

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2829

59th Legislature
2006 Regular Session

Passed by the House February 11, 2006
Yeas 82 Nays 13

Speaker of the House of Representatives

Passed by the Senate February 28, 2006
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2829** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2829

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller; by request of Department of Licensing

Read first time 01/13/2006. Referred to Committee on Transportation.

1 AN ACT Relating to driver training schools; amending RCW 46.82.280,
2 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340,
3 46.82.350, 46.82.360, 46.82.370, 46.82.420, 18.235.020, and 46.20.055;
4 adding a new section to chapter 46.82 RCW; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.82 RCW
7 to read as follows:

8 The uniform regulation of business and professions act, chapter
9 18.235 RCW, governs unlicensed practice, the issuance and denial of
10 licenses, and the discipline of licensees under this chapter.

11 **Sec. 2.** RCW 46.82.280 and 1986 c 80 s 1 are each amended to read
12 as follows:

13 (~~Unless the context clearly requires otherwise,~~) The definitions
14 in this section ((shall)) apply throughout this chapter unless the
15 context clearly requires otherwise.

16 (1) "Behind-the-wheel instruction" means instruction in an approved
17 driver training school instruction vehicle according to and inclusive

1 of the minimum required curriculum. Behind-the-wheel instruction is
2 characterized by driving experience.

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

9 (3) "Classroom instruction" means that portion of a traffic safety
10 education course that is characterized by classroom-based student
11 instruction conducted by or under the direct supervision of a licensed
12 instructor or licensed instructors.

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

16 ~~((+2))~~ (5) "Driver training education course" means a course of
17 instruction in traffic safety education approved and licensed by the
18 department of licensing that consists of classroom and behind-the-wheel
19 instruction as documented by the minimum approved curriculum.

20 (6) "Director" means the director of the department of licensing of
21 the state of Washington.

22 ~~((+3))~~ (7) "Advisory committee" means the driving instructors'
23 advisory committee as created in this chapter.

24 ~~((+4))~~ (8) "Fraudulent practices" means any conduct or
25 representation on the part of a ~~((licensee under this chapter tending~~
26 ~~to induce))~~ driver training school owner or instructor including:

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

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

1 (c) Failing to fully document and maintain all required driver
2 training school records of instruction, school operation, and
3 instructor training;

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

6 ~~((+5))~~ (9) "Instructor" means any person employed by or otherwise
7 associated with a driver training school to instruct persons in the
8 operation of ~~((automobiles)) an automobile.~~

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

12 ~~((+6))~~ (11) "Place of business" means a designated location at
13 which the business of a driver training school is transacted and its
14 records are kept.

15 ~~((+7))~~ (12) "Person" means any individual, firm, corporation,
16 partnership, or association.

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

21 (a) Directly or indirectly owning, operating, managing, or
22 controlling a driver training school or any part of a driver training
23 school;

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

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

27 (d) Owning ten percent or more of any class of stock in a privately
28 or closely held corporate driver training school, or five percent or
29 more of any class of stock in a publicly traded corporate driver
30 training school;

31 (e) Furnishing ten percent or more of the capital, whether in cash,
32 goods, or services, for the operation of a driver training school
33 during any calendar year; or

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

37 (14) "Student" means any person enrolled in a driver training
38 course that pays a fee for instruction.

1 **Sec. 3.** RCW 46.82.300 and 2002 c 195 s 5 are each amended to read
2 as follows:

3 (1) The director shall be assisted in the duties and
4 responsibilities of this chapter by the driver instructors' advisory
5 committee, consisting of five members. Members of the advisory
6 committee shall be appointed by the director for two-year terms and
7 shall consist of a representative of the driver training schools, a
8 representative of the driving instructors (who shall not be from the
9 same school as the school member), a representative of the
10 superintendent of public instruction, a representative of the
11 department of licensing, and a representative from the Washington state
12 traffic safety commission. Members shall be reimbursed for travel
13 expenses in accordance with RCW 43.03.050 and 43.03.060. A member who
14 is receiving a salary from the state shall not receive compensation
15 other than travel expenses incurred in such service.

