

SENATE BILL REPORT

ESHB 1481

As Passed Senate - Amended, April 7, 2017

Title: An act relating to creating uniformity in driver training education provided by school districts and commercial driver training schools.

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).

Brief History: Passed House: 3/07/17, 96-1.

Committee Activity: Transportation: 3/27/17, 3/29/17 [DPA].

Floor Activity:

Passed Senate - Amended: 4/07/17, 43-4.

Brief Summary of Bill (As Amended by Senate)

- Requires a school district or approved private school that offers a driver training education course to certify to the Department of Licensing (DOL) that it is operating a traffic safety education program that meets certain curriculum, instructor, record retention, and accuracy in reporting requirements.
- Requires the Office of the Superintendent of Public Instruction and the DOL to jointly develop and maintain a required curriculum for school districts, approved private schools, and private driver training schools operating a traffic safety education program.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Cleveland, Ericksen, Fortunato, Hawkins, O'Ban, Saldaña, Takko, Van De Wege, Walsh and Wilson.

Staff: Kellee Keegan (786-7429)

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.

Background: Driver training in this state for those under the age of 18 is either administered under OSPI and secondary schools or through privately owned driver training schools under the purview of DOL. 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) is authorized to establish a traffic safety education section to oversee and assist programs provided by local school districts statewide. School districts that have a secondary school with grades 10 through 12 may establish and maintain a traffic safety education course and contract with a driver training school to teach the laboratory phase of the 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. The Superintendent is required to monitor the quality of the program, carry out laws set forth for the program, and authorize adoption of necessary rules and regulations to govern the operation and scope of the program.

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 certain driver education topics as set forth in law.

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 participating school districts, 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.

Privately-owned Driver Training Schools. *Regulatory Oversight.* The Director of the DOL is responsible for the administration and enforcement of laws pertaining to driver training schools. A driver training school must obtain a license to operate from the DOL and 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.

Curriculum. The DOL is required to develop and maintain a basic minimum required curriculum for driver training schools that must include certain driver education topics as set forth in law.

The DOL requires at least 30 hours of classroom instruction and 7 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 inspections at least annually and test a random sample of drivers approved by the school. If the school fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement, the DOL has the right to take action against the school.

Records. Each driver training school is required to maintain student, instructor, vehicle, insurance, and operating records at its established place of business. 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 display an instructor's license at its established place of business and copies of the instructor's license where the instructor provides instruction.

Secondary School and Higher Education. The laws governing privately-owned 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 of Amended Bill: Secondary School Driver Training Education Courses. *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:

- that it is operating a driver training education program;
- that the driver training education course follows the curriculum set by the 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
- that the school district has verified that all instructors are authorized by the Superintendent to teach a driver training education course.

A student who is under 15 year of age may not take a driver's training education course 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. A school district may offer a driver training education course before a regular school day in addition to after a regular school day.

Curriculum. The OSPI and the DOL must jointly develop and maintain a required curriculum for school districts 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.

Records. Each school district 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 a qualified teachers of driver training education, 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. 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.

Approved Private School. An approved private school is a school that has been approved by the Washington State Board of Education. Approved private schools that offer a traffic safety education program must adhere to the same rules and regulations as any other school or school district in the state that offers a driver training education course.

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 changes described above to the administration of driver training education programs in secondary schools.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on the Bill as Amended by Committee: PRO: This bill is about uniformity. The public safety education account was swept in 2002. Since then, OSPI has not had the ability to provide oversight to schools that provide driver training education. This has resulted in tragic circumstances. The regulatory oversight in the bill is brought under the Department of Licensing. A previous version of this bill had it all under DOL, but this version has some parts under OSPI as there was a concern by school teachers who taught the courses. The intent was to not negatively impact schools in any way. Please pass this bill and provide funding in the budget. There needs to be oversight for public schools. Because of previously passed legislation, there is a chance that students get passed who should not be driving. This is needed so students who are on the road are those who have successfully completed and passed driver training. This should be coordinated effort between the agencies. There are close to 90 school districts that run programs like this. This restores oversight that was lost in 2002 and creates a partnership that would result in good driver's education curriculum. This bill creates work between the agencies and will require funding for FTEs and those positions are needed. Traffic safety education association has 150 members. In the fiscal note, it has FTEs for DOL but none for OSPI. Please split the FTEs so there is some staffing at OSPI for this program.

Persons Testifying: PRO: Representative Dave Hayes, Prime Sponsor; Debra Grenier, citizen; David Slipp, citizen; Glenn Gorton, OSPI; Alex Hansen, President-elect, Washington Traffic Safety Education Association.

Persons Signed In To Testify But Not Testifying: No one.