

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1481

Chapter 197, Laws of 2017

65th Legislature
2017 Regular Session

DRIVER TRAINING EDUCATION--SCHOOL DISTRICTS AND COMMERCIAL--
UNIFORMITY

EFFECTIVE DATE: 8/1/2018 -- Except for section 13, which becomes
effective 7/23/2017.

Passed by the House April 13, 2017
Yeas 95 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2017
Yeas 43 Nays 4

CYRUS HABIB

President of the Senate

Approved May 5, 2017 10:12 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1481** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 5, 2017

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1481

AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By House Transportation (originally sponsored by Representatives
Hayes and Bergquist)

READ FIRST TIME 02/23/17.

1 AN ACT Relating to creating uniformity in driver training
2 education provided by school districts and commercial driver training
3 schools; amending RCW 28A.220.020, 28A.220.030, 46.20.055, 46.20.100,
4 46.82.280, 46.82.320, 46.82.330, 46.82.360, and 46.82.420; adding new
5 sections to chapter 28A.220 RCW; creating new sections; repealing RCW
6 28A.220.050, 28A.220.060, 28A.220.080, and 28A.220.085; and providing
7 an effective date.

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

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

1 consultation with the superintendent of public instruction for driver
2 training education courses offered by school districts.

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

5 ~~((The following words and phrases whenever used in chapter~~
6 ~~28A.220 RCW shall have the following meaning*)) The definitions in
7 this section apply throughout this chapter unless the context clearly
8 requires otherwise.~~

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

11 (2) ~~((Traffic safety))~~ Driver training education course
12 ~~((shall))~~ means ~~((an accredited))~~ a course of instruction in traffic
13 safety education ~~((which shall consist of two phases, classroom~~
14 ~~instruction, and laboratory experience. "Laboratory experience" shall~~
15 ~~include on street, driving range, or simulator experience or some~~
16 ~~combination thereof. Each phase shall meet basic course requirements~~
17 ~~which shall be established by the superintendent of public~~
18 ~~instruction and each part of said course shall be))~~ (a) offered as
19 part of a traffic safety education program authorized by the
20 superintendent of public instruction and certified by the department
21 of licensing and (b) taught by a qualified teacher of ~~((traffic~~
22 ~~safety))~~ driver training education that consists of classroom and
23 behind-the-wheel instruction using curriculum that meets joint
24 superintendent of public instruction and department of licensing
25 standards and the course requirements established by the
26 superintendent of public instruction under RCW 28A.220.030. Behind-
27 the-wheel instruction is characterized by driving experience. ~~((Any~~
28 ~~portions of the course may be taught after regular school hours or on~~
29 ~~Saturdays as well as on regular school days or as a summer school~~
30 ~~course, at the option of the local school districts.))~~

31 (3) "Qualified teacher of ~~((traffic safety))~~ driver training
32 education" ~~((shall))~~ means an instructor ~~((certificated under the~~
33 ~~provisions of chapter 28A.410 RCW and certificated by the~~
34 ~~superintendent of public instruction to teach either the classroom~~
35 ~~phase or the laboratory phase of the traffic safety education course,~~
36 ~~or both, under regulations promulgated by the superintendent-~~
37 ~~PROVIDED, That the laboratory experience phase of the traffic safety~~
38 ~~education course may be taught by instructors certificated under~~
39 ~~rules promulgated by the superintendent of public instruction,~~

1 ~~exclusive of any requirement that the instructor be certificated~~
2 ~~under the provisions of chapter 28A.410 RCW. Professional instructors~~
3 ~~certificated under the provisions of chapter 46.82 RCW, and~~
4 ~~participating in this program, shall be subject to reasonable~~
5 ~~qualification requirements jointly adopted by the superintendent of~~
6 ~~public instruction and the director of licensing)) who:~~

7 (a) Is certificated under chapter 28A.410 RCW and has obtained a
8 traffic safety endorsement or a letter of approval to teach traffic
9 safety education from the superintendent of public instruction or is
10 certificated by the superintendent of public instruction to teach a
11 driver training education course; or

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

16 (4) (~~"Realistic level of effort"~~) "Appropriate course delivery
17 standards" means the classroom and ((laboratory)) behind-the-wheel
18 student learning experiences considered acceptable to the
19 superintendent of public instruction under RCW 28A.220.030 that must
20 be satisfactorily accomplished by the student in order to
21 successfully complete the ((traffic safety)) driver training
22 education course.

