

**REPORT OF THE
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMISSION**

**INTERIM REPORT:
REVIEW OF COMMERCIAL
DRIVER-TRAINING SCHOOLS
IN VIRGINIA**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 79

**COMMONWEALTH OF VIRGINIA
RICHMOND
1998**

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Preface

House Joint Resolution 470, approved by the 1997 Session of the General Assembly, directed the Joint Legislative Audit and Review Commission (JLARC) to review the effectiveness of State oversight of commercial driver-training schools. JLARC's review is also to include the licensing and monitoring of commercial driver-training schools. House Joint Resolution 470 also required that an interim report be prepared for the 1998 Session of the General Assembly and that the final report be presented to the 1999 General Assembly.

Identification of the study's research issues and activities was initiated in late 1997. This interim report provides an overview of commercial driver-training schools in Virginia and the State's current oversight role and activities. The majority of the research will be conducted in the winter and spring of 1998. The findings and recommendations will be reported prior to the 1999 General Assembly Session.



Philip A. Leone
Director

February 20, 1998

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Interim Report: Review of Commercial Driver-Training Schools in Virginia

During calendar year 1996, there were almost five million licensed driver's in the State of Virginia according to the Department of Motor Vehicles (DMV). To qualify for a license, some of these drivers had to successfully complete a licensed driver education program. All of these programs are available either through a public or private high school or a commercial driver-training school. Since July 1995, individuals can receive a driver's license upon successful completion of a driver education course through a licensed commercial school program without having DMV administer the road skills examination.

House Joint Resolution 470 of the 1997 Session of the General Assembly directed the Joint Legislative Audit and Review Commission (JLARC) to review the effectiveness of State oversight of commercial driver-training schools by DMV (Appendix A). The mandate further specified that JLARC focus on the licensing and monitoring of such schools and supporting infrastructures. DMV licenses all owners, operators, and instructors of commercial driver-training schools. In conjunction, DMV also monitors the operation of these schools for compliance with provisions in the *Code of Virginia* and approved regulations.

This interim report contains two main components. First, it provides an overview of the State's commercial driving schools and their role in providing driver education. Second, it describes DMV's oversight function as it relates to the licensing and monitoring of commercial driving schools.

COMMERCIAL DRIVER-TRAINING SCHOOLS

DMV is responsible for licensing drivers to operate a motor vehicle in Virginia. In 1996, there were almost five million licensed drivers in Virginia. Commercial driver-training schools, as well as driver education programs in public and private schools, provide many prospective licensed drivers with the knowledge and experience to help them become safe and responsible drivers. Moreover, successfully completing an approved driver education program in either a commercial or secondary school setting can eliminate the need for the prospective licensee to take the DMV administered road skills examination. Reflective of these and other factors, the number of licensed commercial driving schools has increased by 109 percent since FY 1985.

Driver Licensing in Virginia

DMV is the State agency responsible for granting motor vehicle operator licenses in the State. In general, the process requires presentation of valid identification

and residence documents, successful completion of a vision test, a knowledge exam, and a road skills test. However, persons under 18 years of age are required to successfully complete both phases (classroom and in-car observation and experience) of a driver education program as well. Driver education can typically be obtained through public, or non-public schools, generally during the tenth grade. Licensed commercial driving schools also offer driver education programs that meet DMV's requirement for individuals older than 18 but younger than 19.

Requirements to Obtain a License. Section 46.2-323 of the *Code of Virginia* establishes the requirements for obtaining a driver's license. Generally, the requirements for minors can be grouped into three broad steps as highlighted in Exhibit 1. An applicant must be at least 15 years of age to obtain a learner's permit and at least 16 to obtain a license. Each person applying for either a driver's license, or learner's permit is required to provide certain information to DMV, including: name, date of birth, social security number, and address, medical conditions, driving convictions and if a minor, found "not innocent" of any offense. The applicant must also provide information as to any previous licenses held in other states and any suspension or revocation of those licenses.

Furthermore, there are additional requirements for persons under the age of 18 to meet before DMV will approve and issue a license. For example, the applicant must be in good academic standing to receive a learner's permit or driver's license; however, this can be waived by written notice from a parent or legal guardian.

