

HOUSE BILL REPORT

HB 2770

As Reported by House Committee On: Transportation

Title: An act relating to creating uniformity in driver training education provided by public and private entities.

Brief Description: Creating uniformity in driver training education provided by public and private entities.

Sponsors: Representatives Hayes, Bergquist, Goodman and Griffey.

Brief History:

Committee Activity:

Transportation: 2/3/16, 2/8/16 [DP].

Brief Summary of Bill

- Requires the Department of Licensing (DOL) to develop and maintain a minimum required curriculum for school districts operating a driver training education course.
- Mandates that all secondary school traffic safety course instructors obtain a license from the DOL to be authorized to provide instruction.
- Prohibits a student who is under the age of 15 or who does not have a driver's instruction permit or a driver's license from taking a driver training education course.
- Requires each school district to maintain driver training education course instructor and student records for three years.
- Mandates that the DOL conduct audits of traffic safety education programs at least once every five years to ensure that the instructors are licensed and teaching the required curriculum.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 23 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority

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.

Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist, Gregerson, Hayes, Hickel, Kochmar, McBride, Morris, Ortiz-Self, Pike, Riccelli, Rossetti, Sells, Shea, Stambaugh, Tarleton and Young.

Staff: Jennifer Harris (786-7143).

Background:

Two different sets of laws govern driver training schools and traffic safety education courses offered by some secondary schools in the state. The completion of driver training at either type of program is one of the mandatory criteria for those under the age of 18 to be eligible to receive an intermediate driver's license.

Driver Training Schools.

Regulatory Oversight.

The Director of the Department of Licensing (DOL) is responsible for the administration and enforcement of laws pertaining to driver training schools, and is authorized to adopt and enforce administrative rules related to these laws. A driver training school must obtain a license to operate from the DOL by filing an application with the DOL and must conspicuously display that license at its place of business. A driver training school must file evidence of liability insurance coverage that meets certain minimum requirements with the DOL. A license may be suspended, revoked, denied, or refused renewal by the DOL for failure to comply with certain specified business practices.

Instructor Licensing.

All driver training school instructors must obtain a license to provide instruction from the DOL. Instructors are eligible to receive a license upon completion of an application accompanied by proof of the applicant's continued professional development that meets the DOL standards. To receive a license, an applicant must: (1) have been licensed to drive for five or more years; (2) possess a current and valid driver's license; (3) not have certain enumerated violations on his or her driving record for the periods specified; (4) be a high school graduate or the equivalent; (5) be at least 21 years old; and (6) have satisfactorily completed a driver training instructor course approved by the DOL that is at least 60 hours in length (by administrative rule, this course is required to be at least 100 hours in length). A license is valid for two years and can be revoked, cancelled, or denied by the DOL for certain enumerated causes. By administrative rule, eight hours of continuing professional development must be completed to renew a license.

Curriculum.

The DOL is required to develop and maintain a basic minimum required curriculum for driver training schools that must include information: on the safe, lawful, and responsible operation of motor vehicles; intermediate driver's license issuance; passenger and driving restrictions and sanctions for violating these restrictions; the effect of traffic violations and collisions on driving privileges; the effects of alcohol and drug use on motor vehicle operators; motorcycle awareness; bicycle safety; pedestrian safety; proper use of the left-hand lane by motor vehicles on multilane highways; and bicyclists' and pedestrians' rights and responsibilities and suggested riding procedures in common traffic situations. Under

current administrative rule, the DOL requires at least 30 hours of classroom instruction and seven to 10 hours of behind-the-wheel instruction.

If presented with acceptable proof that a licensed instructor or driver training school is not showing proper diligence in teaching this basic minimum curriculum, the DOL may revoke the license of the instructor or school, or both, if the instructor or school cannot provide acceptable reasons demonstrating why the instructor's or school's license should not be revoked.

Driver Licensing Examination.

Driver training schools 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. Before a driver training school may conduct driver licensing examinations, it must enter into an agreement with the DOL allowing the DOL: to conduct random examinations, inspections, and audits without prior notice and on-site inspections at least annually; to test, at least annually, a random sample of the drivers approved by the school 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 to reserve the right to take action against a driver training school that fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement.

Records.

