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SENATE BILL 5371

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State of Washington

61st Legislature

2009 Regular Session

By Senators Swecker, Benton, Delvin, Sheldon, Pflug, Kastama, Honeyford, Zarelli, Shin, and Becker

Read first time 01/21/09. Referred to Committee on Transportation.

1 AN ACT Relating to parent taught driver training education courses;  
2 amending RCW 28A.220.020, 46.82.280, 46.82.290, and 46.82.300; and  
3 adding a new section to chapter 46.82 RCW.

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

5 **Sec. 1.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to  
6 read as follows:

7 The following words and phrases whenever used in chapter 28A.220  
8 RCW shall have the following meaning:

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

11 (2) "Traffic safety education course" (~~shall~~) means (a) an  
12 accredited course of instruction in traffic safety education (~~which~~  
13 ~~shall~~) that consists of two phases, classroom instruction (~~(7)~~) and  
14 laboratory experience, or (b) a course of instruction approved by the  
15 director of the department of licensing under RCW 46.82.290(3).

16 "Laboratory experience" (~~shall~~) must include on-street, driving  
17 range, or simulator experience or some combination thereof. Each phase  
18 (~~shall~~) must meet basic course requirements (~~which shall be~~)  
19 established by the superintendent of public instruction and each part

1 of (~~said~~) the course (~~shall~~) must be taught by a qualified teacher  
2 of traffic safety education. Any portions of the course may be taught  
3 after regular school hours or on Saturdays as well as on regular school  
4 days or as a summer school course, at the option of the local school  
5 districts.

6 (3) "Qualified teacher of traffic safety education" (~~shall~~) means  
7 an instructor certificated under (~~the provisions of~~) chapter 28A.410  
8 RCW and certificated by the superintendent of public instruction to  
9 teach either the classroom phase or the laboratory phase of the traffic  
10 safety education course, or both, under (~~regulations promulgated~~)  
11 rules adopted by the superintendent(~~:- PROVIDED, That~~). However, the  
12 laboratory experience phase of the traffic safety education course may  
13 be taught by instructors certificated under rules (~~promulgated~~)  
14 adopted by the superintendent of public instruction, exclusive of any  
15 requirement that the instructor be certificated under (~~the provisions~~  
16 ~~of~~) chapter 28A.410 RCW. Professional instructors certificated under  
17 (~~the provisions of~~) chapter 46.82 RCW, and participating in this  
18 program, (~~shall be~~) are subject to reasonable qualification  
19 requirements jointly adopted by the superintendent of public  
20 instruction and the director of licensing. "Qualified teacher of  
21 traffic safety education" includes a parent or guardian teaching a  
22 traffic safety education course, as defined in subsection (2)(b) of  
23 this section, to his or her own child.

24 (4) "Realistic level of effort" means the classroom and laboratory  
25 student learning experiences considered acceptable to the  
26 superintendent of public instruction that must be satisfactorily  
27 accomplished by the student in order to successfully complete the  
28 traffic safety education course.

29 **Sec. 2.** RCW 46.82.280 and 2006 c 219 s 2 are each amended to read  
30 as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

33 (1) "Behind-the-wheel instruction" means instruction in an approved  
34 driver training school instruction vehicle according to and inclusive  
35 of the minimum required curriculum. Behind-the-wheel instruction is  
36 characterized by driving experience.

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

7 (3) "Classroom instruction" means that portion of a traffic safety  
8 education course that is characterized by classroom-based student  
9 instruction conducted by or under the direct supervision of a licensed  
10 instructor or licensed instructors.

11 (4) "Driver training school" means a commercial driver training  
12 school engaged in the business of giving instruction, for a fee, in the  
13 operation of automobiles.

14 (5) "Driver training education course" means (a) a course of  
15 instruction in traffic safety education approved and licensed by the  
16 department of licensing that consists of classroom and behind-the-wheel  
17 instruction as documented by the minimum approved curriculum, or (b) a  
18 commercially available, parent taught course of instruction in traffic  
19 safety education that has been approved by the director under RCW  
20 46.82.290(3).

21 (6) "Director" means the director of the department of licensing of  
22 the state of Washington.

23 (7) "Advisory committee" means the driving instructors' advisory  
24 committee as created in this chapter.

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

27 (a) Inducing anyone to believe, or to give the impression, that a  
28 license to operate a motor vehicle or any other license granted by the  
29 director may be obtained by any means other than those prescribed by  
30 law, or furnishing or obtaining the same by illegal or improper means,  
31 or requesting, accepting, or collecting money for such purposes;

32 (b) (~~Operation of~~) Operating a driver training school without a  
33 license, providing instruction without an instructor's license,  
34 verifying enrollment prior to being licensed, misleading or false  
35 statements on applications for a commercial driver training school  
36 license or instructor's license or on any required records or  
37 supporting documentation;

1 (c) Failing to fully document and maintain all required driver  
2 training school records of instruction, school operation, and  
3 instructor training;

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

6 (9) "Instructor" means (a) any person employed by or otherwise  
7 associated with a driver training school to instruct persons in the  
8 operation of an automobile or (b) a parent or guardian teaching his or  
9 her own child.

