

ESHB 1481 - S COMM AMD

By Committee on Transportation

ADOPTED AS AMENDED 04/07/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is a  
4 need to establish consistency in the quality of driver training  
5 education in this state to reduce the number of young driver  
6 accidents that are prematurely killing our youth. The traffic safety  
7 commission reports that out of two hundred forty-five fatalities in  
8 the first half of 2016, thirty-one involved young drivers aged  
9 sixteen to twenty-five. The intent of this act is to require driver  
10 training education curriculum to be developed and maintained jointly  
11 by the office of the superintendent of public instruction and the  
12 department of licensing. The legislature also finds that there is a  
13 need to audit driver training education courses; therefore, the  
14 intent of this act is also to provide the department of licensing  
15 with resources and authority to audit all driver training education  
16 courses, in consultation with the superintendent of public  
17 instruction for driver training education courses offered by school  
18 districts.

19 **Sec. 2.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to  
20 read as follows:

21 ~~((The following words and phrases whenever used in chapter~~  
22 ~~28A.220 RCW shall have the following meaning:)) The definitions in  
23 this section apply throughout this chapter unless the context clearly  
24 requires otherwise.~~

25 (1) "Superintendent" or "state superintendent" ~~((shall))~~ means  
26 the superintendent of public instruction.

27 (2) ~~((Traffic safety))~~ Driver training education course  
28 ~~((shall))~~ means ~~((an accredited))~~ a course of instruction in traffic  
29 safety education ~~((which shall consist of two phases, classroom~~  
30 ~~instruction, and laboratory experience. "Laboratory experience" shall~~  
31 ~~include on-street, driving range, or simulator experience or some~~

1 combination thereof. Each phase shall meet basic course requirements  
2 which shall be established by the superintendent of public  
3 instruction and each part of said course shall be)) (a) offered as  
4 part of a traffic safety education program authorized by the  
5 superintendent of public instruction and certified by the department  
6 of licensing and (b) taught by a qualified teacher of ((traffic  
7 safety)) driver training education that consists of classroom and  
8 behind-the-wheel instruction using curriculum that meets joint  
9 superintendent of public instruction and department of licensing  
10 standards and the course requirements established by the  
11 superintendent of public instruction under RCW 28A.220.030. Behind-  
12 the-wheel instruction is characterized by driving experience. ((Any  
13 portions of the course may be taught after regular school hours or on  
14 Saturdays as well as on regular school days or as a summer school  
15 course, at the option of the local school districts.))

16 (3) "Qualified teacher of ((traffic safety)) driver training  
17 education" ((shall)) means an instructor ((certificated under the  
18 provisions of chapter 28A.410 RCW and certificated by the  
19 superintendent of public instruction to teach either the classroom  
20 phase or the laboratory phase of the traffic safety education course,  
21 or both, under regulations promulgated by the superintendent-  
22 PROVIDED, That the laboratory experience phase of the traffic safety  
23 education course may be taught by instructors certificated under  
24 rules promulgated by the superintendent of public instruction,  
25 exclusive of any requirement that the instructor be certificated  
26 under the provisions of chapter 28A.410 RCW. Professional instructors  
27 certificated under the provisions of chapter 46.82 RCW, and  
28 participating in this program, shall be subject to reasonable  
29 qualification requirements jointly adopted by the superintendent of  
30 public instruction and the director of licensing)) who:

31 (a) Is certificated under chapter 28A.410 RCW and has obtained a  
32 traffic safety endorsement or a letter of approval to teach traffic  
33 safety education from the superintendent of public instruction or is  
34 certificated by the superintendent of public instruction to teach a  
35 driver training education course; or

36 (b) Is an instructor provided by a driver training school that  
37 has contracted with a school district's or districts' board of  
38 directors under RCW 28A.220.030(3) to teach driver education for the  
39 school district.

