

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1481**

65th Legislature  
2017 Regular Session

Passed by the House April 13, 2017  
Yeas 95 Nays 1

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**Speaker of the House of Representatives**

Passed by the Senate April 7, 2017  
Yeas 43 Nays 4

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1481** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1481

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AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

**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) "Approved private school" means a private school approved by  
24 the board of education under chapter 28A.195 RCW.

25 (6) "Director" means the director of the department of licensing.

26 (7) "Traffic safety education program" means the administration  
27 and provision of driver training education courses offered by  
28 secondary schools of a school district or vocational-technical  
29 schools that are conducted by such schools in a like manner to their  
30 other regular courses.

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

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

1 implemented and sustained~~(( $\tau$ ))~~; administer, supervise, and develop  
2 the traffic safety education program; and ~~((shall))~~ assist local  
3 school districts and approved private schools in the conduct of their  
4 traffic safety education programs. The superintendent shall adopt  
5 necessary rules ~~((and regulations))~~ governing the operation and scope  
6 of the traffic safety education program; and each school district and  
7 approved private school shall submit a report to the superintendent  
8 on the condition of its traffic safety education program: PROVIDED,  
9 That the superintendent shall monitor the quality of the program and  
10 carry out the purposes of this chapter.

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

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

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

39 (3)(a) A qualified teacher of driver training education must be  
40 certificated under chapter 28A.410 RCW and obtain a traffic safety

1 endorsement or a letter of approval to teach traffic safety education  
2 from the superintendent of public instruction to teach either the  
3 classroom instruction or the behind-the-wheel instruction portion of  
4 the driver training education course, or both, under rules adopted by  
5 the superintendent. The classroom or behind-the-wheel instruction  
6 portion of the driver training education course may also be taught by  
7 instructors certificated under rules adopted by the superintendent of  
8 public instruction, exclusive of any requirement that the instructor  
9 be certificated under chapter 28A.410 RCW.

10 (b) The superintendent shall establish a required minimum number  
11 of hours of continuing traffic safety education for qualified  
12 teachers of driver training education.

13 (4) The board of directors of a school district, or combination  
14 of school districts, may contract with any ((drivers<sup>1</sup>)) driver  
15 training school licensed under ((the provisions of)) chapter 46.82  
16 RCW to teach the ((laboratory phase)) behind-the-wheel instruction  
17 portion of the ((traffic safety)) driver training education course.  
18 Instructors provided by any such contracting ((drivers<sup>1</sup>)) driver  
19 training school must be properly qualified teachers of ((traffic  
20 safety)) driver training education under the joint qualification  
21 requirements adopted by the superintendent of public instruction and  
22 the director of licensing.

23 ((4) The superintendent shall establish a required minimum  
24 number of hours of continuing traffic safety education for traffic  
25 safety education instructors. The superintendent may phase in the  
26 requirement over not more than five years.))

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

1 subject to inspection by the department of licensing or the office of  
2 the superintendent of public instruction.

3 (6) A driver training education course may not be offered by a  
4 school district or an approved private school to a student who is  
5 under the age of fifteen, and behind-the-wheel instruction may not be  
6 given by an instructor to a student in a motor vehicle unless the  
7 student possesses either a current and valid driver's instruction  
8 permit issued under RCW 46.20.055 or a current and valid driver's  
9 license.

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

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

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

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

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

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

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

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

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

16        (1) The department of licensing shall develop and administer the  
17    certification process required under RCW 28A.220.030 for a school  
18    district's or approved private school's traffic safety education  
19    program in consultation with the superintendent.

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

35        (3) The department of licensing may suspend a school's or school  
36    district's traffic safety education program certification if: The  
37    school or school district does not follow the curriculum promulgated  
38    by the office of the superintendent of public instruction and the  
39    department of licensing, any program instructors are not qualified

1 teachers of driver training education, accurate records have not been  
2 maintained under RCW 28A.220.030(5) or accurate information regarding  
3 student performance has not been provided to the department of  
4 licensing, or the school or school district refuses to cooperate with  
5 the department of licensing audit process authorized under this  
6 chapter. The director shall consult with the superintendent in  
7 developing and carrying out these program certification suspension  
8 practices.

