

SENATE BILL REPORT

ESSB 5583

As Passed Senate, March 1, 2023

Title: An act relating to improving young driver safety.

Brief Description: Improving young driver safety.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Liias, Wilson, C., Kauffman, Valdez, Lovelett, Lovick, Nguyen and Nobles).

Brief History:

Committee Activity: Transportation: 1/31/23, 2/09/23 [DPS, w/oRec].

Floor Activity: Passed Senate: 3/1/23, 41-7.

Brief Summary of Engrossed First Substitute Bill

- Requires persons at least 18 and under 22 years of age, beginning January 1, 2025, to complete a full driver training education course before issuance of a driver's license.
- Requires persons at least 22 and under 25 years of age, beginning January 1, 2025, to complete a condensed traffic safety education course or a self-paced, online course equivalent before issuance of a driver's license.
- Requires establishment of a driver training education voucher program for low-income novice drivers and a grant program for schools to initiate or reinstate traffic safety education programs, with an increase in the driver's license examination and driver's instruction permit fees intended to fund such programs.
- Requires the Department of Licensing (DOL) to publish an interactive map of all driver training education course providers that includes certain contact information, and course and program pricing reported to DOL annually.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5583 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Hawkins, Kauffman, Lovelett, MacEwen, Nobles, Randall, Valdez, Wilson, C. and Wilson, J..

Minority Report: That it be referred without recommendation.

Signed by Senators Fortunato and Padden.

Staff: Brandon Popovac (786-7465)

Background: Driver Training Education. The Department of Licensing (DOL) requires individuals under the age of 18 to obtain an instruction permit, and to complete a driver training education course to be eligible to obtain an intermediate driver's license. These requirements do not apply to individuals aged 18 or older.

For individuals under the age of 18, DOL may waive the driver training requirement if they satisfy certain conditions established in statute and rule, or if they were licensed to drive a motor vehicle or motorcycle outside of the state and provide proof they completed an equivalent driver training education course. To meet the traffic safety education requirement for a motorcycle endorsement, the individual must successfully complete a motorcycle safety education course that meets standards established by DOL.

Private driver training schools and some school districts offer driver training education courses.

Driver Training Education Curriculum. The Office of the Superintendent of Public Instruction (OSPI) and DOL are required to jointly develop and maintain a required curriculum for school districts and approved private schools operating a traffic safety education program. The director of DOL is responsible for the administration and enforcement of laws pertaining to private driver training schools and driver training education courses, and may adopt and enforce administrative rules related to these laws.

DOL must develop and maintain a basic minimum required curriculum for school districts and private driver training schools. 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.

Classroom instruction may be offered through in-person, classroom-based instruction or virtual classroom-based student instruction with a live instructor, as set by administrative rule.

Driver Training Education Subsidy Programs. The Department of Children, Youth, and Families is required to contract with a private nonprofit organization to provide driver's license support for foster youth, subject to appropriation. Such support includes the reimbursement of fees required for a foster youth under the age of 18 to complete a driver training education course.

The Department of Labor and Industries is required to provide vouchers to cover the cost of driver training education courses for minors enrolled in a state-registered apprenticeship program, subject to appropriation.

Driver's Instruction Permit. An applicant is eligible for a driver's instruction permit when that applicant has passed the vision and written examinations, paid the application fee of \$25, and is either at least 15 and one-half years old or 15 years old and enrolled in a driver training education course offered by a school district and certified by OSPI or offered by a private driver training school licensed and inspected by DOL. DOL may waive the written examination requirement if, at the time of application, an applicant is enrolled in a driver training education course.

Intermediate Driver's License. Individuals between the ages of 16 and 18 are eligible for an intermediate driver's license if certain criteria are met, including:

- possession of a valid instruction permit for at least six months;
- passed a driver's licensing examination; and
- passed a driver training education course.

Among certain restrictions, an intermediate license holder may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m., except when the holder is accompanied by a parent, guardian, or licensed driver who is at least 25 years of age.

Driver's Licensing Examination. To obtain a driver's license, an individual must pass a driver's licensing examination. The driver's licensing examination fee is \$35. The driver's licensing examination includes a written test of the applicant's knowledge of traffic laws and ability to understand and follow the laws that regulate traffic and a skills test of the applicant's ability to safely operate a motor vehicle on roadways without endangering the public or property. Private driver training schools and school districts that offer a traffic safety education program may administer both portions of the driver's licensing examination.

Summary of Engrossed First Substitute Bill: Driver Training Education. Beginning January 1, 2025, to obtain a driver's license, a person at least 18 but under 22 years of age must, in addition to other skills and examination requirements, satisfactorily complete a driver training education course offered by a licensed, private driver training school or school district. Beginning January 1, 2025, to obtain a driver's license, a person at least 22 but under 25 years of age must, in addition to other skills and examination requirements, satisfactorily complete:

- a condensed traffic safety education course offered by a licensed, private driver training school or school district; or
- an online, self-paced condensed traffic safety education course as defined by DOL and offered by a licensed, private driver training school. Any person that completes such a course must also complete at least three hours of behind-the-wheel instruction.

Condensed traffic safety education course is defined as a course of instruction in traffic safety education approved and licensed by DOL, and authorized by OSPI where applicable, and intended for novice drivers between 22 and 25 years of age, consisting of at least eight hours of classroom instruction and three hours of behind-the-wheel instruction that follows the approved curriculum determined by DOL in rule.

