
ENGROSSED SUBSTITUTE HOUSE BILL 1481

State of Washington

65th Legislature

2017 Regular Session

By House Transportation (originally sponsored by Representatives Hayes and Bergquist)

READ FIRST TIME 02/23/17.

1 AN ACT Relating to creating uniformity in driver training
2 education provided by school districts and commercial driver training
3 schools; amending RCW 28A.220.020, 28A.220.030, 46.20.055, 46.20.100,
4 46.82.280, 46.82.320, 46.82.330, 46.82.360, and 46.82.420; adding new
5 sections to chapter 28A.220 RCW; creating new sections; repealing RCW
6 28A.220.050, 28A.220.060, 28A.220.080, and 28A.220.085; and providing
7 an effective date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that there is a need
10 to establish consistency in the quality of driver training education
11 in this state to reduce the number of young driver accidents that are
12 prematurely killing our youth. The traffic safety commission reports
13 that out of two hundred forty-five fatalities in the first half of
14 2016, thirty-one involved young drivers aged sixteen to twenty-five.
15 The intent of this act is to require driver training education
16 curriculum to be developed and maintained jointly by the office of
17 the superintendent of public instruction and the department of
18 licensing. The legislature also finds that there is a need to audit
19 driver training education courses; therefore, the intent of this act
20 is also to provide the department of licensing with resources and
21 authority to audit all driver training education courses, in

1 consultation with the superintendent of public instruction for driver
2 training education courses offered by school districts.

3 **Sec. 2.** RCW 28A.220.020 and 1990 c 33 s 218 are each amended to
4 read as follows:

5 ~~((The following words and phrases whenever used in chapter~~
6 ~~28A.220 RCW shall have the following meaning*)) The definitions in
7 this section apply throughout this chapter unless the context clearly
8 requires otherwise.~~

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

11 (2) ~~((Traffic safety))~~ Driver training education course
12 ~~((shall))~~ means ~~((an accredited))~~ a course of instruction in traffic
13 safety education ~~((which shall consist of two phases, classroom~~
14 ~~instruction, and laboratory experience. "Laboratory experience" shall~~
15 ~~include on street, driving range, or simulator experience or some~~
16 ~~combination thereof. Each phase shall meet basic course requirements~~
17 ~~which shall be established by the superintendent of public~~
18 ~~instruction and each part of said course shall be))~~ (a) offered as
19 part of a traffic safety education program authorized by the
20 superintendent of public instruction and certified by the department
21 of licensing and (b) taught by a qualified teacher of ~~((traffic~~
22 ~~safety))~~ driver training education that consists of classroom and
23 behind-the-wheel instruction using curriculum that meets joint
24 superintendent of public instruction and department of licensing
25 standards and the course requirements established by the
26 superintendent of public instruction under RCW 28A.220.030. Behind-
27 the-wheel instruction is characterized by driving experience. ~~((Any~~
28 ~~portions of the course may be taught after regular school hours or on~~
29 ~~Saturdays as well as on regular school days or as a summer school~~
30 ~~course, at the option of the local school districts.))~~

31 (3) "Qualified teacher of ~~((traffic safety))~~ driver training
32 education" ~~((shall))~~ means an instructor ~~((certificated under the~~
33 ~~provisions of chapter 28A.410 RCW and certificated by the~~
34 ~~superintendent of public instruction to teach either the classroom~~
35 ~~phase or the laboratory phase of the traffic safety education course,~~
36 ~~or both, under regulations promulgated by the superintendent-~~
37 ~~PROVIDED, That the laboratory experience phase of the traffic safety~~
38 ~~education course may be taught by instructors certificated under~~
39 ~~rules promulgated by the superintendent of public instruction,~~

