Legislative Regulation Review Committee

2009-024a

Department of Motor Vehicles

DRIVER EDUCATION IN SECONDARY SCHOOLS

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT

Regulation
of

Department of Motor Vehicles

Driver Education in Secondary Schools

Section 1. Section 14-36f-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-36f-1. Definitions
As used in Sections 14-36f-1 to 14-36f-17, inclusive, the following terms shall have the following meanings:
(1) "Behind-the-wheel instruction" means instruction or training provided to a student by a qualified secondary school teacher, or by a commercial driving instructor, which permits the student to obtain driving experience on public roads and highways, in a motor vehicle equipped and registered as required by law, while the student is operating the motor vehicle.
(2) "Certificate" or "driver's education certificate" means a form approved by the commissioner, which evidences successful completion of course requirements, as required by section 14-36f-4 of the Regulations of Connecticut State Agencies;
(3) "Classroom instruction" means group instruction of students in a classroom or similar group situation, by a qualified secondary school teacher or by a commercial driving school instructor, in accordance with the provisions of Section 14-36f-4.
[(3)](4) "Clock hour" means sixty (60) minutes.
[(4)](5) "Commercial driving instructor" means a person employed by a commercial driving school, licensed by the commissioner in accordance with Section 14-69 of the General Statutes, where such person has an instructor's license as provided in Section 14-73 of the General Statutes.
[(5)](6) "Commissioner" means the commissioner of motor vehicles or his designee.
[(6)](7) "Department" means the department of motor vehicles.
[(7)](8) "Driver education program" means an organized system of instruction in secondary schools permitting a student to obtain behind-the-wheel and/or classroom instruction in safe driving procedures and practices.
[(8)](9) "Dual control vehicle" means a motor vehicle having dual controls on the foot-brake or the clutch, if so equipped, operable by a person in the front seat of the vehicle other than the driver. Such vehicle controls shall be installed and maintained in accordance with the recommendation of the manufacturer thereof.
[(9)](10) "Qualified secondary school teacher" means a State Board of Education approved teacher in a secondary school, certified in accordance with the provisions of Section 10-145 of the General Statutes, and applicable regulations, to teach grades seven or above, who is endorsed to teach driver education, and is approved by the commissioner in accordance with Section 14-36f-6.
[(10)](11) "Secondary school" means a public secondary school, a state vocational school, or a private or parochial secondary school.
[(11)](12) "Student" means a person enrolled in a course of instruction in motor vehicle operation and highway safety at a secondary school.

Sec. 2. Section 14-36f-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-36f-4. Classroom instruction
(a) Each secondary school offering driver education shall provide classroom instruction consisting of a minimum of thirty (30) hours. The curriculum shall include the following:
(1) The development of driver skills which shall be presented in a simple-to complex structure of concepts and behavioral patterns;