Likewise, the *Code* requires that every unlicensed driver under the age of 18 provide DMV with satisfactory proof of successful completion of both phases of a driver education program. The final step in the process is a juvenile licensing ceremony performed by the Juvenile and Domestic Relations Court. For applicants older than 18 but younger than 19 years of age, successful completion of the classroom portion of a driver education program is required.

Finally, a significant change in licensing drivers occurred in 1995. At that time, the General Assembly passed legislation allowing DMV to waive its road skills exam for individuals under the age of 18 who have successfully completed a driver education course and passed a road skills test administered by the commercial driver-training school. This change made the licensing process for graduates of commercial schools consistent with that for driver education graduates in public and private secondary schools. DMV has reported that this reduces the number of transactions for original drivers' licenses that it must process. Essentially, the new procedure allows juvenile driver's license applicants to complete the application process, have a picture taken, and pay for the license at the same time they submit an application for a learner's permit. Once the driver's education course and road skills test are successfully completed, DMV is notified and the driver's license is issued.

As a result, a prospective driver, who has also completed the necessary in-class and in-car instruction program, can now obtain their operator's license without

Exhibit 1

Process for Minors to Obtain a Driver's License in Virginia	
Step I: Obtaining an Instruction Permit	<ul style="list-style-type: none"> • Be at least 15 years of age. • Complete the Virginia Driver's License Application Form. • Present proof of a social security number (if issued), an original identification certifying name and date of birth, and proof of residency. • Be enrolled in school and in good academic standing (parent or guardian may waive this requirement). • Successfully complete a vision test. • Successfully complete a (driver's) knowledge test.
Step II: Driver Education	<ul style="list-style-type: none"> • Enroll in a public, non-public, or commercial driver education program, which should include: <ul style="list-style-type: none"> - 36 periods of classroom instruction, - seven periods of in-car observation, and - seven periods of in-car actual driving experience. • Successfully complete a road skills examination.
Step III: Obtaining the Driver's License	<ul style="list-style-type: none"> • Be at least 16 years of age. • Possess a valid learner's permit for a period of six months. • Have an academic school supply DMV with copy of Driver's Education Certificate. • Appear in Juvenile and Domestic Relations Court for official licensing ceremony.
<p>Source: JLARC analysis of DMV publication, <i>Steps for Minors to Procure a Driver's License in Virginia as of July 1, 1997.</i></p>	

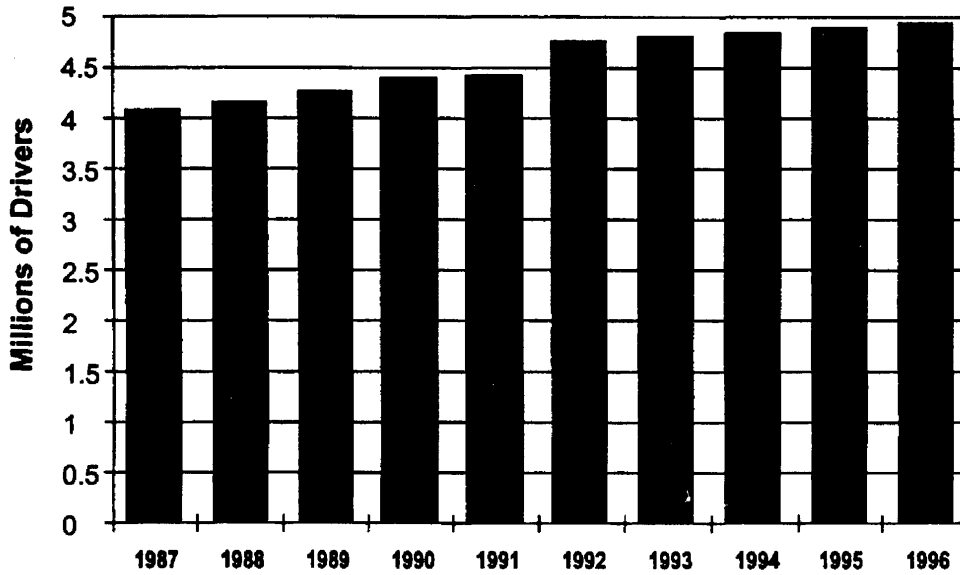
having the road test administered by DMV. Instead, a student's successful completion of the road skills portion of the commercial driver-training school's program is accepted in place of the DMV administered road test.

