
HOUSE BILL 2770

State of Washington 64th Legislature 2016 Regular Session

By Representatives Hayes, Bergquist, Goodman, and Griffey

Read first time 01/20/16. Referred to Committee on Transportation.

1 AN ACT Relating to creating uniformity in driver training
2 education provided by public and private entities; amending RCW
3 28A.220.010, 28A.220.020, 28A.220.030, 46.20.055, and 46.20.100;
4 adding new sections to chapter 28A.220 RCW; creating new sections;
5 repealing RCW 28A.220.050, 28A.220.060, 28A.220.080, 28A.220.085, and
6 46.82.400; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that there is a need
9 to establish consistency in the quality of driver training education
10 in this state to reduce the number of young driver accidents that are
11 prematurely killing our youth. Out of two hundred thirty-seven
12 fatalities in the first-half of 2015, about one-third involved young
13 drivers aged sixteen to twenty-five. The intent of this act is to
14 require all driver training education curriculum and instructors to
15 be licensed and regulated by the department of licensing. The
16 legislature finds that although secondary education schools will have
17 different administrative and operation requirements than commercial
18 driver training schools, the content of driver training education and
19 instructor training experience will be modified so that students have
20 a more consistent experience when taking a driver training education
21 course regardless of who provides the course.

1 **Sec. 2.** RCW 28A.220.010 and 1977 c 76 s 1 are each amended to
2 read as follows:

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

18 **Sec. 3.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to
19 read as follows:

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

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

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

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

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

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

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

28 **Sec. 4.** RCW 28A.220.030 and 2011 c 370 s 2 are each amended to
29 read as follows:

30 (1) The superintendent of public instruction is authorized to
31 establish a section of traffic safety education, and through such
32 section shall: Define a "realistic level of effort" required to
33 provide an effective (~~traffic safety~~) driver training education
34 course, establish a level of driving competency required of each
35 student to successfully complete the course, and ensure that an
36 effective statewide program is implemented and sustained, administer,
37 supervise, and develop the traffic safety education program and shall
38 assist local school districts in the conduct of their traffic safety
39 education programs. The superintendent shall adopt necessary rules

1 and regulations governing the operation and scope of the traffic
2 safety education program; and each school district shall submit a
3 report to the superintendent on the condition of its traffic safety
4 education program: PROVIDED, That the superintendent shall monitor
5 the quality of the program and carry out the purposes of this
6 chapter.

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

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

19 (c) If a school district elects to offer a ~~((traffic safety))~~
20 driver training education course and has within its boundaries a
21 private accredited secondary school which includes any of the grades
22 10 to 12, inclusive, at least one class ~~((in traffic safety education~~
23 ~~shall))~~ as part of a driver training education course must be given
24 at times other than regular school hours if there is sufficient
25 demand therefor.

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

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

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

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

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

32 ~~((+6+))~~ (8) Before a school district may provide a portion of the
33 driver licensing examination, the school district must, after
34 consultation with the superintendent, enter into an agreement with
35 the department of licensing that sets forth an accountability and
36 audit process that takes into account the unique nature of school
37 district facilities and school hours and, at a minimum, contains
38 provisions that:

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

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

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

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

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.220
13 RCW to read as follows:

14 (1) The department of licensing shall develop and offer a license
15 for individuals to be qualified to teach the classroom phase or
16 behind-the-wheel phase, or both, of a driver training education
17 course for a traffic safety education program operated by a school
18 district. The examination and license requirements should be
19 identical or substantially similar to those required under chapter
20 46.82 RCW, yet take into account the differences in operating
21 structures of schools and commercial businesses.

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

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

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

37 (5) The department of licensing may suspend or revoke a school
38 district's ability to issue certificates of driver training education
39 course completion if the school district fails to comply with

1 department of licensing standards or fails to certify its traffic
2 safety education program.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.220
4 RCW to read as follows:

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

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

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

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

38 (ii) No drug or alcohol-related traffic violations or incidents
39 within the preceding three years. If there are two or more drug or

1 alcohol-related traffic violations in the applicant's driving
2 history, the applicant is not eligible to be a driver training
3 education course instructor; and

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

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

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

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

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

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

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

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

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.220
30 RCW to read as follows:

31 (1) The director may suspend, revoke, deny, or refuse to renew an
32 instructor's license, or impose such other disciplinary action
33 authorized under RCW 18.235.110 (1)(a) through (g), (i), (j) and (4),
34 upon a determination that the applicant or licensee has engaged in
35 unprofessional conduct as described under RCW 18.235.130 (1), (2),
36 (4), (6)(a) through (c), (7), and (14), or for any of the following
37 causes:

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

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

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

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

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

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

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

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

28 **Sec. 8.** RCW 46.20.055 and 2012 c 80 s 5 are each amended to read
29 as follows:

30 (1) **Driver's instruction permit.** The department may issue a
31 driver's instruction permit with or without a photograph to an
32 applicant who has successfully passed all parts of the examination
33 other than the driving test, provided the information required by RCW
34 46.20.091, paid an application fee of twenty-five dollars, and meets
35 the following requirements:

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

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

38 (i) Has submitted a proper application; and

1 (ii) Is enrolled in a traffic safety education program offered(~~(~~
2 ~~approved, and accredited by the superintendent of public~~
3 ~~instruction)) in accordance with the requirements under chapter
4 28A.220 RCW or offered by a driver training school licensed and
5 inspected by the department of licensing under chapter 46.82 RCW,
6 that includes practice driving.~~

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

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

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

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

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

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

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

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

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

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

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

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

36 **Sec. 9.** RCW 46.20.100 and 2010 1st sp.s. c 7 s 18 are each
37 amended to read as follows:

38 (1) **Application.** The application of a person under the age of
39 eighteen years for a driver's license or a motorcycle endorsement

1 must be signed by a parent or guardian with custody of the minor. If
2 the person under the age of eighteen has no father, mother, or
3 guardian, then the application must be signed by the minor's
4 employer.

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

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

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

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

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

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

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

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

35 (iii) He or she has the ability to operate a motor vehicle in
36 such a manner as not to jeopardize the safety of persons or property.
37 The department may adopt rules to implement this subsection (2)(c) in
38 concert with the supervisor of the traffic safety education section
39 of the office of the superintendent of public instruction.

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

6 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
7 each repealed:

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

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

12 (3) RCW 28A.220.080 (Information on motorcycle awareness) and
13 2007 c 97 s 4 & 2004 c 126 s 1;

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

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

18 NEW SECTION. **Sec. 11.** This act may not be enforced by the
19 department of licensing before August 1, 2018.

20 NEW SECTION. **Sec. 12.** This act takes effect August 1, 2018.

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