1           (4) (~~"Realistic level of effort"~~) "Appropriate course delivery  
2 standards" means the classroom and (~~laboratory~~) behind-the-wheel  
3 student learning experiences considered acceptable to the  
4 superintendent of public instruction under RCW 28A.220.030 that must  
5 be satisfactorily accomplished by the student in order to  
6 successfully complete the (~~traffic safety~~) driver training  
7 education course.

8           (5) "Approved private school" means a private school approved by  
9 the board of education under chapter 28A.195 RCW.

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

11          (7) "Traffic safety education program" means the administration  
12 and provision of driver training education courses offered by  
13 secondary schools of a school district or vocational-technical  
14 schools that are conducted by such schools in a like manner to their  
15 other regular courses.

16          **Sec. 3.** RCW 28A.220.030 and 2011 c 370 s 2 are each amended to  
17 read as follows:

18          (1) The superintendent of public instruction is authorized to  
19 establish a section of traffic safety education, and through such  
20 section shall: Define (~~a "realistic level of effort"~~) appropriate  
21 course delivery standards required to provide an effective (~~traffic~~  
22 ~~safety~~) driver training education course, establish a level of  
23 driving competency required of each student to successfully complete  
24 the course, and ensure that an effective statewide program is  
25 implemented and sustained(~~(τ)~~); administer, supervise, and develop  
26 the traffic safety education program; and (~~shall~~) assist local  
27 school districts and approved private schools in the conduct of their  
28 traffic safety education programs. The superintendent shall adopt  
29 necessary rules (~~and regulations~~) governing the operation and scope  
30 of the traffic safety education program; and each school district and  
31 approved private school shall submit a report to the superintendent  
32 on the condition of its traffic safety education program: PROVIDED,  
33 That the superintendent shall monitor the quality of the program and  
34 carry out the purposes of this chapter.

35          (2)(a) The board of directors of any school district maintaining  
36 a secondary school which includes any of the grades 10 to 12,  
37 inclusive, or any approved private school which includes any of the  
38 grades 10 to 12, inclusive, may establish and maintain a traffic  
39 safety education (~~course~~) program.

1 (b) Any school district or approved private school that offers a  
2 driver training education course must certify to the department of  
3 licensing that it is operating a traffic safety education program,  
4 that the driver training education course follows the curriculum  
5 promulgated by the office of the superintendent of public instruction  
6 and the department of licensing, that it meets the course delivery  
7 standards promulgated by the office of the superintendent of public  
8 instruction, that a record retention policy is in place to meet the  
9 requirements of subsection (5) of this section, and that the school  
10 district or approved private school has verified that all instructors  
11 are authorized by the office of the superintendent of public  
12 instruction to teach a driver training education course.

13 (c) Any portion of a driver training education course offered by  
14 a school district may be taught after regular school hours or on  
15 Saturdays as well as on regular school days or as a summer school  
16 course, at the option of the local school district. If a school  
17 district elects to offer a (~~traffic safety~~) driver training  
18 education course and has within its boundaries a private accredited  
19 secondary school which includes any of the grades 10 to 12,  
20 inclusive, at least one (~~class in traffic safety education shall~~)  
21 driver training education course must be given at times other than  
22 regular school hours if there is sufficient demand (~~therefor~~) for  
23 it.

24 (3)(a) A qualified teacher of driver training education must be  
25 certificated under chapter 28A.410 RCW and obtain a traffic safety  
26 endorsement or a letter of approval to teach traffic safety education  
27 from the superintendent of public instruction to teach either the  
28 classroom instruction or the behind-the-wheel instruction portion of  
29 the driver training education course, or both, under rules adopted by  
30 the superintendent. The classroom or behind-the-wheel instruction  
31 portion of the driver training education course may also be taught by  
32 instructors certificated under rules adopted by the superintendent of  
33 public instruction, exclusive of any requirement that the instructor  
34 be certificated under chapter 28A.410 RCW.

35 (b) The superintendent shall establish a required minimum number  
36 of hours of continuing traffic safety education for qualified  
37 teachers of driver training education.

