to the Uniform Regulation of Business and Professions Act.
- Expands the definition of fraudulent business practices.
- Expands the requirements related to receiving and transferring driver training school licenses.
- Increases the requirements for receiving and holding a license as a driver training instructor.
- Makes the Department of Licensing responsible for compiling the driver training school curriculum.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 24 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Campbell, Clibborn, Curtis, Dickerson, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Nixon, Rodne, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Minority Report: Do not pass. Signed by 2 members: Representatives Ericksen and Holmquist.

Staff: David Munnecke (786-7315).

Background:

From 1979 until 2002, the Department of Licensing (DOL) was responsible for completing yearly inspections of driver training schools, vehicles, and student records. The Office of the Superintendent of Public Instruction (OSPI) was responsible for teacher qualifications and training, curriculum development, and insuring that schools and instructors were following the curriculum requirements.

With the passage of ESHB 2560, the DOL became the sole agency responsible for overseeing the driver training school program. Driver training schools must meet standards set by the DOL, and driver training schools must be annually approved by the DOL. The OSPI continues to set the curriculum in schools, while the Driver Instructors Advisory Committee recommends the curriculum for the driver training schools. The advisory committee also updates the instructor certification standards, taking into consideration the standards set by the OSPI.

When ESHB 2560 was passed there were approximately 119 schools and 407 instructors. As of June 2005, there were 214 schools and almost 800 instructor applications had been processed by the DOL.

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 the DOL the same authority over these groups as it has for other licensees. The 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 licensure, and a transfer of ownership requires an application to the DOL. The application fee for a driver training school license is set by the 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 the DOL, and instructor's licenses must be prominently

displayed. Revoked or cancelled instructor licenses must be surrendered to the 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, the 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: Not requested.

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

Testimony For: The State of Washington licenses traffic schools, and because of this people assume that traffic schools will provide the same level of instruction regardless of the price they pay. The safety of children is at stake, and we need to insure that a minimum level of instruction is provided. Better driver training also means better drivers on the roads.

The Department of Licensing needs the ability to deal with unprofessional conduct and to guarantee the safety of teen drivers. The DOL can currently only take action if efforts are made to illegally obtain a driver's license. The emergency clause is necessary because action needs to be taken sooner rather than later.

The current staffing is inadequate, and people can change school names in order to avoid censure. The DOL is using temporary funding to expand the program.

The background checks are designed so that the Washington State Patrol check occurs immediately and the person can start working on that basis while they await the results of their FBI check. People who have committed fraud and identity theft have been found to work in these schools.

Testimony Against: There is a problem with requiring people to take both an exam and undergo professional development training in order to remain a driving instructor. The increases in background checks are also too much.

The distance between schools operating under the same license should be increased from the current standard of 35 miles, which is inadequate in some parts of the state.

Persons Testifying: (In support) Representative Wallace, prime sponsor; Alex Hansen, Washington Traffic Safety Education Association; Sharon Whitehead and Clark Halloway, Department of Licensing; Dave Overstreet, American Automobile Association; Tom Harms, Sears Driving School; Andrew Finley and Jeff Papen, 911 Driving School; Stephen Kulin, "A" Driving School; and Jeff Devere, Washington State Patrol.

(Opposed) Michael Jackson, Washington Traffic Safety Association; Bruce Richey and Troy Stewart, Northwest Traffic Safety Foundation; and Dave Sedelmeir, Apex Driving School.

Persons Signed In To Testify But Not Testifying: None.