

SHB 1481 - H AMD 276

By Representative Kilduff

WITHDRAWN 03/07/2017

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) "Director" means the director of the department of licensing.

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

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

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

32 (2)(a) The board of directors of any school district maintaining
33 a secondary school which includes any of the grades 10 to 12,
34 inclusive, may establish and maintain a traffic safety education
35 (~~course~~) program.

36 (b) Any school district that offers a driver training education
37 course must certify to the department of licensing that it is
38 operating a traffic safety education program, that the driver
39 training education course follows the curriculum promulgated by the

1 office of the superintendent of public instruction and the department
2 of licensing, that it meets the course delivery standards promulgated
3 by the office of the superintendent of public instruction, that a
4 record retention policy is in place to meet the requirements of
5 subsection (5) of this section, and that the school district has
6 verified that all instructors are authorized by the office of the
7 superintendent of public instruction to teach a driver training
8 education course.

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

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

31 (b) The superintendent shall establish a required minimum number
32 of hours of continuing traffic safety education for qualified
33 teachers of driver training education.

34 (4) The board of directors of a school district, or combination
35 of school districts, may contract with any (~~drivers~~) driver
36 training school licensed under (~~the provisions of~~) chapter 46.82
37 RCW to teach the (~~laboratory phase~~) behind-the-wheel instruction
38 portion of the (~~traffic safety~~) driver training education course.
39 Instructors provided by any such contracting (~~drivers~~) driver
40 training school must be properly qualified teachers of (~~traffic~~

1 safety)) driver training education under the joint qualification
2 requirements adopted by the superintendent of public instruction and
3 the director of licensing.

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

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

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

29 (7) School districts that offer a ~~((traffic safety))~~ driver
30 training education ~~((program))~~ course under this chapter may
31 administer the portions of the driver licensing examination that test
32 the applicant's knowledge of traffic laws and ability to safely
33 operate a motor vehicle as authorized under RCW 46.20.120(7). The
34 superintendent shall work with the department of licensing, in
35 consultation with school districts that offer a traffic safety
36 education program, to develop standards and requirements for
37 administering each portion of the driver licensing examination that
38 are comparable to the standards and requirements for driver training
39 schools under RCW 46.82.450.

1 (~~(6)~~) (8) Before a school district may provide a portion of the
2 driver licensing examination, the school district must, after
3 consultation with the superintendent, enter into an agreement with
4 the department of licensing that sets forth an accountability and
5 audit process that takes into account the unique nature of school
6 district facilities and school hours and, at a minimum, contains
7 provisions that:

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

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

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

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

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

23 The office of the superintendent of public instruction and the
24 department of licensing shall jointly develop and maintain a required
25 curriculum for school districts operating a traffic safety education
26 program. The jointly developed curriculum must be prepared by August
27 1, 2018. The curriculum and instructional materials must comply with
28 the course content requirements of RCW 46.82.420(2) and 46.82.430. In
29 developing the curriculum, the office of the superintendent of public
30 instruction and the department of licensing shall consult with one or
31 more of Central Washington University's traffic safety education
32 instructors or program content developers.

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

35 (1) The department of licensing shall develop and administer the
36 certification process required under RCW 28A.220.030 for a school
37 district's traffic safety education program in consultation with the
38 superintendent.

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

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

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

31 (1) **Driver's instruction permit.** The department may issue a
32 driver's instruction permit with or without a photograph to an
33 applicant who has successfully passed all parts of the examination
34 other than the driving test, provided the information required by RCW
35 46.20.091, paid an application fee of twenty-five dollars, and meets
36 the following requirements:

- 37 (a) Is at least fifteen and one-half years of age; or
38 (b) Is at least fifteen years of age and:
39 (i) Has submitted a proper application; and

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

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

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

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

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

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

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

21 (b) The person is not using a wireless communications device,
22 unless the person is using the device to report illegal activity,
23 summon medical or other emergency help, or prevent injury to a person
24 or property; and

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

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

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

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

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

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

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

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

10 (a) To meet the traffic safety education requirement for a
11 driver's license, the applicant must satisfactorily complete a
12 ~~((traffic safety))~~ driver training education course as defined in RCW
13 28A.220.020 for a course offered by a school district, or as defined
14 by the department of licensing for a course offered by a driver
15 training school licensed under chapter 46.82 RCW. The course offered
16 by a school district ~~((or an approved private school must meet the
17 standards established))~~ must be part of a traffic safety education
18 program authorized by the office of the ~~((state))~~ superintendent of
19 public instruction and certified under chapter 28A.220 RCW. The
20 course offered by a driver training school must meet the standards
21 established by the department of licensing under chapter 46.82 RCW.
22 The ~~((traffic safety))~~ driver training education course may be
23 provided by:

24 (i) A ~~((recognized))~~ secondary school within a school district
25 that establishes and maintains an approved and certified traffic
26 safety education program under chapter 28A.220 RCW; or

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

29 (b) To meet the traffic safety education requirement for a
30 motorcycle endorsement, the applicant must successfully complete a
31 motorcycle safety education course that meets the standards
32 established by the department of licensing.