Each driver training school is required to maintain student, instructor, vehicle, insurance, and operating records at its established place of business. Student records must include the student's name, address, telephone number, the type of training given, the total number of hours of instruction, and the name and signature of the instructor or instructors. Vehicle records must include the original insurance policies and copies of the vehicle registration for all instruction vehicles. Student and instructor records must be maintained for three years following completion of instruction, and vehicle records must be maintained for five years following their issuance. All records must be made available for inspection on request of the DOL. A driver training school must also conspicuously display an instructor's license at its established place of business and display copies of the instructor's license at any branch office where the instructor provides instruction.

Secondary School and Higher Education.

The laws governing driver training schools are not applicable to a traffic safety education course offered by high schools, vocational-technical schools, colleges, or universities, so long as the course is conducted in a like manner as the school's other regular courses. If such a course is conducted by a driver training school on a contractual basis, then the laws governing driver training schools apply.

Secondary School Traffic Safety Education Courses.

Regulatory Oversight.

The Superintendent of Public Instruction (Superintendent), who oversees kindergarten through twelfth grade public education in the state, is authorized to establish a section of traffic safety education. The traffic safety education section must: (1) define a "realistic level of effort" to provide an effective traffic safety education course; (2) establish a level of

driving competency required of each student to successfully complete the course; and (3) ensure that an effective statewide program is implemented and sustained by administering, supervising, and developing the program and by assisting local school districts in conducting their traffic safety education programs.

Each school district must submit a report to the Superintendent on the condition of its traffic safety education program. The Superintendent is required to monitor the quality of the program and carry out laws set forth for the program, and is authorized to adopt necessary rules and regulations to govern the operation and scope of the program. The Superintendent must establish the required minimum number of hours of continuing traffic safety education for traffic safety education instructors.

School Districts.

The board of directors of a school district that maintains a secondary school including any of the grades 10 through 12 may establish and maintain a traffic safety education course. The board of directors of a school district or of multiple school districts may contract with a driver training school to teach the laboratory phase of the traffic safety education course. Instructors of the contracting driver training school must be qualified teachers of traffic safety education under joint qualification requirements adopted by the Superintendent and the Director of the DOL.

Under current administrative rule, school districts must apply annually to the Superintendent for approval of their traffic safety education program, and must submit the name and contact information of the program administrator, provide the names of all traffic safety education instructors, and provide verification of compliance with all applicable administrative rules. School districts must appoint a person to be responsible for ensuring the program's compliance with all administrative rules, adopt written policies, and maintain individual student records.

Instructor Licensing.

By administrative rule, in order to qualify to teach traffic safety education courses, certified secondary school teachers must possess a valid driver's license, provide a current satisfactory driving record to the employing school district, and complete 12-quarter hours or eight-semester hours of approved course work; to remain qualified, teachers must obtain 40 clock hours of course work every five years. To teach a behind-the-wheel course, a teacher must complete a 60-hour training course approved by the Superintendent, pass practical and knowledge examinations, and have at least five years of licensed driving experience. To teach a classroom course, a teacher must complete at least 1,000 hours of behind-the-wheel teaching experience within the last five years and complete an 80-clock-hour classroom instructor training course approved by the Superintendent. Also by administrative rule, a student enrolled in a traffic safety education course must have a valid instruction permit.

Curriculum.

The minimum length of instruction, as set by administrative rule, is 30 hours of classroom instruction, six hours of driving experience, and four hours of driving observation time. Most curriculum requirements are set by administrative rule. Each school district curriculum guide must include the following driver education topics: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space;

signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; motorcycle awareness; and driving safely among bicyclists and pedestrians using materials approved by the Director of the DOL.

Driver Licensing Examination.

School districts that offer a traffic safety education program may administer portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle. The Superintendent is required to work with the DOL, 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 in place for driver training schools.

Summary of Bill:

Secondary School Traffic Safety Education Courses.

Instructor Licensing.

All secondary school traffic safety course instructors must obtain a license to provide instruction from the DOL. Instructors are eligible to obtain a license if they meet the current criteria in place for driver training school instructors. Like driver training school instructor licenses, a license is valid for two years and can be revoked, cancelled, or denied by the DOL for certain enumerated causes. The instructor's license must be available at the location where the instructor provides instruction.

Curriculum.

