

HOUSE BILL REPORT

ESSB 5583

As Passed House - Amended:

April 12, 2023

Title: An act relating to improving young driver safety.

Brief Description: Improving young driver safety.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Liias, Wilson, C., Kauffman, Valdez, Lovelett, Lovick, Nguyen and Nobles).

Brief History:

Committee Activity:

Transportation: 3/16/23, 4/4/23 [DPA].

Floor Activity:

Passed House: 4/12/23, 93-4.

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Requires the Department of Licensing (DOL) to develop an implementation plan for the expansion of the current driver training education requirement to obtain a driver's license for people between the ages of 18 and 24 that is due to the Transportation Committees of the Legislature by October 1, 2024.
- Sets a July 1, 2026 target date for implementation of the new driver training education expansion.
- Allows the holder of an intermediate license to be exempt from the hours of operation restriction that prohibits the license holder from operating a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. when the holder drives a vehicle for school, religious, or employment activities for himself or herself or for a member of the holder's immediate family.
- Expands the definition of "classroom instruction" as it applies to driver

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

training education courses to include virtual classroom-based student instruction with a live instructor and, as authorized by the DOL, to include self-paced, online components.

- Authorizes the DOL to develop rules to establish alternative pathways to driver instructor licensure.
- Requires the Office of Minority and Women's Business Enterprises (OMWBE) to develop a program to foster the development of women, minority-owned, and veteran-owned licensed driver training schools in the state.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 16 members: Representatives Fey, Chair; Donaghy, Vice Chair; Barkis, Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Doglio, Duerr, Entenman, Hackney, Mena, Ramel, Ramos, Taylor and Wylie.

Minority Report: Do not pass. Signed by 3 members: Representatives Orcutt, Volz and Walsh.

Minority Report: Without recommendation. Signed by 9 members: Representatives Paul, Vice Chair; Timmons, Vice Chair; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Dent, Goehner, Griffey and Klicker.

Staff: Jennifer Harris (786-7143).

Background:

Driver's Instruction Permit.

A driver's instruction permit may be issued to an applicant who has passed the written portion of the driving exam and:

- is at least 15-1/2 years of age; or
- is at least 15 years of age and is enrolled in a driver training education course authorized by the Office of Superintendent of Public Instruction (OSPI) or by a private driver training school licensed by the Department of Licensing (DOL).

The DOL may waive the written portion of the driving exam if a driver's instruction permit applicant is enrolled in a driver training education course at the time of application.

Intermediate License.

An intermediate license authorizes the license holder to drive a motor vehicle subject to

certain restrictions. An applicant for an intermediate license must:

- be at least 16 years of age;
- have possessed a valid instruction permit for at least six months;
- have passed a driver's licensing exam;
- have passed an approved driver's education course; and
- present certification by a parent, guardian, or employer to the DOL stating that the applicant has had at least 50 hours of driving experience, 10 of which were at night.

For the first six months after the issuance of an intermediate license or until the holder reaches the age of 18, whichever occurs first, the holder of an intermediate license may not operate a motor vehicle carrying any passengers under the age of 21 who are not members of his or her immediate family. For the remaining period, the intermediate license holder may not operate a motor vehicle carrying more than three passengers who are under the age of 21 who are not members of his or her immediate family. The holder of an intermediate license may not operate a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m., except when he or she is accompanied by a parent, guardian, or a licensed driver who is at least 25 years of age.

An intermediate license holder may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

Twelve months after the issuance, the holder of an intermediate license may drive at any hour without restrictions on the number of passengers in the vehicle if the holder:

- has not been involved in a collision involving only one motor vehicle;
- has not been involved in a collision for which he or she was cited in connection with the collision or was found to have caused it;
- has not been involved in a collision for which no one was cited or was found to have caused it; and
- has not been convicted of or found to have committed a traffic offense, or violated restrictions placed on the intermediate license.

Driver's License and Motorcycle Endorsement.

To be eligible to obtain a driver's license, a person under the age of 18 must satisfactorily complete a driver training education course offered by a school district or by a driver training school licensed by the DOL. The DOL may waive the driver training education course requirement for a driver's license if the applicant demonstrates to the DOL's satisfaction that:

1. the applicant was unable to take or complete a driver training education course;
2. a need exists for the applicant to operate a motor vehicle; and
3. the applicant has the ability to operate a motor vehicle in a manner that would not jeopardize the safety of persons or property.