Number of Licensed Drivers. The number of licensed drivers in Virginia increased by almost 22 percent from 1987 to 1996 (Figure 1). According to DMV there were almost five million licensed drivers in the State in 1996, which was more than 70 percent of the State's population. There were over 158,000 licensed drivers under the age of 19 in Virginia on July 1, 1997.

Licenses issued to first time drivers under 18 years old and completing commercial driver-training programs have been increasing. For example, in FY 1982 DMV issued more than 8,900 licenses to students who had completed a commercial driving school program. However, as indicated in Figure 2, the overall number of licenses issued to drivers under 18 years old who have completed a commercial driver-training program has almost doubled between FY 1994 and FY 1997.

Figure 1

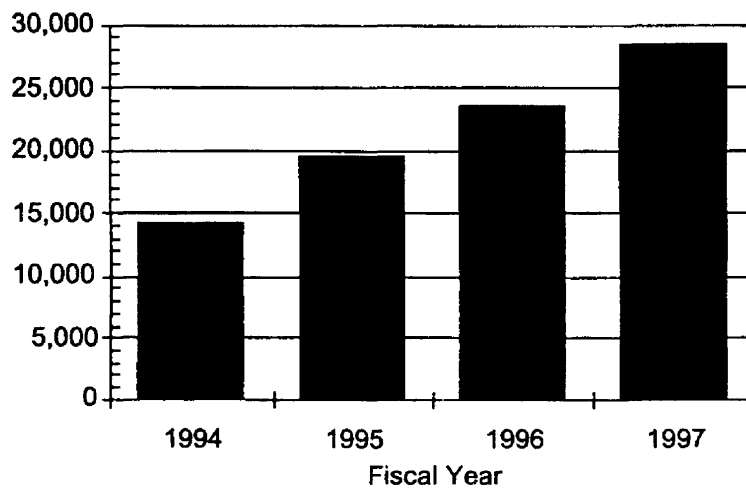
Total Number of Licensed Drivers in Virginia, 1987-1996



Source: Virginia Department of Motor Vehicles, 1996 Virginia Traffic Crash Facts.

Figure 2

Licenses Issued to Drivers Under 18 Who Also Completed a Commercial Driver-Training School FY 1994 - FY 1997



Source: JLARC staff analysis of DMV data, 1997.

Commercial Driver-Training Schools in Virginia

Driver education programs have been operating in the United States since the early 1920's. The first school course designed specifically for driver education was reportedly developed in Minnesota in 1923. By 1940, at least 20 other states had established driver education programs taught as part of a public school curriculum. At that time, driver education was largely considered a responsibility of the local school systems. In Virginia, the General Assembly legislated that Virginia's secondary schools offer driver education beginning in 1927. Finally, the Board of Education established driver education as an integral part of the required health and physical education programs in 1947.

