
HOUSE BILL 3069

State of Washington 60th Legislature 2008 Regular Session

By Representative Wallace

Read first time 01/22/08. Referred to Committee on Transportation.

1 AN ACT Relating to the regulation of driver improvement schools;
2 amending RCW 46.82.300; reenacting and amending RCW 46.63.020; adding
3 a new chapter to Title 46 RCW; creating a new section; prescribing
4 penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Advisory committee" means the driving instructors' advisory
9 committee as created in RCW 46.82.300.

10 (2) "Approved curriculum" means a department-approved driver
11 improvement course curriculum that has demonstrated effectiveness in
12 reducing crashes or citations, or both.

13 (3) "Classroom" means a space dedicated to and used by a driver
14 improvement instructor for the instruction of students. With prior
15 department approval, driver improvement classrooms may be at the
16 primary place of business or may be located within alternative
17 facilities, such as a public or private library, school, community
18 college, college, university, hotel, business training facility, or
19 other department-approved facility. A driver improvement school may

1 use multiple classroom locations to teach a driver improvement course
2 if each location is approved by the school and the department and bears
3 the same name and has the same ownership as the parent school.

4 (4) "Classroom instruction" means that portion of a driver
5 improvement course that is characterized by classroom-based student
6 instruction conducted by or under the direct supervision of a licensed
7 instructor or licensed instructors.

8 (5) "Director" means the director of the department.

9 (6) "Driver improvement course" means a course of instruction in
10 traffic safety education approved and licensed by the department that
11 consists of classroom or internet instruction regarding improving the
12 habits and attitudes of drivers as documented by the approved
13 curriculum.

14 (7) "Driver improvement course curriculum" means a course of
15 instruction intended to improve a driver's knowledge, perceptions, and
16 attitudes about driving.

17 (8) "Driver improvement school" means a driver improvement school
18 engaged in the business of giving instruction by classroom and internet
19 delivery, for a fee, to educate drivers and improve driving behavior.

20 (9) "Fraudulent practices" means any conduct or representation on
21 the part of a driver improvement school owner or instructor including:

22 (a) Inducing anyone to believe, or to give the impression, that
23 credit for attendance in a driver improvement course for the purpose of
24 obtaining an insurance discount or deferral of a citation under RCW
25 46.63.070 will automatically occur;

26 (b) Operation of a driver improvement school without a license,
27 providing instruction without an instructor's license, not verifying
28 student identity prior to all classroom courses presented, misleading
29 or false statements on applications for a driver improvement school
30 license or instructor's license or on any required records or
31 supporting documentation;

32 (c) Failing to fully document and maintain all required driver
33 improvement school records of instruction, school operation, and
34 instructor training;

35 (d) Issuing a driver improvement course certificate without
36 requiring completion of the necessary hour of instruction as mandated
37 by the department.

1 (10) "Instructor" means any person employed by or otherwise
2 associated with a driver improvement school to instruct licensed
3 drivers with theoretical instruction to improve their driving behavior.

4 (11) "Level 1 traffic course" means a four-hour driver improvement
5 course that consists of no more than twenty minutes of break time.

6 (12) "Level 2 traffic course" means an eight-hour driver
7 improvement course that consists of no more than forty minutes of break
8 time. Courses delivered in a single day must allow for at least thirty
9 minutes for a lunch period in addition to break time.

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

13 (14) "Person" means any individual, firm, corporation, partnership,
14 or association.

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

18 (16) "Student" means any person enrolled in a driver improvement
19 course that pays a fee for instruction.

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

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

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

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

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

34 (e) Furnishing ten percent or more of the capital, whether in cash,
35 goods, or services, for the operation of a driver improvement 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 improvement school is or seeks to be engaged.

3 NEW SECTION. **Sec. 2.** Chapter 18.235 RCW governs unlicensed
4 practice, the issuance and denial of licenses, and the discipline of
5 licensees under this chapter.

6 NEW SECTION. **Sec. 3.** (1) The director administers and enforces
7 the law pertaining to driver improvement schools as set forth in this
8 chapter.