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

13 (11) "Place of business" means a designated location at which the  
14 business of a driver training school is transacted and its records are  
15 kept.

16 (12) "Person" means any individual, firm, corporation, partnership,  
17 or association.

18 (13) "Substantial interest holder" means a person who has actual or  
19 potential influence over the management or operation of any driver  
20 training school. Evidence of substantial interest includes, but is not  
21 limited to, one or more of the following:

22 (a) Directly or indirectly owning, operating, managing, or  
23 controlling a driver training school or any part of a driver training  
24 school;

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

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

28 (d) Owning ten percent or more of any class of stock in a privately  
29 or closely held corporate driver training school, or five percent or  
30 more of any class of stock in a publicly traded corporate driver  
31 training school;

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

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

1 (14) "Student" means any person enrolled in a driver training  
2 course that pays a fee for instruction.

3 **Sec. 3.** RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to  
4 read as follows:

5 (1) The director (~~((shall be))~~) is responsible for the administration  
6 and enforcement of the law pertaining to driver training schools as set  
7 forth in this chapter.

8 (2) The director (~~((is authorized to))~~) may adopt and enforce (~~((such~~  
9 ~~reasonable))~~) rules (~~((as may be))~~) that are consistent with and necessary  
10 to carry out this chapter.

11 (3) The director may review and approve parent taught driver  
12 training education courses designed for use in the home. The director  
13 may charge a fee for enrollment in a parent taught driver training  
14 education course that may not exceed the department's actual cost to  
15 implement the course.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.82 RCW  
17 to read as follows:

18 (1) The department shall offer comprehensive parent taught driver  
19 training courses that must satisfy department driver's education  
20 requirements.

21 (2) A parent taught driver training education course must be taught  
22 by a parent or legal guardian who:

23 (a) Has been a licensed driver for at least five years and  
24 possesses a valid Washington state driver's license;

25 (b) Is a high school graduate or has passed the GED test;

26 (c) Has granted the department permission to examine his or her  
27 driving record;

28 (d) Has not more than one moving traffic violation within the  
29 preceding twelve months or more than two moving traffic violations in  
30 the preceding twenty-four months;

31 (e) Has no alcohol-related traffic violations or incidents within  
32 the preceding seven years; and

33 (f) Has not had his or her driver's license suspended, canceled,  
34 revoked, or denied within the preceding five years.

1       **Sec. 5.** RCW 46.82.300 and 2006 c 219 s 3 are each amended to read  
2 as follows:

3       (1) The director shall be assisted in the duties and  
4 responsibilities of this chapter by the driver instructors' advisory  
5 committee, consisting of five members. Members of the advisory  
6 committee shall be appointed by the director for two-year terms and  
7 shall consist of a representative of the driver training schools, a  
8 representative of the driving instructors (who shall not be from the  
9 same school as the school member), a representative of the  
10 superintendent of public instruction, a representative of the  
11 department of licensing, and a representative from the Washington state  
12 traffic safety commission. Members shall be reimbursed for travel  
13 expenses in accordance with RCW 43.03.050 and 43.03.060. A member who  
14 is receiving a salary from the state shall not receive compensation  
15 other than travel expenses incurred in such service.

16       (2) The advisory committee shall meet at least semiannually and  
17 shall have additional meetings as may be called by the director. The  
18 director or the director's representative shall attend all meetings of  
19 the advisory committee and shall serve as chairman.

20       (3) Duties of the advisory committee shall be to:

21       (a) Advise and confer with the director or the director's  
22 representative on matters pertaining to the establishment of rules  
23 necessary to carry out this chapter;

24       (b) Review and update when necessary a curriculum consisting of a  
25 list of items of knowledge and the processes of driving a motor vehicle  
26 specifying the minimum requirements adjudged necessary in teaching a  
27 proper and adequate course of driver education;

28       (c) Review and update instructor certification standards to be  
29 consistent with RCW 46.82.330 and take into consideration those  
30 standards required to be met by traffic safety education teachers under  
31 RCW 28A.220.020(3); (~~and~~)

32       (d) Prepare the examination for a driver instructor's certificate  
33 and review examination results at least once each calendar year for the  
34 purpose of updating and revising examination standards; and

35       (e) Review and recommend parent taught driver training education  
36 courses designed for use in the home.

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