38 (4) The board of directors of a school district, or combination  
39 of school districts, may contract with any (~~drivers~~) driver  
40 training school licensed under (~~the provisions of~~) chapter 46.82

1 RCW to teach the (~~laboratory phase~~) behind-the-wheel instruction  
2 portion of the (~~traffic safety~~) driver training education course.  
3 Instructors provided by any such contracting (~~drivers~~) driver  
4 training school must be properly qualified teachers of (~~traffic~~  
5 ~~safety~~) driver training education under the joint qualification  
6 requirements adopted by the superintendent of public instruction and  
7 the director of licensing.

8 (~~(4) The superintendent shall establish a required minimum~~  
9 ~~number of hours of continuing traffic safety education for traffic~~  
10 ~~safety education instructors. The superintendent may phase in the~~  
11 ~~requirement over not more than five years.~~)

12 (5) Each school district or approved private school offering a  
13 traffic safety education program must maintain: (a) Documentation of  
14 each instructor's name and address and that establishes the  
15 instructor as a qualified teacher of driver training education as  
16 defined in RCW 28A.220.020; and (b) student records that include the  
17 student's name, address, and telephone number, the date of enrollment  
18 and all dates of instruction, the student's driver's instruction  
19 permit or driver's license number, the type of training received, the  
20 total number of hours of instruction, and the name of the instructor  
21 or instructors. These records must be maintained for three years  
22 following the completion of the instruction and are subject to  
23 inspection upon request of the department of licensing or the office  
24 of the superintendent of public instruction. The superintendent may  
25 adopt rules regarding the retention of additional documents that are  
26 subject to inspection by the department of licensing or the office of  
27 the superintendent of public instruction.

28 (6) A driver training education course may not be offered by a  
29 school district or an approved private school to a student who is  
30 under the age of fifteen, and behind-the-wheel instruction may not be  
31 given by an instructor to a student in a motor vehicle unless the  
32 student possesses either a current and valid driver's instruction  
33 permit issued under RCW 46.20.055 or a current and valid driver's  
34 license.

35 (7) School districts that offer a (~~traffic safety~~) driver  
36 training education (~~program~~) course under this chapter may  
37 administer the portions of the driver licensing examination that test  
38 the applicant's knowledge of traffic laws and ability to safely  
39 operate a motor vehicle as authorized under RCW 46.20.120(7). The  
40 superintendent shall work with the department of licensing, in

1 consultation with school districts that offer a traffic safety  
2 education program, to develop standards and requirements for  
3 administering each portion of the driver licensing examination that  
4 are comparable to the standards and requirements for driver training  
5 schools under RCW 46.82.450.

6 ~~((+6+))~~ (8) Before a school district may provide a portion of the  
7 driver licensing examination, the school district must, after  
8 consultation with the superintendent, enter into an agreement with  
9 the department of licensing that sets forth an accountability and  
10 audit process that takes into account the unique nature of school  
11 district facilities and school hours and, at a minimum, contains  
12 provisions that:

13 (a) Allow the department of licensing to conduct random  
14 examinations, inspections, and audits without prior notice;

15 (b) Allow the department of licensing to conduct on-site  
16 inspections at least annually;

17 (c) Allow the department of licensing to test, at least annually,  
18 a random sample of the drivers approved by the school district for  
19 licensure and to cancel any driver's license that may have been  
20 issued to any driver selected for testing who refuses to be tested;  
21 and

22 (d) Reserve to the department of licensing the right to take  
23 prompt and appropriate action against a school district that fails to  
24 comply with state or federal standards for a driver licensing  
25 examination or to comply with any terms of the agreement.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.220  
27 RCW to read as follows:

28 The office of the superintendent of public instruction and the  
29 department of licensing shall jointly develop and maintain a required  
30 curriculum for school districts and approved private schools  
31 operating a traffic safety education program. The jointly developed  
32 curriculum must be prepared by August 1, 2018. The curriculum and  
33 instructional materials must comply with the course content  
34 requirements of RCW 46.82.420(2) and 46.82.430. In developing the  
35 curriculum, the office of the superintendent of public instruction  
36 and the department of licensing shall consult with one or more of  
37 Central Washington University's traffic safety education instructors  
38 or program content developers.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 28A.220  
2    RCW to read as follows:

3        (1) The department of licensing shall develop and administer the  
4    certification process required under RCW 28A.220.030 for a school  
5    district's or approved private school's traffic safety education  
6    program in consultation with the superintendent.

