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## Transportation Committee

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### HB 1481

**Brief Description:** Creating uniformity in driver training education provided by school districts and commercial driver training schools.

**Sponsors:** Representatives Hayes and Bergquist.

#### Brief Summary of Bill

- Requires the Superintendent of Public Instruction (Superintendent) to verify that driver training education course standards meet or exceed Department of Licensing (DOL) curriculum and course delivery standards.
- Requires the DOL to develop and administer a certification process for a school district's traffic safety education program that includes self-certification by school districts.
- Restricts enrollment in a driver education course to individuals at least 15 years of age, and restricts behind-the-wheel instruction to individuals who possess an instruction permit or driver's license.
- Mandates that secondary school driver training course instructors obtain a license to provide instruction from the DOL, in addition to being certified to teach by the Office of Superintendent of Public Instruction (OSPI).
- Requires the Superintendent to set any continuing education requirements to teach driver training education courses at or above the levels set by the DOL.
- Mandates that the DOL develop and maintain a minimum required curriculum for school districts operating a driver training education program, which must be identical or substantially similar to the curriculum of private driver training schools.
- Requires the DOL to consult with Central Washington University (CWU) traffic safety instructors or program content developers and to update its driver training curriculum.
- Mandates that school districts maintain student and instructor records for three years that must be made available for inspection at the request of the DOL.

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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.*

- Authorizes the DOL to conduct audits of driver training education programs once every five years, consulting with the Superintendent in developing and carrying out its auditing practices.
- Authorizes the DOL to suspend or revoke a school or school district's ability to issue certificates of driver training education course completion if the school or school district fails to comply with DOL standards.
- Eliminates the requirement that instructors retake an instructor licensing examination when renewing a license so long as submission of the license renewal application occurs within six months of the date the previous instructor's license expired.
- Eliminates driver's license suspensions for non-compliance with a child support order as grounds for instructor disqualification.

**Hearing Date:** 1/30/17

**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.

The Superintendent may grant individuals who are not certified secondary school teachers conditional certificates to teach traffic safety education courses. To teach a behind-the-wheel course, an instructor with a conditional certificate 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, an instructor with a conditional certificate 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. Conditional certificate continuing education requirements are currently set to 60 hours.

### *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; non-motorized 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.

Also by administrative rule, a student enrolled in a traffic safety education course must have a valid instruction permit.

### *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 Driver Training Education Courses.

### *Regulatory Oversight.*

The Superintendent must verify that driver training (formerly identified as "traffic safety") education course standards meet or exceed DOL curriculum and course delivery standards.

### *School Districts.*

The DOL must develop and administer a certification process for a school district's traffic safety education program. Any school district that offers a driver training education course must certify to the DOL: (1) that it is operating a driver training education program; (2) that the driver training education course complies with the minimum 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.

The joint qualification requirements adopted by the OSPI and the DOL for teachers licensed to teach in driver training education schools that contract with a school district's board of directors must meet or exceed the DOL driver training education instructor licensing requirements.

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.

### *Instructor Licensing.*

All secondary school driver training education course instructors must obtain a license to provide instruction from the DOL, in addition to being certified to teach by the OSPI. Instructors are eligible to obtain a DOL license if they meet the current DOL criteria in place for driver training school instructors.

Like driver training school instructor licenses, a DOL instructor license is valid for two years and can be revoked, cancelled, or denied by the DOL for certain enumerated causes. Application fees for original or renewal DOL licenses for secondary school instructor licenses must be set to equal the fees the DOL sets for private driver training school instructor licenses. These fees must be deposited in the Highway Safety Account and may only be used to carry out traffic safety education licensing activities of the DOL, including audits and inspections.

Teachers licensed by the OSPI to teach driver training education courses prior to August 1, 2018, can continue to teach until their endorsement or conditional certificate expires, or until August 1, 2020, whichever is sooner. The application fee for an original instructor's license is waived for certified secondary school teachers with traffic safety endorsements; this waiver does not extend to renewal application fees.

The Superintendent must set any continuing education requirements to teach driver training education courses at or above the levels set by the DOL.

### *Curriculum.*

The DOL must develop and maintain a minimum required curriculum for school districts operating a driver training education program, which must be identical to or substantially similar to the curriculum of private driver training schools. Secondary school driver training courses must meet or exceed DOL curriculum and course delivery standards.

The DOL is required to consult with Central Washington University (CWU) traffic safety instructors or program content developers and to update its driver training curriculum by July 1, 2018.

#### *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.

#### *Audit Process.*

The DOL is authorized to conduct audits of driver training education programs once every five years, or more frequently, 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 examine all relevant information, including driver training education course curriculum materials and student records, and may visit any driver training education course while it is in progress. The DOL must consult with the Superintendent in developing and carrying out its auditing practices.

The DOL may suspend or revoke a school or school district's ability to issue certificates of driver training education course completion if the school or school district fails to comply with the DOL standards, fails to certify its driver training education program, or refuses to comply with the DOL audit process.

#### Private Driver Training School and Secondary School Driver Training Instructors.

A renewal instructor's license applicant is not required to retake an instructor licensing examination so long as submission of the license renewal application occurs within six months of the date the previous instructor's license expired.

Driver's license suspensions for non-compliance with a child support order are no longer grounds for instructor disqualification.

#### Inter-Agency Cooperation.

The DOL and the OSPI must work together to transfer and coordinate responsibilities to make the changes described above to the administration of driver training education programs in secondary schools.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains multiple effective dates.