

SHB 1588 - S COMM AMD
By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that it
4 is the policy of the state of Washington to encourage the safe and
5 efficient use of the roads by all citizens, regardless of mode of
6 transportation. In furtherance of this policy, the legislature further
7 declares that traffic safety education and driver training should
8 include instruction on pedestrian awareness and the importance of
9 sharing the roads with bicycles, motorcycles, buses, and other forms of
10 transit.

11 NEW SECTION. **Sec. 2.** This act may be known and cited as the
12 Matthew "Tatsuo" Nakata act.

13 **Sec. 3.** RCW 46.20.055 and 2006 c 219 s 14 are each amended to read
14 as follows:

15 (1) **Driver's instruction permit.** The department may issue a
16 driver's instruction permit with or without a photograph to an
17 applicant who has successfully passed all parts of the examination
18 other than the driving test, provided the information required by RCW
19 46.20.091, paid a fee of twenty dollars, and meets the following
20 requirements:

- 21 (a) Is at least fifteen and one-half years of age; or
22 (b) Is at least fifteen years of age and:
23 (i) Has submitted a proper application; and
24 (ii) Is enrolled in a traffic safety education (~~(program offered,~~
25 ~~approved, and accredited by the superintendent of public instruction or~~
26 ~~offered by a driver training school licensed and inspected by the~~
27 ~~department of licensing under chapter 46.82 RCW)) and driver training
28 course as defined in RCW 46.82.280, that includes practice driving.~~

1 (2) **Waiver of written examination for instruction permit.** The
2 department may waive the written examination, if, at the time of
3 application, an applicant is enrolled in(÷

4 ~~(a))~~ a traffic safety education and driver training course as
5 defined (~~by RCW 28A.220.020(2); or~~

6 ~~(b) A course of instruction offered by a licensed driver training~~
7 ~~school as defined by RCW 46.82.280(4))~~ in RCW 46.82.280.

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

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

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

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

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

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

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

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

24 **Sec. 4.** RCW 46.20.075 and 2000 c 115 s 2 are each amended to read
25 as follows:

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

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

31 (b) Have passed a driver licensing examination administered by the
32 department;

33 (c) Have passed a course of (~~driver's education~~) traffic safety
34 education and driver training in accordance with the standards
35 established in RCW 46.20.100;

36 (d) Present certification by his or her parent, guardian, or
37 employer to the department stating (i) that the applicant has had at

1 least fifty hours of driving experience, ten of which were at night,
2 during which the driver was supervised by a person at least twenty-one
3 years of age who has had a valid driver's license for at least three
4 years, and (ii) that the applicant has not been issued a notice of
5 traffic infraction or cited for a traffic violation that is pending at
6 the time of the application for the intermediate license;

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

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

13 (2) For the first six months after the issuance of an intermediate
14 license or until the holder reaches eighteen years of age, whichever
15 occurs first, the holder of the license may not operate a motor vehicle
16 that is carrying any passengers under the age of twenty who are not
17 members of the holder's immediate family as defined in RCW 42.17.020.
18 For the remaining period of the intermediate license, the holder may
19 not operate a motor vehicle that is carrying more than three passengers
20 who are under the age of twenty who are not members of the holder's
21 immediate family.

22 (3) The holder of an intermediate license may not operate a motor
23 vehicle between the hours of 1 a.m. and 5 a.m. except when the holder
24 is accompanied by a parent, guardian, or a licensed driver who is at
25 least twenty-five years of age.

26 (4) It is a traffic infraction for the holder of an intermediate
27 license to operate a motor vehicle in violation of the restrictions
28 imposed under this section.

29 (5) Enforcement of this section by law enforcement officers may be
30 accomplished only as a secondary action when a driver of a motor
31 vehicle has been detained for a suspected violation of this title or an
32 equivalent local ordinance or some other offense.

33 (6) An intermediate licensee may drive at any hour without
34 restrictions on the number of passengers in the vehicle if necessary
35 for agricultural purposes.

36 (7) An intermediate licensee may drive at any hour without
37 restrictions on the number of passengers in the vehicle if, for the

1 twelve-month period following the issuance of the intermediate license,
2 he or she:

- 3 (a) Has not been involved in an automobile accident; and
- 4 (b) Has not been convicted or found to have committed a traffic
5 offense described in chapter 46.61 RCW or violated restrictions placed
6 on an intermediate licensee under this section.