7        (2) The department of licensing shall conduct audits of traffic  
8    safety education programs to ensure that the instructors are  
9    qualified teachers of driver training education and teaching the  
10   required curriculum material, and that accurate records are  
11   maintained and accurate information is provided to the department of  
12   licensing regarding student performance. Each school district and  
13   approved private school may be audited at least once every five years  
14   or more frequently. The audit process must take into account the  
15   unique nature of school district facilities, operations, and hours.  
16   As part of its audit process, the department of licensing may examine  
17   all relevant information, including driver training education course  
18   curriculum materials and student records, and visit any course in  
19   progress that is part of the traffic safety education program. The  
20   director shall consult with the superintendent in developing and  
21   carrying out these auditing practices.

22        (3) The department of licensing may suspend a school's or school  
23   district's traffic safety education program certification if: The  
24   school or school district does not follow the curriculum promulgated  
25   by the office of the superintendent of public instruction and the  
26   department of licensing, any program instructors are not qualified  
27   teachers of driver training education, accurate records have not been  
28   maintained under RCW 28A.220.030(5) or accurate information regarding  
29   student performance has not been provided to the department of  
30   licensing, or the school or school district refuses to cooperate with  
31   the department of licensing audit process authorized under this  
32   chapter. The director shall consult with the superintendent in  
33   developing and carrying out these program certification suspension  
34   practices.

35        **Sec. 6.**    RCW 46.20.055 and 2012 c 80 s 5 are each amended to read  
36   as follows:

37        (1) **Driver's instruction permit.**    The department may issue a  
38   driver's instruction permit with or without a photograph to an  
39   applicant who has successfully passed all parts of the examination

1 other than the driving test, provided the information required by RCW  
2 46.20.091, paid an application fee of twenty-five dollars, and meets  
3 the following requirements:

4 (a) Is at least fifteen and one-half years of age; or

5 (b) Is at least fifteen years of age and:

6 (i) Has submitted a proper application; and

7 (ii) Is enrolled in a (~~traffic safety~~) driver training  
8 education (~~program~~) course offered(~~(, approved, and accredited)~~) as  
9 part of a traffic safety education program authorized by the office  
10 of the superintendent of public instruction and certified under  
11 chapter 28A.220 RCW or offered by a driver training school licensed  
12 and inspected by the department of licensing under chapter 46.82 RCW,  
13 that includes practice driving.

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

17 ~~(a))~~) a (~~traffic safety~~) driver training education course as  
18 defined (~~(by RCW 28A.220.020(2); or~~

19 ~~(b) A course of instruction offered by a licensed driver training~~  
20 ~~school as defined by))~~ in RCW 46.82.280 or 28A.220.020.

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

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

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

27 (b) The person is not using a wireless communications device,  
28 unless the person is using the device to report illegal activity,  
29 summon medical or other emergency help, or prevent injury to a person  
30 or property; and

31 (c) (~~An approved~~) A driver training education course instructor  
32 who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a  
33 licensed driver with at least five years of driving experience,  
34 occupies the seat beside the driver.

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

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

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



1 (c) A person applying for an additional instruction permit must  
2 submit the application to the department in person and pay an  
3 application fee of twenty-five dollars for each issuance.

4 **Sec. 7.** RCW 46.20.100 and 2010 1st sp.s. c 7 s 18 are each  
5 amended to read as follows:

6 (1) **Application.** The application of a person under the age of  
7 eighteen years for a driver's license or a motorcycle endorsement  
8 must be signed by a parent or guardian with custody of the minor. If  
9 the person under the age of eighteen has no father, mother, or  
10 guardian, then the application must be signed by the minor's  
11 employer.