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

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

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

24 (b) ~~((Review violations of this chapter and to recommend to the
25 director appropriate enforcement or disciplinary action as provided in
26 this chapter;~~

27 ~~(e))~~ Review and update when necessary a curriculum consisting of
28 a list of items of knowledge and the processes of driving a motor
29 vehicle specifying the minimum requirements adjudged necessary in
30 teaching a proper and adequate course of driver education;

31 ~~((d))~~ (c) Review and update instructor certification standards to
32 be consistent with RCW 46.82.330 and take into consideration those
33 standards required to be met by traffic safety education teachers under
34 RCW 28A.220.020(3); and

35 ~~((e))~~ (d) Prepare the examination for a driver instructor's
36 certificate and review examination results at least once each calendar
37 year for the purpose of updating and revising examination standards.

1 **Sec. 4.** RCW 46.82.310 and 2002 c 352 s 24 are each amended to read
2 as follows:

3 (1) No person shall engage in the business of conducting a driver
4 training school without a license issued by the director for that
5 purpose. The school's license must be displayed before the school may:

6 (a) Schedule, enroll, or engage any students in a course of
7 instruction;

8 (b) Issue a verification of enrollment to any student; or

9 (c) Begin any classroom or behind-the-wheel instruction.

10 (2) An application for a driver training school license shall be
11 filed with the director, containing such information as prescribed by
12 the director, including a uniform business identifier number,
13 accompanied by an application fee (~~(of three hundred dollars)~~) as set
14 by rule of the department, which shall in no event be refunded. Before
15 an application for a driver training school license is approved, the
16 business practices, facilities, records, and insurance of the proposed
17 school must be inspected and reviewed by authorized representatives of
18 the director. If an application is approved by the director, the
19 applicant (~~(upon payment of an additional fee of two hundred dollars)~~)
20 shall be granted a license valid for a period of one year from the date
21 of issuance.

22 (~~(+2)~~) (3) A driver training school may apply for a license to
23 establish a branch office or branch classroom by filing an application
24 with the director, containing such information as prescribed by the
25 director, accompanied by an application fee as set by rule of the
26 department, which shall in no event be refunded. Before an application
27 for a license to establish a branch office or branch classroom is
28 approved, the business practices, facilities, records, and insurance of
29 the proposed branch location must be inspected and reviewed by
30 authorized representatives of the director. If an application is
31 approved by the director, the applicant shall be granted a license
32 valid for a period of one year from the date of issuance.

33 (4) The annual fee for renewal of a school or branch location
34 license shall be (~~(two hundred fifty dollars)~~) set by rule of the
35 department. Subject to the department's inspection of the business,
36 the director shall issue a license certificate to each licensee which
37 shall be conspicuously displayed in the place of business of the
38 licensee. If the director has not received a renewal application (~~has~~

1 ~~not been received by the director within sixty days from))~~ on or before
2 ~~the date a ((notice of))~~ license ~~((expiration was mailed to the~~
3 ~~licensee))~~ expires, the license will be void requiring a new
4 application as provided for in this chapter, including payment of all
5 fees.

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

10 ~~((4) Driver training school licenses shall not be transferable.~~
11 ~~In the event of any transfer of ownership in the business, an~~
12 ~~application for))~~ (6) A change involving the ownership of a driver
13 training school requires a new license application, including payment
14 of all fees~~((, must be made))~~.

15 (a) The owner relinquishing the business must notify the director
16 in writing within ten business days.

17 (b) The new owner must submit an application and fee as prescribed
18 by rule of the department for transfer of the school's license to the
19 director within ten business days.

20 (c) Upon receipt of the required notification and the application
21 and fees for license transfer, the director shall permit continuance of
22 the business for a period not to exceed sixty days from the date of
23 transfer pending approval of the new application for a school license.