9 (2) The director may adopt and enforce reasonable rules consistent
10 with and necessary to carry out this chapter.

11 NEW SECTION. **Sec. 4.** (1) A person shall not engage in the
12 business of conducting a driver improvement school without a license
13 issued by the director for that purpose. The school's license must be
14 displayed before the school may:

15 (a) Schedule, enroll, or engage any students in a course of
16 instruction;

17 (b) Begin to offer any courses to the public; or

18 (c) Issue a completion certificate to an enrolled student.

19 (2) An application for a driver improvement school license must be
20 filed with the director, containing information prescribed by the
21 director, including a uniform business identifier number. Before an
22 application for a driver improvement school license is approved, the
23 business practices, facilities, records, and insurance of the proposed
24 school must be inspected and reviewed by authorized representatives of
25 the director. If an application is approved by the director, the
26 applicant shall be granted a license valid for a period of one year
27 from the date of issuance.

28 (3) Subject to the department's inspection of the business, the
29 director shall issue a license certificate to each licensee that must
30 be conspicuously displayed in the place of business of the licensee.
31 If the director has not received a renewal application on or before the
32 date a license expires, the license will be void requiring a new
33 application as provided for in this chapter.

34 (4) The person who has been issued a driver improvement school

1 license must notify the director in writing within ten business days
2 after any change is made to the officers, directors, or location of the
3 place of business of the school.

4 (5) A change involving the ownership of a driver improvement school
5 requires a new license application.

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

8 (b) The new owner must submit an application for transfer of the
9 school's license to the director within ten business days.

10 (c) Upon receipt of the required notification and the application
11 for license transfer, 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 (d) The transferred license remains subject to suspension,
15 revocation, or denial in accordance with sections 9 and 10 of this act.

16 (6) Evidence of liability insurance coverage must be filed with the
17 director prior to the issuance or renewal of a school license, and must
18 meet the following standards:

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

21 (b) General liability coverage must be in the amount of not less
22 than one million dollars;

23 (c) The required coverage must be maintained in full force and
24 effect for the term of the school license;

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

28 (e) Coverage must be issued in the name of the school and identify
29 the covered locations.

30 (7) The driver improvement school demonstrates evidence of
31 financial stability by providing to the department a surety bond in the
32 amount of one hundred thousand dollars, which must be filed with the
33 director prior to the issuance or renewal of a school license, and must
34 meet the following standards:

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

37 (b) The surety bond must be maintained in full force and effect for
38 the term of the school license; and

1 (c) The surety bond must be issued in the name of the school and
2 identify the covered locations.

3 NEW SECTION. **Sec. 5.** (1) A person affiliated with a driver
4 improvement school shall not give classroom instruction for a fee
5 without a license issued by the director for that purpose. An
6 application for an original or renewal instructor's license must be
7 filed with the director, containing information as prescribed by this
8 chapter and by the director. An application for a renewal instructor's
9 license must be accompanied by proof of the applicant's continuing
10 professional development that meets the standards adopted by the
11 director. If the applicant satisfactorily meets the application
12 requirements and the examination requirements as prescribed in section
13 7 of this act, the applicant shall be granted a license valid for a
14 period of one year from the date of issuance. An instructor shall take
15 a requalification examination every five years.

16 (2) The director shall issue a license certificate to each
17 qualified applicant.

18 (a) An employing driver improvement school must conspicuously
19 display an instructor's license at its established place of business.

20 (b) Unless revoked, canceled, or denied by the director, the
21 license must remain the property of the licensee in the event of
22 termination of employment or employment by another driver improvement
23 school.

24 (c) If the director has not received a renewal application on or
25 before the date a license expires, the license shall be voided
26 requiring a new application as provided for in this chapter, including
27 examination.

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

31 (3) Each licensee must be provided with a wallet-size
32 identification card by the director at the time the license is issued,
33 which must be carried on the instructor's person at all times while
34 engaged in instructing.

