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That §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, be repealed: and that §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code be amended and reenacted, all to read as follows: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

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

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

(b) 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 available to fill those requests.

(c) Under the authority and subject to the conditions provided in section two-a, article three, chapter eighteen-a of this code, the State Superintendent may issue a permit or other certificate to persons who do not qualify for the professional certificate for the purpose of providing instruction in driver education subject to the following:
(1) The applicant for the permit or certificate is subject to the criminal history check of applicants for licensure provided in section ten, article three, chapter eighteen-a of this code;

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

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

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

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

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

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

§18-6-4. Rules.

In accordance with article three-b, chapter twenty-nine-a of this code, the state board shall, with the advice of the State Superintendent and the Superintendent of the State Police, adopt rules governing the establishment, conduct and scope of driver education for use in the public, private and parochial 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; nonpermit student drivers.

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 that the state board adopts pursuant to section four of this article. Directors, trustees or other persons having control or authority over private or parochial secondary schools, who establish and maintain the courses in the schools under their control or supervision, shall comply with the rules that the state board adopts pursuant to section four of this article.

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

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

Before any pupil graduates from a secondary school, he or she shall first be provided an opportunity and encouraged to
successfully complete a driver education course approved by the state board in a public, private or parochial secondary school within the state. If a pupil has successfully completed a similar course in a secondary school of another state or in a commercial driving school or class 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 secondary school within the state or a similar course in a secondary school of another state or in a commercial driving school or class and accepted by the state board as adequately meeting and complying with the course standards established by the state board shall be exempted from submitting a sworn affidavit certified by the parent, legal guardian, or other responsible adult over the age of twenty-one that the applicant has successfully completed the minimum number of hours of behind-the-wheel training as provided in 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, 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

[Signature]

Time 10:57 A.M.