24 (d) The transferred license shall remain subject to suspension,
25 revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

26 ~~((5) The director shall not issue or renew a school license~~
27 ~~certificate until the licensee has filed with the director evidence of~~
28 ~~liability insurance coverage with an insurance company authorized to do~~
29 ~~business in this state in the amount of not less than three hundred~~
30 ~~thousand dollars because of bodily injury or death to two or more~~
31 ~~persons in any one accident, not less than one hundred thousand dollars~~
32 ~~because of bodily injury or death to one person in one accident, and~~
33 ~~not less than fifty thousand dollars because of property damage to~~
34 ~~others in one accident, and the coverage shall include uninsured~~
35 ~~motorists coverage. The insurance coverage shall be maintained in full~~
36 ~~force and effect and the director shall be notified at least ten days~~
37 ~~prior to cancellation or expiration of any such policy of insurance.~~

1 ~~(6)~~) (7) Evidence of liability insurance coverage must be filed
2 with the director prior to the issuance or renewal of a school license,
3 and shall meet the following standards:

4 (a) Coverage must be provided by a company authorized to do
5 business in Washington state;

6 (b) Automobile liability coverage shall be in the amount of not
7 less than one million dollars, and shall include property damage and
8 uninsured motorists coverage;

9 (c) The required coverage shall be maintained in full force and
10 effect for the term of the school license;

11 (d) Changes in insurance coverage due to cancellation or expiration
12 require notification of the director and proof of continuing coverage
13 within ten working days following any change; and

14 (e) Coverage shall be issued in the name of the school and identify
15 the covered locations and vehicles.

16 (8) The increased insurance requirements of subsection (~~(+5)~~) (7)
17 of this section must be in effect by no later than one year after
18 (~~September 1, 1979~~) July 1, 2006.

19 **Sec. 5.** RCW 46.82.320 and 2002 c 352 s 25 are each amended to read
20 as follows:

21 (1) No person(~~, including the owner, operator, partner, officer,~~
22 ~~or stockholder of~~) affiliated with a driver training school shall give
23 instruction in the operation of an automobile for a fee without a
24 license issued by the director for that purpose. An application for an
25 original or renewal instructor's license shall be filed with the
26 director, containing such information as prescribed by this chapter and
27 by the director, accompanied by an application fee (~~of seventy five~~
28 ~~dollars~~) set by rule of the department, which shall in no event be
29 refunded. An application for a renewal instructor's license must be
30 accompanied by proof of the applicant's continuing professional
31 development that meets the standards adopted by the director. If the
32 (~~application is approved by the director and the~~) applicant
33 satisfactorily meets the application requirements and the examination
34 requirements as prescribed in RCW 46.82.330, the applicant shall be
35 granted a license valid for a period of one year from the date of
36 issuance. An instructor shall take a requalification examination every
37 five years.

1 ~~((The annual fee for renewal of an instructor's license shall~~
2 ~~be twenty five dollars.))~~ The director shall issue a license
3 certificate to each ~~((licensee which shall be))~~ qualified applicant.

4 (a) An employing driver training school must conspicuously
5 ~~((displayed in the))~~ display an instructor's license at its established
6 place of business ~~((of the employing driver training school))~~ and
7 display copies of the instructor's license at any branch office where
8 the instructor provides instruction.

9 (b) Unless revoked, canceled, or denied by the director, the
10 license shall remain the property of the licensee in the event of
11 termination of employment or employment by another driver training
12 school.

13 (c) If the director has not received a renewal application ~~((has~~
14 ~~not been received by the director within sixty days from))~~ on or before
15 the date a ~~((notice of))~~ license ~~((expiration was mailed to the~~
16 ~~licensee))~~ expires, the license will be voided requiring a new
17 application as provided for in this chapter, including examination and
18 payment of all fees.

19 (d) If revoked, canceled, or denied by the director, the license
20 must be surrendered to the department within ten days following the
21 effective date of such action.

