
HOUSE BILL 2266

State of Washington

65th Legislature

2018 Regular Session

By Representatives Hayes and Kilduff

Prefiled 12/05/17.

1 AN ACT Relating to clarifying the nature of the driver training
2 education curriculum developed and maintained by the department of
3 licensing and the office of the superintendent of public instruction;
4 amending RCW 28A.220.030, 28A.220.035, 28A.220.037, 46.82.280,
5 46.82.360, and 46.82.420; amending 2017 c 197 s 1 (uncodified);
6 reenacting and amending RCW 28A.220.020; and providing an effective
7 date.

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

9 **Sec. 1.** 2017 c 197 s 1 (uncodified) is amended to read as
10 follows:

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

1 to provide the department of licensing with resources and authority
2 to audit all driver training education courses, in consultation with
3 the superintendent of public instruction for driver training
4 education courses offered by school districts.

5 **Sec. 2.** RCW 28A.220.020 and 2017 c 197 s 2 are each reenacted
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Appropriate course delivery standards" means the classroom
10 and behind-the-wheel student learning experiences considered
11 acceptable to the superintendent of public instruction under RCW
12 28A.220.030 that must be satisfactorily accomplished by the student
13 in order to successfully complete the driver training education
14 course.

15 (2) "Approved private school" means a private school approved by
16 the board of education under chapter 28A.195 RCW.

17 (3) "Director" means the director of the department of licensing.

18 (4) "Driver training education course" means a course of
19 instruction in traffic safety education (a) offered as part of a
20 traffic safety education program authorized by the superintendent of
21 public instruction and certified by the department of licensing and
22 (b) taught by a qualified teacher of driver training education that
23 consists of classroom and behind-the-wheel instruction using a core
24 curriculum that meets joint superintendent of public instruction and
25 department of licensing standards and the course requirements
26 established by the superintendent of public instruction under RCW
27 28A.220.030. Behind-the-wheel instruction is characterized by driving
28 experience.

29 (5) "Qualified teacher of driver training education" means an
30 instructor who:

31 (a) Is certificated under chapter 28A.410 RCW and has obtained a
32 traffic safety endorsement or a letter of approval to teach traffic
33 safety education from the superintendent of public instruction or is
34 certificated by the superintendent of public instruction to teach a
35 driver training education course; or

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

1 (6) "Superintendent" or "state superintendent" means the
2 superintendent of public instruction.

3 (7) "Traffic safety education program" means the administration
4 and provision of driver training education courses offered by
5 secondary schools of a school district ~~((or))~~, vocational-technical
6 schools, or approved private schools that are conducted by such
7 schools in a like manner to their other regular courses.

8 **Sec. 3.** RCW 28A.220.030 and 2017 c 197 s 3 are each amended to
9 read as follows:

10 (1) The superintendent of public instruction is authorized to
11 establish a section of traffic safety education, and through such
12 section shall: Define appropriate course delivery standards required
13 to provide an effective driver training education course, establish a
14 level of driving competency required of each student to successfully
15 complete the course, and ensure that an effective statewide program
16 is implemented and sustained; administer, supervise, and develop the
17 traffic safety education program; and assist local school districts
18 and approved private schools in the conduct of their traffic safety
19 education programs. The superintendent shall adopt necessary rules
20 governing the operation and scope of the traffic safety education
21 program; and each school district and approved private school shall
22 submit a report to the superintendent on the condition of its traffic
23 safety education program: PROVIDED, That the superintendent shall
24 monitor the quality of the program and carry out the purposes of this
25 chapter.

26 (2)(a) The board of directors of any school district maintaining
27 a secondary school which includes any of the grades 10 to 12,
28 inclusive, or any approved private school which includes any of the
29 grades 10 to 12, inclusive, may establish and maintain a traffic
30 safety education program.

