

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Passed the House March 29, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

## CHAPTER 51

[Substitute Senate Bill No. 2032]

### DRIVER TRAINING SCHOOLS

AN ACT Relating to motor vehicles; adding new sections to chapter 46.82 RCW; repealing section 46.82.010, chapter 12, Laws of 1961, section 106, chapter 32, Laws of 1967 and RCW 46.82.010; repealing section 46.82.020, chapter 12, Laws of 1961 and RCW 46.82.020; repealing section 46.82.030, chapter 12, Laws of 1961 and RCW 46.82.030; repealing section 46.82.040, chapter 12, Laws of 1961 and RCW 46.82.040; repealing section 46.82.050, chapter 12, Laws of 1961 and RCW 46.82.050; repealing section 46.82.060, chapter 12, Laws of 1961, section 4, chapter 214, Laws of 1961, section 107, chapter 32, Laws of 1967 and RCW 46.82.060; repealing section 46.82.070, chapter 12, Laws of 1961, section 2, chapter 214, Laws of 1961, section 108, chapter 32, Laws of 1967 and RCW 46.82.070; repealing section 46.82.080, chapter 12, Laws of 1961 and RCW 46.82.080; repealing section 46.82.090, chapter 12, Laws of 1961, section 109, chapter 32, Laws of 1967 and RCW 46.82.090; repealing section 46.82.100, chapter 12, Laws of 1961 and RCW 46.82.100; repealing section 46.82.110, chapter 12, Laws of 1961 and RCW 46.82.110; repealing section 46.82.120, chapter 12, Laws of 1961, section 110, chapter 32, Laws of 1967 and RCW 46.82.120; repealing section 46.82.130, chapter 12, Laws of 1961 and RCW 46.82.130; repealing section 46.82.140, chapter 12, Laws of 1961, section 48, chapter 170, Laws of 1965 ex. sess., section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140; repealing section 46.82.150, chapter 12, Laws of 1961 and RCW 46.82.150; repealing section 46.82.160, chapter 12, Laws of 1961 and RCW 46.82.160; repealing section 46.82.170, chapter 12, Laws of 1961 and RCW 46.82.170; repealing section 46.82.180, chapter 12, Laws of 1961, section 3, chapter 214, Laws of 1961 and RCW 46.82.180; repealing section 46.82.190, chapter 12, Laws of 1961, section 111, chapter 32, Laws of 1967 and RCW 46.82.190; repealing section 46.82.200, chapter 12, Laws of 1961 and RCW 46.82.200; repealing section 46.82.210, chapter 12, Laws of 1961, section 112, chapter 32, Laws of 1967 and RCW 46.82.210; repealing section 46.82.220, chapter 12, Laws of 1961 and RCW 46.82.220; repealing section 46.82.230, chapter 12, Laws of 1961 and RCW 46.82.230; repealing section 46.82.240, chapter 12, Laws of 1961 and RCW 46.82.240; repealing section 46.82.250, chapter 12, Laws of 1961 and RCW 46.82.250; repealing section 46.82.260, chapter 12, Laws of 1961 and RCW 46.82.260; repealing section 46.82.270, chapter 12, Laws of 1961 and RCW 46.82.270; and prescribing penalties.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles or motorcycles.

(2) "Director" means the director of the department of licensing of the state of Washington.

(3) "Advisory committee" means the driving instructors' advisory committee as created in this chapter.

(4) "Fraudulent practices" means any conduct or representation on the part of a licensee under this chapter tending to induce anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes.

(5) "Instructor" means any person employed by a driver training school to instruct persons in the operation of automobiles or motorcycles.

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

(7) "Person" means any individual, firm, corporation, partnership, or association.

NEW SECTION. Sec. 2. (1) The director shall be responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director is authorized to adopt and enforce such reasonable rules as may be consistent with and necessary to carry out this chapter.

NEW SECTION. Sec. 3. (1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall receive compensation not to exceed twenty-five dollars for each day spent on official business and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

NEW SECTION. Sec. 4. (1) No person shall engage in the business of conducting a driver training school without a license issued by the director for that purpose. An application for a driver training school license shall be filed with the director, containing such information as prescribed by the director, 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 payment of an additional fee of twenty-five dollars shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of a school license shall be twenty-five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the licensee. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be void requiring a new application as provided for in this chapter, including payment of all fees.

(3) The person to whom a driver training school license has been issued must notify the director in writing within thirty days after any change is made in the officers, directors, or location of the place of business of the school.

(4) Driver training school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license, including payment of all fees, must be made. The director shall permit continuance of the business for a period not to exceed sixty days from date of transfer pending approval of the new application for a school license.

