

SENATE BILL 59

Unofficial Copy  
R4

2001 Regular Session  
(11r0054)

ENROLLED BILL

-- Judicial Proceedings/Commerce and Government Matters --

Introduced by **Chairman, Judicial Proceedings Committee (Departmental -  
Transportation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2

**Vehicle Laws - Driver Education**

3 FOR the purpose requiring that driving instructors complete a certain program before  
4 being licensed and employed by a drivers' school; ~~providing~~ clarifying that an  
5 individual who holds a learner's instructional permit may not take a certain  
6 examination for a provisional license sooner than a certain time period, until  
7 completing a certain drivers' education program, and until submitting a certain  
8 required skills log; requiring the Motor Vehicle Administration to adopt and  
9 enforce certain regulations in consultation with the State Department of  
10 Education; modifying certain definitions; and generally relating to drivers'  
11 education and the drivers' education program.

12 BY repealing and reenacting, with amendments,

13 Article - Transportation

14 Section 15-701, 15-709, 15-801, 15-803, 16-105(d), 16-501, and 16-505

15 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Transportation**

5 15-701.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) (1) "Drivers' school" means, except as provided in paragraph (2) of this  
8 subsection, any person in the business of giving instruction in the driving of motor  
9 vehicles.

10 (2) "Drivers' school" does not include:

11 (i) Any public school or other noncollegiate educational institution  
12 [approved by the State Board of Education] GIVING INSTRUCTION IN THE DRIVING  
13 OF MOTOR VEHICLES DURING ITS NORMAL SCHOOL HOURS AND NOT CHARGING A  
14 FEE FOR THIS INSTRUCTION ; or

15 (ii) Any college, university, or other institution of postsecondary  
16 education approved by the Maryland Higher Education Commission.

17 (c) "License" means a drivers' school license issued by the Administration  
18 under this subtitle.

19 15-709.

20 A drivers' school may not:

21 (1) Provide or offer to provide any instruction in driving unless the  
22 individual who gives the instruction is a driving instructor employed by it; or

23 (2) Employ any individual as a driving instructor unless that individual:

24 (i) Is licensed to drive under Title 16 of this article; [and]

25 (II) HAS COMPLETED THE INSTRUCTOR CERTIFICATION PROGRAM  
26 APPROVED BY THE ADMINISTRATION; AND

27 [(ii)] (III) Is licensed as a driving instructor under Subtitle 8 of this  
28 title.

29 15-801.

30 (a) In this subtitle the following words have the meanings indicated.

31 (b) "Driving instructor" means any individual who:

1 (1) For compensation, under any form of agreement or arrangement with  
2 a drivers' school, gives or offers to give instruction in the driving of motor vehicles; or

3 (2) [Unless he is acting as an employee of an educational institution  
4 described in § 15-701(b)(2) of this title, otherwise] OTHERWISE gives or offers to give  
5 any other individual instruction in the driving of motor vehicles and receives or  
6 expects to receive compensation for that instruction.

7 (c) "License" means a driving instructor's license issued by the Administration  
8 under this subtitle.

9 15-803.

10 (a) A person may not be licensed under this subtitle unless the person:

11 (1) Is an individual of good reputation and moral character;

12 (2) Is licensed to drive under Title 16 of this article; [and]

13 (3) HAS COMPLETED THE INSTRUCTOR CERTIFICATION PROGRAM  
14 APPROVED BY THE ADMINISTRATION; AND

15 [(3)] (4) Is either:

16 (i) Licensed under Subtitle 7 of this title to conduct a drivers'  
17 school; or

18 (ii) Employed as a driving instructor by a licensed drivers' school.

19 (b) Unless the applicant himself is licensed to conduct a drivers' school, each  
20 application for a license shall contain or be accompanied by the written statement of  
21 the licensed drivers' school by whom the applicant is or will be employed, certifying  
22 that the applicant has been accepted as a driving instructor. The written statement  
23 shall be signed on behalf of the licensed drivers' school by a person authorized under  
24 this title to sign an application for a drivers' school license.