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(2) A variety of instructional methods which shall demonstrate student centered activities for participative education, to include low risk driving values, knowledge for development of safe driving habits, and mental readiness for correct in-vehicle performance;
(3) Presentation of content in the classroom which parallels the presentation of in-vehicle content. The driving related skills and concepts presented in the classroom shall be conducted in a motor vehicle as soon after the classroom activities as possible. All concepts, and where possible skills to be practiced in the motor vehicle, shall first be presented in the classroom; and
(4) Appropriate content for the classroom and in-vehicle sessions which shall include the following topics: the highway transportation system[,]; analysis of crashes[,]; roadway designs and markings[,]; Connecticut motor vehicle laws and regulations[,]; basic control tasks[,]; parking maneuvers[,]; the structure of driving tasks[,]; restraint systems[,]; risk management[,]; perceptual skills development[,]; space management[,]; natural laws and vehicle control[,]; winter driving techniques[,]; handling vehicle emergencies[,]; night driving techniques[,]; effects of alcohol and drugs on driving, emotions and operator fitness[,]; interacting with other vehicle types[,]; the purpose and procedures of procurement organizations, as defined in section 19a-279a of the Connecticut General Statutes, as amended; and managing high risk locations, including intersections and curves.
(b) For any applicant to whom a learner's permit was issued before August 1, 2008, [Each] each secondary school offering driver education may provide a safe driving practices program of eight (8) hours, which shall include [following] and comply with the following requirements:
(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as specified in subparagraph (B) of subdivision (1) of subsection (d) of Section 14-36 of the Connecticut General Statutes;[and]
(2) Four (4) hours on subjects directed to safe driving practices[.];
(3) The eight (8) hour safe driving practices program of this subsection may be included as part of the thirty (30) hour course of instruction specified in subsection (a) of this section[.]; and
(4) Any separate fee for the eight (8) hour safe driving practices program, charged to a person who is not taking any additional instruction, shall not exceed one hundred twenty-five dollars ($125.00).
(c) For any applicant to whom a learner's permit was issued on or after August 1, 2008, each secondary school offering driver education may provide a safe driving practices program of eight (8) hours, which shall include and comply with the following requirements:
(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as specified in subparagraph (B) of subdivision (1) of subsection (d) of Section 14-36 of the Connecticut General Statutes;
(2) Two (2) hours on subjects directed to safe driving practices;
(3) Two (2) hours of instruction concerning the statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers;
(4) The eight (8) hour safe driving practices program of this subsection may be included as part of the thirty (30) hour course of instruction specified in subsection (a) of this section; and
(5) Any separate fee for the eight (8) hour safe driving practices program, charged to a person who is not taking any additional instruction, shall not exceed one hundred twenty-five dollars ($125.00).
(d) Each secondary school offering driver education shall provide to a parent or guardian of any applicant receiving classroom instruction pursuant to subsection (c) of this section, the opportunity to attend, without additional charge, the two hours of instruction described in subdivision (3) of subsection (c) of this section.
(e) An official of the high school or other secondary school offering driver education which provided the course instruction to the parent or guardian and the applicant, referred to in subsection (d) of this section, shall issue an affidavit on a form approved by the commissioner, signed under penalty of false statement, to such applicant attesting to the fact that the applicant's parent or guardian attended the two hours of instruction described in subsection (d) of this section. Such applicant shall provide such affidavit to the commissioner prior to being allowed to take the driver's test.

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[(c)] (f) A student enrolled in the thirty (30) hour course of instruction described in subsection (a) of this section shall receive a maximum of two (2) hours of instruction per day, except that on a day when school is not scheduled, the student may receive a maximum of two and one-half (2 1/2) hours of instruction. A student enrolled in the eight (8) hour safe driving practices program of instruction described in subsection (b) or (c) of this section shall receive such instruction on at least two separate days.
[(d)] (g) Each secondary school shall provide the four (4) hours of instruction concerning the nature and effects of alcohol and drugs in relation to the ability to safely operate a motor vehicle in compliance with the following:
(1) Separate course materials shall be provided for the use of students and instructors, in printed or electronic media format;
(2) Such course materials shall have been prepared by a person or persons with knowledge and expertise in the field of alcohol and drug abuse;
(3) Such course materials, as presented, shall cover the blood alcohol level limits prescribed by law, the effects of operating a motor vehicle at or near such per se limits, effective methods to avoid peer pressure concerning excessive alcohol consumption and the penalties and costs associated with violations of the laws concerning driving under the influence of alcohol or drugs;
(4) Such course materials shall be subject to the approval of the commissioner, prior to the issuance or renewal of program certification; and
(5) The department may conduct one or more training sessions, to be attended by at least one instructor from each school, concerning the presentation of the course materials, and effective teaching methods and strategies for alcohol and drug education.
[(e)] (h) Each classroom where instruction is offered shall have sufficient floor area to conduct such instruction. No portion of the classroom instruction shall be given if the class size exceeds the capacity of instructional equipment, materials and facilities, as well as reasonable standards of safety and supervision. No classroom or group instruction shall be presented to a group in excess of forty (40) students. The commissioner may inspect any classroom facilities at any reasonable time.
[(f)] (i) Each student enrolled in the classroom phase of the driver education program shall have access to:
(1) A full-length, current driver education textbook for the purpose of the program, and special materials, which may include the use of video tapes as approved by the commissioner; and[,]
(2) The Connecticut Driver's Manual, published by the department, which manual shall become the property of the student.
[(g)] (j) The commissioner may review or monitor the conduct and scope of any of the driver education programs conducted under the provisions of this section.
[(h)] (k) Classroom instruction shall not be given to a person who has not reached sixteen (16) years of age.