12 (2) **Traffic safety education requirement.** For a person under the  
13 age of eighteen years to obtain a driver's license, he or she must  
14 meet the traffic safety education requirements of this subsection.

15 (a) To meet the traffic safety education requirement for a  
16 driver's license, the applicant must satisfactorily complete a  
17 ~~((traffic safety))~~ driver training education course as defined in RCW  
18 28A.220.020 for a course offered by a school district or approved  
19 private school, or as defined by the department of licensing for a  
20 course offered by a driver training school licensed under chapter  
21 46.82 RCW. The course offered by a school district or an approved  
22 private school must ~~((meet the standards established))~~ be part of a  
23 traffic safety education program authorized by the office of the  
24 ~~((state))~~ superintendent of public instruction and certified under  
25 chapter 28A.220 RCW. The course offered by a driver training school  
26 must meet the standards established by the department of licensing  
27 under chapter 46.82 RCW. The ~~((traffic safety))~~ driver training  
28 education course may be provided by:

29 (i) A ~~((recognized))~~ secondary school within a school district or  
30 approved private school that establishes and maintains an approved  
31 and certified traffic safety education program under chapter 28A.220  
32 RCW; or

33 (ii) A driver training school licensed under chapter 46.82 RCW  
34 that is annually approved by the department of licensing.

35 (b) To meet the traffic safety education requirement for a  
36 motorcycle endorsement, the applicant must successfully complete a  
37 motorcycle safety education course that meets the standards  
38 established by the department of licensing.

1 (c) The department may waive the (~~traffic safety~~) driver  
2 training education course requirement for a driver's license if the  
3 applicant demonstrates to the department's satisfaction that:

4 (i) He or she was unable to take or complete a (~~traffic safety~~)  
5 driver training education course;

6 (ii) A need exists for the applicant to operate a motor vehicle;  
7 and

8 (iii) He or she has the ability to operate a motor vehicle in  
9 such a manner as not to jeopardize the safety of persons or property.

10 The department may adopt rules to implement this subsection (2)(c) in  
11 concert with the supervisor of the traffic safety education section  
12 of the office of the superintendent of public instruction.

13 (d) The department may waive the (~~traffic safety~~) driver  
14 training education course requirement if the applicant was licensed  
15 to drive a motor vehicle or motorcycle outside this state and  
16 provides proof that he or she has had education equivalent to that  
17 required under this subsection.

18 **Sec. 8.** RCW 46.82.280 and 2010 1st sp.s. c 7 s 19 are each  
19 amended to read as follows:

20 The definitions in this section apply throughout this chapter  
21 unless the context clearly requires otherwise.

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

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

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

37 (4) "Director" means the director of the department of licensing  
38 of the state of Washington.

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

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

9 (7) "Enrollment" means the collecting of a fee or the signing of  
10 a contract for a driver training education course. "Enrollment" does  
11 not include the collecting of names and contact information for  
12 enrolling students once a driver training school is licensed to  
13 instruct.

14 (8) "Fraudulent practices" means any conduct or representation on  
15 the part of a driver training school owner or instructor including:

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

22 (b) Operating a driver training school without a license,  
23 providing instruction without an instructor's license, verifying  
24 enrollment prior to being licensed, misleading or false statements on  
25 applications for a commercial driver training school license or  
26 instructor's license or on any required records or supporting  
27 documentation;

28 (c) Failing to fully document and maintain all required driver  
29 training school records of instruction, school operation, and  
30 instructor training;

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

34 (9) "Instructor" means any person employed by or otherwise  
35 associated with a driver training school to instruct persons in the  
36 operation of an automobile.

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

1 (11) "Person" means any individual, firm, corporation,  
2 partnership, or association.

3 (12) "Place of business" means a designated location at which the  
4 business of a driver training school is transacted or its records are  
5 kept.

6 (13) "Student" means any person enrolled in an approved driver  
7 training course.

