

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5583

Chapter 445, Laws of 2023

68th Legislature
2023 Regular Session

DRIVER TRAINING AND EDUCATION—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate April 19, 2023
Yeas 38 Nays 11

DENNY HECK

President of the Senate

Passed by the House April 12, 2023
Yeas 93 Nays 4

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 11, 2023 10:13 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5583** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 11, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5583

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Transportation (originally sponsored by Senators Lias, C. Wilson, Kauffman, Valdez, Lovelett, Lovick, Nguyen, and Nobles)

READ FIRST TIME 02/10/23.

1 AN ACT Relating to improving young driver safety; amending RCW
2 46.20.075, 46.82.280, and 46.82.330; adding a new section to chapter
3 46.82 RCW; adding a new section to chapter 39.19 RCW; and creating a
4 new section.

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

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

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

20 (2) An assessment of public and private resources necessary to
21 support the new driver training education requirement to ensure

1 sufficient course availability and accessibility. The assessment must
2 include, but need not be limited to, an inventory of the current
3 number, and an estimate of the increased number required to meet the
4 anticipated need, of the following:

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

7 (b) Licensed driver training school and traffic safety education
8 instructors;

9 (c) Licensed driver trainer instructors; and

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

13 (3) In consultation with the office of equity, evaluation of
14 access to driver training education courses and consideration of
15 opportunities to improve access to driver training education for
16 young drivers. The assessment must address, but should not be limited
17 to, potential obstacles for young drivers for whom the cost of driver
18 training education may pose a hardship, obstacles related to
19 accessibility for young drivers who reside in rural areas, and
20 obstacles for young drivers whose primary language is not English.
21 The assessment must also include strategies that can be used to
22 mitigate these potential obstacles, including possible exceptions to,
23 or substitutions for, a driver training education requirement in
24 cases where access-related obstacles cannot be overcome, such as when
25 a behind-the-wheel driver training program may not be available
26 within a reasonable distance of a person's residence;

27 (4) A plan for broad and accessible public outreach and education
28 to communicate to Washington state residents new driver training
29 education requirements, including a plan for the development of tools
30 to assist residents in accessing driver training education courses
31 that meet the new requirements;

32 (5) Collaboration with educational service districts to determine
33 the extent to which educational service districts can facilitate the
34 coordination between school districts or secondary schools of a
35 school district and driver training schools to increase access to
36 driver training education courses by students who reside within the
37 boundaries of an applicable school district;

38 (6) An examination of opportunities to address the financial need
39 of persons for whom the cost of driver training education courses
40 licensed by the department of licensing may pose a hardship, through

1 a voucher or other financial assistance program. The examination must
2 include quantified estimates of the extent to which the cost of
3 driver training education could pose a significant obstacle, as well
4 as possible approaches to help reduce or eliminate this obstacle;

5 (7) An examination, in consultation with the office of the
6 superintendent of public instruction, of opportunities to address the
7 financial need of students for whom the cost of driver training
8 education offered as part of a traffic safety education program may
9 pose a hardship, through a grant or other financial assistance
10 program. The examination must include quantified estimates of the
11 extent to which the cost of driver training education could pose a
12 significant obstacle, as well as possible approaches to help reduce
13 or eliminate this obstacle; and

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

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

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

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

29 (b) Have passed a driver licensing examination administered by
30 the department;

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

33 (d) Present certification by his or her parent, guardian, or
34 employer to the department stating (i) that the applicant has had at
35 least (~~fifty~~) 50 hours of driving experience, (~~ten~~) 10 of which
36 were at night, during which the driver was supervised by a person at
37 least (~~twenty-one~~) 21 years of age who has had a valid driver's
38 license for at least three years, and (ii) that the applicant has not
39 been issued a notice of traffic infraction or cited for a traffic

1 violation that is pending at the time of the application for the
2 intermediate license;

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

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

9 (2) For the first six months after the issuance of an
10 intermediate license or until the holder reaches (~~(eighteen)~~) 18
11 years of age, whichever occurs first, the holder of the license may
12 not operate a motor vehicle that is carrying any passengers under the
13 age of (~~(twenty)~~) 20 who are not members of the holder's immediate
14 family (~~(as defined in RCW 42.17A.005)~~). For the remaining period of
15 the intermediate license, the holder may not operate a motor vehicle
16 that is carrying more than three passengers who are under the age of
17 (~~(twenty)~~) 20 who are not members of the holder's immediate family.