1 ~~exclusive of any requirement that the instructor be certificated~~
2 ~~under the provisions of chapter 28A.410 RCW. Professional instructors~~
3 ~~certificated under the provisions of chapter 46.82 RCW, and~~
4 ~~participating in this program, shall be subject to reasonable~~
5 ~~qualification requirements jointly adopted by the superintendent of~~
6 ~~public instruction and the director of licensing)) who:~~

7 (a) Is certificated under chapter 28A.410 RCW and has obtained a
8 traffic safety endorsement or a letter of approval to teach traffic
9 safety education from the superintendent of public instruction or is
10 certificated by the superintendent of public instruction to teach a
11 driver training education course; or

12 (b) Is an instructor provided by a driver training school that
13 has contracted with a school district's or districts' board of
14 directors under RCW 28A.220.030(3) to teach driver education for the
15 school district.

16 (4) (~~"Realistic level of effort"~~) "Appropriate course delivery
17 standards" means the classroom and (~~laboratory~~) behind-the-wheel
18 student learning experiences considered acceptable to the
19 superintendent of public instruction under RCW 28A.220.030 that must
20 be satisfactorily accomplished by the student in order to
21 successfully complete the (~~traffic safety~~) driver training
22 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
26 secondary schools of a school district or vocational-technical
27 schools that are conducted by such schools in a like manner to their
28 other regular courses.

29 **Sec. 3.** RCW 28A.220.030 and 2011 c 370 s 2 are each amended to
30 read as follows:

31 (1) The superintendent of public instruction is authorized to
32 establish a section of traffic safety education, and through such
33 section shall: Define (~~a "realistic level of effort"~~) appropriate
34 course delivery standards required to provide an effective (~~traffic~~
35 ~~safety~~) driver training education course, establish a level of
36 driving competency required of each student to successfully complete
37 the course, and ensure that an effective statewide program is
38 implemented and sustained(~~(τ)~~); administer, supervise, and develop
39 the traffic safety education program; and (~~shall~~) assist local

1 school districts in the conduct of their traffic safety education
2 programs. The superintendent shall adopt necessary rules (~~and~~
3 ~~regulations~~) governing the operation and scope of the traffic safety
4 education program; and each school district shall submit a report to
5 the superintendent on the condition of its traffic safety education
6 program: PROVIDED, That the superintendent shall monitor the quality
7 of the program and carry out the purposes of this chapter.

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

12 (b) Any school district that offers a driver training education
13 course must certify to the department of licensing that it is
14 operating a traffic safety education program, that the driver
15 training education course follows the curriculum promulgated by the
16 office of the superintendent of public instruction and the department
17 of licensing, that it meets the course delivery standards promulgated
18 by the office of the superintendent of public instruction, that a
19 record retention policy is in place to meet the requirements of
20 subsection (5) of this section, and that the school district has
21 verified that all instructors are authorized by the office of the
22 superintendent of public instruction to teach a driver training
23 education course.

24 (c) Any portion of a driver training education course offered by
25 a school district may be taught after regular school hours or on
26 Saturdays as well as on regular school days or as a summer school
27 course, at the option of the local school district. If a school
28 district elects to offer a (~~traffic safety~~) driver training
29 education course and has within its boundaries a private accredited
30 secondary school which includes any of the grades 10 to 12,
31 inclusive, at least one (~~class in traffic safety education shall~~)
32 driver training education course must be given at times other than
33 regular school hours if there is sufficient demand (~~therefor~~) for
34 it.

35 (3)(a) A qualified teacher of driver training education must be
36 certificated under chapter 28A.410 RCW and obtain a traffic safety
37 endorsement or a letter of approval to teach traffic safety education
38 from the superintendent of public instruction to teach either the
39 classroom instruction or the behind-the-wheel instruction portion of
40 the driver training education course, or both, under rules adopted by

1 the superintendent. The classroom or behind-the-wheel instruction
2 portion of the driver training education course may also be taught by
3 instructors certificated under rules adopted by the superintendent of
4 public instruction, exclusive of any requirement that the instructor
5 be certificated under chapter 28A.410 RCW.