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

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

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

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

33 (1) The superintendent of public instruction is authorized to
34 establish a section of traffic safety education, and through such
35 section shall: Define ((a "realistic level of effort")) appropriate
36 course delivery standards required to provide an effective ((~~traffic~~
37 ~~safety~~)) driver training education course, establish a level of
38 driving competency required of each student to successfully complete
39 the course, and ensure that an effective statewide program is

1 implemented and sustained~~((τ))~~; administer, supervise, and develop
2 the traffic safety education program; and ~~((shall))~~ assist local
3 school districts and approved private schools in the conduct of their
4 traffic safety education programs. The superintendent shall adopt
5 necessary rules ~~((and regulations))~~ governing the operation and scope
6 of the traffic safety education program; and each school district and
7 approved private school shall submit a report to the superintendent
8 on the condition of its traffic safety education program: PROVIDED,
9 That the superintendent shall monitor the quality of the program and
10 carry out the purposes of this chapter.

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

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

28 (c) Any portion of a driver training education course offered by
29 a school district may be taught before or after regular school hours
30 or on Saturdays as well as on regular school days or as a summer
31 school course, at the option of the local school district. If a
32 school district elects to offer a ~~((traffic safety))~~ driver training
33 education course and has within its boundaries a private accredited
34 secondary school which includes any of the grades 10 to 12,
35 inclusive, at least one ~~((class in traffic safety education shall))~~
36 driver training education course must be given at times other than
37 regular school hours if there is sufficient demand ~~((therefor))~~ for
38 it.

39 (3)(a) A qualified teacher of driver training education must be
40 certificated under chapter 28A.410 RCW and obtain a traffic safety

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

10 (b) The superintendent shall establish a required minimum number
11 of hours of continuing traffic safety education for qualified
12 teachers of driver training education.

13 (4) The board of directors of a school district, or combination
14 of school districts, may contract with any ((drivers¹)) driver
15 training school licensed under ((the provisions of)) chapter 46.82
16 RCW to teach the ((laboratory phase)) behind-the-wheel instruction
17 portion of the ((traffic safety)) driver training education course.
18 Instructors provided by any such contracting ((drivers¹)) driver
19 training school must be properly qualified teachers of ((traffic
20 safety)) driver training education under the joint qualification
21 requirements adopted by the superintendent of public instruction and
22 the director of licensing.

23 ((4) The superintendent shall establish a required minimum
24 number of hours of continuing traffic safety education for traffic
25 safety education instructors. The superintendent may phase in the
26 requirement over not more than five years.))

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

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

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

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

21 ((~~+6~~)) (8) Before a school district may provide a portion of the
22 driver licensing examination, the school district must, after
23 consultation with the superintendent, enter into an agreement with
24 the department of licensing that sets forth an accountability and
25 audit process that takes into account the unique nature of school
26 district facilities and school hours and, at a minimum, contains
27 provisions that:

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

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

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

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

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

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

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

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

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

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

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

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

11 (1) **Driver's instruction permit.** The department may issue a
12 driver's instruction permit with or without a photograph to an
13 applicant who has successfully passed all parts of the examination
14 other than the driving test, provided the information required by RCW
15 46.20.091, paid an application fee of twenty-five dollars, and meets
16 the following requirements:

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

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

19 (i) Has submitted a proper application; and

20 (ii) Is enrolled in a (~~traffic safety~~) driver training
21 education (~~program~~) course offered(~~(, approved, and accredited)~~) as
22 part of a traffic safety education program authorized by the office
23 of the superintendent of public instruction and certified under
24 chapter 28A.220 RCW or offered by a driver training school licensed
25 and inspected by the department of licensing under chapter 46.82 RCW,
26 that includes practice driving.

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

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

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

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

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

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

1 (b) The person is not using a wireless communications device,
2 unless the person is using the device to report illegal activity,
3 summon medical or other emergency help, or prevent injury to a person
4 or property; and

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

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

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

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

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

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

20 (1) **Application.** The application of a person under the age of
21 eighteen years for a driver's license or a motorcycle endorsement
22 must be signed by a parent or guardian with custody of the minor. If
23 the person under the age of eighteen has no father, mother, or
24 guardian, then the application must be signed by the minor's
25 employer.

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

29 (a) To meet the traffic safety education requirement for a
30 driver's license, the applicant must satisfactorily complete a
31 (~~traffic safety~~) driver training education course as defined in RCW
32 28A.220.020 for a course offered by a school district or approved
33 private school, or as defined by the department of licensing for a
34 course offered by a driver training school licensed under chapter
35 46.82 RCW. The course offered by a school district or an approved
36 private school must (~~meet the standards established~~) be part of a
37 traffic safety education program authorized by the office of the
38 (~~state~~) superintendent of public instruction and certified under
39 chapter 28A.220 RCW. The course offered by a driver training school

1 must meet the standards established by the department of licensing
2 under chapter 46.82 RCW. The (~~traffic safety~~) driver training
3 education course may be provided by:

4 (i) A (~~recognized~~) secondary school within a school district or
5 approved private school that establishes and maintains an approved
6 and certified traffic safety education program under chapter 28A.220
7 RCW; or

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

10 (b) To meet the traffic safety education requirement for a
11 motorcycle endorsement, the applicant must successfully complete a
12 motorcycle safety education course that meets the standards
13 established by the department of licensing.

