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**HOUSE BILL 2770**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Hayes, Bergquist, Goodman, and Griffey

AN ACT Relating to creating uniformity in driver training education provided by public and private entities; amending RCW 28A.220.010, 28A.220.020, 28A.220.030, 46.20.055, and 46.20.100; adding new sections to chapter 28A.220 RCW; creating new sections; repealing RCW 28A.220.050, 28A.220.060, 28A.220.080, 28A.220.085, and 46.82.400; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that there is a need to establish consistency in the quality of driver training education in this state to reduce the number of young driver accidents that are prematurely killing our youth. Out of two hundred thirty-seven fatalities in the first-half of 2015, about one-third involved young drivers aged sixteen to twenty-five. The intent of this act is to require all driver training education curriculum and instructors to be licensed and regulated by the department of licensing. The legislature finds that although secondary education schools will have different administrative and operation requirements than commercial driver training schools, the content of driver training education and instructor training experience will be modified so that students have a more consistent experience when taking a driver training education course regardless of who provides the course.

**Sec.**  RCW 28A.220.010 and 1977 c 76 s 1 are each amended to read as follows:

It is the purpose of this chapter ((~~76, Laws of 1977~~)) to provide the students of the state with an improved quality traffic safety education program and to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, an understanding of the causes and consequences of traffic accidents, and to provide training in the skills necessary for the safe operation of motor vehicles((~~; to provide financial assistance to the various school districts while permitting them to achieve economies through options in the choice of course content and methods of instructions by adopting in whole or with modifications, a program prepared by the office of the superintendent of public instruction, and keeping to a minimum the amount of estimating, bookkeeping and reporting required of said school districts for financial reimbursement for such traffic safety education programs~~)).

**Sec.**  RCW 28A.220.020 and 1990 c 33 s 218 are each amended to read as follows:

The following words and phrases whenever used in chapter 28A.220 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" ((~~shall~~)) means the superintendent of public instruction.

(2) "((~~Traffic safety~~)) Driver training education course" ((~~shall~~)) means ((~~an accredited~~)) a course of instruction in traffic safety education ((~~which shall consist of two phases, classroom instruction, and laboratory experience. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each phase shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education~~)) using curriculum approved by the department of licensing that consists of classroom and behind-the-wheel instruction. Behind-the-wheel instruction is characterized by driving experience. Any portion((~~s~~)) of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of ((~~traffic safety~~)) driver training education" ((~~shall~~)) means an instructor ((~~certificated under the provisions of chapter 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of licensing~~)) licensed by the department of licensing to teach a driver training education course as part of a traffic safety education program.

(4) "Realistic level of effort" means the classroom and ((~~laboratory~~)) behind-the-wheel student learning experiences considered acceptable to the superintendent of public instruction that must be satisfactorily accomplished by the student in order to successfully complete the traffic safety education course.

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

(6) "Traffic safety education program" means the administration and provision of driver training education courses offered by high schools or vocational-technical schools that are conducted by such schools in a like manner to their other regular courses.

**Sec.**  RCW 28A.220.030 and 2011 c 370 s 2 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective ((~~traffic safety~~)) driver training education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2)(a) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a ((~~traffic safety~~)) driver training education course.

(b) Any school district that offers a driver training education course must certify to the department of licensing that it is operating a traffic safety education program, that the driver training education course complies with the curriculum and course delivery standards promulgated by the department of licensing, and that the school district has verified that all instructors are licensed by the department of licensing to teach a driver training education course.