6 (b) The superintendent shall establish a required minimum number
7 of hours of continuing traffic safety education for qualified
8 teachers of driver training education.

9 (4) The board of directors of a school district, or combination
10 of school districts, may contract with any ((drivers¹)) driver
11 training school licensed under ((the provisions of)) chapter 46.82
12 RCW to teach the ((laboratory phase)) behind-the-wheel instruction
13 portion of the ((traffic safety)) driver training education course.
14 Instructors provided by any such contracting ((drivers¹)) driver
15 training school must be properly qualified teachers of ((traffic
16 safety)) driver training education under the joint qualification
17 requirements adopted by the superintendent of public instruction and
18 the director of licensing.

19 ((4) The superintendent shall establish a required minimum
20 number of hours of continuing traffic safety education for traffic
21 safety education instructors. The superintendent may phase in the
22 requirement over not more than five years.))

23 (5) Each school district offering a traffic safety education
24 program must maintain: (a) Documentation of each instructor's name
25 and address and that establishes the instructor as a qualified
26 teacher of driver training education as defined in RCW 28A.220.020;
27 and (b) student records that include the student's name, address, and
28 telephone number, the date of enrollment and all dates of
29 instruction, the student's driver's instruction permit or driver's
30 license number, the type of training received, the total number of
31 hours of instruction, and the name of the instructor or instructors.
32 These records must be maintained for three years following the
33 completion of the instruction and are subject to inspection upon
34 request of the department of licensing or the office of the
35 superintendent of public instruction. The superintendent may adopt
36 rules regarding the retention of additional documents that are
37 subject to inspection by the department of licensing or the office of
38 the superintendent of public instruction.

39 (6) A driver training education course may not be offered by a
40 school district to a student who is under the age of fifteen, and

1 behind-the-wheel instruction may not be given by an instructor to a
2 student in a motor vehicle unless the student possesses either a
3 current and valid driver's instruction permit issued under RCW
4 46.20.055 or a current and valid driver's license.

5 (7) School districts that offer a (~~traffic safety~~) driver
6 training education (~~program~~) course under this chapter may
7 administer the portions of the driver licensing examination that test
8 the applicant's knowledge of traffic laws and ability to safely
9 operate a motor vehicle as authorized under RCW 46.20.120(7). The
10 superintendent shall work with the department of licensing, in
11 consultation with school districts that offer a traffic safety
12 education program, to develop standards and requirements for
13 administering each portion of the driver licensing examination that
14 are comparable to the standards and requirements for driver training
15 schools under RCW 46.82.450.

16 (~~6~~) (8) Before a school district may provide a portion of the
17 driver licensing examination, the school district must, after
18 consultation with the superintendent, enter into an agreement with
19 the department of licensing that sets forth an accountability and
20 audit process that takes into account the unique nature of school
21 district facilities and school hours and, at a minimum, contains
22 provisions that:

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

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

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

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

36 NEW SECTION. Sec. 4. A new section is added to chapter 28A.220
37 RCW to read as follows:

38 The office of the superintendent of public instruction and the
39 department of licensing shall jointly develop and maintain a required

1 curriculum for school districts operating a traffic safety education
2 program. The jointly developed curriculum must be prepared by August
3 1, 2018. The curriculum and instructional materials must comply with
4 the course content requirements of RCW 46.82.420(2) and 46.82.430. In
5 developing the curriculum, the office of the superintendent of public
6 instruction and the department of licensing shall consult with one or
7 more of Central Washington University's traffic safety education
8 instructors or program content developers.

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

11 (1) The department of licensing shall develop and administer the
12 certification process required under RCW 28A.220.030 for a school
13 district's traffic safety education program in consultation with the
14 superintendent.