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

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

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

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

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

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

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

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

1 (2) "Classroom" means a space dedicated to and used exclusively
2 by 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
8 safety education course that is characterized by classroom-based
9 student instruction using the required curriculum conducted by or
10 under the direct supervision of a licensed instructor or licensed
11 instructors.

12 (4) "Director" means the director of the department of licensing
13 of the state of Washington.

14 (5) "Driver training education course" means 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-
17 wheel instruction (~~as documented by the minimum~~) that follows the
18 approved curriculum.

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

22 (7) "Enrollment" means the collecting of a fee or the signing of
23 a contract for a driver training education course. "Enrollment" does
24 not include the collecting of names and contact information for
25 enrolling students once a driver training school is licensed to
26 instruct.

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

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

35 (b) Operating a driver training school without a license,
36 providing instruction without an instructor's license, verifying
37 enrollment prior to being licensed, misleading or false statements on
38 applications for a commercial driver training school license or
39 instructor's license or on any required records or supporting
40 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
5 requiring completion of the necessary behind-the-wheel and classroom
6 instruction.

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

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

13 (11) "Person" means any individual, firm, corporation,
14 partnership, or association.

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

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

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

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

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

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

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

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

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

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

3 (1) No person affiliated with a driver training school shall give
4 instruction in the operation of an automobile for a fee without a
5 license issued by the director for that purpose. An application for
6 an original or renewal instructor's license shall be filed with the
7 director, containing such information as prescribed by this chapter
8 and by the director, accompanied by an application fee set by rule of
9 the department, which shall in no event be refunded. An application
10 for a renewal instructor's license must be accompanied by proof of
11 the applicant's continuing professional development that meets the
12 standards adopted by the director. If the applicant satisfactorily
13 meets the application requirements (~~and the examination~~
14 ~~requirements~~) as prescribed in RCW 46.82.330, the applicant shall be
15 granted a license valid for a period of two years from the date of
16 issuance. An applicant for a renewal instructor's license is not
17 required to retake the examination specified in RCW 46.82.330 to
18 renew his or her instructor's license if his or her original
19 instructor's license is unexpired or has not been expired for longer
20 than six months before submission of his or her renewal application.

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

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

27 (b) Unless revoked, canceled, or denied by the director, the
28 license shall remain the property of the licensee in the event of
29 termination of employment or employment by another driver training
30 school.

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

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

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

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

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

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

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

20 (a) Has been licensed to drive for five or more years and
21 possesses a current and valid Washington driver's license or is a
22 resident of a jurisdiction immediately adjacent to Washington state
23 and possesses a current and valid license issued by such
24 jurisdiction, and does not have on his or her driving record any of
25 the violations or penalties set forth in (a)(i), (ii), or (iii) of
26 this subsection. The director shall have the right to examine the
27 driving record of the applicant from the department of licensing and
28 from other jurisdictions and from these records determine if the
29 applicant has had:

30 (i) Not more than one moving traffic violation within the
31 preceding twelve months or more than two moving traffic violations in
32 the preceding twenty-four months;

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

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

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

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

8 (d) Has satisfactorily completed a course of instruction in the
9 training of drivers acceptable to the director that is no less than
10 sixty hours in length and includes instruction in classroom and
11 behind-the-wheel teaching methods and supervised practice behind-the-
12 wheel teaching of driving techniques; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (1) The department and the office of the superintendent of public
14 instruction shall jointly develop and maintain a ((~~basic minimum~~))
15 required curriculum ((~~and~~)) as specified in section 4 of this act.
16 The department shall furnish to each qualifying applicant for an
17 instructor's license or a driver training school license a copy of
18 such curriculum.

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

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

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

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

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

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

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

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

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

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

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

20 (3) RCW 28A.220.080 (Information on motorcycle awareness) and
21 2007 c 97 s 4 & 2004 c 126 s 1; and

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

24 NEW SECTION. **Sec. 15.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

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

Passed by the House April 13, 2017.
Passed by the Senate April 7, 2017.
Approved by the Governor May 5, 2017.
Filed in Office of Secretary of State May 5, 2017.

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