

# HOUSE BILL REPORT

## HB 1147

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### As Reported By House Committee On:

Transportation  
Appropriations

**Title:** An act relating to enhancing novice driver traffic safety by improving traffic safety education and restricting the driving privilege for novice drivers who commit motor vehicle offenses.

**Brief Description:** Enhancing novice driver traffic safety.

**Sponsors:** Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire.

### Brief History:

#### Committee Activity:

Transportation: 1/25/99, 2/23/99 [DPS];  
Appropriations: 3/4/99, 3/6/99 [DP2S(w/o sub TR)].

#### Brief Summary of Second Substitute Bill

- Enhances traffic safety education by requiring more behind-the-wheel training and increased testing of driving abilities. The additional training is partially funded by a \$5 increase in the learner's permit fee to \$10.
- Requires traffic safety education teachers to take continuing education in traffic safety education.
- Restricts the night-time driving privilege for novice drivers (drivers within two years of having received their first license) who commit traffic infractions. The parent or guardian who gave permission for an under-18 driver to get a license is given authority to revoke that license.

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HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schual-Berke; Scott and Skinner.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Fortunato.

**Staff:** Paul Neal (786-7315).

**Background:**

Washington state has the fourth lowest automobile accident fatality rate nationwide. However, young drivers are disproportionately represented in the crashes that do occur. Drivers aged 16 to 19 have collision rates three times higher than those for the overall population and fatality rates that are twice as high. During the summer of 1998, members of the House Transportation Policy and Budget Committee formed the Youth Traffic Safety Task Force to examine ways to address the issue of youth traffic safety.

A person must acquire a learner's permit in order to participate in traffic safety education. A person must have completed traffic safety education and have the written permission of a parent or guardian in order to obtain a license prior to age 18. If a person completes those requirements, he or she receives a full, unrestricted driver's license. Currently there are no specific statutory requirements regarding traffic safety education curriculum or required hours of driving practice while holding a learner's permit. Nor are there license restrictions or penalties specifically directed at young drivers other than provisions suspending the driver's license for alcohol, drug, or weapon violations.

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**Summary of Substitute Bill:**

HB 1147 seeks to improve novice driver traffic by enhancing educational requirements, administrative requirements, and providing safe driving incentives:

**Education enhancements:**

- *Increased adult involvement in driver education:* To qualify for a license before age 18, a learner's permit holder must practice driving with a person aged 21 or

older who has at least five years of driving experience. The Superintendent of Public Instruction (SPI) is given authority to set the required time between 15 and 50 hours (*Section 3*). Beginning January 1, 2000, a parent or guardian must attest that this requirement has been met at the time he or she gives written consent for the driver's license (*Section 1(1)(b)*).

- *Increase driver education behind-the-wheel training requirement to six hours (Section 3(2)(3)).* Most school districts currently provide four hours of behind-the-wheel training. SHB 1147 increases that to six hours; the standard recommended by the National Highway Traffic Safety Council. The additional two hours is phased in with one additional hour effective September 1, 1999, and the second hour effective September 1, 2000. The cost for the additional two hours is \$3.4 million for the 1999-01 biennium. This is partially funded through an increase in the learner's permit fee from \$5 to \$10 (*Section 6 & 9*).
- *Require passing comprehensive written and driving skills test to pass driver's education (Section 3(2) and 4(3)).* The Department of Licensing is given authority to waive the drivers examination for students who score 95 percent or more of the total possible points from their traffic safety education class. (*Section 7*).
- *Require use of Auto-Control Monster traffic education tool (Section (3)(3)).* This device simulates how a vehicle can lose traction and is used to teach methods to avoid those situations. SPI may substitute another device if it determines that the substitute device is at least as effective. Districts that are unable to provide this tool would only be required to, and would only receive funding for, an additional 1.5 hours of behind-the-wheel training (*Sections 3(2)(b) and 5(1)(c)*).

#### **Administrative enhancements:**

- *Require continuing traffic safety education for driver's education teachers.* SHB 1147 requires that school districts employ teachers who comply with a traffic safety continuing education requirement in order to qualify for state driver's education funding (*Section 5(1)(b)*). SPI is given authority to determine how many hours of continuing education are required (*Section 3(3)*).
- *Increase SPI oversight of district programs.* SHB 1147 appropriates \$240,000 to fund an additional statewide traffic safety education coordinator and .5 of a support staff.

#### **Safe driving incentives:**

- *License restrictions for novice drivers who commit traffic infractions.* SHB 1147 prohibits novice drivers who commit traffic infractions from driving between the

hours of 10:00 p.m. and 5:00 a.m. This restriction remains in place for one year. Traffic infractions are divided into three groups.

- More serious infractions, such as failure to yield right-of-way, result in a restriction of the driving privilege for one infraction;
- Lesser infractions, such as improper backing, require two violations to invoke the driving restrictions.
- Suspendable offenses, such as DUI, require the imposition of driving restrictions if and when an offenders' license is reinstated.

