



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020, Olympia, Washington 9850-9020

**Washington Administrative Code
Notice of Permanent Rules for
Chapter 308-108 WAC – Driver Training Schools.**

Adoption of: WAC 308-108-020 Definitions; and WAC 308-108-155 Required curriculum.

Effective date: These rule changes will become effective 31 days after filing, on July 14, 2025.

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

The Joint Administrative Rules Review Committee (JARRC) requested DOL amend WAC 308-108-155 to clarify where the traffic safety education required curriculum can be located. The Department took the opportunity to amend the rule further to include changes to relevant traffic safety laws and standards included in the required curriculum, by subject heading. Although the language to subsection (3) and (4) has been adjusted slightly, substantively the requirements remain the same.

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

Comments	
Paraphrased Comment	Department Response
DOL didn't provide enough time to review the Washington Traffic Safety Required Curriculum Standards (WTSRCS), and it's unnecessary and contains fluff.	The WTSRCS was provided to all Driver Training School (DTS) instructors on March 7, 2024, soliciting feedback until April 1, 2024, prior to DOL initiating rulemaking.
DOL should consider redrafting and providing suggested language as this version is confusing. Specifically, it's unclear whether the Washington Traffic Safety Required Curriculum Standards (WTSRCS) itself, or the list of topics in WAC, are required.	The list of topics outlined in WAC 308-108-155 Required Curriculum provide broad subject matters that should be covered, while the Required Curriculum Standards document is intended to provide additional detail supporting these topics and meet the requirements of RCW 46.82.420, including information on the 'safe, lawful, and responsible operation of a motor vehicle'.
There are issues with the definition of "required curriculum" and it doesn't have enough detail.	The Washington State Legislature established the term "required curriculum" in Chapter 46.82 RCW Driver Training Schools , without providing a specific statutory

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	<p>definition. To ensure clarity and consistent application for the administration of driver training schools, DOL has defined how this term shall be used within that established legislative framework. This definition allows us to effectively oversee and implement the requirements for driver training programs.</p> <p>This current rulemaking is focused on incorporating required curriculum standards by reference. DOL periodically reviews and updates the required curriculum for driver training schools and is set to conduct rulemaking later this year that may require changes to the required curriculum document.</p>
The WTSRCS aren't rules and lack enough detail to be compliant with the Administrative Procedures Act.	The WTSRCS is authorized directly in RCW 46.82.420 and does not require rules to make it enforceable. WAC 308-108-155 is intended to clarify the requirements. DOL conducted this rulemaking to make changes to WAC 308-108-155; adding relevant traffic safety laws by subject heading, rewriting the language of subsection (3) and (4) to be clearer while not adjusting the substance of these sections, and to further clarify where the required curriculum document can be located, at the request of the Joint Administrative Rules Review Committee.
The required curriculum contains topics outside RCW 46.82.420 and 46.82.430 – including, elements of Novice Teen Driver Education and Training Administrative Standards (NTDETAS).	The information contained in the WTSRCS reflects the direction of the legislature per RCW 46.82.420 Required curriculum – Revocation of license for failure to teach . This law requires DOL to cover a list of specific topics, including information on the 'safe, lawful, and responsible operation of a motor vehicle'. Based on the language and intent statement in the law, DOL believes that this content should include best practices that align with national experts in traffic safety education.
The WTSRCS must be directed at the school/instructor, and not the student.	Washington State laws grant DOL administrative authority over drivers licensing requirements, including the instruction and application process for unlicensed drivers. This includes making changes to the required curriculum document that should then affect the course content they receive while completing driver training education.

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The new WTSRCS repeats mistakes made in the previous document, is not doable, and can't be enforced.	This current rulemaking is focused on incorporating required curriculum standards by reference, language clean up, and better citing the location of the required curriculum document. DOL is not required to conduct rulemaking to make changes to the content of the required curriculum document.
DOL hasn't met their legal obligation to develop a required curriculum that all schools use but has only provided a set of minimum requirements or standards.	DOL defines the 'required curriculum' as a set of standards not a single course of instruction provided by DOL that must be taught by all schools. The Department previously verified the intention of HB 1481 with the sponsor that schools should be allowed to continue to create their own teaching materials and lesson plans.
DOL should have piloted the new required curriculum standards to see if they could be done within the minimum time. Why wasn't a pilot required?	There is no requirement in law to conduct a pilot when updating the required curriculum document. DOL appreciates the feedback on our process to update the required curriculum and will take this feedback into consideration during future updates.
DOL has no authority to review and approve individual schools' curriculums.	DOL is required by RCW 28A.220.037 to audit driver training schools and instructors to ensure they comply with all requirements in law. RCW 46.82.420 establishes the process for DOL to revoke the license of a school or instructor who is not showing proper diligence in teaching the required curriculum.
The form referenced in the rule has not been developed in conjunction with the rule writing.	WAC 308-108-155 requires schools to use a DOL form to cross reference where they are teaching the required curriculum content in their individual curriculum guides. DOL's current form was developed in collaboration with interested parties during the rulemaking process to create WAC 308-108-155. DOL staff will be developing a draft updated form which will be shared with industry partners to elicit feedback before implementation. There is no requirement to update the form during the rulemaking process.
Is there a rubric for how course materials will be approved?	DOL has an established process for reviewing and approving driver training school curricula. While we don't use a specific rubric document, we do provide resources that outline the specific standards, requirements, and elements that course materials must meet to be approved. These resources can be accessed by contacting the program directly.

