WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 753

(By Mr. [Signature]

PASSED March 11, 1972

In Effect July 1, 1972

753
AN ACT to repeal sections seventeen, eighteen, nineteen, nineteen-a, nineteen-b, twenty and twenty-one, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend chapter eighteen of said code by adding thereto a new article, designated article six, relating to driver education; purposes and objectives of article; minimum course standards; rules and regulations; specifying who may enroll in driver education course; exemption from learner’s permit requirement; expenditure of school funds for driver education courses; insurance coverage of vehicles used in driver education; to whom driver education shall be made available, when, exemption, and pupil’s application for unrestricted operator’s permit; licensing of commercial driver education schools and standards for them.

Be it enacted by the Legislature of West Virginia:

That sections seventeen, eighteen, nineteen, nineteen-a, nineteen-b, twenty and twenty-one, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that chapter eighteen of said code be amended by adding thereto a new article, designated article six, to read as follows: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 school pupil has the opportunity, at or about the
time he reaches licensing age, to enroll in a course of
driver education designed to train him to drive skillfully
and safely under all traffic and roadway conditions and
circumstances; to make the driver education course avail-
able to out-of-school youths and to adults; and to ensure
that commercial driver education schools achieve and
maintain a level of driver education equal to the minimum
standards that are prescribed for secondary schools.

§18-6-2. Where provided; implementation deadlines; priorities
for course availability.

No later than the first day of the public school term
beginning in the year one thousand nine hundred seventy-
three, there shall be offered in all public secondary
schools within the state an approved, comprehensive
course in driver education.

As the first priority, the driver education course shall
be made available at no cost to all secondary school pupils
at or about the time they reach licensing age.

As the second priority, the driver education course shall
be made available to all persons who do not attend sec-
ondary schools who have reached their sixteenth birth-
day and are under eighteen years of age. County boards
of education may require the persons described in this
paragraph who enroll in a public secondary school driver
education course to pay tuition not to exceed fifty dol-
ars.

As the third priority, the driver education course shall
be made available to all persons who do not attend sec-
ondary school who are eighteen years of age or older,
but first consideration for persons in this age group shall
be given to those who are applying for their first oper-
ator's license. County boards of education may require
the persons described in this paragraph who enroll in a
public secondary school driver education course to pay
tuition not to exceed seventy-five dollars.

In those counties where sufficient public secondary
school driver education courses are not available to meet
all requests for the course, county boards of education
shall, as quickly as possible, make sufficient courses avail-
able to fill those requests.
§18-6-3. State board to establish minimum course standards; minimum standards specified.

1 The state board of education shall establish minimum standards for all driver education courses offered and made available to persons within the state, regardless of whether the courses are offered by public, private, parochial, denominational or commercial schools, but no person shall be permitted to enroll in any driver education course who has a known mental or physical defect that would prevent the person from qualifying for an operator's license, unless the mental or physical defect is controlled or corrected so the person could so qualify.

2 The minimum standards shall provide at least that:

(a) All driver education courses offered within the state are taught by instructors certified by the state board as qualified for these purposes.

(b) Each person enrolled in a driver education course shall receive practice driving and observation in a dual control automobile and instruction in at least the following:

(1) Basic and advanced driving techniques, including techniques for handling emergencies.

(2) Traffic regulations and laws of the road as provided in chapter seventeen-c of this code, and other applicable state and local laws and ordinances.

(3) Critical mechanical parts of vehicles requiring preventive maintenance for safety.

(4) The vehicle, highway and community features that aid the driver in avoiding crashes; protect him and his passengers in crashes; and maximize the salvage of the injured.

(5) Signs, signals, highway markings and highway design features which require understanding for safe operation of motor vehicles.

(6) Differences in characteristics of urban and rural driving, including safe use of modern expressways.

(7) Pedestrian safety.
In addition, in driver education courses participating students shall be encouraged to acquire first aid skill.

§18-6-4. Rules and regulations.

In accordance with chapter twenty-nine-a of this code, the state board shall, with the advice of the state superintendent and the superintendent of the department of public safety, adopt rules and regulations governing the establishment, conduct and scope of driver education for use in the public, private, parochial and denominational secondary schools located within this state, subject to the requirements and 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.

The state superintendent shall promote and direct the establishment and maintenance of courses of instruction in driver education in secondary schools in accordance with the provisions of this article and the rules and regulations that the state board adopts pursuant to section four of this article. Directors, trustees or other persons having control or authority over private, parochial or denominational secondary schools, who establish and maintain such courses in the schools under their control or supervision, shall comply with the rules and regulations that the state board adopts pursuant to section four of this article.

In the case of a pupil who will not reach his sixteenth birthday before he completes the driver education course in which he is enrolled, instruction shall be limited to the classroom. Pupils who will reach their sixteenth birthday before they complete the driver education course and those who are sixteen years of age and older shall receive instruction and practical training in the operation of motor vehicles on the public streets and highways, and the pupil need not have the learner's permit required by section five, article two, chapter seventeen-b of this code, if he is operating a dual control automobile and a duly appointed instructor is actually occupying a seat beside the pupil.
§18-6-6. Expenditure of school funds for driver education courses; appropriations.

