

CHAPTER 350
FORMERLY
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 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 that would bar the issuance of a license under this chapter. Such examination 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.

(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 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. 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 must provide for a comprehensive, quality program that, at a minimum, does all of the following:

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

b. 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.

c. Assigns teachers on a ratio of 1 teacher for each 125 qualified pupils, or assigns 1/5 of a teacher for each 25 qualified pupils, unless these ratios are modified by other sections of this title enacted after July 1, 1967.

d. Provides instruction to qualified pupils without charge.

e. Requires driver education teachers be regularly certified to teach driver education.

f. Pays salaries to teachers assigned to the program in accordance with Chapter 13 of this title.

Section 3. Amend § 127, Title 14 of the Delaware Code as follows:

§ 127. Driver education instruction in nonpublic high schools.

The Department of Education 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 must include all of the following provisions:

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

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

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

(4) Assignment of teachers to nonpublic high schools is by authority of the Department of Education and the Department may require from the nonpublic high schools a statement of certified enrollment on a date and in a form as the Department may require.

(5) Salary for teachers in nonpublic high schools, if paid from funds of this State, must be in accord with the regularly adopted salary schedules under Chapter 13 of this title. The salary 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 calculation under this paragraph (5) of this section, teachers and administrators qualifying for professional development clusters in accordance with § 1305(l) of this title 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 may not be increased for 11- or 12-month employment. The percentage may be applied only to the base 10-month salary for 10-, 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 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 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 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 as follows:

§ 4125. Driver education certification.

(a) A driver education teacher 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, 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.

(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, or social studies.

Section 5. Amend § 2503, Title 18 of the Delaware Code as follows:

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

(a) Rates 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 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 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 under this section.

c. The reduction must be for any individually owned vehicle classified as a private passenger vehicle and 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 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 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 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 under this section.

c. The reduction 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 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.

Approved July 23, 2018