
SENATE BILL 5817

State of Washington 58th Legislature 2003 Regular Session

By Senators Finkbeiner, Johnson, Schmidt and Mulliken

Read first time 02/13/2003. Referred to Committee on Education.

1 AN ACT Relating to driver training schools; amending RCW 46.20.100,
2 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.350, and 46.82.360;
3 reenacting and amending RCW 46.20.055 and 46.20.070; adding a new
4 section to chapter 46.82 RCW; adding a new section to chapter 28A.220
5 RCW; and repealing RCW 28A.220.010, 28A.220.020, 28A.220.030,
6 28A.220.050, 28A.220.060, 28A.220.070, and 28A.220.900.

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

8 **Sec. 1.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
9 as follows:

10 (1) **Application.** The application of a person under the age of
11 eighteen years for a driver's license or a motorcycle endorsement must
12 be signed by a parent or guardian with custody of the minor. If the
13 person under the age of eighteen has no father, mother, or guardian,
14 then the application must be signed by the minor's employer.

15 (2) **Traffic safety education requirement.** For a person under the
16 age of eighteen years to obtain a driver's license he or she must meet
17 the traffic safety education requirements of this subsection.

18 (a) To meet the traffic safety education requirement for a driver's
19 license the applicant must satisfactorily complete a traffic safety

1 education course as defined in RCW (~~(28A.220.020 for a course offered~~
2 ~~by a school district, or as defined by the department of licensing))~~
3 46.82.280 for a course offered by a driver training school licensed
4 under chapter 46.82 RCW. (~~(The course offered by a school district or~~
5 ~~an approved private school must meet the standards established by the~~
6 ~~office of the state superintendent of public instruction.))~~ The course
7 offered by a driver training school must meet the standards established
8 by the department of licensing (~~(with the advice of))~~ through the
9 (~~(driver instructors¹))~~ training school advisory committee, pursuant to
10 RCW 46.82.300. The traffic safety education course may be provided by:

11 (i) A (~~(recognized secondary))~~ public or private school with a
12 traffic safety education course meeting the requirements of chapter
13 46.82 RCW; or

14 (ii) A commercial driver training school licensed under chapter
15 46.82 RCW that is annually approved by the department of licensing.

16 (b) To meet the traffic safety education requirement for a
17 motorcycle endorsement, the applicant must successfully complete a
18 motorcycle safety education course that meets the standards established
19 by the department of licensing.

20 (c) The department may waive the traffic safety education
21 requirement for a driver's license if the applicant demonstrates to the
22 department's satisfaction that:

23 (i) He or she was unable to take or complete a traffic safety
24 education course;

25 (ii) A need exists for the applicant to operate a motor vehicle;
26 and

27 (iii) He or she has the ability to operate a motor vehicle in such
28 a manner as not to jeopardize the safety of persons or property.

29 The department may adopt rules to implement this subsection (2)(c)(~~(in~~
30 ~~concert with the supervisor of the traffic safety education section of~~
31 ~~the office of the superintendent of public instruction))~~.

32 (d) The department may waive the traffic safety education
33 requirement if the applicant was licensed to drive a motor vehicle or
34 motorcycle outside this state and provides proof that he or she has had
35 education equivalent to that required under this subsection.

36 **Sec. 2.** RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are
37 each reenacted and amended to read as follows:

1 (1) **Driver's instruction permit.** The department may issue a
2 driver's instruction permit with or without a photograph to an
3 applicant who has successfully passed all parts of the examination
4 other than the driving test, provided the information required by RCW
5 46.20.091, paid a fee of fifteen dollars, and meets the following
6 requirements:

7 (a) Is at least fifteen and one-half years of age; or

8 (b) Is at least fifteen years of age and:

9 (i) Has submitted a proper application; and

10 (ii) Is enrolled in a traffic safety education (~~(program offered,~~
11 ~~approved, and accredited by the superintendent of public instruction~~
12 ~~or)) course offered by a (~~(driving [driver])~~) driver training school
13 (~~(licensed and inspected)~~) approved by the department of licensing
14 under chapter 46.82 RCW, that includes practice driving.~~

15 (2) **Waiver of written examination for instruction permit.** The
16 department may waive the written examination, if, at the time of
17 application, an applicant is enrolled in(~~(+~~

18 ~~(a) A traffic safety education course as defined by RCW~~
19 ~~28A.220.020(2); or~~

20 ~~(b) A course of instruction offered by a licensed driver training~~
21 ~~school as defined by RCW 46.82.280(1))~~ a traffic safety education
22 course offered by a driver training school approved by the department
23 of licensing under chapter 46.82 RCW.