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

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

30 ~~((5))~~ (4) The person to whom an instructor's license has been
31 issued shall notify the director in writing within ~~((thirty))~~ ten days
32 of any change of employment or termination of employment, providing the
33 name and address of the new driver training school by whom the
34 instructor will be employed.

35 **Sec. 6.** RCW 46.82.325 and 2002 c 195 s 4 are each amended to read
36 as follows:

37 ~~((Persons instructing students under eighteen years of age))~~

1 Instructors, owners, and other persons affiliated with a school who
2 have contact with students are required to have a background check
3 through the Washington state patrol criminal identification system and
4 through the federal bureau of investigation. The background check
5 shall also include a fingerprint check using a fingerprint card.
6 Persons covered by this section must have their background rechecked
7 under this subsection every five years.

8 (2) In addition to the background check required under subsection
9 (1) of this section, persons covered by this section must have a
10 background check through the Washington criminal identification system
11 at the time of application for any renewal license.

12 (3) The cost of the background check shall be paid by the
13 ((instructor)) person.

14 ((3) The department may waive the background check for any
15 applicant who has had a background check within two years before
16 applying to become an instructor.))

17 **Sec. 7.** RCW 46.82.330 and 1979 ex.s. c 51 s 6 are each amended to
18 read as follows:

19 (1) ((Upon receipt and approval of an application accompanied by
20 the proper fees, the director shall arrange for the examination of each
21 applicant for an instructor's license and shall notify each applicant
22 of the time and place to appear for examination.

23 (2) The examination prepared by the advisory committee shall
24 consist of a knowledge test and an actual driving test conducted in a
25 vehicle provided by the applicant. The examination shall determine:
26 The applicant's knowledge of driving laws, rules, and regulations; the
27 applicant's ability to safely operate a motor vehicle; and the
28 applicant's ability to impart this knowledge to others.

29 (3) ~~No~~) The application for an instructor's license shall document
30 the applicant's fitness, knowledge, skills, and abilities to teach the
31 classroom and behind-the-wheel phases of a driver training education
32 program in a commercial driver training school.

33 (2) An applicant shall be ((permitted by the director to take the
34 examination for an instructor's license until it is determined that the
35 applicant meets the following requirements)) eligible to apply for an
36 original instructor's certificate if the applicant possesses and meets
37 the following qualifications and conditions:

1 (a) Has been licensed to drive for five or more years and possesses
2 a current and valid Washington driver's license or is a resident of a
3 jurisdiction immediately adjacent to Washington state and possesses a
4 current and valid license issued by such jurisdiction, and does not
5 have on his or her driving record any of the violations or penalties
6 set forth in ~~((3))~~ (2)(a) (i), (ii), or (iii) of this section. The
7 director shall have the right to examine the driving record of the
8 applicant from the department of licensing and from other jurisdictions
9 and from these records determine if the applicant has had:

10 (i) Not more than ~~((three))~~ one moving traffic violation~~((s))~~
11 within the preceding twelve months or more than ~~((four))~~ two moving
12 traffic violations in the preceding twenty-four months;

13 (ii) No alcohol-related traffic violation or incident within the
14 preceding ~~((three))~~ seven years; and

15 (iii) No driver's license suspension, cancellation, revocation, or
16 denial within the preceding ~~((three))~~ five years;

17 (b) Is a high school graduate or the equivalent and at least
18 twenty-one years of age;

19 (c) Has completed an acceptable application on a form prescribed by
20 the director; ~~((and))~~

21 (d) Has satisfactorily completed a ~~((sixty-hour))~~ course of
22 instruction in the training of drivers acceptable to the director~~((-~~
23 ~~The course shall include at least twelve hours of))~~ that is no less
24 than sixty hours in length and includes instruction in classroom and
25 behind-the-wheel teaching methods and ~~((at least six hours))~~ supervised
26 practice behind-the-wheel teaching of driving techniques; and

27 (e) Has paid an examination fee as set by rule of the department
28 and has successfully completed an instructor's examination as prepared
29 by the advisory committee, which shall consist of a knowledge test and
30 an actual driving test conducted in a vehicle provided by the
31 applicant. The examination shall determine:

32 (i) The applicant's knowledge of driving laws and rules;

33 (ii) The applicant's ability to safely operate a motor vehicle; and

34 (iii) The applicant's ability to impart this knowledge and ability
35 to others.

