

FINAL BILL REPORT

ESHB 1481

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Synopsis as Enacted

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

Sponsors: House Committee on Transportation (originally sponsored by Representatives Hayes and Bergquist).

House Committee on Transportation
Senate Committee on Transportation

Background:

Separate 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.

Secondary School Traffic Safety Education Courses.

Regulatory Oversight.

The Superintendent of Public Instruction (Superintendent), who oversees kindergarten through grade 12 (K-12) 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 and Washington State Board of Education-approved private schools (approved private schools) in conducting their traffic safety education programs.

Each school district that operates a traffic safety education program must submit a report to the Superintendent on the condition of its program. The Superintendent is required to monitor the quality of the programs and carry out laws set forth for the programs, and may adopt rules to govern the programs. The Superintendent must establish the required

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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 that provides instruction for one or more of 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 Department of Licensing (DOL).

Under 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 rules. School districts must appoint a person to be responsible for ensuring the program's compliance, adopt written policies, and maintain individual student records.

Schools may offer traffic safety education courses during or after a school day, on Saturdays, or in the summer.

Curriculum.

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

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

Private Driver Training Schools.

Regulatory Oversight.

The Director of the DOL is responsible for the administration and enforcement of laws pertaining to driver training schools and may adopt 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.

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. By 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.

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.

Summary:

Secondary School Driver Training Education Courses.

School Districts.

The Department of Licensing (DOL) must develop and administer a certification process for a school district's traffic safety education program or the traffic safety education program of a private school approved by the Board of Education (approved private school). Any school district or approved private school 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 follows the curriculum set by the Office of the Superintendent of Public Instruction (OSPI) and the DOL, meets the course delivery standards set by the OSPI, and that a record retention policy is in place that complies with retention requirements; and (3) that the school district or approved private school has verified that all instructors are authorized by the Superintendent of Public Instruction (Superintendent) 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 old 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. Schools may offer a driver training education course before a regular school day.

Curriculum.

The OSPI and the DOL must jointly develop and maintain a required curriculum for school districts and approved private schools operating a driver training education program. The jointly developed curriculum must be prepared by August 1, 2018. The OSPI and the DOL are required to consult with Central Washington University (CWU) traffic safety instructors or program content developers in developing the curriculum.

The curriculum and instructional materials 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.

Records.

Each school district and approved private school must maintain driver training education course records for three years following completion of instruction with the following information: instructor names, addresses, and documentation establishing instructors as qualified teachers of driver training education; and student names, addresses, telephone numbers, dates of enrollment, all dates of instruction, student drivers' instruction permit and drivers' license numbers, the type of training received, the total number of hours of instruction, and the name of the students' instructors.

Records must be made available for inspection at the request of the OSPI or the DOL. The Superintendent may adopt rules for the retention of additional documents subject to inspection by the OSPI and 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 instructors are qualified teachers of driver training education and are teaching the required curriculum material, and that accurate records are maintained and accurate information is provided to the DOL regarding student performance. 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 a school or school district's traffic safety education program certification if the school or school district does not follow the curriculum set by the OSPI and the DOL, any program instructors are not qualified teachers of driver training education, accurate records have not been maintained, accurate information regarding student performance has not been provided to the DOL, or if the school or school district refuses to comply with the DOL audit process. The DOL's director must consult with the Superintendent in developing and carrying out these certification suspension practices.

Private Driver Training Schools.

The curriculum jointly developed and maintained by the OSPI and the DOL is required to be used in private driver training school courses.

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.

Interagency Cooperation.

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

Votes on Final Passage:

House 96 1
Senate 43 4 (Senate amended)
House 95 1 (House concurred)

Effective: July 23, 2017 (Section 13)
August 1, 2018