
SENATE BILL 5051

State of Washington 63rd Legislature 2013 Regular Session

By Senators Hatfield and Shin

Read first time 01/16/13. Referred to Committee on Transportation.

1 AN ACT Relating to the classroom portion of traffic safety
2 education courses; and amending RCW 46.82.280 and 28A.220.020.

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

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

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

8 (1) "Behind-the-wheel instruction" means instruction in an approved
9 driver training school instruction vehicle according to and inclusive
10 of the minimum required curriculum. Behind-the-wheel instruction is
11 characterized by driving experience.

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

18 (3) "Classroom instruction" means that portion of a traffic safety
19 education course that is characterized by classroom-based student

1 instruction conducted by or under the direct supervision of a licensed
2 instructor or licensed instructors, which may include course content
3 delivered electronically using the internet or other computer-based
4 methods.

5 (4) "Director" means the director of the department of licensing of
6 the state of Washington.

7 (5) "Driver training education course" means a course of
8 instruction in traffic safety education approved and licensed by the
9 department of licensing that consists of classroom and behind-the-wheel
10 instruction as documented by the minimum approved curriculum.

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

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

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

20 (a) Inducing anyone to believe, or to give the impression, that a
21 license to operate a motor vehicle or any other license granted by the
22 director may be obtained by any means other than those prescribed by
23 law, or furnishing or obtaining the same by illegal or improper means,
24 or requesting, accepting, or collecting money for such purposes;

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

30 (c) Failing to fully document and maintain all required driver
31 training school records of instruction, school operation, and
32 instructor training;

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

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

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

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

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

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

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

15 (a) Directly or indirectly owning, operating, managing, or
16 controlling a driver training school or any part of a driver training
17 school;

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

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

21 (d) Owning ten percent or more of any class of stock in a privately
22 or closely held corporate driver training school, or five percent or
23 more of any class of stock in a publicly traded corporate driver
24 training school;

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

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

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

33 The following words and phrases whenever used in chapter 28A.220
34 RCW shall have the following meaning:

35 (1) "Superintendent" or "state superintendent" shall mean the
36 superintendent of public instruction.

1 (2) "Traffic safety education course" shall mean an accredited
2 course of instruction in traffic safety education which shall consist
3 of two phases, classroom instruction, and laboratory experience.
4 "Laboratory experience" shall include on-street, driving range, or
5 simulator experience or some combination thereof. "Classroom
6 instruction" may include course content delivered electronically using
7 the internet or other computer-based methods. Each phase shall meet
8 basic course requirements which shall be established by the
9 superintendent of public instruction and each part of said course shall
10 be taught by a qualified teacher of traffic safety education. Any
11 portions of the course may be taught after regular school hours or on
12 Saturdays as well as on regular school days or as a summer school
13 course, at the option of the local school districts.

14 (3) "Qualified teacher of traffic safety education" shall mean an
15 instructor certificated under the provisions of chapter 28A.410 RCW and
16 certificated by the superintendent of public instruction to teach
17 either the classroom phase or the laboratory phase of the traffic
18 safety education course, or both, under regulations promulgated by the
19 superintendent: PROVIDED, That the laboratory experience phase of the
20 traffic safety education course may be taught by instructors
21 certificated under rules promulgated by the superintendent of public
22 instruction, exclusive of any requirement that the instructor be
23 certificated under the provisions of chapter 28A.410 RCW. Professional
24 instructors certificated under the provisions of chapter 46.82 RCW, and
25 participating in this program, shall be subject to reasonable
26 qualification requirements jointly adopted by the superintendent of
27 public instruction and the director of licensing.

28 (4) "Realistic level of effort" means the classroom and laboratory
29 student learning experiences considered acceptable to the
30 superintendent of public instruction that must be satisfactorily
31 accomplished by the student in order to successfully complete the
32 traffic safety education course.

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