

SENATE BILL REPORT

SHB 3069

As Reported By Senate Committee On:
Transportation, March 03, 2008

Title: An act relating to the regulation of driver improvement schools.

Brief Description: Regulating driver improvement schools.

Sponsors: House Committee on Transportation (originally sponsored by Representative Wallace).

Brief History: Passed House: 2/18/08, 81-14.

Committee Activity: Transportation: 2/27/08, 3/03/08 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Berkey, Eide, Jacobsen, Pflug, Sheldon and Spanel.

Staff: Natalie Zukowski (786-7307)

Background: In 2006, the Legislature assigned oversight authority for the driver training school program to the Department of Licensing (DOL). Driver training schools must meet standards set by DOL, and driver training schools must be annually approved by DOL. The Office of the Superintendent of Public Instruction (OSPI) continues to set the driver training curriculum used in schools, while the Driver Instructors' Advisory Committee (DIAC) recommends the curriculum for driver training schools not administered by OSPI. The DIAC also updates the instructor certification standards, taking into consideration the standards set by OSPI.

Currently Washington does not regulate driver improvement schools.

Current law allows an individual to defer prosecution of one moving and one non-moving violation every seven years. A court may impose conditions on a deferral which often includes attendance at a traffic school. If the individual meets all of the required conditions and has not committed another infraction, the court may dismiss the infraction at the end of the deferral period.

Summary of Bill (Recommended Amendments): A driver improvement school is a business that educates drivers to improve driving behavior by way of classroom or internet instruction. Oversight authority for the licensing and regulation of driver improvement schools

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and instructors is assigned to DOL. The licensing requirements for driver improvement schools include a business premises inspection, specified record keeping, an examination, at least 16 hours of instruction, and a background check. Fees for driver improvement school licenses and instructor licenses will be charged and deposited into the Highway Safety Fund.

The fees include:

- \$500 for a business license;
- \$250 for annual renewal of the business license;
- \$100 for instructors license which includes, \$75 for license and \$25 for the exam;
- \$50 for annual renewal of instructor's license; and
- \$10 for a duplicate license.

The DOL is assigned rule-making authority for the reduction or waiver of licensing fees to volunteer or other such organizations that conduct driver improvement schools without compensation or for a reduced fee.

The definition of "fraudulent business practices" is expanded to include, operating a driver improvement school without a license, making false or misleading statements in an application, failing to keep proper records, and issuing driver improvement course certificates without requiring completion of necessary training and instruction. The DOL must compile driver improvement school curriculum in consultation with DIAC. The DIAC is expanded to include a representative from the driver improvement schools and a representative from the driver improvement school instructors.

Courses of instruction offered in high schools, vocational/technical schools, colleges, or universities or through the courts are exempted from the purview of the act.

The DOL is required to submit a report to the transportation committees of the Legislature by November 1, 2008, listing proposed revisions to the act, including appropriate fees to be charged for the various DOL functions required under the act. The bill is null and void if not funded in the transportation budget.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments): Adds identical fees to the licensing of driver improvement schools and instructors as is set for driver training schools. Includes rule-making authority for the reduction or waiver of licensing fees to volunteer or other such organizations that conduct driver improvement schools without compensation or for a reduced fee. All the monies collected from these licenses will be deposited in the highway safety fund.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Substitute Bill: PRO: Currently, driver improvement schools are not regulated and anyone can open their own school. If people are paying for this service, they should get properly educated on how to improve their driving. Online driver improvement schools are a real concern because people sometimes can just pay money to get a certificate that says they completed a class. Regulating these schools is a safety issue and will reduce accidents.

CON: This bill imposes too many restrictions and exempts too many groups, such as the courts. This bill also may adversely affect senior defensive driving schools taught by volunteers.

Persons Testifying: PRO: Liz Luce, Director, Department of Licensing; Greg Cupper, John Murphy, National Traffic Safety Institute; Captain Jeff DeVere, Washington State Patrol; Tana Cochran, Department of Licensing; Dave Overstreet, AAA Washington.

CON: Tom Odegaard, Evergreen Safety Council; Ron Highfill, citizen.