



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
 PO Box 9020, Olympia, Washington 98507-9020

Washington Administrative Code
 Notice of Permanent Rules for
 Driver Training Schools: Allowing Web Based Instruction
 During States of Emergency

Adoption of: WAC 308-108-190 Emergency Clause

Effective date: These rule changes will become effective 31 days after filing or on November 7, 2020.

What are the agency’s reasons for adopting this rule?

Emergency rules were filed to authorize web based instruction during the statewide response to COVID-19, allowing for interactive web based instruction of driver training curriculum to continue while many business locations were closed and in-person classes were not allowed. Due to the ongoing state of emergency and the need to continue to limit the spread of COVID-19, the Department of Licensing is adopting permanent rules that will support driver training schools in continuing to operate during a time when in-person learning poses a risk to public health. The Department sent driver training schools proposed rule language that would allow for web based instruction to continue during states of emergency only. School owners submitted written feedback on the rules and the Department collaborated with the industry on adjustments to the language based on the feedback given.

WAC 308-108-190 Emergency Clause sets forth standards for web based instruction including waiving the requirement for in-person instruction, outlining requirements for the instruction to be interactive, and ensures that requirements in RCW 46.82 are met. The new language also allows schools to waive the one hour student observation drive.

Summary of all public comments received on this rule proposal and the agency’s response to those comments:

Comments	
Paraphrased Comment	Department Response
<i>Related to benefits of adopting rule</i>	
1. Driving Schools have been meeting and coming up with ideas trying to minimize the spread of Covid-19. We understand that in difficult times like these we are experiencing now, we have to put strategies in place and apply new ways to	The Department of Licensing would like to thank you for your testimony and comments on these rules. The Department is incredibly fortunate to have such a supportive and collaborative industry that

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at (360) 902-3843 or email dmonroe@dol.wa.gov.

be as safe as possible for the safety of our families, clients and students. We understand that changed will occur on a regular basis we support the State decision and believe by following the rules we are putting these temporary situations behind us. As much as we enjoy teaching and interacting with our students we believe that during this pandemic everyone has to keep moving forward and understand that safety is our priority. That is why we firmly believe that Virtual classes are the safest and most convenient for our students and staff. We hope that the decision that will be taken will be in consideration of everyone's health and safety. God bless our Washington State Driving Schools colleagues. Thank You.

2. I am in support of the proposed rule "WAC 308-108-190 Emergency Clause"

This Emergency Clause will help keep all driving schools in business. If the industry must go to "in class" and "social distances" on November 7th, we would only be able to have our class at about 25% capacity (~7 students). I do not believe any school can break even at 25% capacity. Our school would likely have to put 50% of our staff back on unemployment until we could run at full capacity.

3. I am in favor of this bill. I appreciate the DOL in acting so quickly to create these rules, as they help to sustain our industry, support jobs, and preserve services to the public.
4. First I want to say thank you to the DOL for keeping our businesses operating during this time. Looking at the restaurant industry, if you hadn't been supportive to us we would likely be out of business. The fact that you are willing to do this is a huge benefit to our industry. If these rules were not adopted by November 7, 2020, it could mean that we would have to lay off half of our staff and thousands of students could be out of their time and money.

is willing to partner with us in the development and implementation of rules. We want to express our gratitude to the owners and stakeholders who provided input on the rule language, were flexible on issues where we could not reach a consensus, and for your overall partnership in supporting the novice drivers of Washington State. We couldn't have done this without you!

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<p>5. I am representing PDSA. We are in favor of these rules as written. We would like to thank you for being proactive and helping us to keep our business alive during this time. This means so much to all of us at PDSA. We believe that web based instruction is going well in our state. Thank you. Hopefully these rules will pass and, if this ever happens again, we will have this framework in place to know what to do.</p>	
<p><i>Related to allowing web based instruction during normal business operations</i></p>	
<p>6. With the flu season approaching I feel it would be best to continue the virtual option through the winter. Is the DOL considering a hybrid model of some sorts on a regular basis? Say 33% in person and 67% online or virtual learning? I understand that additional guidelines would be needed, such as the ones we created in rules for times when we are in a state of emergency. I believe the option to have both in person and virtual would work best for families. Is this a possibility for the future?</p> <p>7. Online programs are becoming really good programs. More kids are taking driver's education than ever before. Online education could be creating safer drivers overall since it is more accessible.</p>	<p>The Department of Licensing would like to thank you for your testimony and comments on these rules.</p> <p>The Department is committed to working with the industry, within our scope of authority, to support what is best for novice drivers and our driver training school licensees. If there is general support to explore what it would take to offer web based instruction, even partially, during normal business operations, the Department would participate in these discussions as program capacity and priorities allows.</p>

Changes made to the proposed WAC as a result of public comment:

There were no changes requested in public comment or testimony, and no changes were made to the proposed rule language filed under WSR 20-18-100.

Closing

The Department would like to thank the Driver Training Schools of Washington State and our stakeholders for collaborating with us throughout this process. If you still have questions related to the rulemaking you can email rulescoordinator@dol.wa.gov or call 360-902-3846.

Sincerely,

Washington State Department of Licensing
 Policy and Legislative Unit
 1125 Washington St SE
 Olympia, WA. 98501

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