

ESSB 5583 - H AMD 684

By Representative Donaghy

ADOPTED 04/12/2023

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

3 "NEW SECTION. **Sec. 1.** The department of licensing shall develop
4 a comprehensive implementation plan for the expansion of the current
5 driver training education requirement to obtain a driver's license to
6 persons between the ages of 18 and 24. The target date for
7 implementation of the new driver training education expansion is July
8 1, 2026. The driver training education expansion plan must be
9 provided to the transportation committees of the legislature by
10 October 1, 2024, and must include, but need not be limited to, the
11 following:

12 (1) Consideration of courses that could satisfy the new driver
13 training education requirement, including a condensed course option
14 and a self-paced, online course option, with attention to the
15 educational value, monetary and time costs required, and possible
16 accessibility constraints for each course option considered;

17 (2) An assessment of public and private resources necessary to
18 support the new driver training education requirement to ensure
19 sufficient course availability and accessibility. The assessment must
20 include, but need not be limited to, an inventory of the current
21 number, and an estimate of the increased number required to meet the
22 anticipated need, of the following:

23 (a) Licensed driver training schools and traffic safety education
24 programs in the state, by geographical region;

25 (b) Licensed driver training school and traffic safety education
26 instructors;

27 (c) Licensed driver trainer instructors; and

28 (d) Driver training education course spaces available per year,
29 by course option and for both classroom and behind-the-wheel
30 instruction;

31 (3) In consultation with the office of equity, evaluation of
32 access to driver training education courses and consideration of

1 opportunities to improve access to driver training education for
2 young drivers. The assessment must address, but should not be limited
3 to, potential obstacles for young drivers for whom the cost of driver
4 training education may pose a hardship, obstacles related to
5 accessibility for young drivers who reside in rural areas, and
6 obstacles for young drivers whose primary language is not English.
7 The assessment must also include strategies that can be used to
8 mitigate these potential obstacles, including possible exceptions to,
9 or substitutions for, a driver training education requirement in
10 cases where access-related obstacles cannot be overcome, such as when
11 a behind-the-wheel driver training program may not be available
12 within a reasonable distance of a person's residence;

13 (4) A plan for broad and accessible public outreach and education
14 to communicate to Washington state residents new driver training
15 education requirements, including a plan for the development of tools
16 to assist residents in accessing driver training education courses
17 that meet the new requirements;

18 (5) Collaboration with educational service districts to determine
19 the extent to which educational service districts can facilitate the
20 coordination between school districts or secondary schools of a
21 school district and driver training schools to increase access to
22 driver training education courses by students who reside within the
23 boundaries of an applicable school district;

24 (6) An examination of opportunities to address the financial need
25 of persons for whom the cost of driver training education courses
26 licensed by the department of licensing may pose a hardship, through
27 a voucher or other financial assistance program. The examination must
28 include quantified estimates of the extent to which the cost of
29 driver training education could pose a significant obstacle, as well
30 as possible approaches to help reduce or eliminate this obstacle;

31 (7) An examination, in consultation with the office of the
32 superintendent of public instruction, of opportunities to address the
33 financial need of students for whom the cost of driver training
34 education offered as part of a traffic safety education program may
35 pose a hardship, through a grant or other financial assistance
36 program. The examination must include quantified estimates of the
37 extent to which the cost of driver training education could pose a
38 significant obstacle, as well as possible approaches to help reduce
39 or eliminate this obstacle; and

1 (8) An assessment of approaches used by other states that require
2 driver training by persons age 18 and older, including examination of
3 how this has impacted traffic safety in the state and the extent to
4 which the requirement may have decreased access to driver's licenses,
5 including through examination of the rate of driver's license holders
6 by age and other demographic characteristics compared to that of
7 neighboring, or otherwise similarly situated, states.

8 **Sec. 2.** RCW 46.20.075 and 2011 c 60 s 44 are each amended to
9 read as follows:

10 (1) An intermediate license authorizes the holder to drive a
11 motor vehicle under the conditions specified in this section. An
12 applicant for an intermediate license must be at least (~~sixteen~~) 16
13 years of age and:

14 (a) Have possessed a valid instruction permit for a period of not
15 less than six months;

16 (b) Have passed a driver licensing examination administered by
17 the department;

18 (c) Have passed a course of driver's education in accordance with
19 the standards established in RCW 46.20.100;

20 (d) Present certification by his or her parent, guardian, or
21 employer to the department stating (i) that the applicant has had at
22 least (~~fifty~~) 50 hours of driving experience, (~~ten~~) 10 of which
23 were at night, during which the driver was supervised by a person at
24 least (~~twenty-one~~) 21 years of age who has had a valid driver's
25 license for at least three years, and (ii) that the applicant has not
26 been issued a notice of traffic infraction or cited for a traffic
27 violation that is pending at the time of the application for the
28 intermediate license;

29 (e) Not have been convicted of or found to have committed a
30 traffic violation within the last six months before the application
31 for the intermediate license; and

32 (f) Not have been adjudicated for an offense involving the use of
33 alcohol or drugs during the period the applicant held an instruction
34 permit.