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

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

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

1 (iii) He or she has the ability to operate a motor vehicle in
2 such a manner as not to jeopardize the safety of persons or property.
3 The department may adopt rules to implement this subsection (2)(c) in
4 concert with the supervisor of the traffic safety education section
5 of the office of the superintendent of public instruction.

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

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

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

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

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

30 (4) "Director" means the director of the department of licensing
31 of the state of Washington.

32 (5) "Driver training education course" means a course of
33 instruction in traffic safety education approved and licensed by the
34 department of licensing that consists of classroom and behind-the-
35 wheel instruction (~~as documented by the minimum~~) that follows the
36 approved curriculum.

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

1 (7) "Enrollment" means the collecting of a fee or the signing of
2 a contract for a driver training education course. "Enrollment" does
3 not include the collecting of names and contact information for
4 enrolling students once a driver training school is licensed to
5 instruct.

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

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

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

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

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

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

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

32 (11) "Person" means any individual, firm, corporation,
33 partnership, or association.

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

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

39 (14) "Substantial interest holder" means a person who has actual
40 or potential influence over the management or operation of any driver

1 training school. Evidence of substantial interest includes, but is
2 not limited to, one or more of the following:

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

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

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

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

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

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

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

21 (1) No person affiliated with a driver training school shall give
22 instruction in the operation of an automobile for a fee without a
23 license issued by the director for that purpose. An application for
24 an original or renewal instructor's license shall be filed with the
25 director, containing such information as prescribed by this chapter
26 and by the director, accompanied by an application fee set by rule of
27 the department, which shall in no event be refunded. An application
28 for a renewal instructor's license must be accompanied by proof of
29 the applicant's continuing professional development that meets the
30 standards adopted by the director. If the applicant satisfactorily
31 meets the application requirements (~~and the examination~~
32 ~~requirements~~) as prescribed in RCW 46.82.330, the applicant shall be
33 granted a license valid for a period of two years from the date of
34 issuance. An applicant for a renewal instructor's license is not
35 required to retake the examination specified in RCW 46.82.330 to
36 renew his or her instructor's license if his or her original
37 instructor's license is unexpired or has not been expired for longer
38 than six months before submission of his or her renewal application.

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

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

7 (b) Unless revoked, canceled, or denied by the director, the
8 license shall remain the property of the licensee in the event of
9 termination of employment or employment by another driver training
10 school.

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

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

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

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

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

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

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

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

11 (i) Not more than one moving traffic violation within the
12 preceding twelve months or more than two moving traffic violations in
13 the preceding twenty-four months;

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

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

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

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

26 (d) Has satisfactorily completed a course of instruction in the
27 training of drivers acceptable to the director that is no less than
28 sixty hours in length and includes instruction in classroom and
29 behind-the-wheel teaching methods and supervised practice behind-the-
30 wheel teaching of driving techniques; and

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

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

35 The license of any driver training school or instructor may be
36 suspended, revoked, denied, or refused renewal, or such other
37 disciplinary action authorized under RCW 18.235.110 may be imposed,
38 for failure to comply with the business practices specified in this
39 section.

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

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

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

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

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

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

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

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

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

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

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

31 (4) No driver training school or instructor shall advertise or
32 otherwise indicate that the issuance of a driver's license is
33 guaranteed or assured as a result of the course of instruction
34 offered.

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

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

11 (a) The established place of business, branch office, or
12 classroom or advertised address of any such driver training school
13 shall not consist of or include a house trailer, residence, tent,
14 temporary stand, temporary address, bus, telephone answering service
15 if such service is the sole means of contacting the driver training
16 school, a room or rooms in a hotel or rooming house or apartment
17 house, or premises occupied by a single or multiple-unit dwelling
18 house.

19 (b) A driver training school may lease classroom space within a
20 public or private school that is recognized and regulated by the
21 office of the superintendent of public instruction to conduct student
22 instruction as approved by the director. However, such use of public
23 or private classroom space does not alleviate the driver training
24 school from securing and maintaining an established place of business
25 nor from using its own classroom on a regular basis as required by
26 this chapter.