35 (4) A person who has been issued an instructor's license shall
36 notify the director in writing within ten days of any change of

1 employment or termination of employment, providing the name and address
2 of the new driver improvement school that will employ the instructor.

3 NEW SECTION. **Sec. 6.** (1) Instructors, owners, and other persons
4 affiliated with a driver improvement school who have contact with
5 students are required to have a background check through the Washington
6 state patrol criminal identification system and through the federal
7 bureau of investigation. The background check also includes a
8 fingerprint check using a fingerprint card. Persons covered by this
9 section must have their background rechecked as prescribed under this
10 subsection every five years.

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

15 NEW SECTION. **Sec. 7.** (1) The application for an instructor's
16 license must document the applicant's fitness, knowledge, skills, and
17 abilities to teach the classroom components of a driver improvement
18 course in a driver improvement school.

19 (2) An applicant is eligible to apply for an original instructor's
20 certificate if the applicant possesses and meets the following
21 qualifications and conditions:

22 (a) Has been licensed to drive for five or more years and possesses
23 a current and valid Washington driver's license or is a resident of a
24 jurisdiction immediately adjacent to Washington state and possesses a
25 current and valid license issued by the jurisdiction, and does not have
26 on his or her driving record any of the violations or penalties set
27 forth in (a) (i), (ii), or (iii) of this subsection. The director may
28 examine the driving record of the applicant from the department and
29 from other jurisdictions, and from these records determine if the
30 applicant has had:

31 (i) Not more than one moving traffic violation within the preceding
32 twelve months or more than two moving traffic violations in the
33 preceding twenty-four months;

34 (ii) No alcohol-related traffic violation or incident within the
35 preceding seven years; and

1 (iii) No driver's license suspension, cancellation, revocation, or
2 denial within the preceding five years;

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

5 (c) Has completed an acceptable application on a form prescribed by
6 the director;

7 (d) Has satisfactorily completed a course of instruction in the
8 improvement of drivers acceptable to the director that is at least
9 sixteen hours in length; and

10 (e) Has successfully completed an instructor's examination as
11 prepared by the advisory committee, which consists of a knowledge test.
12 The examination determines:

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

14 (ii) The applicant's ability to impart this knowledge and ability
15 to others.

16 NEW SECTION. **Sec. 8.** In case of the loss, mutilation, or
17 destruction of a driver improvement school license certificate or an
18 instructor's license certificate, the director shall issue a duplicate
19 of the certificate upon proof of the facts.

20 NEW SECTION. **Sec. 9.** The director may suspend, revoke, deny, or
21 refuse to renew an instructor's license or a driver improvement school
22 license, or impose such other disciplinary action authorized under RCW
23 18.235.110, upon a determination that the applicant, licensee, or owner
24 has engaged in unprofessional conduct as described under RCW 18.235.130
25 or upon a determination that:

26 (1) The licensee has made a false statement or concealed any
27 material fact in connection with the application or license renewal;

28 (2) The applicant, licensee, owner, or any person directly or
29 indirectly interested in the driver improvement school's business has
30 been convicted of a felony, or any crime involving violence,
31 dishonesty, deceit, indecency, degeneracy, or moral turpitude;

32 (3) The applicant, licensee, owner, or any person directly or
33 indirectly interested in the driver improvement school's business
34 previously held a driver improvement school license that was revoked,
35 suspended, or refused renewal by the director;

1 (4) The applicant, licensee, or owner does not have an established
2 place of business as required in this chapter;

3 (5) The applicant or licensee has failed to require all persons
4 with financial interest in the driver improvement school to be
5 signatories to the application;

6 (6) The applicant, licensee, or owner has committed fraud, induced
7 another to commit fraud, or engaged in fraudulent practices in relation
8 to the business conducted under the license, or has induced another to
9 resort to fraud in relation to securing for himself, herself, or
10 another a license to drive a motor vehicle;

11 (7) The applicant, licensee, or owner has engaged in conduct that
12 could endanger the educational welfare or personal safety of students
13 or others;

14 (8) A licensed instructor does not possess and meet the
15 qualifications and conditions set out in section 7(2)(a) of this act;
16 or

17 (9) The applicant, licensee, or owner failed to satisfy or fails to
18 satisfy the other conditions stated in this chapter.