(c) If a school district elects to offer a ((~~traffic safety~~)) driver training education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class ((~~in traffic safety education shall~~)) as part of a driver training education course must be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any ((~~drivers'~~)) driver training school licensed under ((~~the provisions of~~)) chapter 46.82 RCW to teach the ((~~laboratory~~)) classroom and behind-the-wheel phases of the ((~~traffic safety~~)) driver training education course. Instructors provided by any such contracting ((~~drivers'~~)) driver training school must be properly ((~~qualified~~)) licensed teachers of ((~~traffic safety~~)) driver training education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent ((~~shall~~)) may establish a required minimum number of hours of continuing traffic safety education for ((~~traffic safety~~)) driver training education course instructors. ((~~The superintendent may phase in the requirement over not more than five years.~~))

(5) Each school district offering a traffic safety education program must maintain: (a) Documentation of each instructor's name, address, and instructor's license from the department of licensing; and (b) student records that include the student's name, address, and telephone number, the date of enrollment and all dates of instruction, the student's driver's instruction permit or driver's license number, the type of training given, the total number of hours of instruction, and the name of the instructor or instructors. These records must be maintained for three years following the completion of the instruction and are subject to inspection upon request of the department of licensing or superintendent. The superintendent may adopt rules regarding additional document retention that is subject to inspection by the department of licensing or the office of the superintendent of public instruction.

(6) A driver training education course may not be offered by an instructor to a student who is under the age of fifteen, and behind-the-wheel instruction may not be given by an instructor to a student in a motor vehicle unless the student possesses either a current and valid driver's instruction permit issued under RCW 46.20.055 or a current and valid driver's license.

(7) School districts that offer a ((~~traffic safety~~)) driver training education ((~~program~~)) course under this chapter may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle as authorized under RCW 46.20.120(7). The superintendent shall work with the department of licensing, in consultation with school districts that offer a traffic safety education program, to develop standards and requirements for administering each portion of the driver licensing examination that are comparable to the standards and requirements for driver training schools under RCW 46.82.450.

((~~(6)~~)) (8) Before a school district may provide a portion of the driver licensing examination, the school district must, after consultation with the superintendent, enter into an agreement with the department of licensing that sets forth an accountability and audit process that takes into account the unique nature of school district facilities and school hours and, at a minimum, contains provisions that:

(a) Allow the department of licensing to conduct random examinations, inspections, and audits without prior notice;

(b) Allow the department of licensing to conduct on-site inspections at least annually;

(c) Allow the department of licensing to test, at least annually, a random sample of the drivers approved by the school district for licensure and to cancel any driver's license that may have been issued to any driver selected for testing who refuses to be tested; and

(d) Reserve to the department of licensing the right to take prompt and appropriate action against a school district that fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement.

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

(1) The department of licensing shall develop and offer a license for individuals to be qualified to teach the classroom phase or behind-the-wheel phase, or both, of a driver training education course for a traffic safety education program operated by a school district. The examination and license requirements should be identical or substantially similar to those required under chapter 46.82 RCW, yet take into account the differences in operating structures of schools and commercial businesses.

(2) The department of licensing shall develop and maintain a minimum required curriculum for school districts operating a driver training education course and furnish to each qualifying applicant for an instructor's license a copy of such curriculum. The curriculum must be identical to or substantially similar to the curriculum required under RCW 46.82.420.

(3) The department of licensing shall develop and administer a certification process for a traffic safety education program as required under RCW 28A.220.030.

(4) The department of licensing shall conduct audits of traffic safety education programs to ensure that the instructors are licensed and teaching the required curriculum material. Each school district should be audited at least once every five years, but may be audited more frequently. The audit process should take into account the unique nature of school district facilities, operations, and hours.

(5) The department of licensing may suspend or revoke a school district's ability to issue certificates of driver training education course completion if the school district fails to comply with department of licensing standards or fails to certify its traffic safety education program.

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

(1) A person may not give instruction in the operation of an automobile as part of a driver training education course under this chapter without a license issued by the director for that purpose. An application for an original or renewal instructor's license must be filed with the director, containing such information as prescribed under this chapter and by the director, accompanied by an application fee set by rule by the department of licensing. If the applicant satisfactorily meets the application requirements and the examination requirements for a license, the applicant must be granted a license valid for a period of two years from the date of issuance.