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

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

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

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

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

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

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

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

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

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

15 (9) For the purposes of this section, "immediate family" means an
16 individual's spouse or domestic partner, child, stepchild,
17 grandchild, parent, stepparent, grandparent, brother, half-brother,
18 sister, or half-sister of the individual, including foster children
19 living in the household, and the spouse or the domestic partner of
20 any such person, and a child, stepchild, grandchild, parent,
21 stepparent, grandparent, brother, half-brother, sister, or half-
22 sister of the individual's spouse or domestic partner, and the spouse
23 or the domestic partner of any such person.

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

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Behind-the-wheel instruction" means instruction in an
29 approved driver training school instruction vehicle according to and
30 inclusive of the required curriculum. Behind-the-wheel instruction is
31 characterized by driving experience.

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

38 (3) "Classroom instruction" means that portion of a traffic
39 safety education course that is characterized by in-person

1 classroom-based student instruction or virtual classroom-based
2 student instruction with a live instructor using the required
3 curriculum conducted by or under the direct supervision of a licensed
4 instructor or licensed instructors. Classroom instruction may include
5 self-paced, online components as authorized and certified by the
6 department of licensing.

7 (4) "Director" means the director of the department of licensing
8 of the state of Washington.

9 (5) "Driver training education course" means a course of
10 instruction in traffic safety education approved and licensed by the
11 department of licensing that consists of classroom and behind-the-
12 wheel instruction that follows the approved curriculum.

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

16 (7) "Enrollment" means the collecting of a fee or the signing of
17 a contract for a driver training education course. "Enrollment" does
18 not include the collecting of names and contact information for
19 enrolling students once a driver training school is licensed to
20 instruct.

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

23 (a) Inducing anyone to believe, or to give the impression, that a
24 license to operate a motor vehicle or any other license granted by
25 the director may be obtained by any means other than those prescribed
26 by law, or furnishing or obtaining the same by illegal or improper
27 means, or requesting, accepting, or collecting money for such
28 purposes;

29 (b) Operating a driver training school without a license,
30 providing instruction without an instructor's license, verifying
31 enrollment prior to being licensed, misleading or false statements on
32 applications for a commercial driver training school license or
33 instructor's license or on any required records or supporting
34 documentation;

35 (c) Failing to fully document and maintain all required driver
36 training school records of instruction, school operation, and
37 instructor training;

38 (d) Issuing a driver training course certificate without
39 requiring completion of the necessary behind-the-wheel and classroom
40 instruction.

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

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

7 (11) "Person" means any individual, firm, corporation,
8 partnership, or association.

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

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

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

18 (a) Directly or indirectly owning, operating, managing, or
19 controlling a driver training school or any part of a driver training
20 school;

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

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

24 (d) Owning (~~ten~~) 10 percent or more of any class of stock in a
25 privately or closely held corporate driver training school, or five
26 percent or more of any class of stock in a publicly traded corporate
27 driver training school;

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) The department may develop rules to establish alternative
37 pathways to licensure to substitute for subsection (2) of this
38 section provided the alternative pathways enable the department to
39 assess the applicant's fitness, knowledge, skill, and ability to
40 teach the classroom and behind-the-wheel instruction portions of a

1 driver training education program, and provided behind-the-wheel
2 instructor certification include behind-the-wheel teaching methods
3 and supervised practice behind-the-wheel teaching of driving
4 techniques.

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

7 (1) By January 1, 2025, the department must publish on its
8 website an interactive map of all driver training education course
9 providers and providers of a traffic safety education program as
10 defined in RCW 28A.220.020, including driver, motorcyclist, and
11 commercial driver training and testing providers certified by the
12 department. The interactive map, at a minimum, must provide training
13 and testing provider names, locations, contact information, course
14 and program pricing, and services offered by language.

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

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

20 The office shall develop a program to foster the development of
21 women, minority-owned, and veteran-owned licensed driver training
22 schools in the state, including through instruction on topics
23 relevant to owning and operating a licensed driver training school,
24 and shall report to the transportation committees of the legislature
25 by October 1, 2024, with an update on program implementation and
26 administration.

Passed by the Senate April 19, 2023.

Passed by the House April 12, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

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