

CHAPTER 87.

[S. B. 294.]

COMMERCIAL AUTOMOBILE DRIVERS' TRAINING SCHOOLS.

AN ACT providing for the licensing and regulation of commercial automobiles drivers' training schools and instructors, and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. For the purpose of this act:

Definitions.
"Driver's school."

"Drivers' school" means a commercial automobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

"Director."

"Director" means the director of licenses of the state of Washington.

"Instructor."

"Instructor" means any natural person employed by a drivers' school to instruct persons in the operation of automobiles.

"Place of business."

"Place of business" means a designated location at which the business of a drivers' school is transacted and its records are kept.

"Person."

"Person" includes an individual, firm, corporation, partnership or association.

School license required.

SEC. 2. No person shall engage in the business of conducting a drivers' school without being the holder of a license for such purpose issued by the director. An application for license under this section shall be filed with the director and shall contain such information as he shall prescribe. Every such application shall be accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon the payment of an additional fee of twenty-five dollars shall be granted a license which shall be valid for a period of one year from the date of its issuance.

Fees.

Renewal.

The annual fee for renewal thereof shall be twenty-five dollars. The director shall issue a license

certificate to each licensee, which certificate shall be conspicuously displayed in the place of business of the licensee. In case of the loss, mutilation or destruction of a license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of one dollar.

Duplicate.

SEC. 3. Drivers' school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license must be obtained by compliance with the terms and conditions and the payment of the fees as set forth in section 2 of this act: *Provided*, That the director shall permit continuance of the business by the person to whom the business was transferred pending approval of the new application for a drivers' school license.

School licenses nontransferable—New license when business ownership transferred.

Proviso.

SEC. 4. No license shall be issued nor shall any renewal of a license be made for conducting a drivers' school in a city having a population of fifteen thousand or more according to the latest federal census, if the place of business of such school or branch thereof, is located within one thousand feet of a state patrol office or of a building owned or leased by the state, the county, or a city, in which examinations for drivers' licenses are conducted. The said distance of one thousand feet shall be measured along the public streets by the nearest route from such place of business, or branch thereof, to such building.

When school license shall not be issued—Proximity to place where operator's license examination held.

SEC. 5. The director may deny the application of any person for a license if, in his discretion, he determines that:

Denial of application for school license.

(1) Such applicant has made a material false statement or concealed a material fact in connection with his application;

(2) Such applicant, or any officer, director, stockholder, or partner, or any other person directly or indirectly interested in the business was the former

Denial of
application for
school license.

holder, or was an officer, director, stockholder, or partner, in a corporation or partnership which was the former holder of a drivers' school license which was revoked or suspended by the director;

(3) Such applicant or any officer, director, stockholder, or partner, in a corporation or partnership or any employee, or any person directly or indirectly interested in the business has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude;

(4) Such applicant does not have a place of business as required by this section;

(5) Such applicant has failed to require any and all persons with financial interest in such drivers' school to be signatories to the application.

(6) Such applicant fails to qualify under all of the other conditions stated in this act.

Suspension,
revocation of
school license.

SEC. 6. The director, or any employee of the department of licenses deputized by him for such purpose, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee or any partner, officer, agent, or employee of such licensee, of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this act or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee or any partner, officer, agent, or employee of such licensee has been guilty

of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee, or any partner, officer, agent, or employee of a licensee, tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

"Fraudulent practices" defined.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

SEC. 7. Except where a refusal to issue a license or renewal, or revocation or suspension, is based solely on a court conviction or convictions, a licensee or applicant shall have an opportunity to be heard, such hearing to be held at such time and place as the director shall prescribe. A license may, however, be temporarily suspended without notice, pending any prosecution, investigation or hearing. A licensee or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant ten days prior to the date of the hearing shall be deemed due notice. The director, or the person deputized by him to conduct a hearing, shall have power to subpoena witnesses, administer oaths to witnesses and take testimony of any

Hearing—
Procedure—
Exception.

Suspension,
revocation of
school license.
Hearing—
Procedure—
Exception.

person or cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued out of a court of record. Witnesses subpoenaed hereunder and persons, other than officers or employees in the department of licenses, making service of such subpoenas shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

Procedure on
change of
officers or
location of
school.

SEC. 8. The owner of any drivers' school licensed under the provisions of this act must notify the director in writing within thirty days after any change is made in the officers or directors of such school. No owner of such school shall change the location of its place of business without notifying the director of such change prior thereto.