15 (2) The department of licensing shall conduct audits of traffic
16 safety education programs to ensure that the instructors are
17 qualified teachers of driver training education and teaching the
18 required curriculum material, and that accurate records are
19 maintained and accurate information is provided to the department of
20 licensing regarding student performance. Each school district may be
21 audited at least once every five years or more frequently. The audit
22 process must take into account the unique nature of school district
23 facilities, operations, and hours. As part of its audit process, the
24 department of licensing may examine all relevant information,
25 including driver training education course curriculum materials and
26 student records, and visit any course in progress that is part of the
27 traffic safety education program. The director shall consult with the
28 superintendent in developing and carrying out these auditing
29 practices.

30 (3) The department of licensing may suspend a school's or school
31 district's traffic safety education program certification if: The
32 school or school district does not follow the curriculum promulgated
33 by the office of the superintendent of public instruction and the
34 department of licensing, any program instructors are not qualified
35 teachers of driver training education, accurate records have not been
36 maintained under RCW 28A.220.030(5) or accurate information regarding
37 student performance has not been provided to the department of
38 licensing, or the school or school district refuses to cooperate with
39 the department of licensing audit process authorized under this

1 chapter. The director shall consult with the superintendent in
2 developing and carrying out these program certification suspension
3 practices.

4 **Sec. 6.** RCW 46.20.055 and 2012 c 80 s 5 are each amended to read
5 as follows:

6 (1) **Driver's instruction permit.** The department may issue a
7 driver's instruction permit with or without a photograph to an
8 applicant who has successfully passed all parts of the examination
9 other than the driving test, provided the information required by RCW
10 46.20.091, paid an application fee of twenty-five dollars, and meets
11 the following requirements:

- 12 (a) Is at least fifteen and one-half years of age; or
13 (b) Is at least fifteen years of age and:
14 (i) Has submitted a proper application; and
15 (ii) Is enrolled in a (~~traffic safety~~) driver training
16 education (~~program~~) course offered(~~(, approved, and accredited)~~) as
17 part of a traffic safety education program authorized by the office
18 of the superintendent of public instruction and certified under
19 chapter 28A.220 RCW or offered by a driver training school licensed
20 and inspected by the department of licensing under chapter 46.82 RCW,
21 that includes practice driving.

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

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

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

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

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

- 34 (a) The person has immediate possession of the permit;
35 (b) The person is not using a wireless communications device,
36 unless the person is using the device to report illegal activity,
37 summon medical or other emergency help, or prevent injury to a person
38 or property; and

1 (c) (~~An approved~~) A driver training education course instructor
2 who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a
3 licensed driver with at least five years of driving experience,
4 occupies the seat beside the driver.

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

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

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

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

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

16 (1) **Application.** The application of a person under the age of
17 eighteen years for a driver's license or a motorcycle endorsement
18 must be signed by a parent or guardian with custody of the minor. If
19 the person under the age of eighteen has no father, mother, or
20 guardian, then the application must be signed by the minor's
21 employer.

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

25 (a) To meet the traffic safety education requirement for a
26 driver's license, the applicant must satisfactorily complete a
27 (~~traffic safety~~) driver training education course as defined in RCW
28 28A.220.020 for a course offered by a school district, or as defined
29 by the department of licensing for a course offered by a driver
30 training school licensed under chapter 46.82 RCW. The course offered
31 by a school district (~~or an approved private school must meet the~~
32 ~~standards established~~) must be part of a traffic safety education
33 program authorized by the office of the (~~state~~) superintendent of
34 public instruction and certified under chapter 28A.220 RCW. The
35 course offered by a driver training school must meet the standards
36 established by the department of licensing under chapter 46.82 RCW.
37 The (~~traffic safety~~) driver training education course may be
38 provided by:

1 (i) A (~~recognized~~) secondary school within a school district
2 that establishes and maintains an approved and certified traffic
3 safety education program under chapter 28A.220 RCW; or

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

6 (b) To meet the traffic safety education requirement for a
7 motorcycle endorsement, the applicant must successfully complete a
8 motorcycle safety education course that meets the standards
9 established by the department of licensing.

