

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4373**

5 (By Delegates M. Poling, Barrett, Lawrence, Perry,
6 Fragale, Campbell and Tomblin)

7 [Passed March 7, 2014; in effect ninety days from passage.]

8
9
10 AN ACT to repeal §18-6-9 and §18-6-10 of the Code of West Virginia,
11 1931, as amended, to amend and reenact §18-6-1, §18-6-2, §18-
12 6-4, §18-6-5 and §18-6-8 of said code, all relating to driver
13 education programs; repealing requirements on the State
14 Department of Education and county superintendents related to
15 instruction and licensing of commercial driver education
16 schools; removing the requirement that schools provide course
17 availability to out-of-school youths and adults; allowing
18 summer school offerings in driver education; prohibiting
19 charges to students for the course; authorizing permitted
20 instructors under certain circumstances; and allowing
21 successful completion of the course in commercial driving
22 school or class accepted by the state board to meet purposes
23 of article.

24 *Be it enacted by the Legislature of West Virginia:*

1 That §18-6-9 and §18-6-10 of the Code of West Virginia, 1931,
2 as amended, be repealed; and that §18-6-1, §18-6-2, §18-6-4, §18-6-
3 5 and §18-6-8 of said code be amended and reenacted, all to read as
4 follows:

5 **ARTICLE 6. DRIVER EDUCATION.**

6 **§18-6-1. Purpose and objectives of article.**

7 The purpose of this article is to ensure that every secondary
8 school pupil has the opportunity, at or about the time he or she
9 reaches licensing age, to enroll in a course of driver education
10 designed to train him or her to drive skillfully and safely under
11 all traffic and roadway conditions and circumstances.

12 **§18-6-2. Where provided; permit or certificate for persons who are**
13 **not professional educators to teach course.**

14 (a) There shall be offered in all public secondary schools
15 within the state, without charge to students, an approved,
16 comprehensive course in driver education. The course may be offered
17 in summer school in addition to the regular instructional term.

18 (b) In those counties where sufficient public secondary school
19 driver education courses are not available to meet all requests for
20 the course, county boards of education shall, as quickly as
21 possible, make sufficient courses available to fill those requests.

22 (c) Under the authority and subject to the conditions provided
23 in section two-a, article three, chapter eighteen-a of this code,
24 the State Superintendent may issue a permit or other certificate to

1 persons who do not qualify for the professional certificate for the
2 purpose of providing instruction in driver education subject to the
3 following:

4 (1) The applicant for the permit or certificate is subject to
5 the criminal history check of applicants for licensure provided in
6 section ten, article three, chapter eighteen-a of this code;

7 (2) The permit or certificate may not be given permanent
8 status, but may be renewed in accordance with rules adopted by the
9 State Department of Education;

10 (3) The duties of a person who has a valid permit or
11 certificate under this subsection may include the supervision of
12 students;

13 (4) The person, when providing instruction in the public
14 schools, may only be employed under a contract with the respective
15 county board of education that specifies the duties to be
16 performed, a rate of pay that is equivalent to the rate of pay for
17 professional educators in the district who accept similar duties as
18 extra duty assignments and provides for liability insurance
19 associated with the activity;

20 (5) The person may not be considered an employee of the board
21 for salary and benefit purposes other than as specified in the
22 contract;

23 (6) The person completes an orientation program designed and
24 approved in accordance with State Department of Education rules;

1 and

2 (7) The position is posted annually and a professional
3 educator fully certified for the position has not applied.

4 **§18-6-4. Rules.**

5 In accordance with article three-b, chapter twenty-nine-a of
6 this code, the state board shall, with the advice of the State
7 Superintendent and the Superintendent of the State Police, adopt
8 rules governing the establishment, conduct and scope of driver
9 education for use in the public, private and parochial secondary
10 schools located within this state, subject to the requirements and
11 exceptions set forth in this article.

12 **§18-6-5. Establishment and maintenance of driver education course;**
13 **who may enroll; exemption from learner's permit**
14 **requirement; nonpermit student drivers.**

15 The State Superintendent shall promote and direct the
16 establishment and maintenance of courses of instruction in driver
17 education in secondary schools in accordance with the provisions of
18 this article and the rules that the state board adopts pursuant to
19 section four of this article. Directors, trustees or other persons
20 having control or authority over private or parochial secondary
21 schools, who establish and maintain the courses in the schools
22 under their control or supervision, shall comply with the rules
23 that the state board adopts pursuant to section four of this
24 article.

1 In the case of a pupil who will not reach the age of fifteen
2 years before completion of the driver education course in which
3 enrolled, instruction shall be limited to the classroom. Pupils who
4 are fifteen years of age and older shall receive instruction and
5 practical training in the operation of motor vehicles on the public
6 streets and highways.

7 Notwithstanding section three-a, article two, chapter
8 seventeen-b of this code, any student who is at least fifteen years
9 of age and is enrolled in a driver education course in accordance
10 with the provisions of this article and the rules that the state
11 board adopts pursuant to section four of this article, may operate
12 a motor vehicle on the roadways of West Virginia while accompanied
13 by a certified driver education teacher or instructor permitted by
14 the state superintendent to provide driver education instruction.

15 **§18-6-8. Driver education course to be made available to all**
16 **secondary school pupils prior to their graduation;**
17 **exemption; application by pupil for unrestricted**
18 **operator's license.**

19 Before any pupil graduates from a secondary school, he or she
20 shall first be provided an opportunity and encouraged to
21 successfully complete a driver education course approved by the
22 state board in a public, private or parochial secondary school
23 within the state. If a pupil has successfully completed a similar
24 course in a secondary school of another state or in a commercial

1 driving school or class and the course is accepted by the state
2 board as adequately meeting and complying with the course standards
3 established by the state board, then the aforementioned requirement
4 shall be deemed fulfilled regarding that pupil.

5 Any secondary school pupil sixteen years of age or older, but
6 under eighteen years of age, who has successfully completed a
7 driver education course approved by the state board in a public,
8 private, parochial secondary school within the state or a similar
9 course in a secondary school of another state or in a commercial
10 driving school or class and accepted by the state board as
11 adequately meeting and complying with the course standards
12 established by the state board, shall be exempted from submitting
13 a sworn affidavit certified by the parent, legal guardian, or other
14 responsible adult over the age of twenty-one that the applicant has
15 successfully completed the minimum number of hours of
16 behind-the-wheel training as provided in section three-a, article
17 two, chapter seventeen-b of the code.