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## HOUSE BILL NO. 2404

Offered January 17, 2023

A *BILL to amend and reenact § 46.2-1702 of the Code of Virginia, relating to driver training instructors; active law-enforcement officers.*

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Patron—Morefield

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Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1702 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1702. Certification of driver education courses by Commissioner.**

Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any comprehensive community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any comprehensive community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses, including the parent/student driver education component of the driver education curriculum as established in § 22.1-205. The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses. Such standards may include (i) requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based driver education providers shall not issue a certificate of completion to a student prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

Any driver training school licensed under the provisions of this chapter shall be authorized to provide the 90-minute parent/student driver education component of the driver education curriculum pursuant to § 22.1-205. Only public schools and those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer the parent/student driver education component of the driver education curriculum through a virtual, computer-based program. Completion of such education component shall satisfy the requirement for the additional 90-minute parent/student driver education component so long as there is participation of the student's parent or guardian and the content provided is comparable to that which is offered in the Commonwealth's public schools and emphasizes (a) parental responsibilities regarding juvenile driver behavior, (b) juvenile driving restrictions pursuant to this Code, (c) the dangers of driving while intoxicated and underage consumption of alcohol, and (d) the dangers of distracted driving.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer behind-the-wheel examinations unless authorized pursuant to § 46.2-326.1. Driver education courses

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59 offered by any Class B licensee shall be based on the driver education curriculum currently approved by  
60 the Department of Education and the Department.

61 The Commissioner may accept, in lieu of requirements established by the Department of Education  
62 for instructor qualification, (1) 20 years' service with the Virginia Department of State Police by *(i) an*  
63 *active law-enforcement officer in good standing from such Department or (ii) a law-enforcement officer*  
64 *who retired or resigned while in good standing from such Department or (2) (i) 20 years' service as a*  
65 *traffic enforcement officer with patrol experience with any local police department by a law-enforcement*  
66 *officer who has been certified by the Virginia Department of Criminal Justice Services pursuant to*  
67 *§ 15.2-1706, (ii) who is in good standing from such department or retired or resigned while in good*  
68 *standing from such department, and (iii) who has been certified to teach driver training by the Virginia*  
69 *Department of Criminal Justice Services.*