7 **Sec. 5.** RCW 46.20.100 and 2002 c 195 s 1 are each amended to read
8 as follows:

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

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

18 (a) To ~~((meet the traffic safety education requirement for))~~ obtain
19 a driver's license the applicant must satisfactorily complete a traffic
20 safety education and driver training course as defined in ~~((RCW~~
21 ~~28A.220.020 for a course offered by a school district, or as defined by~~
22 ~~the department of licensing for a course offered by a driver training~~
23 ~~school licensed under chapter 46.82 RCW. The course offered by a~~
24 ~~school district or an approved private school must meet the standards~~
25 ~~established by the office of the state superintendent of public~~
26 ~~instruction. The course offered by a driver training school))~~ RCW
27 46.82.280. The course must meet the standards established by the
28 department of licensing with the advice of the ~~((driver instructors¹))~~
29 traffic safety education and driver training advisory committee~~((~~
30 ~~pursuant to RCW 46.82.300))~~ created in section 8 of this act. The
31 traffic safety education and driver training course may be provided by:

- 32 (i) A recognized secondary school; or
- 33 (ii) A driver training school licensed under chapter 46.82 RCW that
34 is annually approved by the department of licensing.

35 (b) To meet the traffic safety education requirement for a
36 motorcycle endorsement, the applicant must successfully complete a

1 motorcycle safety education course that meets the standards established
2 by the department of licensing.

3 (c) The department may waive the traffic safety education and
4 driver training requirement for a driver's license if the applicant
5 demonstrates to the department's satisfaction that:

6 (i) He or she was unable to take or complete a traffic safety
7 education and driver training course;

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

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

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

15 (d) The department may waive the traffic safety education and
16 driver training requirement if the applicant was licensed to drive a
17 motor vehicle or motorcycle outside this state and provides proof that
18 he or she has had education equivalent to that required under this
19 subsection.

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

22 Traffic safety education and driver training courses administered
23 under this chapter must provide consistent instruction throughout the
24 state regarding: Motor vehicle laws and graduated licensing
25 requirements and restrictions; an acceptance of personal responsibility
26 on the public highways; an understanding of the causes and consequences
27 of traffic accidents; information about safely sharing the roads with
28 bicycles and other vehicles; a vigilance toward and knowledge of laws
29 pertaining to pedestrians; and supervised training and practice in the
30 skills necessary for the safe operation of motor vehicles. A traffic
31 safety education and driver training course must consist of integrated
32 classroom instruction and behind-the-wheel instruction, and may be
33 provided by instructors licensed under section 8 of this act.

34 **Sec. 7.** RCW 46.82.280 and 2006 c 219 s 2 are each amended to read
35 as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Behind-the-wheel instruction" means instruction in an approved
4 driver training school instruction vehicle according to and inclusive
5 of the minimum required curriculum. Behind-the-wheel instruction is
6 characterized by driving experience.

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

13 (3) "Classroom instruction" means that portion of a traffic safety
14 education and driver training course that is characterized by
15 classroom-based student instruction conducted by or under the direct
16 supervision of a licensed instructor or licensed instructors.

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

20 (5) "Traffic safety education and driver training (~~education~~)
21 course" means a course of instruction in traffic safety education
22 approved and licensed by the department of licensing that consists of
23 integrated classroom and behind-the-wheel instruction as documented by
24 the minimum approved curriculum.

25 (6) "Director" means the director of the department of licensing of
26 the state of Washington.

27 (7) "Advisory committee" means the driving instructors' advisory
28 committee as created in this chapter.

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

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

36 (b) (~~Operation of~~) Operating a driver training school without a
37 license, providing instruction without an instructor's license,
38 verifying enrollment prior to being licensed, misleading or false

1 statements on applications for a commercial driver training school
2 license or instructor's license or on any required records or
3 supporting documentation;

4 (c) Failing to fully document and maintain all required driver
5 training school records of instruction, school operation, and
6 instructor training;

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

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

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

15 (11) "Place of business" means a designated location at which the
16 business of a driver training school is transacted and its records are
17 kept.

18 (12) "Person" means any individual, firm, corporation, partnership,
19 or association.

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

24 (a) Directly or indirectly owning, operating, managing, or
25 controlling a driver training school or any part of a driver training
26 school;

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

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

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

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

37 (f) Directly or indirectly receiving a salary, commission,

1 royalties, or other form of compensation from the activity in which a
2 driver training school is or seeks to be engaged.