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

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

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

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

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

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

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

28 **Sec. 9.** RCW 46.82.320 and 2009 c 101 s 4 are each amended to  
29 read as follows:

30 (1) No person affiliated with a driver training school shall give  
31 instruction in the operation of an automobile for a fee without a  
32 license issued by the director for that purpose. An application for  
33 an original or renewal instructor's license shall be filed with the  
34 director, containing such information as prescribed by this chapter  
35 and by the director, accompanied by an application fee set by rule of  
36 the department, which shall in no event be refunded. An application  
37 for a renewal instructor's license must be accompanied by proof of  
38 the applicant's continuing professional development that meets the  
39 standards adopted by the director. If the applicant satisfactorily

1 meets the application requirements (~~and the examination~~  
2 ~~requirements~~) as prescribed in RCW 46.82.330, the applicant shall be  
3 granted a license valid for a period of two years from the date of  
4 issuance. An applicant for a renewal instructor's license is not  
5 required to retake the examination specified in RCW 46.82.330 to  
6 renew his or her instructor's license if his or her original  
7 instructor's license is unexpired or has not been expired for longer  
8 than six months before submission of his or her renewal application.

9 (2) The director shall issue a license certificate to each  
10 qualified applicant.

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

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

19 (c) If the director has not received a renewal application on or  
20 before the date a license expires, the license (~~will be voided~~) is  
21 void, requiring a new application as provided for in this chapter,  
22 including (~~examination and~~) payment of all fees, as well as an  
23 examination subject to the exception in subsection (1) of this  
24 section.

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

28 (3) Each licensee shall be provided with a wallet-size  
29 identification card by the director at the time the license is issued  
30 which shall be in the instructor's immediate possession at all times  
31 while engaged in instructing.

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

37 **Sec. 10.** RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each  
38 amended to read as follows:

1 (1) The application for an instructor's license shall document  
2 the applicant's fitness, knowledge, skills, and abilities to teach  
3 the classroom and behind-the-wheel (~~phases~~) instruction portions of  
4 a driver training education program in a commercial driver training  
5 school.

6 (2) An applicant shall be eligible to apply for an original  
7 instructor's certificate if the applicant possesses and meets the  
8 following qualifications and conditions:

9 (a) Has been licensed to drive for five or more years and  
10 possesses a current and valid Washington driver's license or is a  
11 resident of a jurisdiction immediately adjacent to Washington state  
12 and possesses a current and valid license issued by such  
13 jurisdiction, and does not have on his or her driving record any of  
14 the violations or penalties set forth in (a)(i), (ii), or (iii) of  
15 this subsection. The director shall have the right to examine the  
16 driving record of the applicant from the department of licensing and  
17 from other jurisdictions and from these records determine if the  
18 applicant has had:

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

22 (ii) No drug or alcohol-related traffic violation or incident  
23 within the preceding three years. If there are two or more drug or  
24 alcohol-related traffic violations in the applicant's driving  
25 history, the applicant is no longer eligible to be a driving  
26 instructor; and

27 (iii) No driver's license suspension, cancellation, revocation,  
28 or denial within the preceding two years, or no more than two of  
29 these occurrences in the preceding five years;

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

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

34 (d) Has satisfactorily completed a course of instruction in the  
35 training of drivers acceptable to the director that is no less than  
36 sixty hours in length and includes instruction in classroom and  
37 behind-the-wheel teaching methods and supervised practice behind-the-  
38 wheel teaching of driving techniques; and

39 (e) Has paid an examination fee as set by rule of the department  
40 and has successfully completed an instructor's examination.

1       **Sec. 11.** RCW 46.82.360 and 2009 c 101 s 7 are each amended to  
2 read as follows:

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

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

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

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

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

20       (c) A sign in legible, printed English letters displayed on the  
21 back or top, or both, of the vehicle that:

22       (i) Is not less than twenty inches in horizontal width or less  
23 than ten inches in vertical height;

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

27       (iii) Has the name and telephone number of the school in  
28 similarly legible letters not less than one inch in height placed  
29 somewhere below the aforementioned words;

30       (iv) Has lettering and background colors that make it clearly  
31 readable at one hundred feet in clear daylight;

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

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

38       (4) No driver training school or instructor shall advertise or  
39 otherwise indicate that the issuance of a driver's license is

1 guaranteed or assured as a result of the course of instruction  
2 offered.