19 NEW SECTION. **Sec. 10.** The license of any driver improvement
20 school or instructor may be suspended, revoked, denied, or refused
21 renewal, or such other disciplinary action authorized under RCW
22 18.235.110 may be imposed, for failure to comply with the business
23 practices specified in this section.

24 (1) A place of business shall not be established nor any business
25 of a driver improvement school conducted or solicited within one
26 thousand feet of an office or building owned or leased by the
27 department in which examinations for drivers' licenses are conducted.
28 The distance of one thousand feet is measured along the public streets
29 by the nearest route from the place of business to such office or
30 building.

31 (2) A driver improvement school or instructor shall not utilize any
32 types of advertising without using the full legal name of the school
33 and identifying itself as a driver improvement school.

34 (3) A driver improvement school shall have an established place of
35 business owned, rented, or leased by the school and regularly occupied
36 and used exclusively for the administration of the business and storage
37 of required school, instructor, and student records. The established

1 place of business of a driver improvement school must be located in a
2 district that is zoned for business or commercial purposes. The office
3 should be staffed during normal business hours.

4 (a) The established place of business, branch office, or classroom
5 or advertised address of any driver improvement school shall not
6 consist of or include a house trailer, residence, tent, temporary
7 stand, temporary address, bus, telephone answering service if such
8 service is the sole means of contacting the driver improvement school,
9 a room or rooms in a hotel or rooming house or apartment house, or
10 premises occupied by a single or multiple-unit dwelling house.

11 (b) A driver improvement school may lease classroom space within a
12 public or private school that is recognized and regulated by the office
13 of the superintendent of public instruction to conduct student
14 instruction as approved by the director. However, such use of public
15 or private classroom space does not alleviate the driver improvement
16 school from securing and maintaining an established place of business
17 or from using its own classroom on a regular basis as required under
18 this chapter.

19 (c) This subsection does not limit the authority of local
20 governments to grant conditional use permits or variances from zoning
21 ordinances.

22 (4) Each driver improvement school shall maintain its student,
23 instructor, and operating records at its established place of business.

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

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

35 (c) Student and instructor records must be maintained for five
36 years following the completion of the instruction. All records must be
37 made available for inspection upon the request of the department.

1 (d) Upon a transfer or sale of school ownership, the school records
2 must be transferred to and become the property and responsibility of
3 the new owner.

4 (5) Each driver improvement school shall, at its established place
5 of business, display, in a place where it can be seen by all clients,
6 a copy of the required minimum curriculum furnished by the department
7 and a copy of the school's own curriculum. Copies of the required
8 minimum curriculum criteria are to be provided to driver improvement
9 schools and instructors by the director.

10 (6) Driver improvement schools and instructors shall submit to
11 periodic inspections of their business practices, facilities, records,
12 and insurance by authorized representatives of the director.

13 NEW SECTION. **Sec. 11.** Upon notification of suspension,
14 revocation, denial, or refusal to renew a license under this chapter,
15 a driver improvement school or instructor has the right to appeal the
16 action being taken. An appeal may be made to the director, who shall
17 cause a hearing to be held in accordance with chapter 34.05 RCW.
18 Filing an appeal stays the action pending the hearing and the
19 director's decision. Upon conclusion of the hearing, the director
20 shall issue a decision on the appeal.

21 (1) A license may, however, be temporarily suspended by the
22 director without notice pending any prosecution, investigation, or
23 hearing where such emergency action is warranted. A licensee or
24 applicant entitled to a hearing must be given due notice of the
25 suspension.

26 (2) The sending of a notice of a hearing by registered mail to the
27 last known address of a licensee or applicant in accordance with
28 chapter 34.05 RCW is deemed due notice.