To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the

standards established by the DOL.

The DOL may waive the driver training education course requirement if an applicant was licensed to drive a motor vehicle or motorcycle outside the state and provides proof that he or she completed driver education equivalent to Washington's education requirement.

An applicant 18 years of age or older must successfully pass a driver licensing exam, but is not required to complete a driver training education course to be eligible for a driver's license.

Driver Education Courses.

Private Driver Training Schools.

The Director of the DOL is responsible for the administration and enforcement of laws pertaining to driver training schools and may adopt rules related to these laws. A driver training school must obtain a license to operate from the DOL. A license may be suspended, revoked, denied, or refused renewal by the DOL for failure to comply with certain specified business practices.

Traffic safety education courses for individuals under the age of 18 must include:

1. at least 30 hours of classroom instruction;
2. at least six hours of behind-the-wheel instruction (or five or more hours of behind-the-wheel instruction and four or more hours of driving simulation); and
3. one or more hours of in-vehicle driver observation.

To be licensed as a driver training instructor for a private driver training school, a person must have been licensed to drive for five or more years, may not have specified traffic violations on his or her record, be a high school graduate or the equivalent, be at least 21 years of age, and must have satisfactorily completed a course of instruction approved by the DOL that is at least 60 hours in length and includes classroom and behind-the-wheel teaching methods and supervised practice.

School Districts.

The board of directors of a school district that maintains a secondary school that provides instruction for one or more of grades 10 through 12 may establish and maintain a traffic safety education course. The board of directors of a school district or of multiple school districts may contract with a driver training school to teach the behind-the-wheel portion of the traffic safety education course. Instructors of the contracting driver training school must be qualified teachers of traffic safety education under joint qualification requirements adopted by the OSPI and the DOL.

The DOL administers a certification process for a school district's traffic safety education program or the traffic safety education program of a private school approved by the Board of Education (approved private school). Any school district or approved private school that

offers a driver training education course must certify to the DOL that:

- it is operating a driver training education program;
- the driver training education course follows the curriculum set by the OSPI and the DOL;
- it meets the course delivery standards set by the OSPI;
- a record retention policy is in place that complies with retention requirements; and
- the school district has verified that all instructors are authorized by the OSPI to teach a driver training education course.

Traffic safety education courses must include:

1. at least 30 hours of classroom instruction;
2. at least six hours of driving experience; and
3. at least four hours of driving observation times.

Four hours of simulation instruction may be substituted for up to one hour of driving experience. Two hours of multiple car off-street driving range time may be substituted for up to one hour of driving experience.

Curriculum.

The OSPI and the DOL maintain a required curriculum for school districts and approved private schools operating a driver training education program. The required curriculum includes content to develop knowledge, skills, and awareness. It is required to cover: rules of the road; vehicle components; vehicle handling; driver behavior; sharing the road; attention and perception; hazard and risk management; vehicle maintenance, malfunctions, and technology; managing emergencies and adverse conditions; respect and responsibility; and vehicle technology systems.

The curriculum jointly developed and maintained by the OSPI and the DOL is required to be used in private driver training school courses.

Summary of Amended Bill:

Driver Training Requirement Expansion Plan.

The DOL is required to develop an implementation plan for the expansion of the current driver training education requirement to obtain a driver's license for people between the ages of 18 and 24. The target date for implementation of the new driver training education expansion is July 1, 2026. The driver training education expansion plan must be provided to the Transportation Committees of the Legislature by October 1, 2024. The plan must include the following:

- consideration of the types of courses that could satisfy the new driver training education requirement, including a condensed course option and a self-paced, online course option;
- an assessment of public and private resources necessary to support the new driver training education requirement to ensure sufficient course availability and

- accessibility;
- evaluation of access to driver training education courses and consideration of opportunities to improve access to driver training education for young drivers, in consultation with the Office of Equity;
- a plan for public outreach and education to communicate to Washington residents new driver training education requirements;
- collaboration with Educational service districts to determine the extent to which they can facilitate the coordination between school districts or secondary schools of a school district and driver training schools;
- an examination of opportunities to address the financial need of persons for whom the cost of driver training education courses licensed by the department of licensing may pose a hardship, through a voucher or other financial assistance program;
- an examination, in consultation with the OSPI, of opportunities to address the financial need of students for whom the cost of driver training education offered as part of a traffic safety education program may pose a hardship, through a grant or other financial assistance program; and
- an assessment of approaches used by other states that require driver training by persons age 18 and older.