35 (2) For the first six months after the issuance of an
36 intermediate license or until the holder reaches (~~eighteen~~) 18
37 years of age, whichever occurs first, the holder of the license may
38 not operate a motor vehicle that is carrying any passengers under the
39 age of (~~twenty~~) 20 who are not members of the holder's immediate

1 family (~~as defined in RCW 42.17A.005~~). For the remaining period of
2 the intermediate license, the holder may not operate a motor vehicle
3 that is carrying more than three passengers who are under the age of
4 (~~twenty~~) 20 who are not members of the holder's immediate family.

5 (3) The holder of an intermediate license may not operate a motor
6 vehicle between the hours of 1 a.m. and 5 a.m. except (a) when the
7 holder is accompanied by (~~a parent, guardian, or~~) a licensed driver
8 who is at least (~~twenty-five~~) 25 years of age, or (b) for school,
9 religious, or employment activities for the holder or a member of the
10 holder's immediate family as defined in this section.

11 (4) The holder of an intermediate license may not operate a
12 moving motor vehicle while using a wireless communications device
13 unless the holder is using the device to report illegal activity,
14 summon medical or other emergency help, or prevent injury to a person
15 or property.

16 (5) It is a traffic infraction for the holder of an intermediate
17 license to operate a motor vehicle in violation of the restrictions
18 imposed under this section.

19 (6) Except for a violation of subsection (4) of this section,
20 enforcement of this section by law enforcement officers may be
21 accomplished only as a secondary action when a driver of a motor
22 vehicle has been detained for a suspected violation of this title or
23 an equivalent local ordinance or some other offense.

24 (7) An intermediate licensee may drive at any hour without
25 restrictions on the number of passengers in the vehicle if necessary
26 for agricultural purposes.

27 (8) An intermediate licensee may drive at any hour without
28 restrictions on the number of passengers in the vehicle if, for the
29 (~~twelve-month~~) 12-month period following the issuance of the
30 intermediate license, he or she:

31 (a) Has not been involved in an accident involving only one motor
32 vehicle;

33 (b) Has not been involved in an accident where he or she was
34 cited in connection with the accident or was found to have caused the
35 accident;

36 (c) Has not been involved in an accident where no one was cited
37 or was found to have caused the accident; and

38 (d) Has not been convicted of or found to have committed a
39 traffic offense described in chapter 46.61 RCW or violated
40 restrictions placed on an intermediate licensee under this section.

1 (9) For the purposes of this section, "immediate family" means an
2 individual's spouse or domestic partner, child, stepchild,
3 grandchild, parent, stepparent, grandparent, brother, half-brother,
4 sister, or half-sister of the individual, including foster children
5 living in the household, and the spouse or the domestic partner of
6 any such person, and a child, stepchild, grandchild, parent,
7 stepparent, grandparent, brother, half-brother, sister, or half-
8 sister of the individual's spouse or domestic partner, and the spouse
9 or the domestic partner of any such person.

10 **Sec. 3.** RCW 46.82.280 and 2017 c 197 s 8 are each amended to
11 read as follows:

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

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

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

24 (3) "Classroom instruction" means that portion of a traffic
25 safety education course that is characterized by in-person
26 classroom-based student instruction or virtual classroom-based
27 student instruction with a live instructor using the required
28 curriculum conducted by or under the direct supervision of a licensed
29 instructor or licensed instructors. Classroom instruction may include
30 self-paced, online components as authorized and certified by the
31 department of licensing.

32 (4) "Director" means the director of the department of licensing
33 of the state of Washington.

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

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

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

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

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

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

23 (c) Failing to fully document and maintain all required driver
24 training school records of instruction, school operation, and
25 instructor training;

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

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

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

35 (11) "Person" means any individual, firm, corporation,
36 partnership, or association.

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

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

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

7 (a) Directly or indirectly owning, operating, managing, or
8 controlling a driver training school or any part of a driver training
9 school;

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

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

13 (d) Owning (~~ten~~) 10 percent or more of any class of stock in a
14 privately or closely held corporate driver training school, or five
15 percent or more of any class of stock in a publicly traded corporate
16 driver training school;

17 (e) Furnishing (~~ten~~) 10 percent or more of the capital, whether
18 in cash, goods, or services, for the operation of a driver training
19 school during any calendar year; or

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

23 **Sec. 4.** RCW 46.82.330 and 2017 c 197 s 10 are each amended to
24 read as follows:

25 (1) The application for an instructor's license shall document
26 the applicant's fitness, knowledge, skills, and abilities to teach
27 the classroom and behind-the-wheel instruction portions of a driver
28 training education program in a commercial driver training school.