Sec. 3. Sections 14-36f-6 through 14-36f-7, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-36f-6. Instructor requirements
(a) No person shall provide any behind-the-wheel or classroom instruction to a student in a secondary school driver education program unless such person is approved by the commissioner. In order to be approved the person shall:
(1) Be either a qualified secondary school teacher, or be a private school teacher meeting the qualifications of subdivision (6) of this subsection and of subsection (b) of this section, or be a commercial driving instructor employed by a licensed commercial driving school which is under contract to a secondary school to provide behind-the-wheel driving instruction, and which has a branch license to provide such instruction;
(2) Have held an operator's license for the past four (4) consecutive years;

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(3) Have an acceptable driving record, with no more than four (4) moving motor vehicle violations which result in convictions arising from separate incidents occurring within a two (2) year period appearing on the person's driving history. A moving violation is one for which points may be assessed pursuant to Section 14-137a-5 of the Regulations of Connecticut State Agencies;
(4) Be physically qualified to operate a motor vehicle and instruct driver's training. Such physical qualification shall be based on a medical examination within the prior three (3) months. A person who provides evidence that he meets the medical standards contained in 49 CFR Sec. 391.41 (Federal Motor Carrier Safety Regulations) shall be deemed to be physically qualified. Any change in an instructor's medical condition which may affect the safe operation of a motor vehicle shall be reported to the commissioner within ten (10) business days;
(5) Take and pass a behind-the-wheel and written test as required by the commissioner. A person failing a behind-the-wheel test shall not be retested earlier than two (2) weeks after failing such test, unless he presents proof of additional training administered by another qualified secondary school teacher;
(6) Have taken and passed a course in traffic safety or driver education, providing at least three (3) semester hours of credit, of not less than forty-five (45) clock hours, which has been approved by the commissioner;
(7) Undergo annual proficiency testing by the commissioner in accordance with Section 14-36f-16 of the Regulations of Connecticut State Agencies.
(b) Persons approved as qualified secondary school teachers subsequent to adoption of this section shall, within the three (3) years following such approval, successfully complete an advanced course in traffic safety providing at least three (3) semester hours of credit and consisting of at least forty-five (45) clock hours. Such advanced course shall be approved by the commissioner. Proof of successful completion of such course shall be submitted to the commissioner. This requirement shall not apply to a qualified secondary school teacher who has six (6) semester hours of credit and ninety (90) hours of instruction in such advanced courses.
(c) Notwithstanding the other provisions of this section, the commissioner may, for good cause shown, request that a qualified secondary school teacher take and pass both a behind-the-wheel driving test, and a written test concerning knowledge of the mechanism of motor vehicles, the motor vehicle laws and the rules of the road.
(d) The commissioner shall maintain a listing of all driver education programs in secondary schools, and a listing of all qualified secondary school teachers. [Such listings shall be made available without charge to the public.]
(e) No qualified secondary school teacher shall provide driver training without having been approved by the commissioner. The commissioner may withdraw his approval for good cause shown, subject to the provisions of chapter 54 of the general statutes.

Sec. 14-36f-7. Driver education certificate
(a) Each student between sixteen (16) and eighteen (18) years of age completing the driver education program, and determined by a qualified secondary school teacher to be a safe and capable driver and qualified to hold an operator's license, shall be issued a [drivers'] driver's education certificate by the secondary school indicating whichever of the following is or are applicable:
(1) The successful completion of a course consisting of a minimum of thirty (30) hours of classroom instruction as provided in subsection (a) of Section 14-36f-4, which includes successful completion of [five (5)] eight (8) hours of safe driving practices;
(2) The successful completion of [five (5)] eight (8) hours of safe driving practices, classroom instruction only, as provided in [subsection] subsections (b) and (c) of Section 14-36f-4; or
(3) The successful completion of the number of hours of behind-the-wheel instruction required by law.