Intermediate License.

The holder of an intermediate license is exempt from the hours of operation restriction that prohibits him or her from operating a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. when the holder drives a vehicle for school, religious, or employment activities for himself or herself or for a member of the holder's immediate family.

Driver Education Courses.

The definition of "classroom instruction" as it applies to all driver training education courses is expanded to include virtual classroom-based student instruction with a live instructor. It may include self-paced, online components as authorized and certified by the DOL.

By January 1, 2025, the DOL is required to publish on its website an interactive map of all driver training education course providers and providers of a traffic safety education program certified by the DOL. The interactive map must provide training and testing provider names, locations, contact information, course and program pricing, and services offered by language. Each driver training education course and traffic safety education program provider must report course and program pricing to the DOL on an annual basis.

The DOL may develop rules to establish alternative pathways to driver instructor licensure, provided they enable the assessment of an applicant's fitness, knowledge, skills, and ability to teach the classroom and behind-the-wheel instruction portions of a driver training education program and provided that behind-the-wheel instructor certification include behind-the-wheel teaching methods and supervised practice.

Driver Training Program Access.

The Office of Minority and Women's Business Enterprises (OMWBE) must develop a program to foster the development of women, minority-owned, and veteran-owned licensed driver training schools in the state. The OMWBE is required to report to the Transportation Committees of the Legislature with an update on program implementation and administration by October 1, 2024.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This legislation promotes efficiency and will save lives on the roadway. The bill addresses a significant gap in driver training and sets young people up for success as new drivers. The bill is overdue by 21 years and seeks to address the loss of funding for driver education in 2001 and 2002. Since that time, the state has relied on graduated licensing and not education as the primary means of influencing driver behavior. But experience can be an ineffective teacher, and over half of drivers now wait until after they turn 18 years of age to obtain a driver's license.

In 1999 Washington was seen as having some of the strongest traffic safety education experts in the nation at the OSPI. They were sought after as speakers nationwide. Now the state has gone from having driver training in over 200 school districts to having it in only 25 school districts (in only 39 schools). The bill envisions the return of traffic safety education in the schools. But for the bill to succeed, the structure for training instructors has to be rebuilt. Neither the DOL nor the OSPI has subject matter experts with the proper traffic safety education to fulfill the bill's requirements.

This bill promotes greater access to driver education for the highest risk drivers and it removes barriers for people who currently forego training. England and Germany require driver's licensing exams that are too difficult to pass without driver education. Washington's exam is so simple that most people can pass it without formal training.

Safety should not be restricted to the wealthy. Before driver education was cut from schools, around two-thirds of students took driver's education in high school. Driver education has become very expensive. Under this bill, fewer people will choose to defer completing a driver training education course, and the voucher program will address a need that has not been tackled before.

(Opposed) Passage of this bill will result in lengthy delays for obtaining a Washington

driver's license. The driver education industry does not currently have sufficient capacity to conduct trainings. There are complaints that kids are not able to access training when they first become eligible because courses are full. People need a driver's license for their educations and jobs. They will need to wait three to six months to complete a training course to get a driver's license.

(Other) Fatalities are at a 30-year high right now. Young drivers who have not received driver education are injured at a much higher rate than those who have. Thousands of crashes that result in serious injuries or fatalities could be avoided with increased driver training. Data supports that driver training for people 18 to 25 years of age will result in their reduced involvement in crashes that result in serious injuries and fatalities.

The cost of driver education can be a major barrier to taking a driver training education course, and some people do not complete one as a result. Creating a subsidy program is a good way to improve access to training.

Persons Testifying: (In support) Alex Hansen, David Slipp, and Gerald Apple, Washington Traffic Safety Education Association; Alex Alston, Washington Bikes; Lynn Rogers, Professional Driving School Association of Washington; and Julia Braun.

(Opposed) David-Henry Sedelmeier.

(Other) Mark McKechnie, Washington Traffic Safety Commission; and Beau Perschbacher, Washington State Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.