(2) To be a qualified instructor of a driver training education course under this chapter, a person must apply for a driver training education course instructor's license from the department of licensing. The application for a driver training education course instructor's license must document the applicant's fitness, knowledge, skills, and abilities to teach the classroom phase or behind-the-wheel phase, or both, of a driver training education course. An applicant is eligible to apply for a driver training education course instructor's license if the applicant possesses and meets the following qualifications and conditions:

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

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

(ii) No drug or alcohol-related traffic violations or incidents within the preceding three years. If there are two or more drug or alcohol-related traffic violations in the applicant's driving history, the applicant is not eligible to be a driver training education course instructor; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding two years, or no more than two of these occurrences in the preceding five years;

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

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

(d) Has satisfactorily completed a course of instruction in the training of drivers acceptable to the director that is at least sixty hours in length and includes instruction in classroom and behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques, as appropriate for the license; and

(e) Has paid an examination fee as set by rule by the department and has successfully completed an instructor's examination.

(3) The instructor's license must be available at the location where the instructor provides instruction. Unless revoked, canceled, or denied by the director, the instructor's license must remain the property of the licensee.

(4) Each licensee must be provided with a wallet-sized identification card by the director at the time the instructor's license is issued, which must be in the instructor's immediate possession at all times while engaged in instructing.

(5) Each licensee shall notify the director in writing within ten days of any change of employment or termination of employment and provide the name and address of any new employer.

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

(1) The director may suspend, revoke, deny, or refuse to renew an instructor's license, or impose such other disciplinary action authorized under RCW 18.235.110 (1)(a) through (g), (i), (j) and (4), upon a determination that the applicant or licensee has engaged in unprofessional conduct as described under RCW 18.235.130 (1), (2), (4), (6)(a) through (c), (7), and (14), or for any of the following causes:

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

(b) Upon a determination that the applicant or licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(c) Upon a determination that the applicant or licensee has committed fraud, induced another to commit fraud, or engaged in fraudulent practices in relation to a driver training education course, or has induced another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle;

(d) Upon a determination that the applicant or licensee has engaged in conduct that could endanger the educational welfare or personal safety of students or others;

(e) Upon a determination that an instructor no longer possesses and meets the qualifications and conditions set out in section 6 of this act; or

(f) Upon a determination that the applicant or licensee has failed to satisfy or fails to satisfy the other conditions stated in this chapter or under rules adopted by the director or superintendent.

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

(3) The appeal procedures under RCW 46.82.370 and 46.82.380 apply to this section.

**Sec.**  RCW 46.20.055 and 2012 c 80 s 5 are each amended to read as follows:

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

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

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

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered((~~, approved, and accredited by the superintendent of public instruction~~)) in accordance with the requirements under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

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

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

~~(b) A course of instruction offered by a licensed driver training school as defined by~~)) in RCW 46.82.280 or 28A.220.020.

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

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

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

(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and

(c) ((~~An approved~~)) A licensed driver training education course instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

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

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

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

(c) A person applying for an additional instruction permit must submit the application to the department in person and pay an application fee of twenty-five dollars for each issuance.

**Sec.**  RCW 46.20.100 and 2010 1st sp.s. c 7 s 18 are each amended to read as follows:

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

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

(a) To meet the traffic safety education requirement for a driver's license, the applicant must satisfactorily complete a ((~~traffic safety~~)) driver training education course ((~~as defined in RCW 28A.220.020 for a course offered by a school district, or~~)) as defined by the department of licensing ((~~for a course offered by a driver training school licensed under chapter 46.82 RCW~~)). The course offered ((~~by a school district or an approved private school must meet the standards established by the office of the state superintendent of public instruction. The course offered by a driver training school~~)) must meet the standards established by the department of licensing. The ((~~traffic safety~~)) driver training education course may be provided by:

(i) A ((~~recognized~~)) secondary school that certifies its traffic safety education program to the director; or

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;

(2)RCW 28A.220.060 (Information on effects of alcohol and drug use) and 1991 c 217 s 2;

(3)RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;

(4)RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4; and

(5)RCW 46.82.400 (Chapter not applicable to educational institutions) and 1979 ex.s. c 51 s 13.

NEW SECTION. **Sec.**  This act may not be enforced by the department of licensing before August 1, 2018.

NEW SECTION. **Sec.**  This act takes effect August 1, 2018.

**--- END ---**