24 The department may require proof of registration in such a course
25 as it deems necessary.

26 (3) **Effect of instruction permit.** A person holding a driver's
27 instruction permit may drive a motor vehicle, other than a motorcycle,
28 upon the public highways if:

29 (a) The person has immediate possession of the permit; and

30 (b) An approved instructor, or a licensed driver with at least five
31 years of driving experience, occupies the seat beside the driver.

32 (4) **Term of instruction permit.** A driver's instruction permit is
33 valid for one year from the date of issue.

34 (a) The department may issue one additional one-year permit.

35 (b) The department may issue a third driver's permit if it finds
36 after an investigation that the permittee is diligently seeking to
37 improve driving proficiency.

1 **Sec. 3.** RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are
2 each reenacted and amended to read as follows:

3 (1) **Agricultural driving permit authorized.** The director may issue
4 a juvenile agricultural driving permit to a person under the age of
5 eighteen years if:

6 (a) The application is signed by the applicant and the applicant's
7 father, mother, or legal guardian;

8 (b) The applicant has passed the driving examination required by
9 RCW 46.20.120;

10 (c) The department has investigated the applicant's need for the
11 permit and determined that the need justifies issuance;

12 (d) The department has determined the applicant is capable of
13 operating a motor vehicle without endangering himself or herself or
14 other persons and property; and

15 (e) The applicant has paid a fee of fifteen dollars.

16 The permit must contain a photograph of the person.

17 (2) **Effect of agricultural driving permit.** (a) The permit
18 authorizes the holder to:

19 (i) Drive a motor vehicle on the public highways of this state in
20 connection with farm work. The holder may drive only within a
21 restricted farming locality described on the permit; and

22 (ii) Participate in the classroom portion of a traffic safety
23 education course (~~authorized under RCW 28A.220.030 or the classroom~~
24 ~~portion of a traffic safety education course~~) offered by a driver
25 training school (~~licensed and inspected~~) approved by the department
26 of licensing under chapter 46.82 RCW offered in the community where the
27 holder resides.

28 (b) The director may transfer the permit from one farming locality
29 to another. A transfer is not a renewal of the permit.

30 (3) **Term and renewal of agricultural driving permit.** An
31 agricultural driving permit expires one year from the date of issue.

32 (a) A person under the age of eighteen who holds a permit may renew
33 the permit by paying a fee of fifteen dollars.

34 (b) An agricultural driving permit is invalidated when a permittee
35 attains age eighteen. In order to drive a motor vehicle on a highway
36 he or she must obtain a motor vehicle driver's license under this
37 chapter.

1 (4) **Suspension, revocation, or cancellation.** The director has sole
2 discretion to suspend, revoke, or cancel a juvenile agricultural
3 driving permit if:

4 (a) The permittee has been found to have committed an offense that
5 requires mandatory suspension or revocation of a driver's license; or

6 (b) The director is satisfied that the permittee has violated the
7 permit's restrictions.

8 **Sec. 4.** RCW 46.82.280 and 1986 c 80 s 1 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section shall apply throughout this chapter.

12 (1) "Driver training school" means a commercial driver training
13 school (~~((engaged in the business of giving instruction, for a fee, in~~
14 ~~the operation of automobiles))~~), a public school, or a private school
15 providing traffic safety education courses.

16 (2) "Commercial driver training school" means a private driver
17 training school engaged in the business of giving traffic safety
18 education for a fee.

19 (3) "Public school" means a public high school that teaches
20 children in grades ten through twelve at a minimum.

21 (4) "Private school" means a school approved under chapter 28A.195
22 RCW.

23 (5) "Director" means the director of the department of licensing of
24 the state of Washington.

25 (~~(+3)~~) (6) "Advisory committee" means the (~~(driving instructors')~~)
26 driver training school advisory committee as created in this chapter.

27 (~~(+4)~~) (7) "Fraudulent practices" means any conduct or
28 representation on the part of a licensee under this chapter tending to
29 induce anyone to believe, or to give the impression, that a license to
30 operate a motor vehicle or any other license granted by the director
31 may be obtained by any means other than those prescribed by law, or
32 furnishing or obtaining the same by illegal or improper means, or
33 requesting, accepting, or collecting money for such purposes.

34 (~~(+5)~~) (8) "Instructor" means any person employed by a driver
35 training school to instruct (~~(persons in the operation of automobiles))~~)
36 a traffic safety education course.

1 ~~((6))~~ (9) "Place of business" means a designated location at
2 which the business of a commercial driver training school is transacted
3 and its records are kept.

4 ~~((7))~~ (10) "Person" means any individual, firm, corporation,
5 partnership, or association.

