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Legislative Reference Bureau

AN ACT

Amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for private driver education.

INTRODUCED _____ **20** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

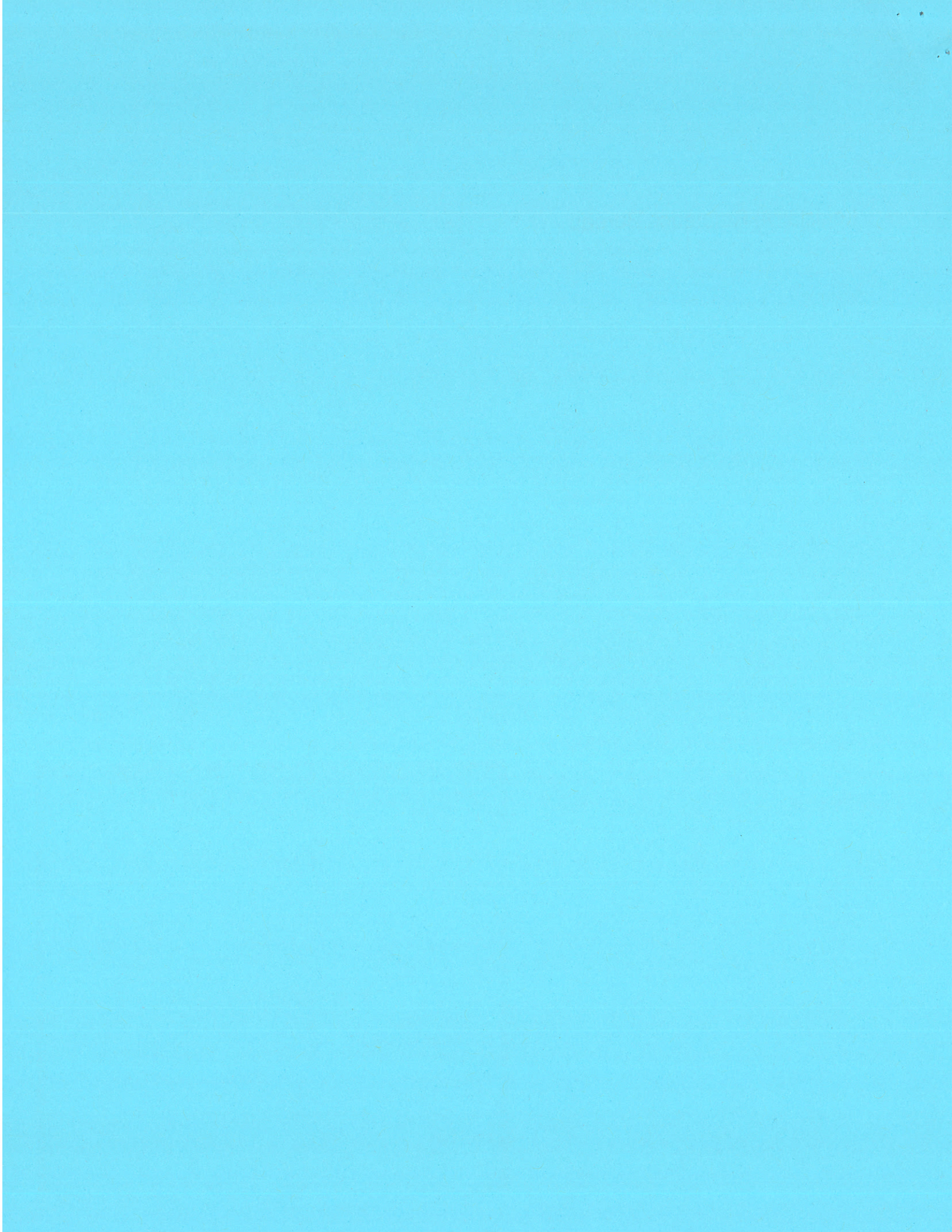
By _____ **District NO.** _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	



AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, providing for private driver education.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 24 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART VII

8 MISCELLANEOUS PROVISIONS

9 CHAPTER 101

10 PRIVATE DRIVER EDUCATION

11 Sec.

12 10101. Definitions.

13 10102. Licensure required, administration and enforcement.

14 10103. Application.

15 10104. Qualification for licensure.