(5) The director shall not issue or renew a school license certificate until the licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in the amount of not less than three hundred thousand dollars because of bodily injury or death to two or more persons in any one accident, not less than one hundred thousand dollars because of bodily injury or death to one person in one accident, and not less than fifty thousand dollars because of property damage to others in one accident, and the coverage shall include

uninsured motorists coverage. The 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.

(6) The increased insurance requirements of subsection (5) of this section must be in effect by no later than one year after the effective date of this act.

NEW SECTION. Sec. 5. (1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile or motorcycle for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in section 6 of this act, the applicant shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

NEW SECTION. Sec. 6. (1) Upon receipt and approval of an application accompanied by the proper fees, the director shall arrange for the examination of each applicant for an instructor's license and shall notify each applicant of the time and place to appear for examination.

(2) The examination prepared by the advisory committee shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine: The applicant's knowledge of driving laws, rules, and regulations; the applicant's ability to safely

operate a motor vehicle; and the applicant's ability to impart this knowledge to others.

(3) No applicant shall be permitted by the director to take the examination for an instructor's license until it is determined that the applicant meets the following requirements:

(a) Possesses a current and valid Washington driver's license and does not have on his driving record any of the violations or penalties set forth in (3)(a) (i), (ii), or (iii) of this section. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than three moving traffic violations within the preceding twelve months or more than four moving traffic violations in the preceding twenty-four months;

(ii) No alcohol-related traffic violation within the preceding three years; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding three years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director; and

(d) Has satisfactorily completed a sixty-hour course of instruction in the training of drivers acceptable to the director. The course shall include at least twelve hours of instruction in behind-the-wheel teaching methods and at least six hours supervised practice behind-the-wheel teaching of driving techniques.

(4) Any person with a valid instructor's license in effect as of the effective date of this 1979 act, shall not be required to take the examination, or complete the revised course of instruction, otherwise required under this section.

NEW SECTION. Sec. 7. In case of the loss, mutilation, or destruction of a driver training school license certificate or an instructor's license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of two dollars.

NEW SECTION. Sec. 8. (1) The director may suspend, revoke, deny, or refuse to renew an instructor's license or a driver training school license for any of the following causes:

(a) Upon determination that the licensee has made a false statement or concealed any material fact in connection with the application or license renewal;

(b) Upon conviction of the applicant, licensee, or any person directly or indirectly interested in the driver training school's business of a felony, or

any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(c) Upon determination that the applicant, licensee, or any person directly or indirectly interested in the driver training school's business previously held a driver training school license which was revoked, suspended, or refused renewal by the director;

(d) Upon determination that the applicant or licensee does not have a place of business as required by this chapter;

(e) Upon determination that the applicant or licensee has failed to require all persons with financial interest in the driver training school to be signatories to the application;

(f) Upon determination that the applicant or licensee has been found guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle; or

(g) Upon determination that the applicant or licensee fails to satisfy the other conditions stated in this chapter.

NEW SECTION. Sec. 9. The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

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

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

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

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

(c) A sign displayed on the back and/or top of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words "student driver" or "instruction car", or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

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

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction.

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

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

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

NEW SECTION. Sec. 10. Upon notification of suspension, revocation, denial, or refusal to renew a license under this chapter, a driver training school or instructor shall have the right to appeal the action being taken. An appeal may be made to the director, who shall cause a hearing to be held by the advisory committee in accordance with chapter 34.04 RCW. Filing an appeal shall stay the action pending the hearing and the director's decision. Upon conclusion of the hearing, the advisory committee shall notify the director of its findings of fact and recommended action. Within ten days of receipt of the advisory committee's findings and recommendation, the director shall issue a decision on the appeal.

(1) A license may, however, be temporarily suspended by the director without notice pending any prosecution, investigation, or hearing where

such emergency action is warranted. A licensee or applicant entitled to a hearing shall be given due notice thereof.

(2) The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant in accordance with chapter 34.04 RCW shall be deemed due notice.

(3) The director or the director's authorized representative shall preside over the advisory committee during the hearing and shall have the power to subpoena witnesses, administer oaths to witnesses, take testimony of any person, and 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 by a court of record. Witnesses subpoenaed under this section and persons other than officers or employees of the department of licensing shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

NEW SECTION. Sec. 11. Any action or decision of the director may, after a hearing is held as provided in this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the aggrieved person resides.

NEW SECTION. Sec. 12. A violation of any provision of this chapter shall be a misdemeanor.

NEW SECTION. Sec. 13. This chapter shall not apply to or affect in any manner courses of instruction offered in high schools, vocational-technical schools, colleges, or universities which are now or hereafter established, nor shall it be applicable to instructors in any such high schools, vocational-technical schools, colleges, or universities: **PROVIDED**, That such course or courses are conducted by such schools in a like manner to their other regular courses. If such course is conducted by any commercial school as herein identified on a contractual basis, such school and instructors must qualify under this chapter.