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

32 (a) Has been licensed to drive for five or more years and
33 possesses a current and valid Washington driver's license or is a
34 resident of a jurisdiction immediately adjacent to Washington state
35 and possesses a current and valid license issued by such
36 jurisdiction, and does not have on his or her driving record any of
37 the violations or penalties set forth in (a)(i), (ii), or (iii) of
38 this subsection. The director shall have the right to examine the
39 driving record of the applicant from the department of licensing and

1 from other jurisdictions and from these records determine if the
2 applicant has had:

3 (i) Not more than one moving traffic violation within the
4 preceding twelve months or more than two moving traffic violations in
5 the preceding (~~twenty-four~~) 24 months;

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

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

14 (b) Is a high school graduate or the equivalent and at least
15 (~~twenty-one~~) 21 years of age;

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

18 (d) Has satisfactorily completed a course of instruction in the
19 training of drivers acceptable to the director that is no less than
20 (~~sixty~~) 60 hours in length and includes instruction in classroom
21 and behind-the-wheel teaching methods and supervised practice behind-
22 the-wheel teaching of driving techniques; and

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

25 (3) The department may develop rules to establish alternative
26 pathways to licensure to substitute for subsection (2) of this
27 section provided the alternative pathways enable the department to
28 assess the applicant's fitness, knowledge, skill, and ability to
29 teach the classroom and behind-the-wheel instruction portions of a
30 driver training education program, and provided behind-the-wheel
31 instructor certification include behind-the-wheel teaching methods
32 and supervised practice behind-the-wheel teaching of driving
33 techniques.

34 NEW SECTION. Sec. 5. A new section is added to chapter 46.82
35 RCW to read as follows:

36 (1) By January 1, 2025, the department must publish on its
37 website an interactive map of all driver training education course
38 providers and providers of a traffic safety education program as
39 defined in RCW 28A.220.020, including driver, motorcyclist, and

1 commercial driver training and testing providers certified by the
2 department. The interactive map, at a minimum, must provide training
3 and testing provider names, locations, contact information, course
4 and program pricing, and services offered by language.

5 (2) Each driving training education course and traffic safety
6 education program provider must report course and program pricing to
7 the department on an annual basis.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 39.19
9 RCW to read as follows:

10 The office shall develop a program to foster the development of
11 women, minority-owned, and veteran-owned licensed driver training
12 schools in the state, including through instruction on topics
13 relevant to owning and operating a licensed driver training school,
14 and shall report to the transportation committees of the legislature
15 by October 1, 2024, with an update on program implementation and
16 administration."

17 Correct the title.

EFFECT: (1) Removes the effective date for the new driver
training education requirements and replaces it with target dates for
implementation of a new driver training education requirement for
persons between the ages of 18 and 24.

(2) Requires DOL to develop a comprehensive implementation plan
for a new driver training education requirement, due to the
transportation committees of the legislature by October 1, 2024.

(3) Mandates that DOL's driver training expansion implementation
plan include consideration of courses that could satisfy the new
requirement; assessment of public and private resources needed to
support the new requirement; evaluation of course access and
opportunities to improve it, in consultation with the Office of
Equity; a plan for public outreach and education; exploration of a
facilitating role for educational service districts; examination of
opportunities to address financial need through a voucher or other
financial assistance program; and an assessment of approaches used by
other states.

(4) Requires the Office of the Superintendent of Public
Instruction to examine opportunities to address the financial need of
students for whom the cost of driver training education may pose a
hardship through a grant or other financial assistance program.

(5) Eliminates establishment of a DOL driver training voucher
program to provide vouchers to cover the average costs of driver
training education courses for novice drivers.

(6) Eliminates establishment of an OSPI driver training grant
program to facilitate schools providing traffic safety education
programs as course offerings.

(7) Removes the limitation on DOL's authority to waive the driver
training education course requirement for applicants licensed to
drive outside the state or who have fulfilled an equivalent education

requirement outside the state that restricted it to granting a waiver for reciprocal jurisdictions only.

(8) Authorizes DOL to develop rules to establish alternative pathways to driver training instructor licensing.

(9) Mandates that the Office of Minority and Women's Business Enterprises (OMWBE) develop a program to foster the development of women, minority-owned, and veteran-owned licensed driver training schools, reporting to the transportation committees of the legislature with an update by October 1, 2024.

(10) Eliminates increases in driver's instruction permit and new driver's license exam fees.

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