1 County boards of education, subject to the rules and regulations of the state board, may expend school funds to maintain and repair vehicles used for instructional purposes, to purchase fuel, lubricants, parts and accessories therefor, to pay the compensation of teachers or instructors and to procure automobile insurance, where the expenditures are for the purpose of establishing or maintaining driver education courses in public secondary schools pursuant to this article. These expenditures, including compensation of teachers or instructors, may be made over a period of twelve months.

2 Each county board of education shall receive from funds specially appropriated for the driver education courses provided in public secondary schools a sum which shall be proportionate to the total amount available for distribution for that purpose to all county boards in the state in the ratio which the number of pupils who are enrolled in driver education courses in public secondary schools in the county bears to the total number of pupils who are enrolled in driver education courses in all public secondary schools within the state, but the payment shall not exceed the sum of thirty-five dollars for each such pupil per school year.

§18-6-7. Automobile liability insurance covering vehicles used in driver education.

1 County boards of education shall procure or require automobile liability insurance in the amount the state board shall prescribe covering motor vehicles owned or operated for driver education courses. The board having control of the financial and business affairs of any other state educational institution which offers driver education courses shall procure or require automobile liability insurance in like amount covering motor vehicles owned or operated for any driver education course. The insurance shall be against any liability arising out of the use of vehicles in connection with any driver education course.
§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.

Before any pupil is graduated from a secondary school after the first day of September, one thousand nine hundred seventy-five, he shall first be provided an opportunity and encouraged to successfully complete a driver education course approved by the state board in a public, private, parochial or denominational secondary school within the state. If a pupil has successfully completed a similar course in a secondary school of another state and the course is accepted by the state board as adequately meeting and complying with the course standards established by the state board, then the aforementioned requirement shall be deemed fulfilled regarding that pupil.

Any secondary school pupil sixteen years of age or older, but under eighteen years of age, who has successfully completed a driver education course approved by the state board in a public, private, parochial or denominational secondary school within the state or a similar course in a secondary school of another state and accepted by the state board as adequately meeting and complying with the course standards established by the state board, shall, upon proper application and successful completion of all examination and driving tests required by law for issuance of an operator's license to a person eighteen years of age or older, be issued an operator's license without any restriction rather than the junior or probationary operator's license provided for in section three, article two, chapter seventeen-b of this code.

§18-6-9. Commercial driver education schools; course of instruction; issuance and renewal of license; fee; application for license; inspections and revocation of license; lists of schools offering approved courses.

The state board shall prescribe a course of instruction for commercial driver education schools in West Virginia. The requirements and quality of the course of instruction prescribed for commercial driver education
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5 schools shall be at least equal to the minimum standards
6 that are prescribed for secondary schools. The state su-
7 perintendent shall issue licenses to commercial driver
8 education schools which offer courses of instruction in
9 driver education which comply with the course of study
10 approved by the state board.

11 A fee of fifty dollars shall be charged by the state
12 superintendent for the issuance of any such license, which
13 may be renewed annually, for a fee of fifty dollars, so
14 long as the licensee complies with the requirements of
15 this article. Sums so received shall be deposited into the
16 state treasury and credited to an account of the depart-
17 ment of education for the administration of the provisions
18 of this article.

19 An application for a license to operate a licensed com-
20 mercial driver education school shall be made upon an
21 official form prescribed by the state superintendent, and
22 licenses shall be granted only when the state superin-
23 tendent is satisfied that the school offers a course of
24 driver education which complies with the requirements
25 approved by the state board.

26 The state superintendent shall periodically cause an
27 inspection to be made of all licensed schools. He shall
28 revoke and require the surrender of the license of any
29 school that fails to achieve and maintain the minimum
30 course standards prescribed therefor or that he finds is not
31 conducting a driver education course that is in conformity
32 with the requirements approved by the state board.

33 The state superintendent shall maintain, file and make
34 available at his office and at other places he selects lists
35 of all public and nonpublic schools offering approved
36 courses of driver education and all commercial schools
37 holding licenses and those whose licenses have been re-
38 voked. The state superintendent shall keep the list cur-
39 rent and shall furnish a copy of the list to the commis-
40 sioner of motor vehicles and to the commissioner of in-
41 surance.
§18-6-10. Commercial driver education schools; posting of licenses; assignment or transfer; certificates to persons completing course; maximum tuition fee.

1 No license for a commercial driver education school shall be assigned, transferred or used at any location other than that therein designated, and every license shall be posted in a conspicuous place at the school location designated.

6 Persons operating a licensed school shall issue a certificate upon an official form prescribed by the state superintendent to persons completing its driver education course. A record shall be kept of every certificate so issued.

11 Tuition of not more than one hundred dollars may be charged by a licensed commercial driver education school for each person enrolled therein.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1972.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ approved _______ this the _______ day of _______, 1972.

Governor
PRESENTED TO THE
COUNCIL

Date 3/20/72
Time 10:17 a.m.