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

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

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

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

22 (d) The department may waive the (~~traffic-safety~~) driver
23 training education course requirement if the applicant was licensed
24 to drive a motor vehicle or motorcycle outside this state and
25 provides proof that he or she has had education equivalent to that
26 required under this subsection.

27 **Sec. 8.** RCW 46.82.280 and 2010 1st sp.s. c 7 s 19 are each
28 amended to read as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Behind-the-wheel instruction" means instruction in an
32 approved driver training school instruction vehicle according to and
33 inclusive of the (~~minimum~~) required curriculum. Behind-the-wheel
34 instruction is characterized by driving experience.

35 (2) "Classroom" means a space dedicated to and used exclusively
36 by a driver training instructor for the instruction of students. With
37 prior department approval, a branch office classroom may be located
38 within alternative facilities, such as a public or private library,

1 school, community college, college or university, or a business
2 training facility.

3 (3) "Classroom instruction" means that portion of a traffic
4 safety education course that is characterized by classroom-based
5 student instruction using the required curriculum conducted by or
6 under the direct supervision of a licensed instructor or licensed
7 instructors.

8 (4) "Director" means the director of the department of licensing
9 of the state of Washington.

10 (5) "Driver training education course" means a course of
11 instruction in traffic safety education approved and licensed by the
12 department of licensing that consists of classroom and behind-the-
13 wheel instruction (~~as documented by the minimum~~) that follows the
14 approved curriculum.

15 (6) "Driver training school" means a commercial driver training
16 school engaged in the business of giving instruction, for a fee, in
17 the operation of automobiles.

18 (7) "Enrollment" means the collecting of a fee or the signing of
19 a contract for a driver training education course. "Enrollment" does
20 not include the collecting of names and contact information for
21 enrolling students once a driver training school is licensed to
22 instruct.

23 (8) "Fraudulent practices" means any conduct or representation on
24 the part of a driver training school owner or instructor including:

25 (a) Inducing anyone to believe, or to give the impression, that a
26 license to operate a motor vehicle or any other license granted by
27 the director may be obtained by any means other than those prescribed
28 by law, or furnishing or obtaining the same by illegal or improper
29 means, or requesting, accepting, or collecting money for such
30 purposes;

31 (b) Operating a driver training school without a license,
32 providing instruction without an instructor's license, verifying
33 enrollment prior to being licensed, misleading or false statements on
34 applications for a commercial driver training school license or
35 instructor's license or on any required records or supporting
36 documentation;

37 (c) Failing to fully document and maintain all required driver
38 training school records of instruction, school operation, and
39 instructor training;

1 (d) Issuing a driver training course certificate without
2 requiring completion of the necessary behind-the-wheel and classroom
3 instruction.

4 (9) "Instructor" means any person employed by or otherwise
5 associated with a driver training school to instruct persons in the
6 operation of an automobile.

7 (10) "Owner" means an individual, partnership, corporation,
8 association, or other person or group that holds a substantial
9 interest in a driver training school.

10 (11) "Person" means any individual, firm, corporation,
11 partnership, or association.

12 (12) "Place of business" means a designated location at which the
13 business of a driver training school is transacted or its records are
14 kept.

15 (13) "Student" means any person enrolled in an approved driver
16 training course.

17 (14) "Substantial interest holder" means a person who has actual
18 or potential influence over the management or operation of any driver
19 training school. Evidence of substantial interest includes, but is
20 not limited to, one or more of the following:

21 (a) Directly or indirectly owning, operating, managing, or
22 controlling a driver training school or any part of a driver training
23 school;

24 (b) Directly or indirectly profiting from or assuming liability
25 for debts of a driver training school;

26 (c) Is an officer or director of a driver training school;

27 (d) Owning ten percent or more of any class of stock in a
28 privately or closely held corporate driver training school, or five
29 percent or more of any class of stock in a publicly traded corporate
30 driver training school;

31 (e) Furnishing ten percent or more of the capital, whether in
32 cash, goods, or services, for the operation of a driver training
33 school during any calendar year; or

34 (f) Directly or indirectly receiving a salary, commission,
35 royalties, or other form of compensation from the activity in which a
36 driver training school is or seeks to be engaged.