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

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

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

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

1 (a) Student records must include the student's name, address, and
2 telephone number, date of enrollment and all dates of instruction,
3 the student's instruction permit or driver's license number, the type
4 of training given, the total number of hours of instruction, and the
5 name and signature of the instructor or instructors.

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

8 (c) Student and instructor records shall be maintained for three
9 years following the completion of the instruction. Vehicle records
10 shall be maintained for five years following their issuance. All
11 records shall be made available for inspection upon the request of
12 the department.

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

16 (9) Each driver training school shall, at its established place
17 of business, display, in a place where it can be seen by all clients,
18 a copy of the required ((~~minimum~~)) curriculum furnished by the
19 department ((~~and a copy of the school's own curriculum~~)). Copies of
20 the required ((~~minimum~~)) curriculum are to be provided to driver
21 training schools and instructors by the director.

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

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

28 (1) The department and the office of the superintendent of public
29 instruction shall jointly develop and maintain a ((~~basic minimum~~))
30 required curriculum ((~~and~~)) as specified in section 4 of this act.
31 The department shall furnish to each qualifying applicant for an
32 instructor's license or a driver training school license a copy of
33 such curriculum.

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

37 (a) Intermediate driver's license issuance, passenger and driving
38 restrictions and sanctions for violating the restrictions, and the

1 effect of traffic violations and collisions on the driving
2 privileges;

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

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

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

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

16 (3) Should the director be presented with acceptable proof that
17 any licensed instructor or driver training school is not showing
18 proper diligence in teaching (~~((such basic minimum))~~) the required
19 curriculum (~~((as required))~~), the instructor or school shall be
20 required to appear before the director and show cause why the license
21 of the instructor or school should not be revoked for such
22 negligence. If the director does not accept such reasons as may be
23 offered, the director may revoke the license of the instructor or
24 school, or both.

25 NEW SECTION. **Sec. 13.** The department of licensing and the
26 office of the superintendent of public instruction must work together
27 on the transfer and coordination of responsibilities to comply with
28 this act.

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

31 (1) RCW 28A.220.050 (Information on proper use of left-hand lane)
32 and 1986 c 93 s 4;

33 (2) RCW 28A.220.060 (Information on effects of alcohol and drug
34 use) and 1991 c 217 s 2;

35 (3) RCW 28A.220.080 (Information on motorcycle awareness) and
36 2007 c 97 s 4 & 2004 c 126 s 1; and

37 (4) RCW 28A.220.085 (Information on driving safely among
38 bicyclists and pedestrians) and 2008 c 125 s 4.

1 NEW SECTION. **Sec. 15.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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

7 Correct the title.

EFFECT: Makes the following changes to driver training education provided by school districts and commercial driver training schools:

(1) Strikes all changes to driver training education made in the underlying bill;

(2) Requires a school district that offers a driver training education course to certify to the Department of Licensing (DOL) that it is operating a traffic safety education program that meets certain curriculum, instructor, record retention, and accuracy in reporting requirements;

(3) Mandates that DOL develop and administer a certification process for a school district's traffic safety education program in consultation with the Superintendent of Public Instruction (Superintendent);

(4) Requires the Office of the Superintendent of Public Instruction (OSPI) and DOL to jointly develop and maintain a required curriculum for school districts and commercial driver training schools operating a traffic safety education program in consultation with Central Washington University's traffic safety education program staff by August 1, 2018;

(5) Mandates that a school district that offers a traffic safety education program maintain certain specified records on program instructors and students for three years that must be made available for inspection at the request of OSPI or DOL;

(6) Permits the Superintendent to require the retention of additional program documents subject to inspection by OSPI or DOL;

(7) Requires DOL to conduct audits of traffic safety education programs, in consultation with the Superintendent, to verify that curriculum, instructor, record keeping, and accuracy in reporting requirements are being met a minimum of once every five years;

(8) Authorizes DOL to suspend a school's or school district's traffic safety education program certification, in consultation with the Superintendent, if the school or school district does not meet curriculum, instructor, record keeping, or accuracy in reporting requirements, or if it fails to cooperate with the audit process;

(9) Restricts enrollment in a school district driver education course to individuals at least 15 years of age, and restricts behind-the-wheel instruction to individuals who possess an instruction permit or driver's license; and

(10) Eliminates the requirement that commercial driver training school instructors retake an instructor licensing examination when renewing a license, so long as submission of the license renewal

application occurs within six months of the date the previous instructor license expired.

--- END ---