16 10105. Duties of department.

17 10106. Pupil fees.

1 10107. Advisory committee.

2 10108. Records.

3 10109. Penalty.

4 § 10101. Definitions.

5 As used in this chapter, the following words and phrases
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Department." The Department of Education of the
9 Commonwealth.

10 "Director." An individual running the day-to-day operations
11 of a private driver education school.

12 "Motor vehicle." As defined in 75 Pa.C.S. § 102 (relating to
13 definitions).

14 "Owner." A person that operates a private driver education
15 school on a daily basis. The term does not include a government
16 entity.

17 "Person." As defined in 1 Pa.C.S. § 1991 (relating to
18 definitions), except that term does not include a government
19 entity.

20 "Private driver education school." A school offered by a
21 person that educates and trains individuals, either practically
22 or theoretically or both, to operate or drive a motor vehicle.

23 § 10102. Licensure required, administration and enforcement.

24 The following apply:

25 (1) A person that provides driving education services in
26 this Commonwealth must apply for licensure under this act. If
27 the person is denied a license or does not pay the required
28 fees, the person may not solicit prospective students for
29 enrollment or provide in-person or online driver education in
30 this Commonwealth.

1 (2) This chapter shall be administered and enforced by
2 the department.

3 (3) The department shall adopt regulations necessary to
4 implement and enforce the provisions of this chapter.

5 § 10103. Application.

6 (a) Application.--The department shall create a form for
7 owners of private driver education schools to complete in order
8 to establish a licensed private driver education school in this
9 Commonwealth, which shall require a statement that includes:

10 (1) The title or name of the school and classes,
11 together with the names of ownership and controlling
12 officers.

13 (2) The specific course of instruction which will be
14 offered.

15 (3) The place or places where instruction will be given.

16 (4) A specific listing of the equipment available for
17 instruction in each field.

18 (5) The qualifications of owners, directors or
19 instructors in each field.

20 (6) An ability, at the discretion of the department, to
21 provide a surety company bond in favor of the Commonwealth
22 conditioned for the protection of the contractual rights of
23 students.

24 (b) Application fees.--The following apply:

25 (1) The initial application fee for a private driver
26 education school shall be \$500.

27 (2) The fee for an annual renewal of a license under
28 this chapter shall be \$300.

29 (3) A \$20 per driving instructor and \$5 per vehicle
30 registered as a driving instruction vehicle fee shall be

1 levied.

2 (c) Ownership changes, incapacitation or death.--The
3 following apply:

4 (1) A change in ownership requires an application for an
5 initial license, which must be submitted to the department at
6 least 30 days prior to the effective date of the change in
7 ownership. A private driver education school may not conduct
8 or operate under the new or different individual
9 proprietorship, partnership, association, company or
10 corporation until and unless an original license has been
11 granted and issued to the new or different ownership
12 constituency.

13 (2) Within six months of the incapacitation or death of
14 an owner, a private driver education school must appoint a
15 director, if the school does not have one, in order to
16 continue operations, sell the private driver education school
17 or wrap up operations and matriculate students already
18 enrolled. Upon approval of the department, a private driver
19 education school may continue operations for an additional
20 six-month period.

21 (d) Approval.--If a person applying under this section meets
22 all of the criteria required under this section and section
23 10104 (relating to qualification for licensure), the department
24 shall approve the application and issuance a license to the
25 person. An initial license issued shall be effective from the
26 date of issue until the first day of July following the issuance
27 of the initial license and shall be renewed annually thereafter
28 on a form prepared and furnished by the department. A renewal
29 license shall be issued from the first day of July to the
30 following thirtieth day of June.

1 § 10104. Qualification for licensure.

2 (a) Location.--A private driver education school shall be at
3 least 1,500 feet from an official driver license center. The
4 distance under this subsection shall be measured along the
5 public streets by the nearest route from the private driver
6 education school to the driver license center.

7 (b) Premises, equipment and facilities.--Private driver
8 education schools shall meet all of the following requirements
9 to be eligible for licensure under this chapter:

10 (1) The premises, equipment and facilities of the
11 private driver education school shall conform to State and
12 local requirements.

13 (2) The private driver education school must have an
14 owner or director. The owner, director and instructors must
15 meet the requirements under subsection (c).

