
HOUSE BILL 2169

State of Washington

58th Legislature

2003 Regular Session

By Representatives Lovick, Ahern, Haigh, O'Brien, Lantz, Dunshee, Dickerson, Sullivan, Hankins, Morris, Wood, Romero, Kenney, Simpson, Quall, McCoy, Cooper, Edwards, Berkey, Eickmeyer, Chase, Hudgins, Flannigan, Miloscia and Moeller

Read first time 02/28/2003. Referred to Committee on Transportation.

1 AN ACT Relating to regulation of race car driving schools; adding
2 a new chapter to Title 18 RCW; prescribing penalties; and providing an
3 effective date.

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

5 NEW SECTION. **Sec. 1.** FINDINGS--INTENT--SHORT TITLE. The
6 legislature finds that currently in the state of Washington, race car
7 driving schools are not subject to any form of licensing or regulation.
8 The lack of oversight and industry accountability creates a potential
9 for the operation of unsafe equipment and the employment of
10 inconsistent safety standards. Ashley Bergman, who was sixteen years
11 old, was killed while learning to drive a late model division race car
12 at a race car driving school in Yakima, Washington. The death of
13 Ashley caused many to evaluate the safety standards and emergency
14 preparedness of these types of schools. It was discovered in this
15 evaluation that no state in the United States regulates this industry
16 and most of the schools in Washington state operate in the absence of
17 critical safety policies and practices, such as having standby
18 emergency care staff on the premises, and conducting regular safety
19 checks of the vehicle's equipment. It is therefore the intent of the

1 legislature to create a regulatory environment in which race car
2 driving schools must operate in order that the consumers of this
3 industry will be assured that steps have been taken to create a safe
4 environment for them to learn in. In memory of the tragic loss of
5 Ashley Bergman, this act shall be known as the "Ashley Bergman Safety
6 Act."

7 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
8 section apply throughout this chapter unless the context clearly
9 requires otherwise.

- 10 (1) "Department" means the department of licensing.
- 11 (2) "Director" means the director of the department of licensing.
- 12 (3) "School" means race car driving school.
- 13 (4) "Most recent standard" means standards specified by a
14 sanctioning body no more than six months before the date of
15 registration or reregistration of a school, whichever is later.

16 NEW SECTION. **Sec. 3.** REGISTRATION REQUIRED. (1) All race car
17 driving schools operating in this state must register with the
18 department and obtain a license to operate in this state. The license
19 is valid for a period of two years. Applications for registration and
20 licensing must be on forms provided by the department.

21 (2) The director may require any information and documentation that
22 reasonably relates to the need to determine whether the applicant meets
23 the criteria for registration and licensing provided for in this
24 chapter.

25 NEW SECTION. **Sec. 4.** APPLICATION--FEE. Initial application to
26 the department for registration and licensing must be accompanied with
27 the payment of an application fee of fifty dollars, to be deposited
28 into the multimodal transportation account.

29 NEW SECTION. **Sec. 5.** RENEWAL--FEE. Licenses issued by the
30 department to race car driving schools must be renewed on January 1st
31 of the second year after initial issuance and must meet the
32 requirements set forth in section 6 of this act. The fee to renew the
33 license is thirty dollars and must be deposited into the multimodal
34 transportation account.

1 NEW SECTION. **Sec. 6.** APPLICATION REQUIREMENTS AND CRITERIA. (1)

2 For a race car driving school to qualify for a license to operate in
3 this state, the following must be demonstrated to the department's
4 satisfaction:

5 (a) The vehicles in operation at the school and the track used by
6 the school must adhere to safety-related specifications set forth in
7 the rule books of one of the following sanctioning bodies:

8 (i) The National Association of Stock Car Auto Racing;

9 (ii) The Sports Car Club of America;

10 (iii) The National Hot Rod Association;

11 (iv) The National Auto Sport Association;

12 (v) The Championship Auto Racing Teams; or

13 (vi) The Indy Racing League.

14 (b) If a school is using a vehicle type or a track not included in
15 the specifications of one of the sanctioning bodies provided for in (1)
16 of this section, the director shall determine the eligibility of the
17 school and use of the vehicle or track on a case by case basis under
18 chapter 34.05 RCW.

19 (c) At the time the school is registered and licensed, the vehicles
20 in operation and the track being used must meet the most recent
21 standards set forth by the relevant sanctioning body.

22 (2) An ambulance, as provided for in RCW 18.73.030, and a certified
23 paramedic, as provided for in RCW 18.71.200, must be present and onsite
24 at all times when the school's track is in use.

25 NEW SECTION. **Sec. 7.** OPERATING WITHOUT A LICENSE--PENALTY. It is
26 a gross misdemeanor for a race car driving school to operate in this
27 state without a valid license from the department.

28 NEW SECTION. **Sec. 8.** INVESTIGATION OF BUSINESS PRACTICES. If a
29 vehicle operated by a race car driving school is involved in an
30 accident during operation by a student or employee of the school that
31 results in an injury or a death, an investigation by the law
32 enforcement agency having jurisdiction over the school is required.

33 NEW SECTION. **Sec. 9.** RULES. The director may adopt rules
34 necessary to carry out this chapter.

1 NEW SECTION. **Sec. 10.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 11.** Captions used in this act are not part of
6 the law.

7 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act
8 constitute a new chapter in Title 18 RCW.

9 NEW SECTION. **Sec. 13.** This act takes effect January 1, 2004.

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