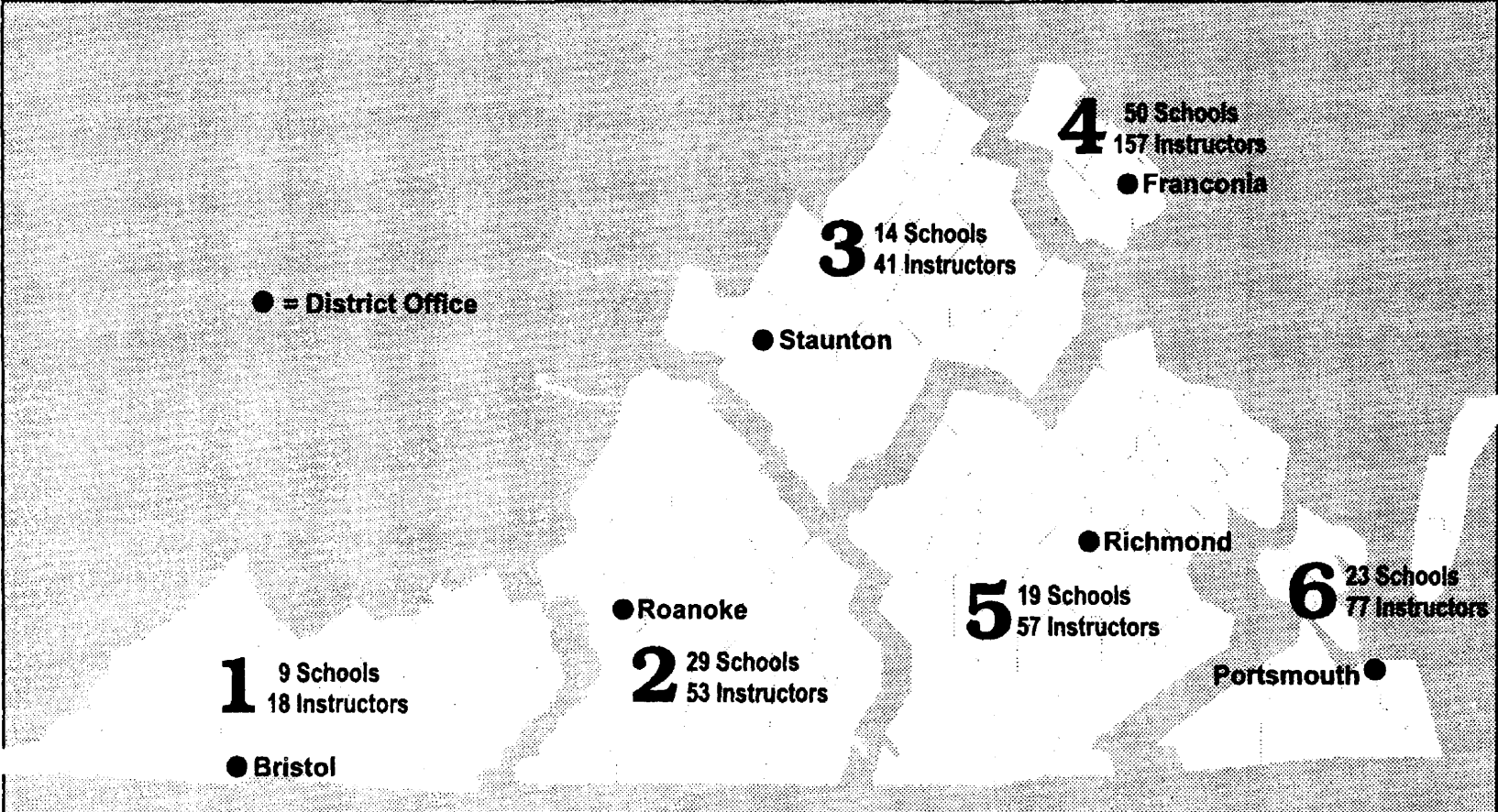
Students reportedly choose commercial driving schools for a variety of reasons. For example, the number of students in a secondary school may be too numerous for that school to offer the program to all eligible students at one time. Commercial driving schools may also offer a degree of convenience for both students and parents. For instance, some commercial driving schools will pick a student up from his or her home or school for the driving portion of the class. Therefore, to attend the program, the student is not dependent on his or her parents.

Since FY 1985, the number of commercial driving schools has increased by 109 percent from 69 to 144 schools in December 1997. These facilities are located throughout the State, which DMV has administratively divided into six regions with district offices in each. According to DMV, there are 403 commercial driving school instructors licensed in Virginia. The largest number of licensed instructors is located in District Four, which includes Fairfax, Prince William, and Loudoun counties. There are 157 licensed instructors in the fourth district, or 39 percent of all instructors. The locations of the district offices, the regional boundaries, and the number of commercial driver training schools and instructors are illustrated in Figure 3.

STATE MONITORING OF COMMERCIAL DRIVER-TRAINING SCHOOLS

Although commercial driver-training schools are privately-owned and operated, the *Code of Virginia* requires that these schools be subject to regulation and oversight by DMV. The *Code of Virginia* and regulations adopted by DMV provide the framework for the monitoring and oversight of commercial driver-training schools. These regulations require certain conditions be met by commercial driver-training schools in order to be licensed by DMV. Two important facets of commercial driver-training schools that are addressed by law and the regulations include the schools' operations and the course curriculum.