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

11 (1) **Driver's instruction permit.** The department may issue a  
12 driver's instruction permit with or without a photograph to an  
13 applicant who has successfully passed all parts of the examination  
14 other than the driving test, provided the information required by RCW  
15 46.20.091, paid an application fee of twenty-five dollars, and meets  
16 the following requirements:

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

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

19 (i) Has submitted a proper application; and

20 (ii) Is enrolled in a (~~traffic safety~~) driver training  
21 education (~~program~~) course offered(~~(, approved, and accredited)~~) as  
22 part of a traffic safety education program authorized by the office  
23 of the superintendent of public instruction and certified under  
24 chapter 28A.220 RCW or offered by a driver training school licensed  
25 and inspected by the department of licensing under chapter 46.82 RCW,  
26 that includes practice driving.

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

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

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

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

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

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

1 (b) The person is not using a wireless communications device,  
2 unless the person is using the device to report illegal activity,  
3 summon medical or other emergency help, or prevent injury to a person  
4 or property; and

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

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

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

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

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

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

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

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

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

1 must meet the standards established by the department of licensing  
2 under chapter 46.82 RCW. The (~~traffic safety~~) driver training  
3 education course may be provided by:

4 (i) A (~~recognized~~) secondary school within a school district or  
5 approved private school that establishes and maintains an approved  
6 and certified traffic safety education program under chapter 28A.220  
7 RCW; or

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

10 (b) To meet the traffic safety education requirement for a  
11 motorcycle endorsement, the applicant must successfully complete a  
12 motorcycle safety education course that meets the standards  
13 established by the department of licensing.

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

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

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

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

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

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

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

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

1 (2) "Classroom" means a space dedicated to and used exclusively  
2 by a driver training instructor for the instruction of students. With  
3 prior department approval, a branch office classroom may be located  
4 within alternative facilities, such as a public or private library,  
5 school, community college, college or university, or a business  
6 training facility.

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

12 (4) "Director" means the director of the department of licensing  
13 of the state of Washington.

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

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

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

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

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

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

1 (c) Failing to fully document and maintain all required driver  
2 training school records of instruction, school operation, and  
3 instructor training;

4 (d) Issuing a driver training course certificate without  
5 requiring completion of the necessary behind-the-wheel and classroom  
6 instruction.

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

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

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

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

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

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

24 (a) Directly or indirectly owning, operating, managing, or  
25 controlling a driver training school or any part of a driver training  
26 school;

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

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

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

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

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

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

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

21       (2) The director shall issue a license certificate to each  
22 qualified applicant.

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

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

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

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

1 (3) Each licensee shall be provided with a wallet-size  
2 identification card by the director at the time the license is issued  
3 which shall be in the instructor's immediate possession at all times  
4 while engaged in instructing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (a) The established place of business, branch office, or  
36 classroom or advertised address of any such driver training school  
37 shall not consist of or include a house trailer, residence, tent,  
38 temporary stand, temporary address, bus, telephone answering service  
39 if such service is the sole means of contacting the driver training  
40 school, a room or rooms in a hotel or rooming house or apartment

1 house, or premises occupied by a single or multiple-unit dwelling  
2 house.

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

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

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

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

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

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

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

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

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

1 (9) Each driver training school shall, at its established place  
2 of business, display, in a place where it can be seen by all clients,  
3 a copy of the required ((minimum)) curriculum furnished by the  
4 department ((and a copy of the school's own curriculum)). Copies of  
5 the required ((minimum)) curriculum are to be provided to driver  
6 training schools and instructors by the director.

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

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

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

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

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

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

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

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

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

1 (3) Should the director be presented with acceptable proof that  
2 any licensed instructor or driver training school is not showing  
3 proper diligence in teaching (~~((such basic minimum))~~) the required  
4 curriculum (~~((as required))~~), the instructor or school shall be  
5 required to appear before the director and show cause why the license  
6 of the instructor or school should not be revoked for such  
7 negligence. If the director does not accept such reasons as may be  
8 offered, the director may revoke the license of the instructor or  
9 school, or both.

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

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

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

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

20 (3) RCW 28A.220.080 (Information on motorcycle awareness) and  
21 2007 c 97 s 4 & 2004 c 126 s 1; and

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

24 NEW SECTION. **Sec. 15.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

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

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