

ESHB 1481 - S COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 4/7/17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (i) Has submitted a proper application; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ESHB 1481 - S COMM AMD
By Committee on Transportation

ADOPTED 4/7/17

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

--- END ---