37 **Sec. 9.** RCW 46.82.320 and 2009 c 101 s 4 are each amended to
38 read as follows:

1 (1) No person affiliated with a driver training school shall give
2 instruction in the operation of an automobile for a fee without a
3 license issued by the director for that purpose. An application for
4 an original or renewal instructor's license shall be filed with the
5 director, containing such information as prescribed by this chapter
6 and by the director, accompanied by an application fee set by rule of
7 the department, which shall in no event be refunded. An application
8 for a renewal instructor's license must be accompanied by proof of
9 the applicant's continuing professional development that meets the
10 standards adopted by the director. If the applicant satisfactorily
11 meets the application requirements ~~((and the examination~~
12 ~~requirements))~~ as prescribed in RCW 46.82.330, the applicant shall be
13 granted a license valid for a period of two years from the date of
14 issuance. An applicant for a renewal instructor's license is not
15 required to retake the examination specified in RCW 46.82.330 to
16 renew his or her instructor's license if his or her original
17 instructor's license is unexpired or has not been expired for longer
18 than six months before submission of his or her renewal application.

19 (2) The director shall issue a license certificate to each
20 qualified applicant.

21 (a) An employing driver training school must conspicuously
22 display an instructor's license at its established place of business
23 and display copies of the instructor's license at any branch office
24 where the instructor provides instruction.

25 (b) Unless revoked, canceled, or denied by the director, the
26 license shall remain the property of the licensee in the event of
27 termination of employment or employment by another driver training
28 school.

29 (c) If the director has not received a renewal application on or
30 before the date a license expires, the license ~~((will be voided))~~ is
31 void, requiring a new application as provided for in this chapter,
32 including ~~((examination and))~~ payment of all fees, as well as an
33 examination subject to the exception in subsection (1) of this
34 section.

35 (d) If revoked, canceled, or denied by the director, the license
36 must be surrendered to the department within ten days following the
37 effective date of such action.

38 (3) Each licensee shall be provided with a wallet-size
39 identification card by the director at the time the license is issued

1 which shall be in the instructor's immediate possession at all times
2 while engaged in instructing.

3 (4) The person to whom an instructor's license has been issued
4 shall notify the director in writing within ten days of any change of
5 employment or termination of employment, providing the name and
6 address of the new driver training school by whom the instructor will
7 be employed.

8 **Sec. 10.** RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each
9 amended to read as follows:

10 (1) The application for an instructor's license shall document
11 the applicant's fitness, knowledge, skills, and abilities to teach
12 the classroom and behind-the-wheel (~~phases~~) instruction portions of
13 a driver training education program in a commercial driver training
14 school.

15 (2) An applicant shall be eligible to apply for an original
16 instructor's certificate if the applicant possesses and meets the
17 following qualifications and conditions:

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

28 (i) Not more than one moving traffic violation within the
29 preceding twelve months or more than two moving traffic violations in
30 the preceding twenty-four months;

31 (ii) No drug or alcohol-related traffic violation or incident
32 within the preceding three years. If there are two or more drug or
33 alcohol-related traffic violations in the applicant's driving
34 history, the applicant is no longer eligible to be a driving
35 instructor; and

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

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

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

5 (d) Has satisfactorily completed a course of instruction in the
6 training of drivers acceptable to the director that is no less than
7 sixty hours in length and includes instruction in classroom and
8 behind-the-wheel teaching methods and supervised practice behind-the-
9 wheel teaching of driving techniques; and

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

12 **Sec. 11.** RCW 46.82.360 and 2009 c 101 s 7 are each amended to
13 read as follows:

14 The license of any driver training school or instructor may be
15 suspended, revoked, denied, or refused renewal, or such other
16 disciplinary action authorized under RCW 18.235.110 may be imposed,
17 for failure to comply with the business practices specified in this
18 section.