6 (11) "Traffic safety education course" means a course of
7 instruction in traffic safety education that includes classroom
8 instruction and on-street driving instruction. Each phase shall meet
9 basic course requirements that shall be established by the department
10 of licensing and each part of the course shall be taught by an
11 instructor certified under RCW 46.82.320.

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

14 Any public or private school may contract with a commercial driver
15 training school for the instruction of a traffic safety education
16 course.

17 **Sec. 6.** RCW 46.82.300 and 2002 c 195 s 5 are each amended to read
18 as follows:

19 (1) The director shall be assisted in the duties and
20 responsibilities of this chapter by the driver ~~((instructors¹))~~
21 training school advisory committee, consisting of five members.
22 Members of the advisory committee shall be appointed by the director
23 for two-year terms and shall consist of a representative of the driver
24 training schools, a representative of the driving instructors (who
25 shall not be from the same school as the school member), a
26 representative of the superintendent of public instruction, a
27 representative of the department of licensing, and a representative
28 from the Washington state traffic safety commission. Members shall be
29 reimbursed for travel expenses in accordance with RCW 43.03.050 and
30 43.03.060. A member who is receiving a salary from the state shall not
31 receive compensation other than travel expenses incurred in such
32 service.

33 (2) The advisory committee shall meet at least semiannually and
34 shall have additional meetings as may be called by the director. The
35 director or the director's representative shall attend all meetings of
36 the advisory committee and shall serve as chairman.

1 (3) Duties of the advisory committee shall be to:

2 (a) Advise and confer with the director or the director's
3 representative on matters pertaining to the establishment of rules
4 necessary to carry out this chapter;

5 (b) Review violations of this chapter and to recommend to the
6 director appropriate enforcement or disciplinary action as provided in
7 this chapter;

8 (c) Review and update when necessary a curriculum consisting of a
9 list of items of knowledge and the processes of driving a motor vehicle
10 specifying the minimum requirements adjudged necessary in teaching a
11 proper and adequate course of driver education;

12 (d) Review and update instructor certification standards to be
13 consistent with RCW 46.82.330 and take into consideration those
14 standards required to be met by (~~traffic safety education~~) teachers
15 under (~~RCW 28A.220.020(3)~~) chapter 28A.410 RCW when the instructors
16 are teaching children under the age of eighteen; and

17 (e) Prepare the examination for a driver instructor's certificate
18 and review examination results at least once each calendar year for the
19 purpose of updating and revising examination standards.

20 **Sec. 7.** RCW 46.82.310 and 2002 c 352 s 24 are each amended to read
21 as follows:

22 (1) No person shall engage in the business of conducting a
23 commercial driver training school without a license issued by the
24 director for that purpose. An application for a commercial driver
25 training school license shall be filed with the director, containing
26 such information as prescribed by the director, accompanied by an
27 application fee of three hundred dollars, which shall in no event be
28 refunded. If an application is approved by the director, the applicant
29 upon payment of an additional fee of two hundred dollars shall be
30 granted a license valid for a period of one year from the date of
31 issuance.

32 (2) The annual fee for renewal of a commercial driver training
33 school license shall be two hundred fifty dollars. The director shall
34 issue a license certificate to each licensee which shall be
35 conspicuously displayed in the place of business of the licensee. If
36 a renewal application has not been received by the director within

1 sixty days from the date a notice of license expiration was mailed to
2 the licensee, the license will be void requiring a new application as
3 provided for in this chapter, including payment of all fees.

4 (3) The person to whom a commercial driver training school license
5 has been issued must notify the director in writing within thirty days
6 after any change is made in the officers, directors, or location of the
7 place of business of the school.

8 (4) Commercial driver training school licenses shall not be
9 transferable. In the event of any transfer of ownership in the
10 business, an application for a new license, including payment of all
11 fees, must be made. The director shall permit continuance of the
12 business for a period not to exceed sixty days from the date of
13 transfer pending approval of the new application for a school license.

14 (5) The director shall not issue or renew a commercial driver
15 training school license certificate until the licensee has filed with
16 the director evidence of liability insurance coverage with an insurance
17 company authorized to do business in this state in the amount of not
18 less than three hundred thousand dollars because of bodily injury or
19 death to two or more persons in any one accident, not less than one
20 hundred thousand dollars because of bodily injury or death to one
21 person in one accident, and not less than fifty thousand dollars
22 because of property damage to others in one accident, and the coverage
23 shall include uninsured motorists coverage. The insurance coverage
24 shall be maintained in full force and effect and the director shall be
25 notified at least ten days prior to cancellation or expiration of any
26 such policy of insurance.

