S-1663.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5975**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Benton and Angel

AN ACT Relating to parent taught driver training education courses, including online courses; and amending RCW 28A.220.020, 46.82.280, and 46.82.290.

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

**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 education course" ((~~shall~~)) means (a) an accredited course of instruction in traffic safety education ((~~which shall~~)) that consists of two phases, classroom instruction((~~,~~)) and laboratory experience, or (b) a course of instruction approved by the director of the department of licensing under RCW 46.82.290(3). "Laboratory experience" ((~~shall~~)) must include on-street, driving range, or simulator experience or some combination thereof. Each phase ((~~shall~~)) must meet basic course requirements ((~~which shall be~~)) established by the superintendent of public instruction and each part of ((~~said~~)) the course ((~~shall~~)) must be taught by a qualified teacher of traffic safety education. Any portions 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 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~~)) rules adopted by the superintendent((~~: PROVIDED, That~~)). However, the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules ((~~promulgated~~)) adopted 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~~)) are subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of licensing. "Qualified teacher of traffic safety education" includes a parent or guardian teaching a traffic safety education course, as defined in subsection (2)(b) of this section, to his or her own child.

(4) "Realistic level of effort" means the classroom and laboratory 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.

**Sec.**  RCW 46.82.280 and 2010 1st sp.s. c 7 s 19 are each amended to read as follows:

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

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

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

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

(4) "Director" means the director of the department of licensing of the state of Washington.

(5) "Driver training education course" means (a) a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction as documented by the minimum approved curriculum, or (b) a commercially available, parent taught course of instruction in traffic safety education that has been approved by the director under RCW 46.82.290(3).

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

(7) "Enrollment" means the collecting of a fee or the signing of a contract for a driver training education course. "Enrollment" does not include the collecting of names and contact information for enrolling students once a driver training school is licensed to instruct.

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

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

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

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

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

(9) "Instructor" means (a) any person employed by or otherwise associated with a driver training school to instruct persons in the operation of an automobile or (b) a parent or guardian teaching his or her own child.

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

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

(12) "Place of business" means a designated location at which the business of a driver training school is transacted or its records are kept.

(13) "Student" means any person enrolled in an approved driver training course.

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

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

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

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

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

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

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

**Sec.**  RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to read as follows:

(1) The director ((~~shall be~~)) is responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director ((~~is authorized to~~)) may adopt and enforce ((~~such reasonable~~)) rules ((~~as may be~~)) that are consistent with and necessary to carry out this chapter.

(3) The director may review and approve parent taught driver training education courses designed for use in the home, which may include an online course used by the parent. The director may charge a fee for enrollment in a parent taught driver training education course that may not exceed the department's actual cost to implement the course.

**--- END ---**