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	DOL will consider collaborating with industry partners to develop a rubric for future use.
DOL is not acting as a regulatory agency and is treating instructors as certificated teachers.	Washington State law requires DOL to certify public instructors and license private driver training schools. The law specifically directs DOL to develop standards that apply to both public and private driver training instructors.
DOL did not conduct negotiated rulemaking in accordance with RCW 34.05.310.	<p>The preproposal statement of inquiry was filed on December 4, 2024 under WSR 24-24-106. The preproposal initiates the rulemaking process. DOL then developed the rule language and provided it to the industry in March of 2025.</p> <p>The CR-102 was filed on April 2, 2025, which schedules the public hearing and shares out the draft amendments to WAC 308-108-155.</p>
When did DOL file a preproposal statement of inquiry?	The preproposal statement of inquiry, or CR-101, was filed on December 4, 2024, under WSR 24-24-106.
Since this rulemaking dealt with incorporation by reference, the curriculum standards document should also be open for comment.	The Required Curriculum Standards document was provided to all Driver Training School (DTS) instructors on March 7, 2024, allowing time for review and feedback until April 1, 2024, prior to the CR-101 filing. While DOL does collaborate with driver training schools and instructors on the development of the required curriculum document, there is no requirement to conduct rulemaking during this process.
Who did DOL work with to gain consensus on the development of the required curriculum?	<p>The WTSRCS document was provided to all Driver Training School (DTS) instructors on March 7, 2024, allowing time for review and feedback until April 1, 2024, prior to the CR-101 filing.</p> <p>DOL received feedback from industry representatives, the Public Driving Schools Association (PDSA), Apex Schools, research institutions, and other organizations.</p> <p>Organizations and Jurisdictions included in the development of the WTSRCS: University of California, Irvine - Institute of Transportation Studies (UCI) Johns Hopkins University - Bloomberg School of Public Health (JHU) Ontario Ministry of Transportation (MTO) American Automobile Association (AAA) European Driving Schools Association (EFA) University of Iowa - Driving Safety Research Institute (Ulowa)</p>

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	<p>US Department of Transportation - John A. Volpe National Transportation Systems Center (Volpe)</p> <p>Washington Traffic Safety Commission (WTSC)</p> <p>American Association of Motor Vehicle Administrators (AAMVA)</p> <p>Association of National Stakeholders in Traffic Safety Education (ANSTSE)</p> <p>Highway Safety Services (HSS)</p> <p>US Department of Transportation - National Highway Traffic Safety Administration (NHTSA)</p>
Why was an SBEIS (Small Business Economic Impact Statement) not completed for this rulemaking?	<p>An SBEIS is required when a rulemaking proposal imposes more than minor costs (RCW 19.85.020(2)) on a small business. This rulemaking is incorporating curriculum standards by reference. The curriculum is updated outside of the rulemaking process and DOL solicits feedback when making these changes. DOL also provides time for schools to update their course content when the required curriculum is updated.</p>
By incorporating the curriculum standards document by reference, instructors are now burdened because they are limited to only teaching a list of 11 concepts.	<p>The updated requirements replace the previous required curriculum created in 2018. Schools and instructors were never limited to only teaching 11 concepts. The concepts in the rule are not all encompassing.</p>
I am concerned that DOL's premature enforcement of the unadopted Required Curriculum Standards will now put open-access projects like mine at legal risk.	<p>Any school's curriculum that is determined to not meet these standards will be given the opportunity to make corrections to come into compliance within a reasonable timeframe.</p>
I am concerned that the curriculum standards document can be regularly updated without appropriate notice.	<p>All updates to the document have been made with adequate notice to, and input from, industry partners. DOL is committed to providing a reasonable timeframe for schools and instructors to make appropriate updates to their curriculum because of any changes to the curriculum standards.</p>
Instructional time required to deliver the classroom standards exceeds the 30-hour classroom and 6 hour BTW content legal limit defined in WAC 308-108-150 and WAC 308-108-160. National standards call for 45 hours, and we currently have a 30-hour program. An additional 15 hours of instruction would be challenging to implement across the industry.	<p>DOL does not believe that the incorporation by reference of the Washington Traffic Safety Required Curriculum Standards will require driver training schools or instructors to exceed the 30-hour classroom and 6 hours behind the-the-wheel minimum requirements. While WAC 308-108-150 and WAC 308-108-160 establish a minimum hour requirement for these education activities, there is not a limit to the number of hours schools and instructors can require of their students. If DOL finds that schools are having to increase</p>

