SPONSOR: Sen. Henry & Rep. Heffernan & Rep. Potter
Sens. Hansen, Townsend; Reps. Baumbach, Brady, Osienski

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 168
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14, TITLE 18, AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER EDUCATION ON TRAFFIC STOP PROCEDURES.

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

Section 1. Amend § 2713, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2713. Examination of applicants; waiver of examination.

(a) The Department shall examine every applicant for an operator's license before issuing any such license, except as otherwise provided in subsections (b) and (c) of this section. The Department shall examine the applicant as to the applicant's physical and mental abilities to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property and as to whether any facts exist ~~which~~ that would bar the issuance of a license under this chapter. Such examination ~~shall not~~ may not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter.

(e)(1) In examining an application as required under subsection (a) of this section, the Department shall also examine an applicant regarding the applicant's knowledge related to traffic stops by a law-enforcement officer, including all of the following:

a. An individual's constitutional and other legal rights during a traffic stop, including rights related to searches and seizures, to remain silent, and to an attorney.

b. Laws regarding questioning and detention by a law-enforcement officer, including any laws requiring an individual to present proof of identity to a law-enforcement officer and the consequences for an individual's or officer's failure to comply with those laws.

c. The role of a law-enforcement officer in general and during a traffic stop and the procedures a law-enforcement officer must follow during a traffic stop.

d. How to interact with a law-enforcement officer during a traffic stop.

e. How and where to file a complaint against or compliment on behalf of a law-enforcement officer.

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(2) The Department shall include in its examination of an applicant at least 2 questions to test an applicant's knowledge related to traffic stops by a law-enforcement officer.

(3) The Department of Education, the Department, the Department of Justice, and the Office of Defense Services shall collaborate to produce information to educate an applicant related to traffic stops by a law enforcement officer, and may consult with any interested parties from the public safety and transportation communities to produce this information.

a. The information under this paragraph (e)(3) of this section must include the topics contained in paragraph (e)(1) of this section.

b. The information produced under this paragraph (e)(3) of this section may not be construed as legal advice in contravention of § 2504(2) or § 2515 of Title 29 and of § 4602 or § 4604 of Title 29.

(4) The Department shall include the information produced under paragraph (e)(3) of this section in any document designed to educate an applicant on the rules for driving a motor vehicle in this State.

Section 2. Amend § 122, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 122. Rules and regulations.

(b) The Department shall prescribe rules and regulations:

(14) Providing for instruction in driver education during the summer months beyond the period usually designated as the school term. ~~Rules and regulations on this subject shall be proposed by the Secretary subject to approval by the State Board of Education~~ The Department shall, subject to approval by the State Board of Education, propose rules and regulations under this paragraph (b)(14) of this section. Such rules and regulations ~~shall~~ must provide for a comprehensive, quality ~~program including at minimum that~~ program that, at a minimum, does all of the following:

a. ~~The program presented shall use~~ Uses dual-controlled ~~vehicles and follow~~ vehicles, adheres to procedures provided in § 2710(c) of ~~Title 21;~~ Title 21, and requires that pupils demonstrate knowledge related to traffic stops by a law-enforcement officer under § 2713(e) of Title 21.

b. ~~The program shall be available~~ Makes the program available to any pupil who is a resident of the reorganized school district in which the program is offered or in which the program is offered in cooperation with other reorganized school districts, who has been enrolled in or is eligible for enrollment in the tenth grade or who is enrolled in grades 11 or 12, or who has reached that pupil's own fifteenth birthday on or before ~~July 15;~~ July 15.

c. ~~Teachers shall be assigned~~ Assigns teachers on a ratio of 1 teacher for each 125 qualified pupils, or ~~one-fifth~~ assigns 1/5 of a teacher ~~may be assigned~~ for each 25 qualified pupils, unless these ratios are modified by other sections of this title enacted after ~~July 1, 1967;~~ July 1, 1967.

d. ~~Instruction shall be available~~ Provides instruction to qualified pupils without ~~charge to said pupils;~~ charge.

e. ~~Driver education teachers shall~~ Requires driver education teachers be regularly certified to teach driver ~~education;~~ education.

f. ~~Salaries paid to teachers assigned to the program shall be paid~~ Pays salaries to teachers assigned to the program in accordance with Chapter 13 of this ~~title;~~ title.

Section 3. Amend § 127, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 127. Driver education instruction in nonpublic high schools.

The Department of Education ~~with the approval of the State Board of Education shall~~ shall, subject to the approval of the State Board of Education, make rules and regulations concerning instruction in driver education in nonpublic high schools. Such rules and regulations ~~shall provide for at least the following~~ must include all of the following provisions:

(1) The qualification of teachers for driver education in nonpublic high schools ~~shall~~ must be the same as the qualification for teachers in the public high ~~schools;~~ schools.

(2) The ratio of teachers to pupils for assignment of driver education teachers in nonpublic high schools ~~shall~~ must be based upon 1 teacher for each 125 tenth grade pupils enrolled in the nonpublic high ~~school;~~ school or 1/5 of a teacher assignment for each full 25 tenth grade pupils. ~~Those tenth~~ Tenth grade pupils who are enrolled in the nonpublic high school ~~who are~~ but who are not residents of ~~the State shall be~~ this State are excluded from ~~said~~ this ratio.

