

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 753

(By Mr. Lohr and Mr. Burs)

PASSED March 11, 1972

In Effect July 1, 1972 Passage

OFFICE OF
SECRETARY OF STATE
STATE OF WEST
VIRGINIA
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JOHN D. COCKE, IV
SECRETARY OF STATE

THIS DATE 3-29-72

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House Bill No. 753

(By MR. LOHR and MR. OURS)

[Passed March 11, 1972; in effect July 1, 1972.]

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article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that chapter eighteen of said code be amended by adding thereto a new article, designated article six, to read as follows: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 sec-
- 2 ondary school pupil has the opportunity, at or about the

3 time he reaches licensing age, to enroll in a course of
4 driver education designed to train him to drive skillfully
5 and safely under all traffic and roadway conditions and
6 circumstances; to make the driver education course avail-
7 able to out-of-school youths and to adults; and to ensure
8 that commercial driver education schools achieve and
9 maintain a level of driver education equal to the minimum
10 standards that are prescribed for secondary schools.

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

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

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

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

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

26 In those counties where sufficient public secondary
27 school driver education courses are not available to meet
28 all requests for the course, county boards of education
29 shall, as quickly as possible, make sufficient courses avail-
30 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
2 standards for all driver education courses offered and
3 made available to persons within the state, regardless of
4 whether the courses are offered by public, private, paro-
5 chial, denominational or commercial schools, but no per-
6 son shall be permitted to enroll in any driver education
7 course who has a known mental or physical defect that
8 would prevent the person from qualifying for an oper-
9 ator's license, unless the mental or physical defect is
10 controlled or corrected so the person could so qualify.

11 The minimum standards shall provide at least that:

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

15 (b) Each person enrolled in a driver education course
16 shall receive practice driving and observation in a dual
17 control automobile and instruction in at least the follow-
18 ing:

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

21 (2) Traffic regulations and laws of the road as pro-
22 vided in chapter seventeen-c of this code, and other ap-
23 plicable state and local laws and ordinances.

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

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

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

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

35 (7) Pedestrian safety.

36 In addition, in driver education courses participating
37 students shall be encouraged to acquire first aid skill.

§18-6-4. Rules and regulations.

1 In accordance with chapter twenty-nine-a of this code,
2 the state board shall, with the advice of the state super-
3 intendent and the superintendent of the department of
4 public safety, adopt rules and regulations governing the
5 establishment, conduct and scope of driver education for
6 use in the public, private, parochial and denominational
7 secondary schools located within this state, subject to the
8 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.**

1 The state superintendent shall promote and direct the
2 establishment and maintenance of courses of instruction
3 in driver education in secondary schools in accordance
4 with the provisions of this article and the rules and
5 regulations that the state board adopts pursuant to sec-
6 tion four of this article. Directors, trustees or other per-
7 sons having control or authority over private, parochial
8 or denominational secondary schools, who establish and
9 maintain such courses in the schools under their control
10 or supervision, shall comply with the rules and regula-
11 tions that the state board adopts pursuant to section four
12 of this article.

13 In the case of a pupil who will not reach his sixteenth
14 birthday before he completes the driver education course
15 in which he is enrolled, instruction shall be limited to the
16 classroom. Pupils who will reach their sixteenth birthday
17 before they complete the driver education course and
18 those who are sixteen years of age and older shall receive
19 instruction and practical training in the operation of
20 motor vehicles on the public streets and highways, and
21 the pupil need not have the learner's permit required
22 by section five, article two, chapter seventeen-b of this
23 code, if he is operating a dual control automobile and a
24 duly appointed instructor is actually occupying a seat
25 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
2 regulations of the state board, may expend school funds
3 to maintain and repair vehicles used for instructional pur-
4 poses, to purchase fuel, lubricants, parts and accessories
5 therefor, to pay the compensation of teachers or instruc-
6 tors and to procure automobile insurance, where the
7 expenditures are for the purpose of establishing or main-
8 taining driver education courses in public secondary
9 schools pursuant to this article. These expenditures, in-
10 cluding compensation of teachers or instructors, may be
11 made over a period of twelve months.

12 Each county board of education shall receive from funds
13 specially appropriated for the driver education courses
14 provided in public secondary schools a sum which shall
15 be proportionate to the total amount available for dis-
16 tribution for that purpose to all county boards in the state
17 in the ratio which the number of pupils who are enrolled
18 in driver education courses in public secondary schools
19 in the county bears to the total number of pupils who are
20 enrolled in driver education courses in all public second-
21 ary schools within the state, but the payment shall not
22 exceed the sum of thirty-five dollars for each such pupil
23 per school year.

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

1 County boards of education shall procure or require
2 automobile liability insurance in the amount the state
3 board shall prescribe covering motor vehicles owned or
4 operated for driver education courses. The board having
5 control of the financial and business affairs of any other
6 state educational institution which offers driver educa-
7 tion courses shall procure or require automobile liability
8 insurance in like amount covering motor vehicles owned
9 or operated for any driver education course. The insur-
10 ance shall be against any liability arising out of the use of
11 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.

1 Before any pupil is graduated from a secondary school
2 after the first day of September, one thousand nine hun-
3 dred seventy-five, he shall first be provided an oppor-
4 tunity and encouraged to successfully complete a driver
5 education course approved by the state board in a public,
6 private, parochial or denominational secondary school
7 within the state. If a pupil has successfully completed a
8 similar course in a secondary school of another state and
9 the course is accepted by the state board as adequately
10 meeting and complying with the course standards es-
11 tablished by the state board, then the aforementioned re-
12 quirement shall be deemed fulfilled regarding that pupil.

13 Any secondary school pupil sixteen years of age or
14 older, but under eighteen years of age, who has success-
15 fully completed a driver education course approved by
16 the state board in a public, private, parochial or denomina-
17 tional secondary school within the state or a similar
18 course in a secondary school of another state and ac-
19 cepted by the state board as adequately meeting and com-
20 plying with the course standards established by the state
21 board, shall, upon proper application and successful com-
22 pletion of all examination and driving tests required by
23 law for issuance of an operator's license to a person
24 eighteen years of age or older, be issued an operator's
25 license without any restriction rather than the junior or
26 probationary operator's license provided for in section
27 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.

1 The state board shall prescribe a course of instruction
2 for commercial driver education schools in West Vir-
3 ginia. The requirements and quality of the course of
4 instruction prescribed for commercial driver education

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
2 shall be assigned, transferred or used at any location
3 other than that therein designated, and every license shall
4 be posted in a conspicuous place at the school location
5 designated.

6 Persons operating a licensed school shall issue a cer-
7 tificate upon an official form prescribed by the state su-
8 perintendent to persons completing its driver education
9 course. A record shall be kept of every certificate so
10 issued.

11 Tuition of not more than one hundred dollars may be
12 charged by a licensed commercial driver education school
13 for each person enrolled therein.

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

Russell H. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect July 1, 1972.

Howard W. Larson
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

E. H. McCourt
President of the Senate

Lucius H. McManus
Speaker House of Delegates

The within approved this the 21th
March
day of _____, 1972.

Arch A. Shaver, Jr.
Governor

PRESENTED TO THE
GOVERNMENT

Date 3/20/72

Time 10:17 a.m.