

HB 2266 - S COMM AMD

By Committee on Early Learning & K-12 Education

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

3 "Sec. 1. 2017 c 197 s 1 (uncodified) is amended to read as
4 follows:

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

20 **Sec. 2.** RCW 28A.220.020 and 2017 c 197 s 2 are each reenacted
21 and amended to read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Appropriate course delivery standards" means the classroom
25 and behind-the-wheel student learning experiences considered
26 acceptable to the superintendent of public instruction under RCW
27 28A.220.030 that must be satisfactorily accomplished by the student
28 in order to successfully complete the driver training education
29 course.

30 (2) "Approved private school" means a private school approved by
31 the board of education under chapter 28A.195 RCW.

1 (3) "Core curriculum" means the curriculum developed and
2 maintained by the office of the superintendent of public instruction
3 and the department of licensing under RCW 28A.220.035 that contains
4 the minimum concepts that must be taught in an approved driver
5 training education course and satisfactorily accomplished by the
6 student through appropriate course delivery standards in order to
7 successfully complete the driver training education course.

8 (4) "Director" means the director of the department of licensing.

9 ~~((4))~~ (5) "Driver training education course" means a course of
10 instruction in traffic safety education (a) offered as part of a
11 traffic safety education program authorized by the superintendent of
12 public instruction and certified by the department of licensing and
13 (b) taught by a qualified teacher of driver training education that
14 consists of classroom and behind-the-wheel instruction using a core
15 curriculum that meets joint superintendent of public instruction and
16 department of licensing standards and the course requirements
17 established by the superintendent of public instruction under RCW
18 28A.220.030. Behind-the-wheel instruction is characterized by driving
19 experience.

20 ~~((5))~~ (6) "Qualified teacher of driver training education"
21 means an instructor who:

22 (a) Is certificated under chapter 28A.410 RCW and has obtained a
23 traffic safety endorsement or a letter of approval to teach traffic
24 safety education from the superintendent of public instruction or is
25 certificated by the superintendent of public instruction to teach a
26 driver training education course; or

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

31 ~~((6))~~ (7) "Superintendent" or "state superintendent" means the
32 superintendent of public instruction.

33 ~~((7))~~ (8) "Traffic safety education program" means the
34 administration and provision of driver training education courses
35 offered by secondary schools of a school district ~~((or))~~, vocational-
36 technical schools, or approved private schools that are conducted by
37 such schools in a like manner to their other regular courses.

38 **Sec. 3.** RCW 28A.220.030 and 2017 c 197 s 3 are each amended to
39 read as follows:

1 (1) The superintendent of public instruction is authorized to
2 establish a section of traffic safety education, and through such
3 section shall: Define appropriate course delivery standards required
4 to provide an effective driver training education course, establish a
5 level of driving competency required of each student to successfully
6 complete the course, and ensure that an effective statewide program
7 is implemented and sustained; administer, supervise, and develop the
8 traffic safety education program; and assist local school districts
9 and approved private schools in the conduct of their traffic safety
10 education programs. The superintendent shall adopt necessary rules
11 governing the operation and scope of the traffic safety education
12 program; and each school district and approved private school shall
13 submit a report to the superintendent on the condition of its traffic
14 safety education program: PROVIDED, That the superintendent shall
15 monitor the quality of the program and carry out the purposes of this
16 chapter.

17 (2)(a) The board of directors of any school district maintaining
18 a secondary school which includes any of the grades 10 to 12,
19 inclusive, or any approved private school which includes any of the
20 grades 10 to 12, inclusive, may establish and maintain a traffic
21 safety education program.

22 (b) Any school district or approved private school that offers a
23 driver training education course must certify to the department of
24 licensing that it is operating a traffic safety education program,
25 that the driver training education course (~~((follows))~~) adheres to the
26 core curriculum promulgated by the office of the superintendent of
27 public instruction and the department of licensing, that it meets the
28 course delivery standards promulgated by the office of the
29 superintendent of public instruction, that a record retention policy
30 is in place to meet the requirements of subsection (5) of this
31 section, and that the school district or approved private school has
32 verified that all instructors are authorized by the office of the
33 superintendent of public instruction to teach a driver training
34 education course.

35 (c) Any portion of a driver training education course offered by
36 a school district may be taught before or after regular school hours
37 or on Saturdays as well as on regular school days or as a summer
38 school course, at the option of the local school district. If a
39 school district elects to offer a driver training education course
40 and has within its boundaries a private accredited secondary school

1 which includes any of the grades 10 to 12, inclusive, at least one
2 driver training education course must be given at times other than
3 regular school hours if there is sufficient demand for it.