27 (6) The increased insurance requirements of subsection (5) of this
28 section must be in effect by no later than one year after September 1,
29 1979.

30 **Sec. 8.** RCW 46.82.320 and 2002 c 352 s 25 are each amended to read
31 as follows:

32 (1) No person, including the owner, operator, partner, officer, or
33 stockholder of a driver training school shall give instruction (~~in the~~
34 ~~operation of an automobile for a fee~~) for a traffic safety education
35 course without a license issued by the director for that purpose. An
36 application for an instructor's license shall be filed with the
37 director, containing such information as prescribed by the director,

1 accompanied by an application fee of seventy-five dollars, which shall
2 in no event be refunded. If the application is approved by the
3 director and the applicant satisfactorily meets the examination
4 requirements as prescribed in RCW 46.82.330, the applicant shall be
5 granted a license valid for a period of one year from the date of
6 issuance. An instructor shall take a requalification examination every
7 five years.

8 (2) The annual fee for renewal of an instructor's license shall be
9 twenty-five dollars. The director shall issue a license certificate to
10 each licensee which shall be conspicuously displayed in the place of
11 business of the employing driver training school. Unless revoked,
12 canceled, or denied by the director, the license shall remain the
13 property of the licensee in the event of termination of employment or
14 employment by another driver training school. If a renewal application
15 has not been received by the director within sixty days from the date
16 a notice of license expiration was mailed to the licensee, the license
17 will be voided requiring a new application as provided for in this
18 chapter, including examination and payment of all fees.

19 (3) Persons who qualify under the rules (~~(jointly)~~) adopted by the
20 (~~(superintendent of public instruction and the)~~) director of licensing
21 to teach only the laboratory phase, shall be subject to a ten dollar
22 examination fee.

23 (4) Each licensee shall be provided with a wallet-size
24 identification card by the director at the time the license is issued
25 which shall be carried on the instructor's person at all times while
26 engaged in instructing.

27 (5) The person to whom an instructor's license has been issued
28 shall notify the director in writing within thirty days of any change
29 of employment or termination of employment, providing the name and
30 address of the new driver training school by whom the instructor will
31 be employed.

32 **Sec. 9.** RCW 46.82.350 and 1979 ex.s. c 51 s 8 are each amended to
33 read as follows:

34 (1) The director may suspend, revoke, deny, or refuse to renew an
35 instructor's license or a commercial driver training school license for
36 any of the following causes:

1 (a) Upon determination that the licensee has made a false statement
2 or concealed any material fact in connection with the application or
3 license renewal;

4 (b) Upon conviction of the applicant, licensee, or any person
5 directly or indirectly interested in the driver training school's
6 business of a felony, or any crime involving violence, dishonesty,
7 deceit, indecency, degeneracy, or moral turpitude;

8 (c) Upon determination that the applicant, licensee, or any person
9 directly or indirectly interested in the driver training school's
10 business previously held a driver training school license which was
11 revoked, suspended, or refused renewal by the director;

12 (d) Upon determination that the applicant or licensee does not have
13 a place of business as required by this chapter;

14 (e) Upon determination that the applicant or licensee has failed to
15 require all persons with financial interest in the driver training
16 school to be signatories to the application;

17 (f) Upon determination that the applicant or licensee has been
18 found guilty of fraud or fraudulent practices in relation to the
19 business conducted under the license, or guilty of inducing another to
20 resort to fraud in relation to securing for himself, herself, or
21 another a license to drive a motor vehicle; or

22 (g) Upon determination that the applicant or licensee fails to
23 satisfy the other conditions stated in this chapter.

24 **Sec. 10.** RCW 46.82.360 and 1989 c 337 s 19 are each amended to
25 read as follows:

26 The license of any driver training school or instructor may be
27 suspended, revoked, denied, or refused renewal for failure to comply
28 with the business practices specified in this section.

29 (1) No place of business shall be established nor any business of
30 a commercial driver training school conducted or solicited within one
31 thousand feet of an office or building owned or leased by the
32 department of licensing in which examinations for drivers' licenses are
33 conducted. The distance of one thousand feet shall be measured along
34 the public streets by the nearest route from the place of business to
35 such building.