25 (c) If a drivers' school makes a certified statement under this section, the  
26 drivers' school immediately shall notify the Administration of any termination of  
27 employment of the driving instructor.

28 (d) The notification required under subsection (c) of this section shall be made  
29 on the form that the Administration requires.

30 16-105.

31 (d) (1) This subsection applies to an individual who:

32 (i) Seeks to obtain an original driver's license under this subtitle;

33 and

1 (ii) Does not qualify for a learner's instructional permit under  
2 subsection (e) of this section.

3 (2) An individual who holds a learner's instructional permit may not  
4 take a driver skills examination or driver road examination for a provisional license:

5 (i) Sooner than 4 months:

6 1. After the individual first obtains the learner's  
7 instructional permit; or

8 2. After the date on which the individual committed a  
9 moving violation for which the individual was convicted;

10 (ii) Until after successful completion of [a driver education course]  
11 THE DRIVER EDUCATION PROGRAM approved under Subtitle 5 of this title },  
12 consisting of at least 30 hours of classroom instruction and at least 6 hours of highway  
13 driving instruction}; ~~or~~ AND

14 (iii) Unless the individual submits, in accordance with the  
15 Administration's regulations, a completed skills log book signed by:

16 1. Each supervising driver who certifies that the individual  
17 has satisfactorily demonstrated a required skill; and

18 2. If a signature of a parent, guardian, or other person is  
19 required under § 16-107 of this subtitle, the parent, guardian, or other person who  
20 signs the individual's application under that section.

21 (3) A learner's instructional permit issued to an individual described in  
22 paragraph (1) of this subsection expires one year after the date of issuance.

23 16-501.

24 (a) In this subtitle the following words have the meanings indicated.

25 (b) "Driver education course" means a standardized course of instruction  
26 under a driver education program, adopted or approved by the Administration in  
27 consultation with the State Department of Education, intended to teach individuals to  
28 safely drive a noncommercial motor vehicle.

29 (c) "Driver education instructor" means an individual who has completed  
30 required certification courses and is certified by the Administration to teach a driver  
31 education course, whether or not the individual is required to be licensed under Title  
32 15, Subtitle 8 of this article.

33 (d) "Driver education program" means the courses and learning activities  
34 designated by the Administration in consultation with the State Department of  
35 Education that an individual may be required to complete before obtaining a  
36 noncommercial driver's license under this title.

1 (e) "[Drivers'] DRIVER EDUCATION school" means a school approved by the  
2 Administration to conduct driver education courses in accordance with this subtitle  
3 [and Title 15, Subtitle 7 of this article].

4 16-505.

5 (a) [Subject to the prior endorsement of the regulations by the State  
6 Superintendent of Schools, the] THE Administration shall, IN CONSULTATION WITH  
7 THE STATE DEPARTMENT OF EDUCATION, adopt and enforce regulations not  
8 inconsistent with this subtitle to implement a standardized driver education program  
9 conducted by [licensed drivers'] DRIVER EDUCATION schools under its jurisdiction.

10 (b) Regulations adopted under this section shall be administered by the  
11 Administration and shall include:

12 (1) Curriculum, equipment, and facility standards for classroom,  
13 laboratory, and on-road instruction phases;

14 (2) Minimum student performance standards for an approved driver  
15 education program BASED UPON THE STANDARDIZED CURRICULUM APPROVED BY  
16 THE ADMINISTRATION, consisting of at least 30 hours of classroom instruction and at  
17 least 6 hours of highway driving instruction ~~BASED UPON THE STANDARDIZED~~  
18 ~~CURRICULUM APPROVED BY THE ADMINISTRATION~~;

19 (3) Standards for the certification of schools and instructors;

20 (4) A system to evaluate the effectiveness of the driver education  
21 program;

22 (5) Standards governing the required offering of the driver education  
23 program, based on the capacity, enrollment, staff, and facilities of the schools; and

24 (6) Standards for the eligibility of individuals to enroll in the program.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2001.