31 (b) Any school district or approved private school that offers a
32 driver training education course must certify to the department of
33 licensing that it is operating a traffic safety education program,
34 that the driver training education course ~~((follows))~~ adheres to the
35 core curriculum promulgated by the office of the superintendent of
36 public instruction and the department of licensing, that it meets the
37 course delivery standards promulgated by the office of the
38 superintendent of public instruction, that a record retention policy
39 is in place to meet the requirements of subsection (5) of this

1 section, and that the school district or approved private school has
2 verified that all instructors are authorized by the office of the
3 superintendent of public instruction to teach a driver training
4 education course.

5 (c) Any portion of a driver training education course offered by
6 a school district may be taught before or after regular school hours
7 or on Saturdays as well as on regular school days or as a summer
8 school course, at the option of the local school district. If a
9 school district elects to offer a driver training education course
10 and has within its boundaries a private accredited secondary school
11 which includes any of the grades 10 to 12, inclusive, at least one
12 driver training education course must be given at times other than
13 regular school hours if there is sufficient demand for it.

14 (3)(a) A qualified teacher of driver training education must be
15 certificated under chapter 28A.410 RCW and obtain a traffic safety
16 endorsement or a letter of approval to teach traffic safety education
17 from the superintendent of public instruction to teach either the
18 classroom instruction or the behind-the-wheel instruction portion of
19 the driver training education course, or both, under rules adopted by
20 the superintendent. The classroom or behind-the-wheel instruction
21 portion of the driver training education course may also be taught by
22 instructors certificated under rules adopted by the superintendent of
23 public instruction, exclusive of any requirement that the instructor
24 be certificated under chapter 28A.410 RCW.

25 (b) The superintendent shall establish a required minimum number
26 of hours of continuing traffic safety education for qualified
27 teachers of driver training education.

28 (4) The board of directors of a school district, or combination
29 of school districts, may contract with any driver training school
30 licensed under chapter 46.82 RCW to teach the behind-the-wheel
31 instruction portion of the driver training education course.
32 Instructors provided by any such contracting driver training school
33 must be properly qualified teachers of driver training education
34 under the joint qualification requirements adopted by the
35 superintendent of public instruction and the director of licensing.

36 (5) Each school district or approved private school offering a
37 traffic safety education program must maintain: (a) Documentation of
38 each instructor's name and address and that establishes the
39 instructor as a qualified teacher of driver training education as
40 defined in RCW 28A.220.020; and (b) student records that include the

1 student's name, address, and telephone number, the date of enrollment
2 and all dates of instruction, the student's driver's instruction
3 permit or driver's license number, the type of training received, the
4 total number of hours of instruction, and the name of the instructor
5 or instructors. These records must be maintained for three years
6 following the completion of the instruction and are subject to
7 inspection upon request of the department of licensing or the office
8 of the superintendent of public instruction. The superintendent may
9 adopt rules regarding the retention of additional documents that are
10 subject to inspection by the department of licensing or the office of
11 the superintendent of public instruction.

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

19 (7) School districts that offer a driver training education
20 course under this chapter may administer the portions of the driver
21 licensing examination that test the applicant's knowledge of traffic
22 laws and ability to safely operate a motor vehicle as authorized
23 under RCW 46.20.120(7). The superintendent shall work with the
24 department of licensing, in consultation with school districts that
25 offer a traffic safety education program, to develop standards and
26 requirements for administering each portion of the driver licensing
27 examination that are comparable to the standards and requirements for
28 driver training schools under RCW 46.82.450.

29 (8) Before a school district may provide a portion of the driver
30 licensing examination, the school district must, after consultation
31 with the superintendent, enter into an agreement with the department
32 of licensing that sets forth an accountability and audit process that
33 takes into account the unique nature of school district facilities
34 and school hours and, at a minimum, contains provisions that:

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

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

39 (c) Allow the department of licensing to test, at least annually,
40 a random sample of the drivers approved by the school district for

1 licensure and to cancel any driver's license that may have been
2 issued to any driver selected for testing who refuses to be tested;
3 and

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

8 **Sec. 4.** RCW 28A.220.035 and 2017 c 197 s 4 are each amended to
9 read as follows:

