



SPONSOR: Sen. Lopez & Sen. Sokola & Rep. K. Johnson &
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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 176

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2710, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2710 Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age.

4 (b) Level 1 Learner's Permit. — A person who is at least 16 years old but less than 18 years old, or a person who is
5 receiving special education services under an active Individualized Education Program who is at least 16 years old but less
6 than 22 years old, may obtain a Level 1 Learner's Permit if the person has done all of the following:

7 (1) Successfully completed a course in driver education in a public or private high school in this State, which
8 has been approved by the Department of Education and meets the standards for ~~such~~ driver education courses
9 described by that established by the Department. If the applicant has completed a course of instruction in driver
10 education in a public or private high school outside this State, the applicant must produce a certified copy of that
11 applicant's high school transcript evidencing the completion of the driver education ~~course~~; course.

12 (2) Passed a written test and road skills test administered by the Division or administered by a driver
13 education teacher. Students who require specialized evaluation, ~~training~~ training, or equipment to operate a motor
14 vehicle because they are persons with a physical or mental disability will be identified by the driver education teacher
15 and tested by the ~~Division~~; Division.

16 (3) Been certified by the person's driver education teacher as qualified for ~~licensing~~; and licensing, including
17 that the person has met the requirements under § 4125(a) of Title 14.

18 (4) Submitted an application signed by a sponsor as required ~~by~~ under subsection (e) of this section.

19 (k) Driver education learner's permit. — ~~The Division, upon receiving proper notice that a person is currently~~
20 ~~enrolled in a driver's education course and successfully completed the minimum class hours of actual driving experience~~
21 ~~and in the car observation as approved by the Department of Education, may issue a driver education learner's permit to~~
22 ~~such person after the person's sixteenth birthday, or before the person's twenty-second birthday if the person is enrolled in~~

an active Individualized Education Program, provided the person meets all other Division requirements. The Division may issue a driver education learner's permit to those who meet the requirements of this section and need supervised driving experience before completing the road skill s test. The full driver license fee shall be collected at the time of the application. The permit is valid for 4 months. If for any reason whatsoever the applicant fails to pass the required examinations during the 4 month period granted by the permit, the permit shall be void and the driver license fee shall be forfeited. The application must be signed by the sponsor pursuant to subsection (e) of this section.

(1) A person who is at least 16 years old but less than 18 years old, or a person who is receiving special education services under an active Individualized Education Program who is at least 16 years old but less than 22 years old, may obtain a driver education learner's permit if the person meets all of the following:

a. Is enrolled in a course in driver education in a public or private high school in this State, which has been approved by the Department of Education and meets the standards for driver education courses established by the Department.

b. Has completed the minimum class hours of actual driving experience and in-car observation.

c. Has passed a written test administered by the Division or administered by a driver education teacher.

d. Has been certified by the person's driver education teacher as follows:

1. In need of additional supervised driving experience before successfully completing a road skills test.

2. Having met the requirements under § 4125(a)(2) and (3) of Title 14.

e. Has submitted an application signed by a sponsor as required by subsection (e) of this section.

(2) A person must pay the full driver license fee at the time of application.

(3) A driver education learner's permit is valid for 4 months. If the person fails to pass the required road skills test during the period in which the permit is valid, the permit is void and the person forfeits the driver license fee paid under paragraph (k)(2) of this section.

(4) Any A person issued a driver education learner's permit pursuant to under this subsection is entitled to shall do all of the following:

a. drive Drive a motor vehicle described in § 2702(d)(1) of this title upon the highways on a highway only when supervised by a properly licensed parent or guardian.

1. If the parent(s) or guardian(s) is (are) the person's parent or guardian is not licensed to operate a motor vehicle or the permit holder person is in the custody of the Department of Services for Children, Youth

and their Families, the ~~holder of the driver education learner's permit~~ person must be supervised by a licensed driver who is 25 years of age or older and ~~have~~ has held a Class D driver's license for at least 5 years.

2. The supervising driver must be seated beside the ~~permit holder~~ person in the front seat of the vehicle when it is in motion.

3. ~~No~~ A person other than the supervising driver ~~can be~~ may not be in the front seat.

(2) ~~b. The driver education learner's permit must be in the possession of the permit holder. Be in possession of the permit when driving a motor vehicle.~~

(3) ~~c. No passengers other than the adult supervisor and 1 or fewer other passengers can be in the vehicle. Permit only the supervising driver and 1 other passenger to be in a motor vehicle described in § 2702(d)(1) of this title with the person.~~ However, this passenger limit does not apply to members of the ~~driver's~~ person's immediate family.

(4) ~~(5) Driving experience obtained while holding this permit will~~ is to be counted towards and in conjunction with the driving experience restrictions ~~contained in~~ under paragraph (c)(3) of this section.

(5) ~~(6) The permit holder shall~~ A person issued a driver education learner's permit under this subsection may not operate a motor vehicle while using a cellular telephone, text messenger, or substantially similar electronic device. This paragraph ~~shall~~ (k)(6) of this section does not apply if the ~~permit holder~~ person has stopped the vehicle at a location off of the lanes of travel. ~~Any permit holder~~ A person issued a driver education learner's permit under this subsection who is found to be in violation of this paragraph is deemed to be operating the vehicle in a negligent manner and is subject to the penalties ~~set forth in~~ under subsection (j) of this section.

SYNOPSIS

This Act clarifies the circumstances in which it is appropriate to grant a person a driver education learner's permit and what is required for a person to obtain a driver education learner's permit.

Specifically, this Act clarifies that a driver education learner's permit is intended to be issued to those individuals who have met all of the requirements for a level 1 learner's permit, but have not yet successfully completed a road skills test. This permit allows the individual to gain additional supervised driving experience needed to successfully complete the road skills test.

This Act also establishes a clear connection between § 4125 of Title 14 and the requirements to obtain a driver education learner's permit or a level 1 learner's permit.

Finally, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lopez