19 (1) No place of business shall be established nor any business of
20 a driver training school conducted or solicited within one thousand
21 feet of an office or building owned or leased by the department of
22 licensing in which examinations for drivers' licenses are conducted.
23 The distance of one thousand feet shall be measured along the public
24 streets by the nearest route from the place of business to such
25 building.

26 (2) Any automobile used by a driver training school or an
27 instructor for instruction purposes must be equipped with:

28 (a) Dual controls for foot brake and clutch, or foot brake only
29 in a vehicle equipped with an automatic transmission;

30 (b) An instructor's rear view mirror; and

31 (c) A sign in legible, printed English letters displayed on the
32 back or top, or both, of the vehicle that:

33 (i) Is not less than twenty inches in horizontal width or less
34 than ten inches in vertical height;

35 (ii) Has the words "student driver," "instruction car," or
36 "driving school" in letters at least two and one-half inches in
37 height near the top;

1 (iii) Has the name and telephone number of the school in
2 similarly legible letters not less than one inch in height placed
3 somewhere below the aforementioned words;

4 (iv) Has lettering and background colors that make it clearly
5 readable at one hundred feet in clear daylight;

6 (v) Is displayed at all times when instruction is being given.

7 (3) Instruction may not be given by an instructor to a student
8 who is under the age of fifteen, and behind-the-wheel instruction may
9 not be given by an instructor to a student in an automobile unless
10 the student possesses a current and valid instruction permit issued
11 pursuant to RCW 46.20.055 or a current and valid driver's license.

12 (4) No driver training school or instructor shall advertise or
13 otherwise indicate that the issuance of a driver's license is
14 guaranteed or assured as a result of the course of instruction
15 offered.

16 (5) No driver training school or instructor shall utilize any
17 types of advertising without using the full, legal name of the school
18 and identifying itself as a driver training school. Instruction
19 vehicles and equipment, classrooms, driving simulators, training
20 materials and services advertised must be available in a manner as
21 might be expected by the average person reading the advertisement.

22 (6) A driver training school shall have an established place of
23 business owned, rented, or leased by the school and regularly
24 occupied and used exclusively for the business of giving driver
25 instruction. The established place of business of a driver training
26 school shall be located in a district that is zoned for business or
27 commercial purposes or zoned for conditional use permits for schools,
28 trade schools, or colleges. However, the use of public or private
29 schools does not alleviate the driver training school from securing
30 and maintaining an established place of business or from using its
31 own classroom on a regular basis as required under this chapter.

32 (a) The established place of business, branch office, or
33 classroom or advertised address of any such driver training school
34 shall not consist of or include a house trailer, residence, tent,
35 temporary stand, temporary address, bus, telephone answering service
36 if such service is the sole means of contacting the driver training
37 school, a room or rooms in a hotel or rooming house or apartment
38 house, or premises occupied by a single or multiple-unit dwelling
39 house.

1 (b) A driver training school may lease classroom space within a
2 public or private school that is recognized and regulated by the
3 office of the superintendent of public instruction to conduct student
4 instruction as approved by the director. However, such use of public
5 or private classroom space does not alleviate the driver training
6 school from securing and maintaining an established place of business
7 nor from using its own classroom on a regular basis as required by
8 this chapter.

9 (c) To classify as a branch office or classroom the facility must
10 be within a thirty-five mile radius of the established place of
11 business. The department may waive or extend the thirty-five mile
12 restriction for driver training schools located in counties below the
13 median population density.

14 (d) Nothing in this subsection may be construed as limiting the
15 authority of local governments to grant conditional use permits or
16 variances from zoning ordinances.

