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HOUSE BILL NO. 582

Offered January 19, 1996

A BILL to amend and reenact §§ 22.1-205 and 46.2-335 of the Code of Virginia, relating to academic standing and minors' eligibility for driver's licenses.

Patron—Wagner

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-205 and 46.2-335 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind the wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, *which shall be based upon certification by the school principal of the student's academic effort as indicated by satisfactory completion of at least 70 percent of all assigned homework and coursework for the current academic year*; and no student in a course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the Department of Motor Vehicles. The program shall include instruction concerning alcohol and drug abuse. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program and the Department of Mental Health, Mental Retardation and Substance Abuse Services.

B. The Board shall assist school divisions by preparation, publication and distribution of competent driver education instructional materials to ensure a more complete understanding of the responsibilities and duties of motor vehicle operators.

C. Each school board shall determine whether to offer the program of driver education in the safe operation of motor vehicles and, if offered, whether such program shall be an elective or a required course. Only school divisions complying with the standardized program and regulations established by the Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver education.

D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be required by regulation of the Board of Education, on private or public property removed from public highways if practicable; if impracticable, then, at the request of the school board, the Commonwealth Transportation Board shall designate a suitable section of road near the school to be used for such instruction. Such section of road shall be marked with signs, which the Commonwealth Transportation Board shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle other than those used for driver training shall be operated between such signs at a speed in excess of twenty-five miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

E. The Board of Education may, in its discretion, promulgate regulations for the use and certification of paraprofessionals as teaching assistants in the driver education programs of school divisions.

§ 46.2-335. Learner's permits; fees.

A. The Department, on receiving from any Virginia resident over the age of fifteen years, an application for a learner's permit may, subject to the applicant's successful completion of the written or automated knowledge and vision examinations, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle on the highways, when accompanied by a licensed driver eighteen years of age or older who is actually occupying a seat beside the driver. Such permit shall be valid until he either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by commercial driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license. Driver's licenses shall be issued by the Department to persons successfully completing driver education courses approved by the Department of Education when the Department receives from the school proper certification that the student (i) has successfully completed such course, including a road skills examination; and (ii) is in good academic standing, *which shall be based upon certification by the school principal of the student's academic effort as indicated by satisfactory completion of at least 70 percent of all assigned homework and other coursework*; and (iii) upon payment of a fee of \$2.40 per

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60 year, based on the period of the license's validity. The provisions of §§ 46.2-323 and 46.2-334 relating
61 to evidence and certification of Virginia residence shall apply, mutatis mutandis, to learner's permits
62 issued under this section. The application for a learner's permit shall not be granted without evidence of
63 compliance with Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, submitted on a form
64 furnished by the Board of Education and certified by the division superintendent or any of his designees,
65 the nonpublic school principal or any of his designees, or the home schooling parent or tutor, or
66 presentation of a high school diploma or its equivalent or a certificate indicating completion of a
67 prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4. The
68 Department shall charge a fee of three dollars for each learner's permit issued under this section, which
69 shall be paid into the driver education fund of the state treasury. It shall be unlawful for any person,
70 after having received a learner's permit, to drive a motor vehicle without being accompanied by a
71 licensed driver. Violation of this section shall constitute a Class 2 misdemeanor. Nothing in this section
72 shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial
73 motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et
74 seq.).

75 B. Notwithstanding the provisions of subsection A of this section, the Department shall not issue a
76 learner's permit with a classification entitling the permittee to drive motorcycles unless:

77 1. The person is receiving instructions from a qualified instructor in a course approved by the
78 Department;

79 2. The person has successfully completed the off-street portion of the course;

80 3. When the instruction is conducted on the public highways, it follows a prescribed course which
81 has been approved by the chief local law-enforcement official;

82 4. The persons receiving the instruction, or the motorcycles used in the instruction, are clearly
83 marked "STUDENT DRIVER";

84 5. The person is under the supervision of his instructor at all times; and

85 6. No person, except the person receiving the instruction, occupies the motorcycle while instruction is
86 being given.