The DOL is required to develop and maintain a minimum required curriculum for school districts operating a driver training education course, which is identical or substantially similar to the curriculum for driver training school courses. The DOL is also required to develop and offer a license for instructors of a driver training education course at a secondary school to teach the classroom phase or behind-the-wheel phase of the course. The requirements for the license and any examination must be identical or substantially similar to those required for driver training school instructor licenses, while at the same time taking into account the differences in operating structures of schools and commercial businesses.

Records.

Each school district must maintain records containing the same information on students that driver training schools are required to maintain, except, for student records, the date of enrollment, all dates of instruction, and the student's driver's instruction permit or driver's license number must also be retained. School districts must also maintain records with each

instructor's name, address, and license from the DOL. Student and instructor records must be maintained for three years following completion of instruction and must be made available for inspection at the request of the DOL.

Self-Certification.

Any school district that offers a driver training education course must certify to the DOL: (1) that it is operating a traffic safety education program; (2) that the driver training education course complies with the curriculum and course delivery standards set by the DOL; and (3) that the school district has verified that all instructors are licensed by the DOL to teach a driver training education course. A driver training education course may not be taken by a student who is under the age of 15 years and behind-the-wheel instruction may not be given to a student unless the student has a driver's instruction permit or a driver's license.

Audit Process.

The DOL is required to conduct audits of traffic safety education programs at least once every five years to ensure that the instructors are licensed and teach the required curriculum. The audit process must take into account the unique nature of school district facilities, operations, and hours. The DOL 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 DOL standards or fails to certify its traffic safety education program.

Secondary School and Higher Education.

The provision of law exempting the driver training school laws from applying to a traffic safety education course offered by high schools, vocational-technical schools, colleges, or universities, so long as the course is conducted in a like manner as the school's other regular courses, is repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on August 1, 2018.

Staff Summary of Public Testimony:

(In support) A past Joint Transportation Committee study has already recommended the merger of the Office of Superintendent of Public Instruction (OSPI) program and the DOL's driver education program to bring them under one regulatory authority. The problem is that the Legislature has not appropriately funded the OSPI program. As a result, the OSPI has no funding to conduct audits and to support their certified staff. This has created significant issues at some high schools. This bill addresses these issues. It also ensures that there is one standard for administering driver education training. Right now there is one regulatory standard that applies to private driver education companies and a mix of standards being used for the OSPI program because the OSPI does not have the funding to support one set of standards.

This bill creates uniformity in the driver training programs within the state. The DOL and the OSPI try to make their traffic education programs consistent. However, this effort was impacted when funding was reduced. A few years ago, the Teen Driving Advisory Board within the DOL was dismantled through the budget process. The OSPI still works very closely with the DOL, and the OSPI plans on maintaining these ongoing discussions with the DOL as legislation on this is worked through. The Washington Traffic Safety Commission has been a great partner in this effort.

There are some things that are going wrong with having two agencies handle driver education. Under Target Zero, the goal is for no child to be lost to a driving accident. But without oversight of the OSPI program, driving accidents can occur. Students who are not passing the driver education course in high schools are being given the DOL exam and are receiving their driver's licenses. Someone is going to get hurt or killed as a result.

Two weeks ago, three students were in a car accident. The driver was given a DOL test without having completed a course in traffic safety education. The driver was under the age of 18. The DOL says that it cannot do anything when a teacher enters that a student has completed a course into the portal that the DOL uses to track course completion. If an instructor enters that a course has been completed, all the DOL can do is request that the paperwork be submitted to verify that the information entered was accurate, but the DOL cannot conduct an audit and mandate that instructor submit paperwork.

When the OSPI is asked to do something about students taking the driving exam when they have not completed their driver education course, the OSPI points to the DOL as being responsible, since the DOL handles the examination. This has to change. Otherwise, students will die or be seriously injured. There is one student in the hospital who will be there for months because of this.

There are good and excellent teachers and most follow the rules. But some teachers get away with whatever they can and, if no one can call them out on it, it is not good for anyone. Some things in the bill need to be worked out related to teacher training, and the fact that the bill is not implemented until 2018 is a drawback.

(Opposed) None.

(Other) The DOL is for this idea in principle and the concept. The DOL has been engaged in working on this bill and looks forward to continuing to work on it.

Persons Testifying: (In support) Representative Hayes, prime sponsor; Glenn Gorton, Office of Superintendent of Public Instruction; and Debra Grenier.

(Other) Tony Sermoniti, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.