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

9 (6) A driver training school shall have an established place of  
10 business owned, rented, or leased by the school and regularly  
11 occupied and used exclusively for the business of giving driver  
12 instruction. The established place of business of a driver training  
13 school shall be located in a district that is zoned for business or  
14 commercial purposes or zoned for conditional use permits for schools,  
15 trade schools, or colleges. However, the use of public or private  
16 schools does not alleviate the driver training school from securing  
17 and maintaining an established place of business or from using its  
18 own classroom on a regular basis as required under this chapter.

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

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

35 (c) To classify as a branch office or classroom the facility must  
36 be within a thirty-five mile radius of the established place of  
37 business. The department may waive or extend the thirty-five mile  
38 restriction for driver training schools located in counties below the  
39 median population density.



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

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

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

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

15 (b) Vehicle records shall include the original insurance policies  
16 and copies of the vehicle registration for all instruction vehicles.

17 (c) Student and instructor records shall be maintained for three  
18 years following the completion of the instruction. Vehicle records  
19 shall be maintained for five years following their issuance. All  
20 records shall be made available for inspection upon the request of  
21 the department.

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

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

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

35 **Sec. 12.** RCW 46.82.420 and 2010 1st sp.s. c 7 s 22 are each  
36 amended to read as follows:

37 (1) The department and the office of the superintendent of public  
38 instruction shall jointly develop and maintain a (~~basic minimum~~)  
39 required curriculum (~~and~~) as specified in section 4 of this act.

1 The department shall furnish to each qualifying applicant for an  
2 instructor's license or a driver training school license a copy of  
3 such curriculum.

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

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

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

15 (c) Motorcycle awareness, approved by the director, to ensure new  
16 operators of motor vehicles have been instructed in the importance of  
17 safely sharing the road with motorcyclists;

18 (d) Bicycle safety, to ensure that operators of motor vehicles  
19 have been instructed in the importance of safely sharing the road  
20 with bicyclists; and

21 (e) Pedestrian safety, to ensure that operators of motor vehicles  
22 have been instructed in the importance of safely sharing the road  
23 with pedestrians.

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

33 NEW SECTION. **Sec. 13.** The department of licensing and the  
34 office of the superintendent of public instruction must work together  
35 on the transfer and coordination of responsibilities to comply with  
36 this act.

37 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
38 each repealed:

- 1 (1) RCW 28A.220.050 (Information on proper use of left-hand lane)  
2 and 1986 c 93 s 4;  
3 (2) RCW 28A.220.060 (Information on effects of alcohol and drug  
4 use) and 1991 c 217 s 2;  
5 (3) RCW 28A.220.080 (Information on motorcycle awareness) and  
6 2007 c 97 s 4 & 2004 c 126 s 1; and  
7 (4) RCW 28A.220.085 (Information on driving safely among  
8 bicyclists and pedestrians) and 2008 c 125 s 4.

9 NEW SECTION. **Sec. 15.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 16.** Except for section 13 of this act, this  
14 act takes effect August 1, 2018."

**ESHB 1481** - S COMM AMD  
By Committee on Transportation

**ADOPTED AS AMENDED 04/07/2017**

15 On page 1, line 3 of the title, after "schools;" strike the  
16 remainder of the title and insert "amending RCW 28A.220.020,  
17 28A.220.030, 46.20.055, 46.20.100, 46.82.280, 46.82.320, 46.82.330,  
18 46.82.360, and 46.82.420; adding new sections to chapter 28A.220 RCW;  
19 creating new sections; repealing RCW 28A.220.050, 28A.220.060,  
20 28A.220.080, and 28A.220.085; and providing an effective date."

EFFECT: Enables Washington State Board of Education-approved private schools to offer driver training education courses as part of a traffic safety education program and mandates that they do so in the same manner and with the same oversight as school districts.

--- END ---