

HOUSE BILL REPORT

HB 3069

As Reported by House Committee On:
Transportation

Title: An act relating to the regulation of driver improvement schools.

Brief Description: Regulating driver improvement schools.

Sponsors: Representative Wallace.

Brief History:

Committee Activity:

Transportation: 2/6/08, 2/8/08 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Licensing (DOL) to regulate driver improvement schools.
- Makes the DOL responsible for compiling the driver improvement school curriculum.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton, Campbell, Dickerson, Eddy, Hudgins, Jarrett, Loomis, Rolfes, Sells, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

In Washington, individuals may defer one moving and one non-moving violation every seven years. As a condition of this deferral, courts may impose such conditions as the court feels appropriate, which often includes attendance at a driver improvement school or traffic school. If the individual meets all of the required conditions and has not committed another infraction, the court may dismiss the infraction at the end of the deferral period.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Licensing (DOL) is 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 Office of the Superintendent of Public Instruction (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 OSPI.

Summary of Substitute Bill:

The licensing of driver improvement 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, and violations of the act are misdemeanors.

The definition of "fraudulent business practices" includes a variety of practices including operating a driver improvement school without a license, making false or misleading statements in an application, failing to keep proper records, and issuing driver improvement course certificates without requiring completion of necessary training and instruction.

A driver improvement school must be inspected and its business practices reviewed prior to licensure, and a transfer of ownership requires an application to the DOL. Violations of the business practice requirements defined in the act, such as record keeping requirements, can lead to the revocation or suspension of driver improvement school or instructor licenses.

In order to qualify for an instructor's license, an applicant must meet a variety of requirements including passage of an exam and 16 hours of instruction in the improvement of drivers. Once licensed, driver instructors are required to undertake professional development according to standards set by the director, and instructor's licenses must be prominently displayed.

All staff who come into contact with students are required to undergo a criminal background check, and periodic rechecking is required.

The DOL is responsible for compiling the driver improvement school curriculum and the curriculum must include information regarding the intermediate driver's license restrictions and sanctions, the effect of drug and alcohol use on motor vehicle operators, and motorcycle awareness.

The DOL is assisted in the compilation of the curriculum, certification standards, and examinations by the Driver Instructors' Advisory Committee, which is expanded by the addition of a representative from the driver improvement schools and a representative from the driver improvement school instructors.

Courses of instruction offered in high schools, vocational/technical schools, colleges, or universities or through the courts are exempted from the purview of the act.

The DOL is required to submit a report to the transportation committees of the Legislature by November 1, 2008, listing proposed revisions to the act, including appropriate fees to be charged for the various DOL functions required under the act.

Substitute Bill Compared to Original Bill:

A number of definitions are modified in order to clarify the applicability of the act, and language restricting the location of driver training schools is removed.

Language regarding the topics to be covered in driver improvement classes is removed and replaced with the same requirements applied to driver training school curriculums – the inclusion of information regarding intermediate driver's license and sanctions, the effect of drug and alcohol use on motor vehicle operators, and motorcycle awareness.

Courses offered by the courts are added to the list of courses that are exempted from the purview of the act.

A null and void clause is added to the act requiring funding in the transportation operating budget for the bill to take effect.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void if not funded in the transportation budget.

Staff Summary of Public Testimony:

(In support) The Legislature and the DOL have been working together over the past few years to insure the proper regulation of driver training schools. This bill would extend these regulations to driver improvement schools and insure that they are properly regulated as well.

It is important that driver improvement schools be regulated. There are already problems with the advertising of these schools and the way they are operated on the Internet. In some cases, people are simply purchasing certificates that claim that they have attended a course.

There is no regulation today, and anyone can start a driver improvement school. Some insurance companies provide discounts to individuals who attend these schools, and need to know that they're regulated. Judges send people to driver improvement schools with the assumption that their driving will improve, and the judges should know that this will be the case.

This bill is not an attempt to put people out of business. It is simply an effort to raise the bar and insure that when people attend a driver improvement school they receive appropriate and effective instruction. High standards and effective oversight are necessities.

(Opposed) None.

Persons Testifying: Representative Wallace, prime sponsor; Greg Cupper and John Murphy, National Traffic Safety Institute; Liz Luce, Department of Licensing; Jeff DeVere, Washington State Patrol; and Dave Overstreet, AAA Washington.

Persons Signed In To Testify But Not Testifying: None.