29 (3) The director or the director's authorized representative shall
30 preside over the hearing and may subpoena witnesses, administer oaths
31 to witnesses, take testimony of any person, and cause depositions to be
32 taken. A subpoena issued under the authority of this section must be
33 served in the same manner as a subpoena issued by a court of record.
34 Witnesses subpoenaed under this section and persons other than officers
35 or employees of the department are entitled to the same fees and
36 mileage as are allowed in civil actions in courts of law.

1 NEW SECTION. **Sec. 12.** Any action or decision of the director may,
2 after a hearing is held as provided in this chapter, be appealed by the
3 party aggrieved to the superior court of the county in which the place
4 of business is located or where the aggrieved person resides.

5 NEW SECTION. **Sec. 13.** A violation of this chapter is a
6 misdemeanor.

7 NEW SECTION. **Sec. 14.** This chapter does not apply to or affect in
8 any manner courses of instruction offered in high schools, vocational-
9 technical schools, colleges, or universities, and is not applicable to
10 instructors in any such high schools, vocational-technical schools,
11 colleges, or universities, as long as such course or courses are
12 conducted by such schools in a like manner to other regular courses.
13 If such course is conducted by any commercial school as identified in
14 this section on a contractual basis, the school and instructors must
15 qualify under this chapter.

16 NEW SECTION. **Sec. 15.** (1) The advisory committee shall consult
17 with the department in the development and maintenance of a basic
18 minimum required curriculum and the department shall furnish to each
19 qualifying applicant for an instructor's license or a driver
20 improvement school license a copy of the curriculum.

21 (2) In addition to information on the safe, lawful, and responsible
22 operation of motor vehicles on the state's highways, the basic minimum
23 required curriculum must include information on:

24 (a) The concept of collision prevention, including a discussion of
25 the factors involved in traffic situations;

26 (b) Alcohol and drug use as a contributing factor in motor vehicle
27 collisions;

28 (c) Accident prevention techniques;

29 (d) The use of occupant restraints;

30 (e) The risk factors involved in driver attitude and behavior, such
31 as speeding, reckless and aggressive driving, and improper lane use;

32 (f) Traffic laws pertinent to Washington state;

33 (g) Physical and mental condition of drivers, such as age, vision,
34 hearing, mobility, illness, and fatigue;

35 (h) Conditions and strategies of driving; and

1 (i) City, suburban, and rural driving versus expressway driving.

2 (3) If the director is presented with acceptable proof that any
3 licensed instructor or driver improvement school is not showing proper
4 diligence in teaching the basic minimum curriculum as required, the
5 instructor or school must appear before the advisory committee and show
6 cause why the license of the instructor or school should not be revoked
7 for such negligence. If the committee does not accept such reasons
8 that may be offered, the director may revoke the license of the
9 instructor or school, or both.

10 NEW SECTION. **Sec. 16.** Instructional material used in driver
11 improvement schools must include information on the proper use of the
12 left-hand lane by motor vehicles on multilane highways and information
13 on bicyclists' and pedestrians' rights and responsibilities and
14 suggested riding procedures in common traffic situations.

15 NEW SECTION. **Sec. 17.** To be approved by the department, a driver
16 improvement course must meet all of the following criteria:

17 (1) The applicant organization must provide verifiable research
18 documentation showing evidence of the course's effectiveness in terms
19 of reduced convictions or accidents, or both, based on the criteria set
20 forth by the department for initial course approval.

21 (2) A classroom level 1 traffic course must provide a minimum of
22 two hundred twenty minutes of instruction with a licensed instructor
23 present. The instruction must include active learning techniques, such
24 as student participation. The instruction must address the following
25 subject areas:

26 (a) The concept of collision prevention, including a discussion of
27 the factors involved in traffic situations;

28 (b) Alcohol and drug use as a contributing factor in motor vehicle
29 collisions;

30 (c) Collision prevention techniques;

31 (d) The use of occupant restraints;

32 (e) The risk factors involved in driver attitude and behavior, such
33 as speeding, reckless and aggressive driving, and improper lane use;

34 (f) Traffic laws pertinent to Washington state;

35 (g) Physical and mental condition of drivers, such as age, vision,
36 hearing, mobility, illness, and fatigue.