16 (3) The instructional equipment and materials must meet
17 the standards required under subsection (d).

18 (c) Qualifications.--The following apply:

19 (1) Directors and instructors of a private driver
20 education school or branch of the school:

21 (i) must be a citizen of the United States;

22 (ii) must be at least 21 years of age;

23 (iii) does not have a conviction over 10 years
24 unless it involves crimes against children or capital
25 offenses which shall immediately disqualify a director or
26 instructor;

27 (iv) must be an individual of good moral character;

28 (v) must have a valid Pennsylvania driver's license
29 issued by the Commonwealth and submit documentary
30 evidence of having driven a minimum of 15,000 miles in

1 varied weather conditions in both urban and rural areas;

2 (vi) must maintain, during any consecutive three-
3 year period, a driving record which does not include more
4 than one reportable accident or moving violation which
5 results in a suspension or revocation of the director's
6 or instructor's motor vehicle operator's license;

7 (vii) must pass the examination under section
8 10105(2) (relating to duties of department); and

9 (viii) shall present a certificate from a physician,
10 legally qualified to practice medicine located in this
11 Commonwealth which shall state that the owner, director
12 or instructor is mentally and physically fit and does not
13 have any other chronic or acute physical defect which
14 would prevent the director or instructor from meeting the
15 requirements of this chapter.

16 (2) An owner shall:

17 (i) Meet the background clearance requirements for
18 individuals who work or volunteer with children.

19 (ii) Have a minimum of two years' successful
20 teaching experience in a private or public driver
21 training school or class.

22 (3) A private driver education school must maintain
23 adequate and qualified staff.

24 (d) Instructional equipment, materials and program of
25 instruction.--A private driver education school seeking
26 licensure under this chapter must meet the following criteria:

27 (1) Provide text, test and reference materials,
28 including pamphlets and visual aids, online or in print, for
29 the instruction in the theoretical and practical phases of
30 driving.

1 (2) Vehicles used for practical driver training:

2 (i) may not be more than eight years old;

3 (ii) may not have more than 150,000 miles;

4 (iii) must have operable extra brake and extra
5 clutch pedals, a defroster and heater in working order;
6 and

7 (iv) must have a rear-view mirror placed on the
8 inside of the car in the vicinity of the cowl, two
9 outside side view rear-view mirrors, one on each side of
10 the vehicle, and cushions for the proper seating of the
11 students.

12 (3) Provide insurance coverage on all vehicles used for
13 practical driver training, which must include at least a
14 \$50,000 liability insurance policy.

15 (4) Shall make available theoretical or practical
16 instruction as follows:

17 (i) Theoretical instruction shall include subject
18 matter relating to rules and regulations of the road,
19 safe driving practices, distracted driving, pedestrian
20 safety care, mechanics of motor vehicles, driver
21 responsibility, theory of driving, types of automobile
22 insurance, use of automobile safety devices and any other
23 subject matter regarding safe driving.

24 (ii) Practical instruction in driver education shall
25 include the demonstration of and actual instruction in
26 starting, stopping, shifting, turning, backing, parking
27 and steering in a training vehicle which shall meet the
28 requirements of the department.

29 (e) Online instruction.--Online driver instruction classes
30 may not be offered unless the online instruction program is

1 approved as an acceptable form of driver education by the
2 department and is offered through an approved private driver
3 education school which physical address is in this Commonwealth.

4 (f) Inspection.--Applicants and licensees shall permit the
5 department or its representatives to inspect the private driver
6 education school or audit classes and make available to the
7 department all information requested. Inspection under this
8 subsection shall be scheduled inspections.

9 (g) Name and display of license.--A private driver education
10 school:

11 (1) applying for a license or licensed under this
12 chapter shall only use the school's licensed name; and

13 (2) once licensed shall prominently display the current
14 approved license in a place where it may be inspected by
15 students, visitors and designated officials of the
16 department.

17 (h) Certain solicitation and claims prohibited.--A private
18 driver education school:

19 (1) May not advertise or publicly state, advertise or
20 imply that the school is "supervised," "recommended,"
21 "endorsed," "accredited" or "approved" by the department.

22 (2) Shall not misrepresent or perpetuate fraud through
23 advertisement or through educational materials.

24 (3) May not use blind advertisements or advertisements
25 in the help wanted or other employment columns of newspapers
26 and other publications to solicit prospective students to
27 enroll.

