

# HOUSE BILL REPORT

## HB 2095

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### As Reported by House Committee On: Transportation

**Title:** An act relating to clarifying the permitting, training, and licensing process for driver training schools.

**Brief Description:** Clarifying the permitting, training, and licensing process for driver training schools.

**Sponsors:** Representatives Orwall, Finn, Upthegrove, Simpson, Rodne and Quall.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/24/09, 2/27/09 [DPS].

#### **Brief Summary of Substitute Bill**

- Increases the membership of the driver instructors' advisory committee from five members to seven and eliminates members' ability to be reimbursed for travel expenses.
- Extends the validity of an instructors' license from one year to two and eliminates the requirement for a requalification examination every five years.
- Limits background check requirements to individuals who have regularly scheduled, unsupervised contact with students.
- Requires an applicant for a driver instructor's license to have no drug or alcohol-related violations in the previous three years and permanently disqualifies applicants with two or more such violations.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Cox, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Moeller, Morris, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** David Munnecke (786-7315)

**Background:**

In 2006 legislation passed that placed the licensing of driver training schools and instructors under the authority of the Uniform Regulation of Business and Professions Act, giving the Department of Licensing (DOL) the same authority over those entities and individuals that it has over other licensees.

In addition, any instructor, owner, or other person affiliated with a driver training school who has contact with students was required to undergo a background check through the Washington State Patrol and the Federal Bureau of Investigation. An applicant for a driver instructor's license is also ineligible to receive such a license if the applicant had an alcohol-related traffic violation or incident within the preceding seven years.

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**Summary of Substitute Bill:**

The membership of the driver instructors' advisory committee is increased from five members to seven, and two of the members are required to reside east of the Cascades. All members' ability to be reimbursed for travel expenses related to the committee are eliminated.

The requirements regarding liability insurance are clarified to extend only to instruction vehicles and building premises of a driver training school.

Individuals who have a drug or alcohol-related traffic infraction in the preceding three years, or two or more such incidents at any time, are ineligible for a driver instructor's license, as are those with a driver's license suspension, cancellation, revocation, or denial within the preceding two years, or two or more such incidents in the preceding five years. The valid period for a driver instructor's license, if it is received, is extended to two years, and the requirement for a requalification exam every five years is eliminated.

The requirement regarding background checks is narrowed to include only those individuals who have regularly scheduled, unsupervised contact with students.

The DOL is granted the authority to waive or extend the 35-mile radius for the establishment of branch offices or classrooms when a driver training school is located in counties below the median population density.

In addition, a variety of technical changes and clarifications are made in such areas as record retention, school locations, instructor examinations, and license renewal.

**Substitute Bill Compared to Original Bill:**

The explicit ability of the DOL to make the payment of the annual renewal fee subject to the inspection of the driver training school is removed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) One-third of the students in Washington get their driving instruction from driver training schools. The DOL and the driver training schools worked together on the drafting of this legislation, which makes a variety of changes to the statutes governing driver training schools, and both parties support it. This legislation limits unnecessary record keeping while at the same time imposing stricter requirements on instructors in regards to violations involving drug and alcohol use.

This legislation should be modified in order to increase the requirements regarding medical insurance. There should also be no driver licensing suspensions that are not related to driving infractions.

(Opposed) None.

**Persons Testifying:** Representative Orwell, prime sponsor; Derek Goudriaan, Department of Licensing; Dawn Vyvyan, Professional Driver's Safety Association; Fred Wright, Swerve Driver Training and Professional Driving School Association of Washington; and David-Henry Sedelmeier, Apex Driving School.

**Persons Signed In To Testify But Not Testifying:** (In support) Joe Giammona, Swerve Driver Training and Professional Driving School Association of Washington; J.C. Fawcett, Defensive Driving School; Don Munro, Professional Driving School Association of Washington; and Tana Cochran, Department of Licensing.