Figure 3
Commercial Driver-Training Schools and Instructors, by DMV District



Source: Virginia Department of Motor Vehicles, 1996 Virginia Traffic Crash Facts.

DMV Is Responsible for Monitoring Commercial Driver-Training Schools

Prior to 1990, the Board for Commercial Driver Training Schools was responsible for monitoring commercial driver-training schools. However, the 1990 General Assembly Session amended the *Code of Virginia* (Sections 46.2-1700 through 46.2-1707) to require that DMV be the agency responsible for the monitoring and oversight of commercial driver-training schools.

Responsibility for monitoring commercial driver-training schools within DMV has been primarily assigned to the transportation safety program manager of the driver monitoring division (Figure 4). Specifically within this division, commercial driver-training schools are the responsibility of the driver improvement work center. Direct monitoring of the schools is provided by staff in DMV's customer service centers.

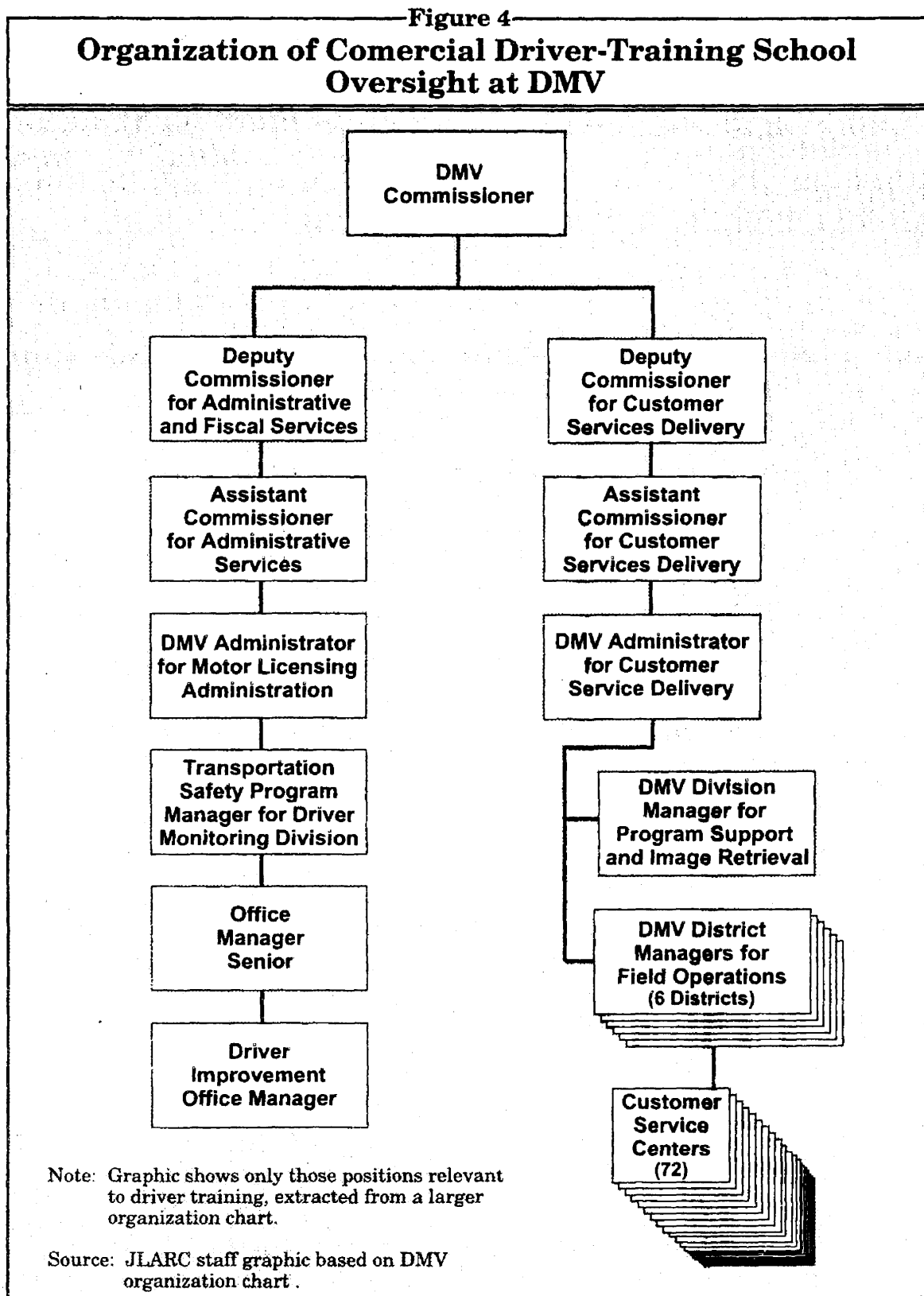
Requirements for Operating Commercial Driver-Training Schools