4 (3)(a) A qualified teacher of driver training education must be
5 certificated under chapter 28A.410 RCW and obtain a traffic safety
6 endorsement or a letter of approval to teach traffic safety education
7 from the superintendent of public instruction to teach either the
8 classroom instruction or the behind-the-wheel instruction portion of
9 the driver training education course, or both, under rules adopted by
10 the superintendent. The classroom or behind-the-wheel instruction
11 portion of the driver training education course may also be taught by
12 instructors certificated under rules adopted by the superintendent of
13 public instruction, exclusive of any requirement that the instructor
14 be certificated under chapter 28A.410 RCW.

15 (b) The superintendent shall establish a required minimum number
16 of hours of continuing traffic safety education for qualified
17 teachers of driver training education.

18 (4) The board of directors of a school district, or combination
19 of school districts, may contract with any driver training school
20 licensed under chapter 46.82 RCW to teach the behind-the-wheel
21 instruction portion of the driver training education course.
22 Instructors provided by any such contracting driver training school
23 must be properly qualified teachers of driver training education
24 under the joint qualification requirements adopted by the
25 superintendent of public instruction and the director of licensing.

26 (5) Each school district or approved private school offering a
27 traffic safety education program must maintain: (a) Documentation of
28 each instructor's name and address and that establishes the
29 instructor as a qualified teacher of driver training education as
30 defined in RCW 28A.220.020; and (b) student records that include the
31 student's name, address, and telephone number, the date of enrollment
32 and all dates of instruction, the student's driver's instruction
33 permit or driver's license number, the type of training received, the
34 total number of hours of instruction, and the name of the instructor
35 or instructors. These records must be maintained for three years
36 following the completion of the instruction and are subject to
37 inspection upon request of the department of licensing or the office
38 of the superintendent of public instruction. The superintendent may
39 adopt rules regarding the retention of additional documents that are

1 subject to inspection by the department of licensing or the office of
2 the superintendent of public instruction.

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

10 (7) School districts that offer a driver training education
11 course under this chapter may administer the portions of the driver
12 licensing examination that test the applicant's knowledge of traffic
13 laws and ability to safely operate a motor vehicle as authorized
14 under RCW 46.20.120(7). The superintendent shall work with the
15 department of licensing, in consultation with school districts that
16 offer a traffic safety education program, to develop standards and
17 requirements for administering each portion of the driver licensing
18 examination that are comparable to the standards and requirements for
19 driver training schools under RCW 46.82.450.

20 (8) Before a school district may provide a portion of the driver
21 licensing examination, the school district must, after consultation
22 with the superintendent, enter into an agreement with the department
23 of licensing that sets forth an accountability and audit process that
24 takes into account the unique nature of school district facilities
25 and school hours and, at a minimum, contains provisions that:

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

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

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

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

1 **Sec. 4.** RCW 28A.220.035 and 2017 c 197 s 4 are each amended to
2 read as follows:

3 The office of the superintendent of public instruction and the
4 department of licensing shall jointly develop and maintain a required
5 core curriculum for school districts and approved private schools
6 operating a traffic safety education program. The jointly developed
7 core curriculum must be prepared by August 1, 2018. The core
8 curriculum and instructional materials must comply with the course
9 content requirements of RCW 46.82.420(2) and 46.82.430. In developing
10 the core curriculum, the office of the superintendent of public
11 instruction and the department of licensing shall consult with one or
12 more of Central Washington University's traffic safety education
13 instructors or program content developers.

14 **Sec. 5.** RCW 28A.220.037 and 2017 c 197 s 5 are each amended to
15 read as follows:

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

20 (2) The department of licensing shall conduct audits of traffic
21 safety education programs to ensure that the instructors are
22 qualified teachers of driver training education and teaching the
23 required core curriculum material, and that accurate records are
24 maintained and accurate information is provided to the department of
25 licensing regarding student performance. Each school district and
26 approved private school may be audited at least once every five years
27 or more frequently. The audit process must take into account the
28 unique nature of school district facilities, operations, and hours.
29 As part of its audit process, the department of licensing may examine
30 all relevant information, including driver training education course
31 curriculum materials and student records, and visit any course in
32 progress that is part of the traffic safety education program. The
33 director shall consult with the superintendent in developing and
34 carrying out these auditing practices.