NEW SECTION. Sec. 14. All moneys collected from driver training school licenses and instructor licenses shall be deposited in the general fund.

NEW SECTION. Sec. 15. The advisory committee shall compile and furnish to each qualifying applicant for an instructor's license or a driver training school license a basic minimum required curriculum. Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:



- (1) Section 46.82.010, chapter 12, Laws of 1961, section 106, chapter 32, Laws of 1967 and RCW 46.82.010;
  - (2) Section 46.82.020, chapter 12, Laws of 1961 and RCW 46.82.020;
  - (3) Section 46.82.030, chapter 12, Laws of 1961 and RCW 46.82.030;
  - (4) Section 46.82.040, chapter 12, Laws of 1961 and RCW 46.82.040;
  - (5) Section 46.82.050, chapter 12, Laws of 1961 and RCW 46.82.050;
  - (6) Section 46.82.060, chapter 12, Laws of 1961, section 4, chapter 214, Laws of 1961, section 107, chapter 32, Laws of 1967 and RCW 46.82.060;
  - (7) Section 46.82.070, chapter 12, Laws of 1961, section 2, chapter 214, Laws of 1961, section 108, chapter 32, Laws of 1967 and RCW 46.82.070;
  - (8) Section 46.82.080, chapter 12, Laws of 1961 and RCW 46.82.080;
  - (9) Section 46.82.090, chapter 12, Laws of 1961, section 109, chapter 32, Laws of 1967 and RCW 46.82.090;
  - (10) Section 46.82.100, chapter 12, Laws of 1961 and RCW 46.82.100;
  - (11) Section 46.82.110, chapter 12, Laws of 1961 and RCW 46.82.110;
  - (12) Section 46.82.120, chapter 12, Laws of 1961, section 110, chapter 32, Laws of 1967 and RCW 46.82.120;
  - (13) Section 46.82.130, chapter 12, Laws of 1961 and RCW 46.82.130;
  - (14) Section 46.82.140, chapter 12, Laws of 1961, section 48, chapter 170, Laws of 1965 ex. sess., section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140;
  - (15) Section 46.82.150, chapter 12, Laws of 1961 and RCW 46.82.150;
  - (16) Section 46.82.160, chapter 12, Laws of 1961 and RCW 46.82.160;
  - (17) Section 46.82.170, chapter 12, Laws of 1961 and RCW 46.82.170;
  - (18) Section 46.82.180, chapter 12, Laws of 1961, section 3, chapter 214, Laws of 1961 and RCW 46.82.180;
  - (19) Section 46.82.190, chapter 12, Laws of 1961, section 111, chapter 32, Laws of 1967 and RCW 46.82.190;
  - (20) Section 46.82.200, chapter 12, Laws of 1961 and RCW 46.82.200;
  - (21) Section 46.82.210, chapter 12, Laws of 1961, section 112, chapter 32, Laws of 1967 and RCW 46.82.210;
  - (22) Section 46.82.220, chapter 12, Laws of 1961 and RCW 46.82.220;
  - (23) Section 46.82.230, chapter 12, Laws of 1961 and RCW 46.82.230;
  - (24) Section 46.82.240, chapter 12, Laws of 1961 and RCW 46.82.240;
  - (25) Section 46.82.250, chapter 12, Laws of 1961 and RCW 46.82.250;
  - (26) Section 46.82.260, chapter 12, Laws of 1961 and RCW 46.82.260;
- and
- (27) Section 46.82.270, chapter 12, Laws of 1961 and RCW 46.82.270.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act shall be added to chapter 46.82 RCW.

NEW SECTION. Sec. 18. Any funds remaining in accounts discontinued by this 1979 act shall be transferred to the general fund after obligations accrued prior to the effective date of this act have been met.

NEW SECTION. Sec. 19. If any provision of this 1979 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 21, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 25, 1979.

Filed in Office of Secretary of State April 25, 1979.

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## CHAPTER 52

[Senate Bill No. 2060]

### VITAL STATISTICS—LOCAL HEALTH OFFICERS

AN ACT Relating to vital statistics; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 36, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 43.20.090; amending section 2, chapter 83, Laws of 1907 as last amended by section 4, chapter 106, Laws of 1951 and RCW 70.58.010; and amending section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.020.

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

Section 1. Section 43.20.090, chapter 8, Laws of 1965 as last amended by section 36, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 43.20.090 are each amended to read as follows:

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: PROVIDED, That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment, or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July, and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for