36 (2) Any automobile used by a driver training school or an
37 instructor for instruction purposes must be equipped with:

1 (a) Dual controls for foot brake and clutch, or foot brake only in
2 a vehicle equipped with an automatic transmission;

3 (b) An instructor's rear view mirror; and

4 (c) A sign displayed on the back or top, or both, of the vehicle
5 not less than twenty inches in horizontal width or less than ten inches
6 in vertical height and having the words "student driver" or
7 "instruction car," or both, in legible, printed, English letters at
8 least two and one-half inches in height near the top and the name of
9 the school in similarly legible letters not less than one inch in
10 height placed somewhere below the aforementioned words, and the street
11 number and name and the telephone number in similarly legible letters
12 at least one inch in height placed next below the name of the school.
13 The lettering and background colors shall be of contrasting shades so
14 as to be clearly readable at one hundred feet in clear daylight. The
15 sign shall be displayed at all times when instruction is being given.

16 (3) Instruction may not be given by an instructor to a student in
17 an automobile unless the student possesses a current and valid
18 instruction permit issued pursuant to RCW 46.20.055 or a current and
19 valid driver's license.

20 (4) No commercial driver training school or instructor shall
21 advertise or otherwise indicate that the issuance of a driver's license
22 is guaranteed or assured as a result of the course of instruction
23 offered.

24 (5) No commercial driver training school or instructor shall
25 utilize any types of advertising without using the full, legal name of
26 the school and identifying itself as a commercial driver training
27 school. Items and services advertised must be available in a manner as
28 might be expected by the average person reading the advertisement.

29 (6) A commercial driver training school shall have an established
30 place of business owned, rented, or leased by the school and regularly
31 occupied and used exclusively for the business of giving driver
32 instruction. The established place of business of a commercial driver
33 training school that applies for an initial license after July 23,
34 1989, shall be located in a district that is zoned for business or
35 commercial purposes. The established place of business, branch office,
36 or classroom or advertised address of any such commercial driver
37 training school shall not consist of or include a house trailer,
38 residence, tent, temporary stand, temporary address, bus, telephone

1 answering service if such service is the sole means of contacting the
2 driver training school, a room or rooms in a hotel or rooming house or
3 apartment house, or premises occupied by a single or multiple-unit
4 dwelling house. To classify as a branch office or classroom the
5 facility must be within a thirty-five mile radius of the established
6 place of business. Nothing in this subsection may be construed as
7 limiting the authority of local governments to grant conditional use
8 permits or variances from zoning ordinances.

9 (7) No commercial driver training school or instructor shall
10 conduct any type of instruction or training on a course used by the
11 department of licensing for testing applicants for a Washington
12 driver's license.

13 (8) Each driver training school shall maintain records on all of
14 its students, including the student's name and address, the starting
15 and ending dates of instruction, the student's instruction permit or
16 driver's license number, the type of training given, and the total
17 number of hours of instruction. Records of past students shall be
18 maintained for five years following the completion of the instruction.

19 (9) Each driver training school shall, at its (~~established place~~
20 ~~of business~~) location, display, in a place where it can be seen by all
21 clients, a copy of the required minimum curriculum compiled by the
22 (~~driver~~) advisory committee. Copies of the required minimum
23 curriculum are to be provided to driver training schools and
24 instructors by the director.

25 (10) Driver training schools and instructors shall submit to
26 periodic inspections of their business practices, facilities, records,
27 and insurance by authorized representatives of the director of the
28 department of licensing.

29 NEW SECTION. Sec. 11. A new section is added to chapter 28A.220
30 RCW to read as follows:

31 Public and private schools may offer a traffic safety education
32 course under the provisions of chapter 46.82 RCW to meet the traffic
33 safety education requirement in RCW 46.20.100 for persons under the age
34 of eighteen.

35 NEW SECTION. Sec. 12. The following acts or parts of acts are
36 each repealed:

- 1 (1) RCW 28A.220.010 (Legislative declaration) and 1977 c 76 s 1;
2 (2) RCW 28A.220.020 (Definitions) and 1990 c 33 s 218, 1979 c 158
3 s 195, 1977 c 76 s 2, 1969 ex.s. c 218 s 1, & 1963 c 39 s 2;
4 (3) RCW 28A.220.030 (Administration of program--Powers and duties
5 of school officials) and 2000 c 115 s 9, 1979 c 158 s 196, 1977 c 76 s
6 3, 1969 ex.s. c 218 s 2, & 1963 c 39 s 3;
7 (4) RCW 28A.220.050 (Information on proper use of left-hand lane)
8 and 1986 c 93 s 4;
9 (5) RCW 28A.220.060 (Information on effects of alcohol and drug
10 use) and 1991 c 217 s 2;
11 (6) RCW 28A.220.070 (Rules) and 2000 c 115 s 11; and
12 (7) RCW 28A.220.900 (Purpose) and 1991 c 217 s 1, 1969 ex.s. c 218
13 s 7, & 1963 c 39 s 1.

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