35 (3) The department of licensing may suspend a school's or school
36 district's traffic safety education program certification if: The
37 school or school district does not follow the core curriculum
38 promulgated by the office of the superintendent of public instruction
39 and the department of licensing, any program instructors are not

1 qualified teachers of driver training education, accurate records
2 have not been maintained under RCW 28A.220.030(5) or accurate
3 information regarding student performance has not been provided to
4 the department of licensing, or the school or school district refuses
5 to cooperate with the department of licensing audit process
6 authorized under this chapter. The director shall consult with the
7 superintendent in developing and carrying out these program
8 certification suspension practices.

9 **Sec. 6.** RCW 46.82.280 and 2017 c 197 s 8 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

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

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

23 (3) "Classroom instruction" means that portion of a traffic
24 safety education course that is characterized by classroom-based
25 student instruction using the required core curriculum conducted by
26 or under the direct supervision of a licensed instructor or licensed
27 instructors.

28 (4) "Director" means the director of the department of licensing
29 of the state of Washington.

30 (5) "Driver training education course" means a course of
31 instruction in traffic safety education approved and licensed by the
32 department of licensing that consists of classroom and behind-the-
33 wheel instruction that (~~follows the approved~~) adheres to the
34 required core curriculum.

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

38 (7) "Enrollment" means the collecting of a fee or the signing of
39 a contract for a driver training education course. "Enrollment" does

1 not include the collecting of names and contact information for
2 enrolling students once a driver training school is licensed to
3 instruct.

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

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

12 (b) Operating a driver training school without a license,
13 providing instruction without an instructor's license, verifying
14 enrollment prior to being licensed, misleading or false statements on
15 applications for a commercial driver training school license or
16 instructor's license or on any required records or supporting
17 documentation;

18 (c) Failing to fully document and maintain all required driver
19 training school records of instruction, school operation, and
20 instructor training;

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

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

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

30 (11) "Person" means any individual, firm, corporation,
31 partnership, or association.

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

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

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

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

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

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

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

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

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

17 **Sec. 7.** RCW 46.82.360 and 2017 c 197 s 11 are each amended to
18 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (6) A driver training school shall have an established place of
26 business owned, rented, or leased by the school and regularly
27 occupied and used exclusively for the business of giving driver
28 instruction. The established place of business of a driver training
29 school shall be located in a district that is zoned for business or
30 commercial purposes or zoned for conditional use permits for schools,
31 trade schools, or colleges. However, the use of public or private
32 schools does not alleviate the driver training school from securing
33 and maintaining an established place of business or from using its
34 own classroom on a regular basis as required under this chapter.

35 (a) The established place of business, branch office, or
36 classroom or advertised address of any such driver training school
37 shall not consist of or include a house trailer, residence, tent,
38 temporary stand, temporary address, bus, telephone answering service
39 if such service is the sole means of contacting the driver training
40 school, a room or rooms in a hotel or rooming house or apartment

1 house, or premises occupied by a single or multiple-unit dwelling
2 house.

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

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

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

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

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

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

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

32 (c) Student and instructor records shall be maintained for three
33 years following the completion of the instruction. Vehicle records
34 shall be maintained for five years following their issuance. All
35 records shall be made available for inspection upon the request of
36 the department.

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

1 (9) Each driver training school shall, at its established place
2 of business, display, in a place where it can be seen by all clients,
3 a copy of the required core curriculum furnished by the department
4 and a copy of any supplemental curriculum in use by the school.
5 Copies of the required core curriculum are to be provided to driver
6 training schools and instructors by the director.

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

11 **Sec. 8.** RCW 46.82.420 and 2017 c 197 s 12 are each amended to
12 read as follows:

13 (1) The department and the office of the superintendent of public
14 instruction shall jointly develop and maintain a required core
15 curriculum as specified in RCW 28A.220.035. The department shall
16 furnish to each qualifying applicant for an instructor's license or a
17 driver training school license a copy of (~~such~~) the required core
18 curriculum.

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

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

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

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

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

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

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

9 NEW SECTION. **Sec. 9.** This act takes effect August 1, 2018."

HB 2266 - S COMM AMD

By Committee on Early Learning & K-12 Education

10 On page 1, line 3 of the title, after "instruction;" strike the
11 remainder of the title and insert "amending RCW 28A.220.030,
12 28A.220.035, 28A.220.037, 46.82.280, 46.82.360, and 46.82.420;
13 amending 2017 c 197 s 1 (uncodified); reenacting and amending RCW
14 28A.220.020; and providing an effective date."

EFFECT: Provides a definition of core curriculum as the curriculum that:

- (1) Is developed and maintained by OSPI and DOL;
- (2) Must be taught in approved driver education courses; and
- (3) Contains standards that must be completed to complete the course.

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