36 ~~((4) Any person with a valid instructor's license in effect as of~~
37 ~~September 1, 1979, shall not be required to take the examination, or~~

1 ~~complete the revised course of instruction, otherwise required under~~
2 ~~this section.))~~

3 **Sec. 8.** RCW 46.82.340 and 1979 ex.s. c 51 s 7 are each amended to
4 read as follows:

5 In case of the loss, mutilation, or destruction of a driver
6 training school license certificate or an instructor's license
7 certificate, the director shall issue a duplicate thereof upon proof of
8 the facts and payment of a fee ~~((of two dollars))~~ as set by rule of the
9 department.

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

12 ~~((1))~~ The director may suspend, revoke, deny, or refuse to renew
13 an instructor's license or a driver training school license, or impose
14 such other disciplinary action authorized under RCW 18.235.110, upon
15 determination that the applicant, licensee, or owner has engaged in
16 unprofessional conduct as defined by RCW 18.235.130 or for any of the
17 following causes:

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

21 ~~((b))~~ (2) Upon ~~((conviction of))~~ determination that the
22 applicant, licensee, owner, or any person directly or indirectly
23 interested in the driver training school's business has been convicted
24 of a felony, or any crime involving violence, dishonesty, deceit,
25 indecency, degeneracy, or moral turpitude;

26 ~~((c))~~ (3) Upon determination that the applicant, licensee, owner,
27 or any person directly or indirectly interested in the driver training
28 school's business previously held a driver training school license
29 which was revoked, suspended, or refused renewal by the director;

30 ~~((d))~~ (4) Upon determination that the applicant ~~((or))~~ licensee,
31 or owner does not have ~~((a))~~ an established place of business as
32 required by this chapter;

33 ~~((e))~~ (5) Upon determination that the applicant or licensee has
34 failed to require all persons with financial interest in the driver
35 training school to be signatories to the application;

1 ~~((f))~~ (6) Upon determination that the applicant ~~((e))~~, licensee,
2 or owner has ~~((been found guilty of fraud or))~~ committed fraud, induced
3 another to commit fraud, or engaged in fraudulent practices in relation
4 to the business conducted under the license, or ~~((guilty of inducing))~~
5 has induced another to resort to fraud in relation to securing for
6 himself, herself, or another a license to drive a motor vehicle; ~~((e~~

7 ~~g))~~ (7) Upon determination that the applicant, licensee, or owner
8 has engaged in conduct that could endanger the educational welfare or
9 personal safety of students or others;

10 (8) Upon determination that a licensed instructor no longer
11 possesses and meets the qualifications and conditions set out in RCW
12 46.82.330(2)(a); or

13 (9) Upon determination that the applicant ~~((e))~~, licensee or owner
14 failed to satisfy or fails to satisfy the other conditions stated in
15 this chapter.

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

18 The license of any driver training school or instructor may be
19 suspended, revoked, denied, or refused renewal, or such other
20 disciplinary action authorized under RCW 18.235.110 may be imposed, for
21 failure to comply with the business practices specified in this
22 section.

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

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

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

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

35 (c) A sign in legible, printed English letters displayed on the
36 back or top, or both, of the vehicle that:

1 (i) Is not less than twenty inches in horizontal width or less than
2 ten inches in vertical height (~~((and having))~~);

3 (ii) Has the words "student driver," (~~((or))~~) "instruction car," or
4 (~~((both, in legible, printed, English))~~) "driving school" in letters at
5 least two and one-half inches in height near the top (~~((and))~~);

6 (iii) Has the name and telephone number of the school in similarly
7 legible letters not less than one inch in height placed somewhere below
8 the aforementioned words (~~((, and the street number and name and the
9 telephone number in similarly legible letters at least one inch in
10 height placed next below the name of the school. The))~~);

11 (iv) Has lettering and background colors (~~((shall be of contrasting
12 shades so as to be))~~) that make it clearly readable at one hundred feet
13 in clear daylight (~~((The sign shall be))~~);

14 (v) Is displayed at all times when instruction is being given.