1 (3) A classroom level 2 traffic course must provide a minimum of
2 four hundred forty minutes of instruction with a certified instructor
3 present. If the course is delivered in one day, a minimum of thirty
4 minutes for a lunch period must be provided. The instruction must
5 include active learning techniques, such as student participation. The
6 instruction must address the following subject areas:

7 (a) The concept of collision prevention, including a discussion of
8 the factors involved in traffic situations;

9 (b) Alcohol and drug use as a contributing factor in motor vehicle
10 collisions;

11 (c) Collision prevention techniques;

12 (d) The use of occupant restraints;

13 (e) The risk factors involved in driver attitude and behavior, such
14 as speeding, reckless and aggressive driving, and improper lane use;

15 (f) Traffic laws pertinent to Washington state;

16 (g) Physical and mental condition of drivers, such as age, vision,
17 hearing, mobility, illness, and fatigue;

18 (h) Time management and evaluation of how recurrent and serious
19 violations can impact drivers and insurance;

20 (i) Habitual violator provisions under chapter 46.65 RCW and
21 corresponding penalties; and

22 (j) Development of a structured plan for improved driving following
23 completion of the course.

24 (4) Statistical procedures to document effectiveness must consist
25 of the following and must be demonstrated before course approval:

26 (a) A normally accepted statistical procedure, applicable to the
27 type of data and evaluative design used, which compares quantifiable
28 measures of performance before and after intervention, for a treatment
29 and control group.

30 (b) The level of significance must be at .10 or stronger.

31 NEW SECTION. **Sec. 18.** A school may deliver a driver improvement
32 course in an alternative manner, such as through the internet. Schools
33 who desire to deliver a department-approved driver improvement course
34 curriculum in an alternative manner must meet the following criteria:

35 (1) A course delivered in an alternative manner must take the
36 student the same amount of time to complete as an equivalent classroom
37 course.

1 (2) Schools shall track the time each student spends in a module
2 and not allow the student to progress until they have spent the
3 assigned time in each module. The total class time is an accumulation
4 of the time spent in each module.

5 (3) The student must be asked ten personal authentication questions
6 during the course of the class. The answers to these questions must be
7 obtained from the student at registration. The student must provide
8 the correct answer within sixty to one hundred twenty seconds of being
9 asked the question. The student shall not progress in the class if
10 more than one question is missed. The student may appeal one missed
11 answer to the school. Alternative methods for documenting student
12 identity may be approved by the department as long as the school can
13 demonstrate that the method for documenting personal authentication is
14 as secure as the mechanism described in this subsection.

15 (4) A course delivered in an alternative manner must contain the
16 same minimum course criteria as classroom courses.

17 (5) The student must answer ten course environment questions
18 intermittently as the student progresses in the course. These
19 questions are drawn from content presented in the particular module of
20 instruction.

21 (6) A course delivered in an alternative manner shall not allow
22 students to advance in the course unless they have completed a learning
23 module in sequential order. However, they may stop advancing in the
24 course between modules and reenter the course at the beginning of any
25 module they have completed.

26 (7) Technical support must be provided to students taking courses
27 delivered in an alternative manner. Support must be provided by
28 schools providing these courses between the hours of 8:00 a.m. and 6:00
29 p.m. Monday through Friday.

30 (8) Schools offering driver improvement courses delivered in an
31 alternative manner may only deliver the approved courses under the same
32 name that appears on the driver improvement school license.

33 NEW SECTION. **Sec. 19.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

1 **Sec. 20.** RCW 46.82.300 and 2006 c 219 s 3 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~~) seven members. Members of the
6 advisory committee shall be appointed by the director for two-year
7 terms and shall consist of a representative of the driver training
8 schools, a representative of the driving instructors (who shall not be
9 from the same driver training school as the driver training school
10 member), a representative of the driver improvement schools, a
11 representative of the driving improvement instructors (who shall not be
12 from the same driver improvement school as the driver improvement
13 school member), a representative of the superintendent of public
14 instruction, a representative of the department of licensing, and a
15 representative from the Washington state traffic safety commission.
16 Members shall be reimbursed for travel expenses in accordance with RCW
17 43.03.050 and 43.03.060. A member who is receiving a salary from the
18 state shall not receive compensation other than travel expenses
19 incurred in such service.