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	their classroom or behind the wheel instruction hours to comply with the required curriculum updates, DOL will work with the industry on a mitigation plan for schools, instructors, and students.
Numerous objectives are vague, unmeasurable, or unsafe to simulate (e.g., skids, brake failures, peer pressure management).	The required curriculum is intended to be a document to provide guardrails and consistency in the education of novice drivers. Schools and instructors are required to understand the training they receive and meet the requirements of the law. DOL will make available a model curriculum that schools can reference if they are unclear on the intent of the content or how to execute it in their classroom.
Audit tools, expectations, and performance rubrics are not clearly provided, creating audit risk and unequal application of standards across schools.	As previously mentioned, DOL is open to creating a rubric for these requirements, as well as explaining any of our processes for compliance or auditing.
References to Target Zero, ADTSEA, and Safe Systems frameworks were included without incorporation by reference, which violates RCW 34.05.210.	RCW 46.82.420 Required curriculum – Revocation of license for failure to teach directs the DOL to cover information on the 'safe, lawful, and responsible operation of a motor vehicle'. DOL believes that this content should include best practices that align with national experts in traffic safety education. The law grants DOL the authority to adopt these standards in the required curriculum.
The document claims to be a 'living document,' which cannot legally be enforced unless re-adopted after each revision.	All updates to the document have been and will be done with adequate notice to and input from the industry. DOL did not change the document without following the APA requirement for rule writing. This is the first time the document has been updated since 2018.
I am concerned over the use of terms 'curriculum', 'standards', and 'required curriculum' because of the resulting confusion.	DOL will take this feedback into consideration as we provide future updates and communications regarding the required curriculum.
I would encourage the Department to consider limiting how many details are included within the required curriculum. Generic guidelines are helpful, but too many details will force the industry into a single curriculum provider and compromise the flexibility instructors currently enjoy.	DOL worked with schools, instructors, and subject matter experts in traffic safety education to develop the required curriculum. The document contains the necessary content to ensure that novice drivers are provided the content that they need to become safe drivers on our roadways. While the curriculum may be detailed, it is intended to provide flexibility in how the courses can

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	be constructed and provided by driver training schools.
These sweeping curriculum changes swing the pendulum too far and may unintentionally compromise the very outcomes we're all working towards - better safety, understanding, and retention.	DOL does not view these amendments as major changes, but as minor updates based on national standards. The addition of the knowledge checks, while seemingly expansive, have always been required.
As an instructor, I have kids with testing anxiety, who are on the spectrum, or have educational challenges and additional/new forms of testing pose additional barriers. I urge the DOL to monitor how these changes are impacting student learning and access, and to consider refinements that maintain high standards without sacrificing practicality, affordability, or equity. When too much information is delivered too quickly, retention suffers. As an instructor, I am finding that students don't retain classroom material and need re-teaching during behind-the-wheel sessions, when the focus should be on application and safety, not review. These new standards could further overwhelm and overload students with too much detailed and dense content, thereby compromising their retention and understanding.	This rulemaking does not make any changes related to assessments or testing. Driver training schools and instructors are encouraged to adapt the curriculum to best meet the needs of individual learners. If DOL sees a notable increase in schools who are struggling to implement the required curriculum, DOL will work with these schools on mitigation strategies. DOL is developing model curriculum to provide alternative solutions for students who may need the course content delivered in another format. We are also working to interpret ESHB 1878 and determine how online course modules can help ease the demand of the in-classroom time and help schools focus on the behind-the-wheel instruction.

Written comments were submitted regarding this rule change and there was also oral testimony. Each of the questions or comments received by the department are included in the summary above.

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

DOL did not make any changes to proposed rulemaking after filing the CR-102.

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