

**WAC 308-110-010 Definitions.** As used in this chapter, unless the context requires otherwise, the term:

(1) "Agreement" or "contract" means a written agreement entered into between the department and a school for the purposes of RCW 46.82.450.

(2) "Applicant" means a person taking an examination administered by ~~((a))~~ a department-approved examiner to qualify for a Washington driver's license.

(3) "Certified examiner" means a driver training instructor licensed under chapter 46.82 RCW, or a teacher certificated under the provisions of chapter 28A.410 RCW, to teach driver's education, who has been trained and certified by a master examiner and endorsed by the department as meeting the qualifications, education, and training standards for administering knowledge and skills examinations.

(4) "Certified knowledge examiner" means a driver training instructor licensed under chapter 46.82 RCW, or a teacher certificated under the provisions of chapter 28A.410 RCW, to teach driver's education, who has been trained, certified and endorsed by the department as meeting the qualifications, education, and training standards for administering knowledge examinations.

(5) "Examinations" means the tests that meet the department's criteria to assess an applicant's knowledge and skills to operate a motor vehicle.

~~((4))~~ "Examiner" means a driver training instructor licensed under chapter 46.82 RCW, who has been approved by the department as meeting department qualifications, education, and training standards for administering examinations.

~~(5))~~ (6) "Knowledge ~~((test))~~ examination" means ((a)) an examination, delivered by a department endorsed examiner, written or electronically delivered ~~((test that))~~ in order to measure ~~((s the))~~ an applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

~~((6))~~ (7) "Master examiner" means a driver training instructor licensed under chapter 46.82 RCW, or a teacher certificated under the provisions of chapter 28A.410 RCW, to teach driver's education, who has been trained and certified by a department technical specialist or master examiner auditor and endorsed by the department as meeting the qualifications, education, and training standards for training and certifying instructors in the delivery of knowledge and skills examinations.

(8) "School" means a driver training school licensed under chapter 46.82 RCW.

~~((7))~~ (9) "Skills ~~((test))~~ examination" means a ~~((demonstration of behind the wheel driving))~~ behind the wheel examination, delivered by a department endorsed certified examiner or master examiner, that measures the applicant's ability to safely operate a motor vehicle on the roadways without endangering the public or property.

AMENDATORY SECTION (Amending WSR 12-17-059, filed 8/10/12, effective 9/10/12)

**WAC 308-110-020 Agreements—Establishment—Requirements.** The department may enter into an agreement to conduct examinations with a main school location that:

(1) Is currently licensed under chapter 46.82 RCW ((to provide driver training instruction)), and whose primary function is providing driver's education, and has provided instruction for a period of at least one year, and has not received or is currently under the terms of a disciplinary sanction from the department at any time during the previous twelve months;

(2) Complies with chapters 18.235 and 46.82 RCW and regulations adopted under those chapters;

(3) Has submitted a request to enter into an agreement on a form or in a format prescribed by the department; and

(4) Has provided to the department:

(a) A list of department endorsed examiners the school intends to use to administer examinations;

(b) A description of the school's examination practices that includes, but may not be limited to, a school's skills ((test)) examination route(s) and test starting point(s);

(c) A summary of the school's schedule for administering examinations; and

(d) ((A school's knowledge test questions; and

(e)) Any other information as may be required by the department.

AMENDATORY SECTION (Amending WSR 12-17-059, filed 8/10/12, effective 9/10/12)

**WAC 308-110-030 Administration of examinations.** (1) Main school locations must enter into and have a valid agreement prior to administering examinations.

(2) Schools and department endorsed examiners must conduct skills ((tests using routes that meet department standards.

(2) Knowledge test questions must be supplied by the department or meet department criteria.

(3) Knowledge tests)) examinations using department approved routes.

In the event an examination route needs modification, the department may decertify the route. Upon decertification, the route shall not be used for examination purposes.

(3) Knowledge examination questions are the property of the department. Using unapproved or outdated examination questions will be considered a violation of the agreement.

(4) Knowledge examinations must be conducted in an area separate from classroom instruction or when a class is not in session, minimizing distractions or interactions.

((4)) (5) Examinations must be conducted by department endorsed examiners.

~~((5))~~ (6) Knowledge ~~((test))~~ examination results may be used to obtain a driver license for no more than two years from the date of completion.

~~((6))~~ (7) Skills ~~((test))~~ examination results may be used to obtain a driver license for no more than one year from the date of completion.

~~((7) In accordance with the department's guidelines, schools must refer to the department for testing any))~~ (8) Any applicant who has a condition that may impair their ability to operate a motor vehicle safely must be referred to the department for examination.

~~((8))~~ (9) Prior to administering the knowledge ~~((and skills tests))~~ examination, schools must ensure that applicant~~((s are))~~ is:

(a) At least fifteen years of age. When the applicant is less than eighteen years of age, the applicant must have successfully completed a traffic safety education course; or

(b) At least fifteen and one-half years of age and if the applicant is less than eighteen years of age, and the applicant does not possess a valid Washington state instruction driving permit.