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

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

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

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

32 (c) Review and update when necessary curriculum guidelines
33 consisting of a list of items of knowledge and the processes of
34 improved driving of a motor vehicle specifying the minimum requirements
35 adjudged necessary in teaching a proper and adequate course of driver
36 improvement;

37 (d) Review and update instructor certification standards to be

1 consistent with RCW 46.82.330 and take into consideration those
2 standards required to be met by traffic safety education teachers under
3 RCW 28A.220.020(3); (~~and~~

4 ~~(d)~~) (e) Review and update instructor certification standards to
5 be consistent with section 7 of this act and take into consideration
6 those standards required to be met by traffic safety education teachers
7 under RCW 28A.220.020(3);

8 (f) Prepare the examination for a driver instructor's certificate
9 and review examination results at least once each calendar year for the
10 purpose of updating and revising examination standards; and

11 (g) Prepare the examination for a driver improvement instructor's
12 certificate and review examination results at least once each calendar
13 year for the purpose of updating and revising examination standards.

14 **Sec. 21.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and
15 2005 c 183 s 10 are each reenacted and amended to read as follows:

16 Failure to perform any act required or the performance of any act
17 prohibited by this title or an equivalent administrative regulation or
18 local law, ordinance, regulation, or resolution relating to traffic
19 including parking, standing, stopping, and pedestrian offenses, is
20 designated as a traffic infraction and may not be classified as a
21 criminal offense, except for an offense contained in the following
22 provisions of this title or a violation of an equivalent administrative
23 regulation or local law, ordinance, regulation, or resolution:

24 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
25 vehicle while under the influence of intoxicating liquor or a
26 controlled substance;

27 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

28 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
29 while under the influence of intoxicating liquor or narcotics or habit-
30 forming drugs or in a manner endangering the person of another;

31 (4) RCW 46.10.130 relating to the operation of snowmobiles;

32 (5) Chapter 46.12 RCW relating to certificates of ownership and
33 registration and markings indicating that a vehicle has been destroyed
34 or declared a total loss;

35 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
36 failure to register a vehicle and falsifying residency when registering
37 a motor vehicle;

- 1 (7) RCW 46.16.011 relating to permitting unauthorized persons to
2 drive;
- 3 (8) RCW 46.16.160 relating to vehicle trip permits;
- 4 (9) RCW 46.16.381(2) relating to knowingly providing false
5 information in conjunction with an application for a special placard or
6 license plate for disabled persons' parking;
- 7 (10) RCW 46.20.005 relating to driving without a valid driver's
8 license;
- 9 (11) RCW 46.20.091 relating to false statements regarding a
10 driver's license or instruction permit;
- 11 (12) RCW 46.20.0921 relating to the unlawful possession and use of
12 a driver's license;
- 13 (13) RCW 46.20.342 relating to driving with a suspended or revoked
14 license or status;
- 15 (14) RCW 46.20.345 relating to the operation of a motor vehicle
16 with a suspended or revoked license;
- 17 (15) RCW 46.20.410 relating to the violation of restrictions of an
18 occupational or temporary restricted driver's license;
- 19 (16) RCW 46.20.740 relating to operation of a motor vehicle without
20 an ignition interlock device in violation of a license notation that
21 the device is required;
- 22 (17) RCW 46.20.750 relating to assisting another person to start a
23 vehicle equipped with an ignition interlock device;
- 24 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 25 (19) Chapter 46.29 RCW relating to financial responsibility;
- 26 (20) RCW 46.30.040 relating to providing false evidence of
27 financial responsibility;
- 28 (21) RCW 46.37.435 relating to wrongful installation of
29 sunscreening material;
- 30 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
31 installation of a previously deployed air bag;
- 32 (23) RCW 46.44.180 relating to operation of mobile home pilot
33 vehicles;
- 34 (24) RCW 46.48.175 relating to the transportation of dangerous
35 articles;
- 36 (25) RCW 46.52.010 relating to duty on striking an unattended car
37 or other property;