(3) General supervision for the program of instruction in driver education in nonpublic high schools ~~shall be~~ is under the jurisdiction of the Department of ~~Education or this supervision may be assigned~~ Education, but the Department may assign general supervision to a local public reorganized school ~~district;~~ district.

(4) Assignment of teachers to nonpublic high schools ~~shall be~~ is by authority of the Department of Education and the Department may require from the nonpublic high schools a statement of certified enrollment on ~~such~~ a date and in ~~such~~ a form as the Department may ~~require for making the decision relative to assignment;~~ require.

(5) Salary for teachers in nonpublic high schools, ~~when~~ if paid from funds of this State, ~~shall~~ must be in accord with the regularly adopted salary schedules ~~set forth in~~ under Chapter 13 of this title. The salary ~~so computed shall~~ must be divided by the appropriate factor specified in § 1305(b) of this title to account for supplements normally provided by local school districts. In addition to the ~~above calculation~~ calculation under this paragraph (5) of this section, teachers and administrators qualifying for professional development clusters in accordance with § 1305(l) of this title ~~shall~~ must receive an additional amount equal to the approved cluster percentage multiplied by the base salary

amount defined in § 1305(b) of this title. This calculation ~~shall~~ may not be increased for 11- or 12-month employment. The percentage ~~shall only~~ may be applied only to the base 10-month salary for 10-, ~~11-~~ 11-, and 12-month employees. In accordance with § 1305(p) of this title, the cluster percentage is capped at 15%.

(6) For the purposes of administration and supervision, the teachers of driver education in nonpublic high schools ~~shall be~~ are assigned to the Department of Education.

(7) Funds for the payment of the salary due to teachers of driver education in nonpublic high schools ~~shall~~ must be appropriated to the Department of Education.

(8) A teacher of driver education may be assigned to several nonpublic high schools, or to both nonpublic and public high schools, in accord with the ratio for assignment ~~as set forth in~~ under this section.

(9) Pupils must demonstrate knowledge related to traffic stops by a law-enforcement officer as required under § 2713(e) of Title 21.

Section 4. Amend § 4125, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4125. Driver education certification.

(a) A driver education teacher ~~shall~~ may not certify that a student enrolled in a State-approved driver education course during the regular school year is qualified to be issued a Driver Education Learner's Permit or a Level One Learner's Permit by the Division of Motor Vehicles unless the student has done all of the following:

(1) Fulfilled the requirements of the driver education ~~program;~~ program, including demonstrating knowledge related to traffic stops by a law-enforcement officer as required under § 2713(e) of Title 21.

(2) Met the minimum credit requirements to qualify as a tenth grader as of September 30 of the school year that the student enrolled in the driver education ~~course; and~~ course.

(3) Earned passing grades in 5 credits at the time of certification, with at least 2 of those credits in separate areas of English, mathematics, ~~science~~ science, or social studies.

Section 5. Amend § 2503, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2503. Making of rates [Effective May 1, 2018] [For applicability of this section, see 81 Del. Laws, c. 108, § 3].

(a) Rates ~~shall~~ must be made in accordance with the following provisions:

(6) The Commissioner shall require a reduction in rates for a 3-year period for any person who voluntarily attends and successfully completes a motor vehicle accident prevention course ~~which~~ that is approved by the Division of Motor Vehicles.

a. A motor vehicle accident prevention course under this paragraph (a)(6) of this section must educate an individual taking the course on traffic stops by a law-enforcement officer as required under § 2713(e) of Title 21.

A motor vehicle accident prevention course under this paragraph (a)(6) of this section must include at least 2 questions on any test given to an individual taking the course to test the individual's knowledge of traffic stops by a law-enforcement officer.

b. Motor vehicle accident prevention course instructors that have been certified by the Division of Motor Vehicles ~~shall be~~ are entitled to the same reduction in rates as those individuals that have successfully completed a motor vehicle accident prevention course, in the manner set forth in regulations promulgated ~~pursuant to~~ under this section.

c. The reduction ~~shall~~ must be for any individually owned vehicle classified as a private passenger vehicle and ~~shall~~ must be in proportion to the number who have completed the course in the event that not all members of a group have completed the course.

d. Voluntary attendance ~~shall~~ does not include any attendance ordered as permitted by a court or required by the Division of Motor Vehicles pursuant to any violations of Title 21;

(7) The Commissioner shall require a reduction in rates for a 3-year period for any person who voluntarily attends and successfully completes a motorcycle rider course ~~which as~~ that is approved by the Division of Motor Vehicles.

a. A motorcycle rider course under this paragraph (a)(7) of this section must educate an individual taking the course on traffic stops by a law-enforcement officer as required under § 2713(e) of Title 21. A motorcycle rider course under this paragraph (a)(7) of this section must include at least 2 questions on any test given to an individual taking the course to test the individual's knowledge of traffic stops by a law-enforcement officer.

b. Motorcycle rider course instructors that have been certified by the Division of Motor Vehicles ~~shall~~ must be entitled to the same reduction in rates as those individuals that have successfully completed a motorcycle rider course, in the manner set forth in regulations promulgated ~~pursuant to~~ under this section.

c. The reduction ~~shall~~ must be for any individually owned vehicle classified as a motorcycle and licensed for use on the streets and highways of this State.

d. Voluntary attendance ~~shall~~ does not include any attendance ordered as permitted by a court or required by the Division of Motor Vehicles pursuant to any violations of Title 21;

Section 6. This Act takes effect on August 1, 2019.