~~((9))~~ (10) Prior to administering the skills ~~((test))~~ examination, schools will ensure that applicant~~((s))~~ :

(a) Passed the knowledge examination; and

(i) At least eighteen years of age; or

(ii) Has successfully completed a traffic safety education course.

(b) Possess:

(i) A valid Washington state instruction permit or a valid out-of-state instruction permit; or

(ii) A temporary authorization to drive issued on a form prescribed by the department; or

(iii) A valid foreign or international driver's license.

(11) Prior to administering the knowledge or skills examination, schools will ensure applicants are properly informed regarding ~~((testing))~~ examination requirements and their ~~((test))~~ examination results.

(12) Schools must ~~((also inform applicants of the school's current retesting, refund, and grievance policies and procedures.~~

~~((10) Applicants must possess one of the following to participate in the skills testing portion of the examination:))~~

~~((a) A Washington instruction permit issued under RCW 46.20.055;~~

~~((b) A temporary authorization to drive issued on a form prescribed by the department; or~~

~~((c) A valid foreign driver's license))~~ retain documentation that the applicant was notified of examination requirements, fee structures, school reexaminations, random reexaminations by the department, refunds, grievance policies and procedures, and any other information as required by the department.

(13) Schools, instructors, examiners, and staff must not:

(a) Utilize knowledge or skill examination forms, materials, verbiage, or routes for any purpose other than conducting an examination in accordance with the terms of the agreement; or

(b) Provide any instruction to an applicant during the same date and time that they are providing an examination.

NEW SECTION

**WAC 308-110-033 Master examiner requirements.** To qualify as a master examiner, and receive the license endorsement, the instructor or teacher must:

(1) Have been a department or OSPI approved traffic safety education instructor who meets one of the following:

(a) Possesses an instructor trainer as defined in WAC 308-108-020(6) endorsement; or

(b) Have conducted examinations as a certified examiner for a minimum period of six months.

(2) Meet all other department principles, expectations, training and guidelines set forth in the agreement for services contract as well as the examinations manual.

(3) Not have received or be under the terms of a disciplinary sanction from the department or office of the superintendent of public instruction at any time during the previous twelve months.

NEW SECTION

**WAC 308-110-035 Certified examiner requirements.** To qualify as a certified examiner, and receive the license endorsement, the instructor or teacher must:

(1) Have been a department or OSPI approved traffic safety education instructor for a minimum period of six months.

(2) Meet all other department principles, expectations, training and guidelines set forth in the agreement for services contract as well as the examinations manual.

(3) Not have received or be under the terms of a disciplinary sanction from the department or office of the superintendent of public instruction at any time during the previous twelve months.

NEW SECTION

**WAC 308-110-037 Certified knowledge examiner requirements.** To qualify as a certified knowledge examiner, and receive the license endorsement, the instructor or teacher must:

(1) Have been a department or OSPI approved traffic safety education instructor for a minimum period of six months.

(2) Meet all other department principles, expectations, training and guidelines set forth in the agreement for services contract as well as the examinations manual.

(3) Not have received or be under the terms of a disciplinary sanction from the department or office of the superintendent of public instruction at any time during the previous twelve months.

AMENDATORY SECTION (Amending WSR 12-17-059, filed 8/10/12, effective 9/10/12)

**WAC 308-110-040 Applicant records, recordkeeping and reporting.**

(1) Schools must keep applicant records for at least three years. Applicant records must be kept at a school's primary place of business. Records must be immediately available for inspection or audit by the department or its representative.

(2) Schools must keep applicant records on a form or in a format approved by the department. The form must include at ~~((least the))~~ a minimum:

(a) Applicant name, date of birth, and driver's license or instruction permit number~~((+))~~, and proof that the applicant received the school policies; and

~~(b) ((Knowledge and skill test results;~~

~~(c) Examiner's name(s), instructor license number(s), and signature(s);~~

~~(d) Dates and times the examinations were administered to the applicant; and~~

~~(e))~~ Other information required by the department.

(3) Schools must maintain additional records for all examiners in their employment. Upon request, these records must be made available to the department for review; and any other information required by the department.

(4) Schools must submit to the department the knowledge and skills ~~((test))~~ examination results for each applicant in accordance with the school's agreement with the department.

~~((+))~~ (5) The department will monitor outcomes for applicants who take a driver's license examination and will make aggregate outcomes available to the public.

AMENDATORY SECTION (Amending WSR 12-17-059, filed 8/10/12, effective 9/10/12)

**WAC 308-110-060 Violations—Impact on agreement.** (1) Schools, master examiners, certified examiners, certified knowledge examiners, and ((examiners)) staff examiner support are responsible for complying with the requirements of chapters 46.82 and 18.235 RCW and the rules promulgated under those chapters.

(2) If the department finds that an examiner or school has violated or no longer meets the qualifications or requirements of chapters 46.82 and 18.235 RCW, the rules promulgated under those chapters, ~~((or))~~ the agreement~~((+))~~, the department may either (a) rescind approval of an examiner to conduct examinations, (b) terminate or suspend for any period of time an agreement with a school, or both.

(3) The department may suspend the entire agreement, or portions thereof, for the period of time it takes the department to process and finalize an investigation of alleged violations. Termination or suspension of the agreement does not limit the right of the department to take further administrative action.