Certain pre-
requisites to be
met before
instruction
may be given
student.

SEC. 9. Instruction in the operation of an automobile shall not be given to a student in any drivers' school licensed under the provisions of this act unless:

- (1) The automobiles used for instruction purposes are equipped with dual controls for foot brake and clutch, or foot brake only in automatic cars.
- (2) The licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in an amount of not less than twenty thousand dollars because of bodily injury or death to two or more persons in any one accident, and not less than ten thousand dollars because of bodily injury or death to one person in one accident and not less than five thousand dollars because of property damage to others in one accident. Such insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance;

(3) The student to be instructed possesses a current and valid temporary instruction permit issued pursuant to RCW 46.20.110 or a motor vehicle operator's license.

SEC. 10. Advertising and solicitation of business by a drivers' school must conform to the following:

Advertising and solicitation of business.

(1) No drivers' school shall advertise or otherwise indicate that the issuance of a motor vehicle operator's license is guaranteed or assured as a result of the course of instruction offered;

(2) No drivers' school shall solicit business or cause business to be solicited within one thousand feet of any building owned or leased by the state, county, or city in which licenses to operate motor vehicles are issued to the public: *Provided*, That identification lettering or other normal identification on an instruction vehicle shall not be deemed in violation of this section.

Proviso.

SEC. 11. Every motor vehicle used by a licensed drivers' school for instruction purposes must have displayed on the back of the vehicle a sign not less than twenty inches in horizontal width or less than ten inches in vertical height mounted above the upper extremities of the rear bumper in a vertical position and having the words "STUDENT DRIVER" and/or "INSTRUCTION CAR", in legible printed English letters of at least two and one-half inches in height near the top and the name of the school in similarly legible characters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and telephone number, in similarly legible characters at least one inch in height, placed next below such name of school. Such lettering and background colors shall be of such contrasting shades as to be clearly readable at one hundred feet in clear daylight.

Lettering on instruction car required.

Instructor's
certificate.
Qualifica-
tions for
issuance.

SEC. 12. No person, including the owner, operator, partner, officer, or stockholder of a drivers' school shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of an instructor's certificate issued by the director. No instructor's certificates shall be issued to any person unless such person:

(1) Is the possessor of a valid motor vehicle operator's license;

(2) Has had at least five years' licensed driving experience;

(3) Has completed an acceptable application and has taken the examination for an instructor's certificate as prescribed in section 15 [Sec. 14] of this act, and passed such examination with a qualifying grade.

Application,
contents—
Proof of study
—Temporary
employment.

SEC. 13. No person shall be granted an instructor's certificate unless they have made application to the director at least ten days prior to the examination date set by the examining committee. To qualify for an instructor's certificate applicant must also show proof of at least forty hours of study in the field of driving instruction, and including at least twenty hours of personal, individual, oral instruction; have taken such other training course offered to the public for instructing driver's instructors as may be acceptable to the director. Upon completion of such application and the presentation of such satisfactory proofs, the director may, if requested, allow employment of applicant not to exceed thirty days prior to examination date, and may so notify such applicant making such a request: *Provided*, That such person's teaching activity shall be under the control and supervision of a holder of an instructor's certificate.

Proviso.

Examining
committee.

SEC. 14. Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the

Washington state patrol and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term and shall receive compensation not to exceed twenty-five dollars for each day spent on official business and necessary expenses: *Provided*, That any member who is receiving a salary from the state of Washington shall not receive compensation for such services but shall receive any travel and other expenses incurred in such service. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee.

Proviso.

Director to arrange examination.

SEC. 15. All monies collected from drivers' school licenses and instructors' certificates is to be paid to the state treasurer who shall deposit it in an account which is established hereby and which shall be known as the Commercial Automobile Driver Training School Account of the General Fund. It is further provided that monies deposited in the said account shall in no event revert to the general fund, but that they shall be retained therein until expended in accord with proper appropriation therefrom or expenses incurred in the administration of this act.

Disposition of money collected—Account established.

SEC. 16. The committee shall prepare and hold the first written and driving examinations within 30 days after this act goes into effect.

First examination.

SEC. 17. Every original application for a driving instructor's certificate must be accompanied by a fee of twenty-five dollars which shall not be refunded. Such certificate is valid for a period of one year from date of issuance except as herein elsewhere specified, and the annual fee for renewal shall be five dollars.

Instructor's certificate. Fees—Duration.