Novice drivers under the age of 21 who commit infractions may be limited as to the number of passengers under the age of 21 they may carry. If a novice driver whose driving privilege is restricted drives a motor vehicle in violation of the law, the restrictions are extended for a year.

- *Permit Parent or guardian to retract permission for a driver's license for drivers under the age of 18 (Section 1(3)).* Allows the parent or guardian who granted permission for the youths driver's license to retract that permission until the youth reaches age 18 upon payment of a \$5 fee.

**Substitute Bill Compared to Original Bill:** The substitute bill includes the following changes:

- January 1, 2000 effective date for additional parent behind-the-wheel certification requirement;
- Imposes a \$5 fee for parent or guardian to rescind license permission;
- Phases in of additional two hours of school district behind-the-wheel training. One additional hour beginning September 1, 1999. Second additional hour beginning September 1, 2000;
- Additional two hours of behind-the-wheel training is not required if a student previously held a farm driving permit or a license from another state and can demonstrate that he or she is safely able to operate a motor vehicle;
- Grants SPI authority to employ a tool other than auto-control monster if the tool is as effective as the device described in this section;
- Directs SPI to establish driver training curriculum for commercial schools;

- Gives the DOL discretion, rather than a mandate, to waive drive test for students who graduate with score of 95 percent or higher;
- Provides that if a novice driver's license is suspended then, upon reinstatement, his or her driving privilege will be limited;
- Deletes proposed increase to traffic infraction fines; and
- Increases learner's permit fee to \$10. Fifty percent of the total fee goes to the public safety and education account to be used to fund traffic safety education.

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**Appropriation:** \$3,400,000 is appropriated from the Public Safety and Education Account to SPI to fund the additional two hours of school district behind-the-wheel instruction.

\$240,000 is appropriated from the Public Safety and Education Account to SPI to provide additional traffic safety education coordinators.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The requirement that a parent or guardian certify that a driver under the age of 18 has performed the required behind-the-wheel practice with an adult is effective January 1, 2000. The remainder of the bill is effective ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The enhancements to traffic safety education will make a meaningful improvement in the quality of traffic safety education provided to students in Washington. Giving the SPI more resources to assist local programs and requiring continuing education for traffic safety educators will help ensure a better program for the students. The prospect of restricted night-time driving for those novice drivers who commit infractions will operate as a meaningful incentive to practice the safe driving skills taught in traffic safety education.

**Testimony Against:** (Original bill) The Legislature should be cautious about allowing the Department of Licensing to waive the drive test. It may be difficult to ensure that individual traffic safety education programs are turning out qualified drivers without the check of a Department of Licensing test prior to granting a license.

**Testified:** (Original bill) (Support) David Kinnunen, SPI; Syd Muzzy, SPI; John Harvey, SPI; Steve Lind, Traffic Safety Commission; Judith Giniger, Department of Licensing; Mike Patrick, Washington Council of Police Officers; Rick Jensen, Washington State Patrol Troopers' Association; Eric Robertson, Washington State

Patrol; Debbie Cottonware, Onalaska Schools; Alex Hansen, Lakes High School; Ryan Driver, Mountlake Terrace High School; Richard Driver, parent; Haley Schoop, Lakes High School; Ken Coffin, Washington Professional Driver's Education Association; Jim Bricker, Pemco; Jean Leonard, State Farm WA Insurers; Janet Ray, AAA Washington; and Susie Tracy, Washington State Medical Association.

(Support with concerns) Karen Norton, Edmonds School District; Keith Bartol, Seattle School District; Angela Adkins, Shelton High School; and Kathy Cunningham, International Federation of Professional and Technical Engineers, Local 17.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

**Staff:** Mark Matteson (786-7145).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Transportation:** The second substitute bill removes the section making an appropriation and maker the bill null and void unless it is funded in the Omnibus budget bill.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested for first sub on February 20, 1999.

**Effective Date of Second Substitute Bill:** Ninety days after adjournment of session in which bill is passed. However the bill is null and void unless funded in the budget.

**Testimony For:** (On substitute bill) This is a good bill with many people in support of it. The source of the funding is not important; that the bill gets funding is important. The Public Safety and Education Account (PSEA) is suggested because that account is the source of funding for the existing driver's safety education program. Part of the cost could be passed on to students who take the driver's safety course. It is important to have safer children driving. There are benefits in terms of consistency

and the additional training provided in the bill. The increased driver's safety education will save people's lives.

**Testimony Against:** (On substitute bill) While supportive of the bill, the Office of the Superintendent of Public Instruction does not want to absorb any of the potential costs. Because the available funds in the Public Safety and Education Account are limited, another source of funds should be used to support this bill.

**Testified:** (Support) Rep. Karen Schmidt, prime sponsor; Sharon Foster, Washington Traffic Safety Education Association; and Lynda Hendrickson, Department of Licensing.

(Support with concerns) David Kinnunen, Office of the Superintendent of Public Instruction.

(Opposed) Tom McBride, Washington Association of Prosecuting Attorneys; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.