28 (4) May not guarantee employment upon completion of an
29 educational course or the securing of a license to drive a
30 motor vehicle in this Commonwealth

1 (i) Disqualification.--An applicant shall be disqualified
2 from receiving a license under this chapter if the applicant has
3 pleaded guilty, entered a plea of nolo contendere or has been
4 found guilty of a crime involving moral turpitude, by a judge or
5 jury in a Federal or state court.

6 § 10105. Duties of the department.

7 The following apply:

8 (1) The department shall maintain a list of private
9 driver education schools licensed under this chapter, which
10 shall be posted on the department's publicly accessible
11 Internet website.

12 (2) The department shall create a 50-question exam for
13 certifying private driver education school instructors, which
14 shall be available online or at a supervised site, and shall
15 pertain to the Pennsylvania Driver's Manual.

16 § 10106. Pupil fees.

17 Private driver education schools licensed under this chapter
18 shall:

19 (1) Publish a schedule of prospectus of fees or charges
20 for behind-the-wheel lessons, classroom lessons, refresher
21 lessons and all other fees or charges levied by the private
22 driver education school.

23 (2) Inform each student, prior to the time instruction
24 commences, of the character and amount of fees or charges.

25 § 10107. Advisory committee.

26 (a) Appointment.--The department shall appoint an advisory
27 committee comprised as follows:

28 (1) Three members shall be selected from individuals
29 active in the private driver education field.

30 (2) Three members shall be selected from the

1 Pennsylvania Professional Driving School Association.

2 (3) One member shall be selected from personnel of the
3 department.

4 (4) One member shall be selected from the personnel of
5 the Pennsylvania State Police.

6 (5) One member shall be selected from the personnel of
7 from the Department of Transportation.

8 (6) One member shall be selected from the personnel of
9 National Highway Safety Administration.

10 (b) Duty.--The advisory committee shall advise and make
11 recommendations to the department regarding rules and
12 regulations for the licensing of private driver education
13 schools in this Commonwealth.

14 § 10108. Records.

15 A private driver education school licensed under this chapter
16 shall maintain adequate records of pupils who engaged in
17 theoretical or practical instruction for a five year period on a
18 permanent cumulative record card or electronic files. The record
19 card or electronic file shall indicate the number of clock hours
20 of instruction received by each pupil and information on
21 attendance. Records required under this section shall be kept
22 current and available for inspection at all times during regular
23 school hours by one or more representatives of the department.

24 § 10109. Penalty.

25 A person that violates or fails to comply with any provision
26 of this act or any of the rules and regulations promulgated:

27 (1) Is subject to suspension or revocation of a license
28 issued under this chapter.

29 (2) Shall be guilty of a misdemeanor, and, upon
30 conviction, shall be sentenced to pay a fine of not less than

1 \$500 or more than \$5,000 or to undergo imprisonment for not
2 more than one year, or both.

3 Section 2. Repeals are as follows:

4 (1) The General Assembly declares that the repeal
5 under paragraph (2) is necessary to effectuate the
6 addition of 24 Pa.C.S. Pt. VII.

7 (2) The act of January 18, 1952 (1951 P.L.2128, No.605),
8 referred to as the Private Driver Education or Training
9 School Act, is repealed.

10 Section 3. The addition of 24 Pa.C.S. Ch. 101 is a
11 continuation of the act of January 18, 1952 (1951 P.L.2128,
12 No.605), referred to as the Private Driver Education or Training
13 School Act. Except as otherwise provided in 24 Pa.C.S. Ch. 101,
14 all activities initiated under the Private Driver Education or
15 Training School Act shall continue and remain in full force and
16 effect and may be completed under 24 Pa.C.S. Ch. 101. Orders,
17 regulations, rules and decisions which were made under the
18 Private Driver Education or Training School Act and which are in
19 effect on the effective date of section 4 of this act shall
20 remain in full force and effect until revoked, vacated or
21 modified under 24 Pa.C.S. Ch. 101. Contracts, obligations and
22 collective bargaining agreements entered into under the Private
23 Driver Education or Training School Act are not affected nor
24 impaired by the repeal of the Private Driver Education or
25 Training School Act.

26 Section 4. This act shall take effect immediately.