15 (3) Instruction may not be given by an instructor to a student who
16 is under the age of fifteen, and behind-the-wheel instruction may not
17 be given by an instructor to a student in an automobile unless the
18 student possesses a current and valid instruction permit issued
19 pursuant to RCW 46.20.055 or a current and valid driver's license.

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

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

29 (6) A driver training school shall have an established place of
30 business owned, rented, or leased by the school and regularly occupied
31 and used exclusively for the business of giving driver instruction.
32 The established place of business of a driver training school (~~((that
33 applies for an initial license after July 23, 1989,))~~) shall be located
34 in a district that is zoned for business or commercial purposes.

35 (a) The established place of business, branch office, or classroom
36 or advertised address of any such driver training school shall not
37 consist of or include a house trailer, residence, tent, temporary
38 stand, temporary address, bus, telephone answering service if such

1 service is the sole means of contacting the driver training school, a
2 room or rooms in a hotel or rooming house or apartment house, or
3 premises occupied by a single or multiple-unit dwelling house.

4 (b) A driver training school may lease classroom space within a
5 public or private school that is recognized and regulated by the office
6 of the superintendent of public instruction to conduct student
7 instruction as approved by the director. However, such use of public
8 or private classroom space does not alleviate the driver training
9 school from securing and maintaining an established place of business
10 nor from using its own classroom on a regular basis as required by this
11 chapter.

12 (c) To classify as a branch office or classroom the facility must
13 be within a thirty-five mile radius of the established place of
14 business.

15 (d) Nothing in this subsection may be construed as limiting the
16 authority of local governments to grant conditional use permits or
17 variances from zoning ordinances.

18 (7) No driver training school or instructor shall conduct any type
19 of instruction or training on a course used by the department of
20 licensing for testing applicants for a Washington driver's license.

21 (8) Each driver training school shall maintain (~~records on all~~
22 ~~of~~) its (~~students, including~~) student, instructor, vehicle, and
23 operating records at its established place of business.

24 (a) Student records must include the student's name ((and)),
25 address, and telephone number, ((the starting and ending)) date of
26 enrollment and all dates of instruction, the student's instruction
27 permit or driver's license number, the type of training given, ((and))
28 the total number of hours of instruction, and the name and signature of
29 the instructor or instructors.

30 (b) Instructor records shall include the instructor's license
31 number, the date of hire, the dates and duration of an instructor's
32 training including initial certification as an instructor and
33 continuing education, an abstract of the driving record for the
34 instructor obtained within the past year, and a list of the locations
35 where the instructor is providing student instruction.

36 (c) Vehicle records shall include the original insurance policies
37 and copies of the vehicle registration for all instruction vehicles.

1 (d) Student and instructor records ((of past students)) shall be
2 maintained for five years following the completion of the instruction.
3 Vehicle records shall be maintained for five years following their
4 issuance. All records shall be made available for inspection upon the
5 request of the department.

6 (e) Upon a transfer or sale of school ownership the school records
7 shall be transferred to and become the property and responsibility of
8 the new owner.

9 (9) Each driver training school shall, at its established place of
10 business, display, in a place where it can be seen by all clients, a
11 copy of the required minimum curriculum ((compiled)) furnished by the
12 ((driver advisory committee)) department and a copy of the school's own
13 curriculum. Copies of the required minimum curriculum are to be
14 provided to driver training schools and instructors by the director.

15 (10) Driver training schools and instructors shall submit to
16 periodic inspections of their business practices, facilities, records,
17 and insurance by authorized representatives of the director of the
18 department of licensing.