To provide consistency and structure regarding the operation of commercial driver-training schools statewide, DMV has adopted standards addressing various segments of the schools' operations. The majority of standards are broadly related to a school's general administration, instructor licensing, and practice expectations. Examples of areas covered by these standards are provided below.

General Administration Standards. Standards in this category are directed at areas such as the physical plant, record keeping, and equipment. For example, schools are required to provide each student with a minimum of ten square feet of classroom space, a library of driver education reference books, and restroom facilities. In addition, the business office of the school is required to be open at least eight hours per week.

In terms of equipment, the schools are required to provide all necessary equipment and materials, both for classroom and behind-the-wheel instruction. DMV standards also require that the vehicles used in the behind-the-wheel phase of instruction have dual brake controls, dual mirrors, roof top signs, not be more than eight model years old, and be registered and insured and display a current Virginia safety inspection sticker.

Instructor Licensing Standards. Another important section of the standards addresses instructor licensing. These standards require that an instructor be licensed to operate a vehicle, not exceed six demerit points at the time they are licensed by DMV to teach and throughout the licensure period, and submit a criminal background check with their application for a license to teach. Finally, individuals seeking DMV licensure to teach in commercial driver-training schools need to successfully complete three semester hours of "Introduction to Driver Education: Driver Task Analysis" from an accredited college or university. For commercial driver-training school instructors seeking a license to teach students under the age of 19, they are generally required to:



- have at least a high school diploma or equivalent, and
- complete three semester hours of “Instructional Principles of Teaching Driver Education” or similar courses approved by the Department of Education.

The *Code* allows DMV to accept 20 years of service with the Virginia State Police in lieu of these requirements.

School Practice Expectations Standards. Standards in this area delineate the factors or circumstances that could lead to cancellation, suspension, or revocation of an existing license or the refusal of DMV to issue a new license to operate a commercial-driver training school. In general, the requirements in this section formalize that non-compliance with any of the standards could impact the operator’s ability to provide services through the commercial driver-training school.

Curriculum-Related Standards

Due to the role of commercial-driver training schools in preparing students for licensure, consistency of the curriculum across all schools is very important. Both the *Code of Virginia* and the standards promulgated by DMV require that commercial driver-training schools’ course curriculum be comparable to the driver-training curriculum used in public schools, which has been jointly developed by DMV and the Department of Education. The *Code of Virginia* requires that the courses used by commercial driver-training schools be of “comparable content and quality to that offered in the Commonwealth’s public schools,” in order to satisfy licensing requirements.

DMV’s standards for commercial driver-training schools have additional requirements for courses involving students younger than 19 years of age. Specifically, DMV requires that:

- instruction include information related to the impact of alcohol and drugs on the operation of a motor vehicle,
- instruction include a discussion of the seat belt laws of Virginia and the basic information on seat belt use,
- the number of individuals in a vehicle during the behind-the-wheel instruction phase be limited to the lesser of four persons (including the driver and the instructor) or the maximum capacity of the vehicle, and
- the minimum hours of instruction for students under 19 years of age meet the provisions of the *Curriculum Guide for Driver Education in Virginia*.