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

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.82 RCW
6 to read as follows:

7 (1) In order that students across Washington state have
8 high-quality instruction in traffic safety and driver training, whether
9 courses are offered through commercial driver training schools or
10 public schools, the director shall consult with the superintendent of
11 public instruction to establish a high quality and consistent
12 curriculum in all traffic safety education and driver training courses.

13 (2) A traffic safety education and driver training advisory
14 committee is created to assist the director in his or her duties and
15 responsibilities under this chapter. Members of the advisory committee
16 are appointed by the director for two-year terms and, at a minimum,
17 include:

- 18 (a) The director, or his or her designee, who shall act as chair;
- 19 (b) The superintendent of public instruction or his or her
20 designee;
- 21 (c) A representative from the traffic safety commission;
- 22 (d) A representative from the Washington state patrol;
- 23 (e) A representative from a group representing the concerns of
24 bicyclists;
- 25 (f) A person representing the perspective of pedestrians;
- 26 (g) A representative of the Washington state transit association;
- 27 (h) A representative from the teen driver task force;
- 28 (i) A representative of the driver training schools; and
- 29 (j) Other members as recommended by the director.

30 (3) The traffic safety education and driver training advisory
31 committee shall meet at least four times per year and have additional
32 meetings as required by the director.

33 (4) The traffic safety education and driver training advisory
34 committee shall:

- 35 (a) Advise and confer with the director on matters pertaining to
36 the establishment of rules necessary to carry out this chapter;

1 (b) Review and make recommendations pertaining to the traffic
2 safety education and driver training curriculum; and

3 (c) Submit a report to the legislature, beginning by January 1,
4 2010, and every two years thereafter, on the condition of traffic
5 safety education and driver training in Washington state.

6 (5) Members of the traffic safety education and driver training
7 advisory committee shall be reimbursed for expenses in accordance with
8 RCW 43.03.050. A member who is receiving a salary from the state shall
9 not receive compensation other than travel expenses incurred in such
10 service.

11 **Sec. 9.** RCW 46.82.320 and 2006 c 219 s 5 are each amended to read
12 as follows:

13 (1) No person (~~((affiliated with a driver training school))~~) shall
14 give instruction in the operation of an automobile for a fee without a
15 license issued by the director for that purpose. An application for an
16 original or renewal instructor's license shall be filed with the
17 director, containing such information as prescribed by this chapter and
18 by the director, accompanied by an application fee set by rule of the
19 department, which shall in no event be refunded. An application for a
20 renewal instructor's license must be accompanied by proof of the
21 applicant's continuing professional development that meets the
22 standards adopted by the director. If the applicant satisfactorily
23 meets the application requirements and the examination requirements as
24 prescribed in RCW 46.82.330, the applicant shall be granted a license
25 valid for a period of one year from the date of issuance. Applicants
26 qualified under chapter 28A.220 RCW are eligible for a license and
27 subject to renewal under reasonable rules adopted by the director. An
28 instructor shall take a requalification examination every five years.

29 (2) The director shall issue a license certificate to each
30 qualified applicant.

31 (a) An employing driver training school must conspicuously display
32 an instructor's license at its established place of business and
33 display copies of the instructor's license at any branch office where
34 the instructor provides instruction.

35 (b) Unless revoked, canceled, or denied by the director, the
36 license shall remain the property of the licensee in the event of

1 termination of employment or employment by another driver training
2 school.

3 (c) If the director has not received a renewal application on or
4 before the date a license expires, the license will be voided requiring
5 a new application as provided for in this chapter, including
6 examination and payment of all fees.

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

10 (3) Each licensee shall be provided with a wallet-size
11 identification card by the director at the time the license is issued
12 which shall be carried on the instructor's person at all times while
13 engaged in instructing.

14 (4) (~~The~~) Persons employed by driver training schools and to whom
15 an instructor's license has been issued shall notify the director in
16 writing within ten days of any change of employment or termination of
17 employment, providing the name and address of the new driver training
18 school by whom the instructor will be employed."

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19 On page 1, line 2 of the title, after "programs;" strike the
20 remainder of the title and insert "amending RCW 46.20.055, 46.20.075,
21 46.20.100, 46.82.280, and 46.82.320; adding new sections to chapter
22 46.82 RCW; and creating new sections."

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