17 (7) No driver training school or instructor shall conduct any
18 type of instruction or training on a course used by the department of
19 licensing for testing applicants for a Washington driver's license.

20 (8) Each driver training school shall maintain its student,
21 instructor, vehicle, insurance, and operating records at its
22 established place of business.

23 (a) Student records must include the student's name, address, and
24 telephone number, date of enrollment and all dates of instruction,
25 the student's instruction permit or driver's license number, the type
26 of training given, the total number of hours of instruction, and the
27 name and signature of the instructor or instructors.

28 (b) Vehicle records shall include the original insurance policies
29 and copies of the vehicle registration for all instruction vehicles.

30 (c) Student and instructor records shall be maintained for three
31 years following the completion of the instruction. Vehicle records
32 shall be maintained for five years following their issuance. All
33 records shall be made available for inspection upon the request of
34 the department.

35 (d) Upon a transfer or sale of school ownership the school
36 records shall be transferred to and become the property and
37 responsibility of the new owner.

38 (9) Each driver training school shall, at its established place
39 of business, display, in a place where it can be seen by all clients,
40 a copy of the required ((minimum)) curriculum furnished by the

1 department ((and a copy of the school's own curriculum)). Copies of
2 the required ((minimum)) curriculum are to be provided to driver
3 training schools and instructors by the director.

4 (10) Driver training schools and instructors shall submit to
5 periodic inspections of their business practices, facilities,
6 records, and insurance by authorized representatives of the director
7 of the department of licensing.

8 **Sec. 12.** RCW 46.82.420 and 2010 1st sp.s. c 7 s 22 are each
9 amended to read as follows:

10 (1) The department and the office of the superintendent of public
11 instruction shall jointly develop and maintain a ((basic minimum))
12 required curriculum ((and)) as specified in section 4 of this act.
13 The department shall furnish to each qualifying applicant for an
14 instructor's license or a driver training school license a copy of
15 such curriculum.

16 (2) In addition to information on the safe, lawful, and
17 responsible operation of motor vehicles on the state's highways, the
18 ((basic minimum)) required curriculum shall include information on:

19 (a) Intermediate driver's license issuance, passenger and driving
20 restrictions and sanctions for violating the restrictions, and the
21 effect of traffic violations and collisions on the driving
22 privileges;

23 (b) The effects of alcohol and drug use on motor vehicle
24 operators, including information on drug and alcohol related traffic
25 injury and mortality rates in the state of Washington and the current
26 penalties for driving under the influence of drugs or alcohol;

27 (c) Motorcycle awareness, approved by the director, to ensure new
28 operators of motor vehicles have been instructed in the importance of
29 safely sharing the road with motorcyclists;

30 (d) Bicycle safety, to ensure that operators of motor vehicles
31 have been instructed in the importance of safely sharing the road
32 with bicyclists; and

33 (e) Pedestrian safety, to ensure that operators of motor vehicles
34 have been instructed in the importance of safely sharing the road
35 with pedestrians.

36 (3) Should the director be presented with acceptable proof that
37 any licensed instructor or driver training school is not showing
38 proper diligence in teaching ((such basic minimum)) the required
39 curriculum ((as required)), the instructor or school shall be

1 required to appear before the director and show cause why the license
2 of the instructor or school should not be revoked for such
3 negligence. If the director does not accept such reasons as may be
4 offered, the director may revoke the license of the instructor or
5 school, or both.

6 NEW SECTION. **Sec. 13.** The department of licensing and the
7 office of the superintendent of public instruction must work together
8 on the transfer and coordination of responsibilities to comply with
9 this act.

10 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
11 each repealed:

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

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

16 (3) RCW 28A.220.080 (Information on motorcycle awareness) and
17 2007 c 97 s 4 & 2004 c 126 s 1; and

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

20 NEW SECTION. **Sec. 15.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 16.** Except for section 13 of this act, this
25 act takes effect August 1, 2018.

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