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(b) Where the student is issued a [drivers'] driver's education certificate indicating successful completion of behind-the-wheel instruction only, the additional driver education requirements of Section 14-36 of the General Statutes may be met by successful completion by the person of a minimum of thirty (30) classroom hours and, where appropriate, of [five (5)] eight (8) hours of safe driving practices instruction, given by a licensed commercial driving school, or by a driver education program in a secondary school. Such additional instruction shall be listed on a certificate issued by the commercial driving school or secondary school providing such instruction, where such additional instruction was successfully completed by the student.
(c) Where a person between sixteen (16) and eighteen (18) years of age is issued a [drivers'] driver's education certificate indicating successful completion of thirty (30) hours of classroom instruction only, the additional driver education requirements of Section 14-36 of the General Statutes may be met by successful completion by the person of the number of hours of behind-the-wheel instruction required by law, and, where appropriate, of [five (5)] eight (8) hours of safe driving practices instruction given by either a licensed commercial driving school, or by a driver education program in a secondary school. Such additional instruction shall be listed on a certificate issued by the commercial driving school or the secondary school providing such instruction.

Statement of Purpose:

Purpose: To include, as required by section 14-42a of the Connecticut General Statutes, that a description of the purpose and procedures of procurement organizations as defined in section 19a-279a of the Connecticut General Statutes be included in the secondary school driver education curriculum.

To require two hours of the eight-hour safe driving practices training to include two hours, which will be required of the students and their parents, regarding statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. This subsection applies to learner's permits issued on or after August 1, 2008, and is mandated by P.A. 08-32 sec.9.

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Summary of Main Provisions: Sec.14-36f-1 (2) adds a definition of "driver's education certificate" that incorporates the requirements of section 14-36f-4 of the regulations.

Section 14-36f-4 (a) (4) requires that a description of the purpose and procedures of procurement organizations as defined in section 19a-279a of the Connecticut General Statutes be included in secondary school driver education programs.

Section 14-36f-4 (c) requires that two of the eight hours of instruction regarding safe driving practices provide instruction concerning the statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. This subsection applies to learner's permits issued on or after August 1, 2008.

Section 14-36f-4 (e) requires secondary schools to allow the parent or guardian of an applicant who holds a learner's permit issued on or after August 1, 2008, to attend, at no additional cost, two hours of specified driver training, which covers statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers.

Section 14-36f-4 (f) requires an official of the secondary school providing instruction to the parent or guardian and the applicant who holds a learner's permit issued on or after August 1, 2008, to issue an affidavit, signed under penalty of false statement, to such applicant attesting to the fact that the applicant's parent or guardian attended the two hours of instruction, which covers statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. The applicant must provide the affidavit to the commissioner prior to being allowed to take the driver's test. Also, individuals that obtained a learner's permit on or after August 1, 2008 are subject to the requirements of this subsection.

Section 14-36f-6 (d) removes the requirement that the listings of all driver education programs in secondary schools, and of all qualified secondary school teachers be made available without charge.

Section 14-36f-7 corrects an inconsistency that currently exists in the total number of hours directed to safe driving practices required in this section (five hours) and section 14-36f-4 (eight hours).

Legal Effects of the Regulation: Secondary school driver education programs will be required to include a description of the purpose and procedures of procurement organizations in their curricula. Also, the eight-hour "safe driving practices program," for students who obtained their learner's permit on or after August 1, 2008, must include two hours of material relevant to improving teen driving including, but not limited to the laws and penalties related to driving.

Be it known that the foregoing:
[X] Regulations [ ] Emergency Regulations are:
[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

By the aforesaid agency pursuant to:
[X] Section 14-36f of the Connecticut General Statutes.

[ ] Section 14-_____ of the Connecticut General Statutes, as amended by Section _ of Public Act. No. _ of the Public Acts.

[ ] Public Act. No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on 12/30, 2008 of the notice of the proposal to:
[ ] Adopt [X] Amend [ ] Repeal such regulations

(If applicable): [ ] And the holding of an advertised public hearing on __ day of ___ 2008.

WHEREFORE, the foregoing regulations are hereby:
[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

Effective:
[X] When filed with the Secretary of the State.
(OR)
[ ] The _____ day of _____ 2008.

In Witness Whereof:	Date 8/19/09	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED 9/15/09	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

[ ] Approved

[ ] Disapproved

[ ] Disapproved in part, (Indicate Section Numbers disapproved only)

[ ] Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the Connecticut General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the Connecticut General Statutes.

DATE	SIGNED (Secretary of the State)	BY

INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the Connecticut General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the Connecticut General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the Connecticut General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in underlined and deleted language in brackets. Section 4-170 of the Connecticut General Statutes.