1 (26) RCW 46.52.020 relating to duty in case of injury to or death
2 of a person or damage to an attended vehicle;
3 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,
4 and appraisers;
5 (28) RCW 46.52.130 relating to confidentiality of the driving
6 record to be furnished to an insurance company, an employer, and an
7 alcohol/drug assessment or treatment agency;
8 (29) RCW 46.55.020 relating to engaging in the activities of a
9 registered tow truck operator without a registration certificate;
10 (30) RCW 46.55.035 relating to prohibited practices by tow truck
11 operators;
12 (31) RCW 46.61.015 relating to obedience to police officers,
13 flaggers, or firefighters;
14 (32) RCW 46.61.020 relating to refusal to give information to or
15 cooperate with an officer;
16 (33) RCW 46.61.022 relating to failure to stop and give
17 identification to an officer;
18 (34) RCW 46.61.024 relating to attempting to elude pursuing police
19 vehicles;
20 (35) RCW 46.61.500 relating to reckless driving;
21 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
22 influence of intoxicating liquor or drugs;
23 (37) RCW 46.61.503 relating to a person under age twenty-one
24 driving a motor vehicle after consuming alcohol;
25 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
26 (39) RCW 46.61.522 relating to vehicular assault;
27 (40) RCW 46.61.5249 relating to first degree negligent driving;
28 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
29 workers;
30 (42) RCW 46.61.530 relating to racing of vehicles on highways;
31 (43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
32 load;
33 (44) RCW 46.61.685 relating to leaving children in an unattended
34 vehicle with the motor running;
35 (45) RCW 46.61.740 relating to theft of motor vehicle fuel;
36 (46) RCW 46.37.671 through 46.37.675 relating to signal preemption
37 devices;

1 (47) RCW 46.64.010 relating to unlawful cancellation of or attempt
2 to cancel a traffic citation;
3 (48) RCW 46.64.048 relating to attempting, aiding, abetting,
4 coercing, and committing crimes;
5 (49) Chapter 46.65 RCW relating to habitual traffic offenders;
6 (50) RCW 46.68.010 relating to false statements made to obtain a
7 refund;
8 (51) Chapter 46.70 RCW relating to unfair motor vehicle business
9 practices, except where that chapter provides for the assessment of
10 monetary penalties of a civil nature;
11 (52) Chapter 46.72 RCW relating to the transportation of passengers
12 in for hire vehicles;
13 (53) RCW 46.72A.060 relating to limousine carrier insurance;
14 (54) RCW 46.72A.070 relating to operation of a limousine without a
15 vehicle certificate;
16 (55) RCW 46.72A.080 relating to false advertising by a limousine
17 carrier;
18 (56) Chapter 46.80 RCW relating to motor vehicle wreckers;
19 (57) Chapter 46.82 RCW relating to driver's training schools;
20 (58) Chapter 46.-- RCW (as created in section 23 of this act)
21 relating to driver improvement schools;
22 (59) RCW 46.87.260 relating to alteration or forgery of a cab card,
23 letter of authority, or other temporary authority issued under chapter
24 46.87 RCW;
25 ~~((+59))~~ (60) RCW 46.87.290 relating to operation of an
26 unregistered or unlicensed vehicle under chapter 46.87 RCW.

27 NEW SECTION. Sec. 22. The department of licensing shall prepare
28 and submit a report to the transportation committees of the legislature
29 by November 1, 2008, listing proposed revisions to this act, including
30 revisions addressing appropriate fees to be charged for department
31 functions required under this act.

32 NEW SECTION. Sec. 23. Sections 1 through 19 of this act
33 constitute a new chapter in Title 46 RCW.

1 NEW SECTION. **Sec. 24.** This act takes effect July 1, 2009.

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