19 **Sec. 11.** RCW 46.82.370 and 1979 ex.s. c 51 s 10 are each amended
20 to read as follows:

21 Upon notification of suspension, revocation, denial, or refusal to
22 renew a license under this chapter, a driver training school or
23 instructor shall have the right to appeal the action being taken. An
24 appeal may be made to the director, who shall cause a hearing to be
25 held ((by the advisory committee)) in accordance with chapter 34.05
26 RCW. Filing an appeal shall stay the action pending the hearing and
27 the director's decision. Upon conclusion of the hearing, ((the
28 advisory committee shall notify the director of its findings of fact
29 and recommended action. Within ten days of receipt of the advisory
30 committee's findings and recommendation,)) the director shall issue a
31 decision on the appeal.

32 (1) A license may, however, be temporarily suspended by the
33 director without notice pending any prosecution, investigation, or
34 hearing where such emergency action is warranted. A licensee or
35 applicant entitled to a hearing shall be given due notice thereof.

36 (2) The sending of a notice of a hearing by registered mail to the

1 last known address of a licensee or applicant in accordance with
2 chapter 34.05 RCW shall be deemed due notice.

3 (3) The director or the director's authorized representative shall
4 preside over the (~~advisory committee during the~~) hearing and shall
5 have the power to subpoena witnesses, administer oaths to witnesses,
6 take testimony of any person, and cause depositions to be taken. A
7 subpoena issued under the authority of this section shall be served in
8 the same manner as a subpoena issued by a court of record. Witnesses
9 subpoenaed under this section and persons other than officers or
10 employees of the department of licensing shall be entitled to the same
11 fees and mileage as are allowed in civil actions in courts of law.

12 **Sec. 12.** RCW 46.82.420 and 2004 c 126 s 2 are each amended to read
13 as follows:

14 (1) The advisory committee shall (~~compile~~) consult with the
15 department in the development and maintenance of a basic minimum
16 required curriculum and the department shall furnish to each qualifying
17 applicant for an instructor's license or a driver training school
18 license a (~~basic minimum required~~) copy of such curriculum.

19 (2) In addition to information on the safe, lawful, and responsible
20 operation of motor vehicles on the state's highways, the basic minimum
21 required curriculum shall (~~also~~) include (~~(+1)~~) information on:

22 (a) Intermediate driver's license issuance, passenger and driving
23 restrictions and sanctions for violating the restrictions, and the
24 effect of traffic violations and collisions on the driving privileges;

25 (b) The effects of alcohol and drug use on motor vehicle operators,
26 including information on drug and alcohol related traffic injury and
27 mortality rates in the state of Washington(~~(+2)~~) and the current
28 penalties for driving under the influence of drugs or alcohol; and
29 (~~(+3) information on~~)

30 (c) Motorcycle awareness, approved by the Motorcycle Safety
31 Foundation, to ensure new operators of motor vehicles have been
32 instructed in the importance of safely sharing the road with
33 motorcyclists.

34 (3) Should the director be presented with acceptable proof that any
35 licensed instructor or driver training school is not showing proper
36 diligence in teaching such basic minimum curriculum as required, the
37 instructor or school shall be required to appear before the advisory

1 committee and show cause why the license of the instructor or school
2 should not be revoked for such negligence. If the committee does not
3 accept such reasons as may be offered, the director may revoke the
4 license of the instructor or school, or both.

5 **Sec. 13.** RCW 18.235.020 and 2002 c 86 s 103 are each amended to
6 read as follows:

7 (1) This chapter applies only to the director and the boards and
8 commissions having jurisdiction in relation to the businesses and
9 professions licensed under the chapters specified in this section.
10 This chapter does not apply to any business or profession not licensed
11 under the chapters specified in this section.