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

21 **Sec. 5.** RCW 28A.220.037 and 2017 c 197 s 5 are each amended to
22 read as follows:

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

27 (2) The department of licensing shall conduct audits of traffic
28 safety education programs to ensure that the instructors are
29 qualified teachers of driver training education and teaching the
30 required core curriculum material, and that accurate records are
31 maintained and accurate information is provided to the department of
32 licensing regarding student performance. Each school district and
33 approved private school may be audited at least once every five years
34 or more frequently. The audit process must take into account the
35 unique nature of school district facilities, operations, and hours.
36 As part of its audit process, the department of licensing may examine
37 all relevant information, including driver training education course
38 curriculum materials and student records, and visit any course in

1 progress that is part of the traffic safety education program. The
2 director shall consult with the superintendent in developing and
3 carrying out these auditing practices.

4 (3) The department of licensing may suspend a school's or school
5 district's traffic safety education program certification if: The
6 school or school district does not follow the core curriculum
7 promulgated by the office of the superintendent of public instruction
8 and the department of licensing, any program instructors are not
9 qualified teachers of driver training education, accurate records
10 have not been maintained under RCW 28A.220.030(5) or accurate
11 information regarding student performance has not been provided to
12 the department of licensing, or the school or school district refuses
13 to cooperate with the department of licensing audit process
14 authorized under this chapter. The director shall consult with the
15 superintendent in developing and carrying out these program
16 certification suspension practices.

17 **Sec. 6.** RCW 46.82.280 and 2017 c 197 s 8 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Behind-the-wheel instruction" means instruction in an
22 approved driver training school instruction vehicle according to and
23 inclusive of the required core curriculum. Behind-the-wheel
24 instruction is characterized by driving experience.

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

31 (3) "Classroom instruction" means that portion of a traffic
32 safety education course that is characterized by classroom-based
33 student instruction using the required core curriculum conducted by
34 or under the direct supervision of a licensed instructor or licensed
35 instructors.

36 (4) "Director" means the director of the department of licensing
37 of the state of Washington.

38 (5) "Driver training education course" means a course of
39 instruction in traffic safety education approved and licensed by the

1 department of licensing that consists of classroom and behind-the-
2 wheel instruction that (~~follows the approved~~) adheres to the
3 required core curriculum.

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

7 (7) "Enrollment" means the collecting of a fee or the signing of
8 a contract for a driver training education course. "Enrollment" does
9 not include the collecting of names and contact information for
10 enrolling students once a driver training school is licensed to
11 instruct.

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

14 (a) Inducing anyone to believe, or to give the impression, that a
15 license to operate a motor vehicle or any other license granted by
16 the director may be obtained by any means other than those prescribed
17 by law, or furnishing or obtaining the same by illegal or improper
18 means, or requesting, accepting, or collecting money for such
19 purposes;

20 (b) Operating a driver training school without a license,
21 providing instruction without an instructor's license, verifying
22 enrollment prior to being licensed, misleading or false statements on
23 applications for a commercial driver training school license or
24 instructor's license or on any required records or supporting
25 documentation;

26 (c) Failing to fully document and maintain all required driver
27 training school records of instruction, school operation, and
28 instructor training;

29 (d) Issuing a driver training course certificate without
30 requiring completion of the necessary behind-the-wheel and classroom
31 instruction.

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

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

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

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

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

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

10 (a) Directly or indirectly owning, operating, managing, or
11 controlling a driver training school or any part of a driver training
12 school;

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

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

16 (d) Owning ten percent or more of any class of stock in a
17 privately or closely held corporate driver training school, or five
18 percent or more of any class of stock in a publicly traded corporate
19 driver training school;

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

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

26 **Sec. 7.** RCW 46.82.360 and 2017 c 197 s 11 are each amended to
27 read as follows:

28 The license of any driver training school or instructor may be
29 suspended, revoked, denied, or refused renewal, or such other
30 disciplinary action authorized under RCW 18.235.110 may be imposed,
31 for failure to comply with the business practices specified in this
32 section.

