

SENATE BILL 59

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2001 Regular Session
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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: November 14, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 that an individual
5 who holds a learner's instructional permit may not take a certain examination
6 for a provisional license until completing a certain drivers' education program;
7 requiring the Motor Vehicle Administration to adopt and enforce certain
8 regulations in consultation with the State Department of Education; modifying
9 certain definitions; and generally relating to drivers' education and the drivers'
10 education program.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 15-701, 15-709, 15-801, 15-803, 16-105(d), 16-501, and 16-505
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

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

18 **Article - Transportation**

19 15-701.

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

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

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

25 (i) Any public school or other noncollegiate educational institution
26 [approved by the State Board of Education] GIVING INSTRUCTION IN THE DRIVING

1 OF MOTOR VEHICLES DURING ITS NORMAL SCHOOL HOURS AND NOT CHARGING A
2 FEE FOR THIS INSTRUCTION ; or

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

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

7 15-709.

8 A drivers' school may not:

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

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

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

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

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

17 15-801.

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

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

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

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

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

28 15-803.

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

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

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

1 (3) HAS COMPLETED THE INSTRUCTOR CERTIFICATION PROGRAM
2 APPROVED BY THE ADMINISTRATION; AND

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

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

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

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

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

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

18 16-105.

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

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

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

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

26 (i) Sooner than 4 months:

27 1. After the individual first obtains the learner's
28 instructional permit; or

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

31 (ii) Until after successful completion of [a driver education course]
32 THE DRIVER EDUCATION PROGRAM approved under Subtitle 5 of this title [,
33 consisting of at least 30 hours of classroom instruction and at least 6 hours of highway
34 driving instruction]; or

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

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

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

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

10 16-501.

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

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

16 (c) "Driver education instructor" means an individual who has completed
17 required certification courses and is certified by the Administration to teach a driver
18 education course, whether or not the individual is required to be licensed under Title
19 15, Subtitle 8 of this article.

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

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

27 16-505.

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

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

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

1 (2) Minimum student performance standards for an approved driver
2 education program[, consisting of at least 30 hours of classroom instruction and at
3 least 6 hours of highway driving instruction] BASED UPON THE STANDARDIZED
4 CURRICULUM APPROVED BY THE ADMINISTRATION ;

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

6 (4) A system to evaluate the effectiveness of the driver education
7 program;

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

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

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