Beginning January 1, 2025, for persons at least 18 but under 25 years of age:

- such persons applying for a motorcycle endorsement must satisfactorily complete a motor cycle safety education course established by DOL; and
- DOL may waive driver training education requirements as prescribed in rule and if the applicant was licensed to drive a motor vehicle or motorcycle in a reciprocal jurisdiction outside of the state or provides proof they have had an equivalent driver's training education from a reciprocal jurisdiction.

For persons under the age of 18, DOL may waive driver training education requirements if the applicant was licensed to drive a motor vehicle or motorcycle in a reciprocal jurisdiction outside of the state or provides proof they have had an equivalent driver's training education from a reciprocal jurisdiction.

The classroom portion of instruction under a traditional driver training education course is clarified to include in-person instruction or virtual instruction with a live instructor, consistent with DOL rule. The classroom portion may also include self-paced, online components authorized and certified by DOL.

DOL must publish on its website an interactive map of all driver training education course and traffic safety education program providers, including motorcyclist, commercial driver, or any other driving training and testing provider certified by DOL. The interactive map, at a minimum, must provide certain provider contact information, course and program pricing, and services offered by language. Such providers must report course and program pricing to DOL annually.

Intermediate Driver's License. Nighttime driving restrictions for intermediate license holders are modified to allow holders to operate a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. if accompanied by a licensed driver at least 25 years old, or for school, religious, or employment activities for the holder of their immediate family member.

Driver's Instruction Permit. DOL may waive the written examination requirement for a driver's instruction permit if, at the time of application, an applicant is enrolled in a

condensed traffic safety education course.

Driver Training Education Subsidy Programs. Beginning January 1, 2025, DOL must establish a program to provide vouchers, subject to appropriation in the transportation budget, to cover the average cost of driver training education courses for persons in low-income households who have not previously obtained a license to drive a motor vehicle. In consultation with the Washington Traffic Safety Commission, DOL must adopt rules establishing eligibility criteria and application and award procedures for the voucher program. Any voucher program applicant who has previously received financial support from a private nonprofit organization to complete a driver training education course as a qualified foster youth or as part of a state-registered apprenticeship program is not eligible. By January 1, 2024, DOL must provide the Legislature an implementation plan for the voucher program. DOL must report biennially, beginning June 30, 2026, to the Legislature:

- income criteria used to determine voucher awards;
- number of applicants for vouchers annually by county;
- number of vouchers awarded and redeemed annually by county;
- dollar amount of vouchers redeemed annually by county; and
- community average income of voucher recipients during the applicable reporting period. Any recipient income data collected by DOL under the program is exempt from public disclosure.

Beginning January 1, 2025, the superintendent of public instruction (superintendent), in collaboration with DOL, must establish a grant program, subject to appropriation in the transportation budget, to allow schools to initiate or reinstate traffic safety education programs as part of course offerings. The superintendent, in collaboration with DOL, must also adopt rules establishing application and award procedures, and eligibility criteria with a prioritization for school districts in overburdened communities and with above average concentrations of student eligible for free or reduced-price lunches. By January 1, 2024, the superintendent, in consultation with DOL, must provide the Legislature an implementation plan for the grant program. The superintendent, with assistance from DOL, must report biennially, beginning June 30, 2026, to the Legislature:

- grants amounts provided to each school district or school;
- number of school districts or schools offering traffic safety education programs;
- number of students overall and number of students eligible for free or reduced-price lunches, receiving traffic safety instruction in such programs;
- assessment of the equity impacts in overburdened communities resulting from the grant program.

Driver's Examination and Instruction Permit Fees. Beginning October 1, 2023, the driver's licensing examination fee is increased from \$35 to \$51, and the driver's instruction permit fee is increased from \$25 to \$37. The increased portion of both fees must be deposited into a newly created driver's education safety improvement account created in the state treasury. The account may also receive a portion of revenue from traffic infraction fines as designated by the Legislature. Expenditures from the account may only be used for

expanding and improving driver's education programs and activities, with the intent to spend biennially 50 percent of funds on the driver training education course voucher program and the remaining 50 percent on the traffic safety education in schools grant program.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: It is anticipated that with this bill more young adults will enroll in driver's education and not wait until turning 25 years of age. An odd transition might occur with driver's licenses being issued to the 18 to 25 year-old cohort before the new driver's education requirements take effect. Driver training vehicles should be exempted from any driver monitoring technology requirements. New curriculum will be difficult to implement. The authorization for classroom instruction to include online components should be removed.

OTHER: Robust traffic safety data shows that novice drivers who do not complete driver's education have significantly higher rates of sustaining injuries or being involved in crashes. NHTSA has examined the efficacy of driver's education for this cohort and have concluded graduated licensing requirements or other certain restrictions are beneficial. Crash risk does not go away for drivers who are 23 to 25 years old. It is beneficial for young drivers to receive quality instruction and experience and have the ability to make mistakes under supervision. DOL has struggled with balancing this new requirement for young adult driver's education with resulting driver's education costs and persistent equity concerns. The bill's significant fiscal impact is not included in the budget. There are privacy issues with use of driver monitoring technology. The use of such technology should first be studied, thus reducing the bill's fiscal impact. The interactive map will advise new drivers as to language services offered by some driver training schools. Fifty-nine thousand driver's license applicants are estimated to be impacted by the bill based on a four-year average.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Lynn Rogers, Professional Driving School Association of Washington.

OTHER: Mark McKechnie, Washington Traffic Safety Commission; Beau Perschbacher, WA Dept. of Licensing.

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