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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4373

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



Passed March 7, 2014

In effect ninety days from passage.

HB 4373

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H. B. 4373

(BY DELEGATES M. POLING, BARRETT, LAWRENCE, PERRY,
FRAGALE, CAMPBELL AND TOMBLIN)

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

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

DE 11

Be it enacted by the Legislature of West Virginia:

That §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, be repealed; and that §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code be amended and reenacted, all to read as follows:

ARTICLE 6. DRIVER EDUCATION.

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

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

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

1 (a) There shall be offered in all public secondary schools
2 within the state, without charge to students, an approved,
3 comprehensive course in driver education. The course may be
4 offered in summer school in addition to the regular instructional
5 term.

6 (b) In those counties where sufficient public secondary
7 school driver education courses are not available to meet all
8 requests for the course, county boards of education shall, as
9 quickly as possible, make sufficient courses available to fill
10 those requests.

11 (c) Under the authority and subject to the conditions
12 provided in section two-a, article three, chapter eighteen-a of this
13 code, the State Superintendent may issue a permit or other
14 certificate to persons who do not qualify for the professional
15 certificate for the purpose of providing instruction in driver
16 education subject to the following:

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

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

23 (3) The duties of a person who has a valid permit or
24 certificate under this subsection may include the supervision of
25 students;

26 (4) The person, when providing instruction in the public
27 schools, may only be employed under a contract with the
28 respective county board of education that specifies the duties to
29 be performed, a rate of pay that is equivalent to the rate of pay
30 for professional educators in the district who accept similar
31 duties as extra duty assignments and provides for liability
32 insurance associated with the activity;

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

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

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

§18-6-4. Rules.

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

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

1 The State Superintendent shall promote and direct the
2 establishment and maintenance of courses of instruction in driver
3 education in secondary schools in accordance with the provisions
4 of this article and the rules that the state board adopts pursuant
5 to section four of this article. Directors, trustees or other persons
6 having control or authority over private or parochial secondary
7 schools, who establish and maintain the courses in the schools
8 under their control or supervision, shall comply with the rules
9 that the state board adopts pursuant to section four of this article.

10 In the case of a pupil who will not reach the age of fifteen
11 years before completion of the driver education course in which
12 enrolled, instruction shall be limited to the classroom. Pupils
13 who are fifteen years of age and older shall receive instruction
14 and practical training in the operation of motor vehicles on the
15 public streets and highways.

16 Notwithstanding section three-a, article two, chapter
17 seventeen-b of this code, any student who is at least fifteen years
18 of age and is enrolled in a driver education course in accordance
19 with the provisions of this article and the rules that the state
20 board adopts pursuant to section four of this article, may operate
21 a motor vehicle on the roadways of West Virginia while
22 accompanied by a certified driver education teacher or instructor
23 permitted by the state superintendent to provide driver education
24 instruction.

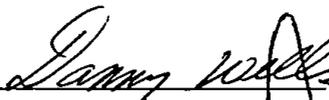
§18-6-8. Driver education course to be made available to all secondary school pupils prior to their graduation; exemption; application by pupil for unrestricted operator's license.

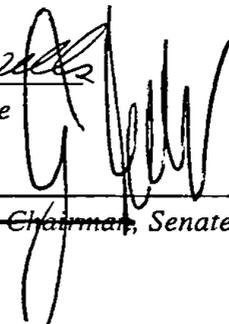
1 Before any pupil graduates from a secondary school, he or
2 she shall first be provided an opportunity and encouraged to

3 successfully complete a driver education course approved by the
4 state board in a public, private or parochial secondary school
5 within the state. If a pupil has successfully completed a similar
6 course in a secondary school of another state or in a commercial
7 driving school or class and the course is accepted by the state
8 board as adequately meeting and complying with the course
9 standards established by the state board, then the aforementioned
10 requirement shall be deemed fulfilled regarding that pupil.

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

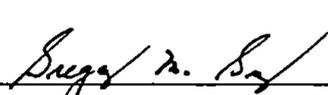
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

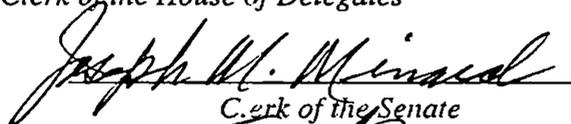

Chairman, House Committee


~~Member~~ ~~Chairman~~, Senate Committee

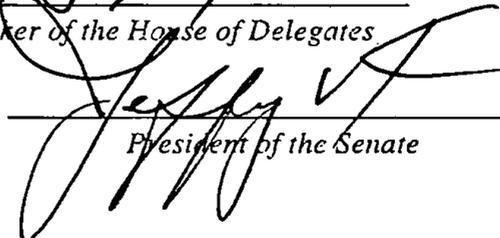
Originating in the House.

In effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is approved this the 31st
day of March, 2014.


Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 10:45 AM