12 (2)(a) The director has authority under this chapter in relation to
13 the following businesses and professions:

- 14 (i) Auctioneers under chapter 18.11 RCW;
- 15 (ii) Bail bond agents under chapter 18.185 RCW;
- 16 (iii) Camping resorts' operators and salespersons under chapter
17 19.105 RCW;

18 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

19 (v) Cosmetologists, barbers, manicurists, and estheticians under
20 chapter 18.16 RCW;

21 (vi) Court reporters under chapter 18.145 RCW;

22 (vii) Driver training schools and instructors under chapter 46.82
23 RCW;

24 (viii) Employment agencies under chapter 19.31 RCW;

25 ~~((viii))~~ (ix) For hire vehicle operators under chapter 46.72 RCW;

26 ~~((ix))~~ (x) Limousines under chapter 46.72A RCW;

27 ~~((x))~~ (xi) Notaries public under chapter 42.44 RCW;

28 ~~((xi))~~ (xii) Private investigators under chapter 18.165 RCW;

29 ~~((xii))~~ (xiii) Professional boxing, martial arts, and wrestling
30 under chapter 67.08 RCW;

31 ~~((xiii))~~ (xiv) Real estate appraisers under chapter 18.140 RCW;

32 ~~((xiv))~~ (xv) Real estate brokers and salespersons under chapters
33 18.85 and 18.86 RCW;

34 ~~((xv))~~ (xvi) Security guards under chapter 18.170 RCW;

35 ~~((xvi))~~ (xvii) Sellers of travel under chapter 19.138 RCW;

36 ~~((xvii))~~ (xviii) Timeshares and timeshare salespersons under
37 chapter 64.36 RCW; and

1 (~~(xviii)~~) (xix) Whitewater river outfitters under chapter 79A.60
2 RCW.

3 (b) The boards and commissions having authority under this chapter
4 are as follows:

5 (i) The state board of registration for architects established in
6 chapter 18.08 RCW;

7 (ii) The cemetery board established in chapter 68.05 RCW;

8 (iii) The Washington state collection agency board established in
9 chapter 19.16 RCW;

10 (iv) The state board of registration for professional engineers and
11 land surveyors established in chapter 18.43 RCW governing licenses
12 issued under chapters 18.43 and 18.210 RCW;

13 (v) The state board of funeral directors and embalmers established
14 in chapter 18.39 RCW;

15 (vi) The state board of registration for landscape architects
16 established in chapter 18.96 RCW; and

17 (vii) The state geologist licensing board established in chapter
18 18.220 RCW.

19 (3) In addition to the authority to discipline license holders, the
20 disciplinary authority may grant or deny licenses based on the
21 conditions and criteria established in this chapter and the chapters
22 specified in subsection (2) of this section. This chapter also governs
23 any investigation, hearing, or proceeding relating to denial of
24 licensure or issuance of a license conditioned on the applicant's
25 compliance with an order entered under RCW 18.235.110 by the
26 disciplinary authority.

27 **Sec. 14.** RCW 46.20.055 and 2005 c 314 s 303 are each amended to
28 read as follows:

29 (1) **Driver's instruction permit.** The department may issue a
30 driver's instruction permit with or without a photograph to an
31 applicant who has successfully passed all parts of the examination
32 other than the driving test, provided the information required by RCW
33 46.20.091, paid a fee of twenty dollars, and meets the following
34 requirements:

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

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

37 (i) Has submitted a proper application; and

1 (ii) Is enrolled in a traffic safety education program offered,
2 approved, and accredited by the superintendent of public instruction or
3 offered by a driver training school licensed and inspected by the
4 department of licensing under chapter 46.82 RCW, that includes practice
5 driving.

6 (2) **Waiver of written examination for instruction permit.** The
7 department may waive the written examination, if, at the time of
8 application, an applicant is enrolled in:

9 (a) A traffic safety education course as defined by RCW
10 28A.220.020(2); or

11 (b) A course of instruction offered by a licensed driver training
12 school as defined by RCW 46.82.280(~~(1)~~) (4).

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

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

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

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

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

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

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

27 (c) A person applying to renew an instruction permit must submit
28 the application to the department in person.

29 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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