33 (1) No place of business shall be established nor any business of
34 a driver training school conducted or solicited within one thousand
35 feet of an office or building owned or leased by the department of
36 licensing in which examinations for drivers' licenses are conducted.
37 The distance of one thousand feet shall be measured along the public
38 streets by the nearest route from the place of business to such
39 building.

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

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

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

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

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

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

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

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

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

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

24 (4) No driver training school or instructor shall advertise or
25 otherwise indicate that the issuance of a driver's license is
26 guaranteed or assured as a result of the course of instruction
27 offered.

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

34 (6) A driver training school shall have an established place of
35 business owned, rented, or leased by the school and regularly
36 occupied and used exclusively for the business of giving driver
37 instruction. The established place of business of a driver training
38 school shall be located in a district that is zoned for business or
39 commercial purposes or zoned for conditional use permits for schools,
40 trade schools, or colleges. However, the use of public or private

1 schools does not alleviate the driver training school from securing
2 and maintaining an established place of business or from using its
3 own classroom on a regular basis as required under this chapter.

4 (a) The established place of business, branch office, or
5 classroom or advertised address of any such driver training school
6 shall not consist of or include a house trailer, residence, tent,
7 temporary stand, temporary address, bus, telephone answering service
8 if such service is the sole means of contacting the driver training
9 school, a room or rooms in a hotel or rooming house or apartment
10 house, or premises occupied by a single or multiple-unit dwelling
11 house.

12 (b) A driver training school may lease classroom space within a
13 public or private school that is recognized and regulated by the
14 office of the superintendent of public instruction to conduct student
15 instruction as approved by the director. However, such use of public
16 or private classroom space does not alleviate the driver training
17 school from securing and maintaining an established place of business
18 nor from using its own classroom on a regular basis as required by
19 this chapter.

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

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

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

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

34 (a) Student records must include the student's name, address, and
35 telephone number, date of enrollment and all dates of instruction,
36 the student's instruction permit or driver's license number, the type
37 of training given, the total number of hours of instruction, and the
38 name and signature of the instructor or instructors.

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

1 (c) Student and instructor records shall be maintained for three
2 years following the completion of the instruction. Vehicle records
3 shall be maintained for five years following their issuance. All
4 records shall be made available for inspection upon the request of
5 the department.

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

9 (9) Each driver training school shall, at its established place
10 of business, display, in a place where it can be seen by all clients,
11 a copy of the required core curriculum furnished by the department
12 and a copy of any supplemental curriculum in use by the school.
13 Copies of the required core curriculum are to be provided to driver
14 training schools and instructors by the director.

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

19 **Sec. 8.** RCW 46.82.420 and 2017 c 197 s 12 are each amended to
20 read as follows:

21 (1) The department and the office of the superintendent of public
22 instruction shall jointly develop and maintain a required core
23 curriculum as specified in RCW 28A.220.035. The department shall
24 furnish to each qualifying applicant for an instructor's license or a
25 driver training school license a copy of ((such)) the required core
26 curriculum.

27 (2) In addition to information on the safe, lawful, and
28 responsible operation of motor vehicles on the state's highways, the
29 required core curriculum shall include information on:

30 (a) Intermediate driver's license issuance, passenger and driving
31 restrictions and sanctions for violating the restrictions, and the
32 effect of traffic violations and collisions on the driving
33 privileges;

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

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

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

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

10 (3) Should the director be presented with acceptable proof that
11 any licensed instructor or driver training school is not showing
12 proper diligence in teaching the required core curriculum, the
13 instructor or school shall be required to appear before the director
14 and show cause why the license of the instructor or school should not
15 be revoked for such negligence. If the director does not accept such
16 reasons as may be offered, the director may revoke the license of the
17 instructor or school, or both.

18 NEW SECTION. **Sec. 9.** This act takes effect August 1, 2018.

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