Finally, the classroom portion of the *Curriculum Guide for Driver Education in Virginia* requires that instruction be provided in 17 subject matter areas (Exhibit 2).

Exhibit 2

Board of Education Required Subject Matter Areas in Driver Education Programs

- | | |
|--|--|
| <ul style="list-style-type: none"> • Road Hazards • Protective Systems • Legal Responsibilities • Time-Space Management • Systems of a Motor Vehicle • Influences on Driver Behavior • Personal Transportation Needs • Highway Transportation System • Being Prepared for Hazards and Emergencies | <ul style="list-style-type: none"> • Natural Forces • Route Planning • Vehicle Controls • Responding to Emergencies • Effects of Alcohol and Other Drugs • Identify, Predict, Decide, and Execute • Interacting With Other Highway Users • Signs, Signals, Markings and Right-of-Way Rules |
|--|--|

Source: JLARC staff analysis of Department of Education's *Curriculum Guide for Driver Education in Virginia*.

CURRENT JLARC REVIEW

This interim report has presented background information on commercial driver-training schools in Virginia and their role in preparing individuals to obtain a license to operate a motor vehicle. Moreover, as required by the study mandate, this review will only focus on commercial driver-training schools that provide instruction or training related to non-commercial drivers' licenses. The final report will likely address the following questions:

- What is the role of commercial driver-training schools in Virginia?
- What is the process for providing oversight of commercial driver-training schools in Virginia?
- Are commercial driver-training schools effectively meeting the needs of students and the State?

- **Are the State policies which govern commercial driver-training schools adequate to ensure uniformity and quality of instruction?**
- **Are the policies governing commercial driver-training schools effectively implemented?**

Additional issues may also be addressed throughout the course of the study. It is anticipated that the study will be completed by mid-1998.

Appendix A
Study Mandate

House Joint Resolution No. 470
1997 Session

Directing the Joint Legislative Audit and Review Commission to review the effectiveness of state oversight of commercial driver-training schools.

WHEREAS, every year scores of thousands of Virginians learn to drive motor vehicles; and

WHEREAS, most of these new drivers are less than 20 years old; and

WHEREAS, year after year statistics show that a disproportionate number of traffic accidents and fatalities involve youthful drivers; and

WHEREAS, it is essential that youthful drivers receive uniformly high quality instruction in order to compensate for their relative immaturity, inexperience, and occasional lack of sound judgment; and

WHEREAS, although many youthful drivers learn to drive through driver training programs in public and private high schools, many others learn through commercial driver-training schools; and

WHEREAS, the importance of uniformly high quality in-class and behind-the-wheel driver training for young drivers has been underscored since July 1, 1995, when Virginia residents age 16 through 18 were first allowed to receive drivers' licenses without taking the Department of Motor Vehicles road skills examination if they have successfully completed a state-approved, in-school or commercial driver-education program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to review the effectiveness of state oversight of commercial driver-training schools, including the licensing and monitoring of such schools and supporting infrastructures. Such study shall not include schools whose instruction focuses solely on preparing students to receive commercial drivers' licenses provided for in Article 6.1 (§46.2-341.1 et seq.) of Chapter 3 of Title 46.2 of the *Code of Virginia*.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall report its progress to the 1998 Session of the General Assembly and submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Appendix B

Agency Response

As part of an extensive data validation process, State agencies involved in a JLARC assessment effort are given the opportunity to comment on an exposure draft of the report. Appropriate technical corrections resulting from the written comments have been made in this final version of the report.

This appendix contains the response from the Virginia Department of Motor Vehicles.



010898

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January 7, 1998

Mr. Philip A. Leone
Director
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Suite 1100, General Assembly Building, Capitol Square
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Dear Mr. Leone: ^{PHIL}

As requested in your correspondence of January 6, we have reviewed the draft of the interim report, Review of Commercial Driver Training Schools in Virginia.

The information provided in the document is factually correct. Noted throughout the enclosed copy, however, are minor corrections and edits. At Craig Burns' request, a copy of this document has been faxed to him.

Thank you for providing us with an opportunity to review the interim report. If you have any questions, please let me know.

Sincerely,

Richard D. Holcomb

RDH/kar

Enclosure

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