No fee shall be required for an additional certificate or certificates if an instructor possessing a current certificate desires to be employed by an additional school or schools.

Instructor's
certificate.
Time and
place for
examination—
Notice.

SEC. 18. Examinations for an instructor's certificate shall be given by the committee semiannually in the spring between the dates of March 1st and April 30th, and in the fall between the dates of September 1st and October 31st, at such place as the director may direct. Applications for instructor's certificates shall be receivable by the director at any time and all persons applying shall be notified of the time and place of the next examining session.

Qualifications
to take
examination.

SEC. 19. To be qualified to take the examination for an instructor's certificate, the applicant must:

(1) Be a licensed motor vehicle operator for five years prior to the date of application. The examining committee shall have the right to examine the driving records of the applicant and from these records shall determine if the applicant is properly qualified, not having had any convictions involving drunkenness, recklessness, or negligence, or have been convicted of any crime involving moral turpitude;

(2) Be [a] high school graduate or the equivalent, and over twenty-five years of age.

Renewal of
instructor's
license—
Conditions—
Refusal.

SEC. 20. A licensed instructor may be granted a renewal of license after one year's time from date of issue of the original license, providing proof is presented to the director showing the satisfactory completion of an approved course in driving training instruction of at least forty hours of instruction including five hours instruction in a training vehicle. In lieu of such proof, applicant must present sworn documented evidence, acceptable to the director, showing reasonable diligence by the applicant in applying for and arranging to attend such a course, together with similarly documented proofs showing why such a course was not started or completed. Upon receipt of such evidence, the license may be renewed for an additional year. Any further renewal

beyond a second year may be refused by the director at his discretion.

SEC. 21. A drivers' school must terminate the services of any instructor upon:

When school must terminate instructor's services.

(1) Suspension or revocation of the motor vehicle operator's license of such instructor for any reason; or

(2) Conviction of such instructor of a crime involving moral turpitude, violence, dishonesty, deceit, indecency, or degeneracy.

SEC. 22. The director shall suspend the license of any drivers' school or the certificate of any instructor upon notice and proof that the school or instructor are conducting the course of instruction for students primarily to handle an automobile on the course that any state patrol office uses for testing applicants for motor vehicle licenses.

Instruction on state patrol testing course prohibited—Suspension of licenses.

SEC. 23. A holder of or applicant for an instructor's license shall be entitled to a hearing upon any decision of the director or the committee in refusing to issue or renew, or in revoking or suspending a certificate, in the manner as provided for in section 7 of this act.

Revocation, suspension of instructor's certificate—Hearing.

SEC. 24. Any action or decision of the examining committee or the director may, after a hearing is held as provided for by this act, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the person aggrieved lives.

Appeal from action of examining committee or director.

SEC. 25. A violation of any of the provisions of this act shall be a misdemeanor.

Penalty.

SEC. 26. This shall not apply to or affect in any manner courses of instruction offered in any high schools, colleges or universities which are now or hereafter established, nor shall it be applicable to instructors in any such schools, colleges or universities: *Provided*, That such course or courses are

Act not to apply to educational institutions.

Proviso.

conducted by such school in a like manner to their other regular courses. If such course is conducted by any commercial school as hereinafter identified on a contractual basis, such school and instructors must qualify under this act.

Basic minimum curricula required—Effect of failure to teach such curricula.

SEC. 27. The committee shall compile and furnish to each qualifying applicant for an instructor's license, a curriculum consisting of a list of items of knowledge and processes of manual handling of a motor vehicle in such sufficient detail as to leave no doubt as to the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education. Should the director be presented with acceptable proofs that any licensed instructor or school is not showing proper diligence in teaching such basic minimum curricula, he shall require the instructor or school to appear before the examining committee and show cause for such negligence. If the committee does not accept such reasons as may be offered, the director shall revoke the license of the instructor or school.

Passed the Senate February 23, 1957.

Passed the House March 6, 1957.

Approved by the Governor March 13, 1957.

CHAPTER 88.

[S. B. 422.]

EXCISE TAXES—TAXPAYER QUITTING BUSINESS—
LIABILITY OF SUCCESSOR.

AN ACT relating to excise taxes; and amending section 197, chapter 180, Laws of 1935 and RCW 82.32.140.

Be it enacted by the Legislature of the State of Washington:

RCW 82.32.140 amended.

SECTION 1. Section 197, chapter 180, Laws of 1935 and RCW 82.32.140 are each amended to read as follows: