No. 605
AN ACT

Defining and providing for the licensing and regulation of private driver education or training schools; conferring powers and imposing duties on the Department of Public Instruction; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The following words and phrases as used in this act shall have the meanings ascribed to them in this section, unless the context clearly requires otherwise:

(1) "Private driver education or training school" or "school" shall mean a school maintained, classes conducted or instruction offered by any individual, association, partnership or corporation, for a consideration, profit or tuition, the purpose of which is to educate or train an individual or individuals, either practically or theoretically or both, to operate or drive a motor vehicle.

(2) "Agent" shall mean any person, whether employed by a private driver education or training school or operating in his own behalf, or whether acting in behalf of any school located within or outside of this Commonwealth, who shall personally solicit any individual within the Commonwealth of Pennsylvania to enroll in a school.

(3) "Department" shall mean the Department of Public Instruction.

(4) "Motor vehicle" shall mean every motor vehicle, as defined in the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), as amended, known as "The Vehicle Code."

Section 2. The provisions of this act shall not apply to colleges or universities, schools maintained or classes conducted by employers for their own employes where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth or any political subdivision thereof, or schools accredited by accrediting associations approved by the Department of Public Instruction, or schools licensed by the State Board of Private Academic Schools.

Section 3. The provisions of this act shall be administered by the Department of Public Instruction.

Section 4. The qualifications for licensure and the standards of licensure.

(1) School Plant.

(a) General.

(i) The situs of a school, branch school and practice driver training area shall be a distance of at least fifteen hundred (1500) feet from any official examination point used by the Pennsylvania State Police for examining motor vehicle operators, which distance shall be measured along the public streets by the nearest route from the school, branch school or practice driver training area to the said point.

(ii) The outdoor area used during the first three (3) hours of practical instruction by persons who hold a learner's permit shall be one which is reasonably free of pedestrian and vehicular traffic, and shall not include primary traffic arteries, main highway routes or other thoroughfares that carry large amounts of the said traffic.

(b) In the case of a school where five (5) or more students are assembled as a group for theoretical instruction in Driver Education.

(i) The premises, equipment and facilities of the school shall conform to all safety and sanitary requirements of the Commonwealth of Pennsylvania or any of its political subdivisions applicable thereto.

(ii) The provisions for the health, physical welfare and safety of student personnel shall be those prescribed by the governmental authorities having jurisdiction over such matters.

(iii) The artificial lighting facilities shall provide a minimum of twenty-five (25) foot-candles of illumination on the horizontal surfaces of all indoor activity areas used for school purposes.

(iv) The heating facilities shall be sufficient to provide for the maintenance of normal room temperatures in all rooms occupied by students when the outside temperature is less than normal room temperature. When the school does not use mechanical ventilation, windows shall be used and equipped for ventilating purposes.

(v) The premises, facilities and any alterations of or additions to the premises or facilities must be approved by the Department of Public Instruction before the premises or facilities may be used for school purposes and before any of the said alterations or additions may be made.

(2) Teacher and Director Qualifications.

(a) Every teacher in a school shall be a citizen of the United States, at least twenty-one (21) years of age, and a person of good moral character.

(b) Every teacher shall have a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania, and shall submit documentary evidence of having driven a minimum of fifteen thousand (15,000) miles under all kinds of weather conditions in both urban and rural areas.

(c) Every teacher must maintain, during any consecutive three-year period, a driving record which does not include more than one (1) reportable accident, as defined in The Vehicle Code, resulting in a suspension or revocation of his motor vehicle operator's license.

(d) Every teacher must pass (1) a written theoretical examination prepared and administered by the Superintendent of Public Instruction or such agency as he may designate, and embracing subject matter pertinent to the care, operation and use of a motor vehicle on the highways and to general highway safety principles and practices, and (2) a practical examination, prepared and administered by the Secretary of Revenue or such agency as he may designate, for the purpose of testing a teacher's competency and fitness in the operation of a motor vehicle.

(e) Every teacher shall present a certificate from a physician, legally qualified to practice medicine in the Commonwealth of Pennsylvania, setting forth that said person is neither mentally nor physically disqualified by reason of tuberculosis nor any other chronic or acute physical defect from performing the duties of a driver education teacher.

(f) A director or supervisor of a school or branch thereof shall meet the qualifications of a teacher as set forth hereinbefore in this section including Act 151 and Pennsylvania Child Abuse History Clearances, and shall have had a minimum of two (2) years' successful teaching experience in a private or public driver training school or class.

(g) Every school that employs five (5) or more full-time teachers or an equivalent number of part-time teachers shall designate a director, who shall meet the qualifications prescribed in section 4 (2) (f) and who shall devote at least one-half of his time to the performance of administrative and supervisory duties.

(3) Instructional Equipment and Materials.

(a) The amount and type of school furniture, instructional equipment and instructional materials shall be governed by the character and scope of the educational program of the school, the number of pupils enrolled, and the objectives of the educational program of the school, and shall conform to generally accepted educational standards.
(b) The amount and type of school furniture and of instructional equipment and materials shall not be required to exceed or to vary from that which is generally used in connection with the programs of driver education in public schools of like character and scope.
(c) Every school shall provide text, test and reference materials, including pamphlets and visual aids, for the instruction in the theoretical and practical phases of driver training.
(d) Every car used for practical driver training shall be a recent model, not more than eight (8) years old or shall not have more than eighty thousand (80,000) miles, whichever occurs later, with special equipment as follows: operable extra brake and extra clutch pedals, defroster and heater in working order, rear-view mirror placed on the inside of the car in the vicinity of the cowl, two (2) outside rear-view mirrors, one on each side of the vehicle, and cushions for the proper seating of the students.
(e) Every school shall provide insurance coverage on all cars used for practical driver training. This coverage shall include at least (a) 50-100 thousand dollars public liability, (b) five thousand dollars property damage, (c) two thousand dollars medical.
(4) Program of Instruction.
(a) Driver training schools licensed under this act shall make available both the theoretical and practical instruction.
(b) Theoretical instruction in driver education shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety care, and mechanics of motor vehicles, driver responsibility, theory of driving, types of automobile insurance, and the use of automobile safety devices.
(c) Practical instruction in driver education shall include the demonstration of and actual instruction in starting, stopping, shifting, turning, backing, parking and steering in a training vehicle which shall meet the requirements of the Department of Public Instruction.
(d) Driver training schools licensed under this act shall publish a schedule of prospectus of fees or charges for behind-the-wheel lessons, classroom lessons, refresher lessons, and all other fees or charges made by the school. A copy of a prospectus setting forth the aforesaid information shall be filed with the Department of Public Instruction.
(5) Fees.
(a) Every school shall inform each student, prior to the time instruction commences, of the character and amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, texts and reference materials, supplies, and any other service, equipment or materials provided by the school.
(6) Records.
(a) Every school shall establish and maintain complete, accurate and detailed financial records that shall include data pertaining to assets, liabilities, sources and amount of income, and the character and amount of expenditures. The said records shall be kept current and available for inspection during regular school hours by one or more representatives of the department.
(b) Every school shall maintain adequate records of individuals, and each school shall maintain a permanent cumulative record card for each pupil. Such record card shall indicate the number of clock hours of instruction received by each pupil, and shall contain information on attendance, achievement test scores, personal characteristics, health, and other pertinent

topics. Such records shall be kept current and available for inspection at all times during regular school hours by one or more representatives of the department.

(7) Agents.

(a) Each agent shall be a person of good moral character, a citizen of the United States, and at least twenty-one (21) years of age.

(b) An agent representing a school which is located outside this Commonwealth shall submit to the department such information and data pertaining to the said school as the department may deem necessary and require, in order to validate any representation made in behalf of the said school by the said agent. The department may require the said information and data to be certified by such educational authorities of the other state as the department may designate.

(c) An agent's license shall not be granted to an agent of a school which is located outside this Commonwealth unless the said school maintains educational standards and policies that are substantially equivalent to those prescribed herein for driver training schools in the Commonwealth of Pennsylvania.

(d) Each agent shall display or produce his agent's license certificate when requested to do so by prospective students or a representative of the department.

(8) Ownership.

(a) Each individual proprietor of a school, each member of a partnership association or company that owns a school, and each officer and director of a corporation that owns a school, who is directly connected with the conduct and operation of the educational program, shall be a person of good moral character, a citizen of the United States, and at least twenty-one (21) years of age. The said persons and any school employe thereof shall not be addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having a similar effect, and shall not be mentally incompetent.

(b) A license shall be granted to the owner of a particular school for the specific ownership constitueney and the specific school situs designated in the application for a license. Any change in ownership or in school situs must be approved by the board prior to the date of the said change.

(c) A change in ownership requires an application for an original license, which application shall be submitted to the department at least thirty (30) days in advance of the effective date of the said change, and the school shall not be conducted or operated under the new or different individual proprietorship, partnership, association, company or corporation until and unless an original license has been granted and issued to the new or different ownership constituency.

Section 5. (a) No private driver education or training school shall continue operation or be established within the Commonwealth unless such school shall, within six (6) months after the effective date of this act, apply for and obtain from the department a license in the manner and form prescribed by the department.

(b) Within this Commonwealth, no person or persons shall advertise in behalf of or solicit prospective students to enroll in a school to be established within the Commonwealth prior to the establishment of such school, unless such person or persons shall apply to the department for a license in the manner and form prescribed by the department and shall receive from the department authorization to conduct such activities.

(c) Within this Commonwealth, no person or persons shall solicit prospective students to enroll in a school to be established outside the Commonwealth prior to the establishment of

such school, unless such person or persons shall apply for and obtain from the department an agent's license in the manner and form prescribed by the department.
(d) No person or persons shall solicit any prospective student within this Commonwealth to enroll in a school located within or outside this Commonwealth, unless such school has been approved by the department and unless such person or persons shall apply for and obtain from the department an agent's license in the manner and form prescribed by the department.
Section 6. Before any license is issued, a verified application shall be made, in writing, to the department, on a form prepared and furnished by the department. An application from a school shall require a statement showing (1) the title or name of the school or classes, together with ownership and controlling officers thereof; (2) the specific course of instruction which will be offered; (3) the place or places where such instruction will be given; (4) a specific listing of the equipment available for instruction in each field; (5) the maximum enrollment to be accommodated on equipment available in each specific field; (6) the qualifications of instructors and supervisors in each specific field; (7) financial resources available to equip and to maintain the school or classes; (8) such additional information as the department may deem necessary to enable it to determine the adequacy of the program of instruction and matters pertaining thereto; (9) an expression of willingness, at the discretion of the department, at any time it may designate, to provide a surety company bond in favor of the Commonwealth of Pennsylvania conditioned for the protection of the contractual rights of students.
Section 7. If the department finds that the application and the school or classes or agent for which a license is sought complies with the provisions of this act and the rules and regulations of the department promulgated under the provisions of this act, the department shall issue an original license to the applicant.
Section 8. Any license issued to a school shall be restricted to the fields or courses specifically indicated in the application for a license. Any license issued to an agent shall be restricted to the school or schools specifically listed in the application for a license. A licensed school shall present a supplementary application, as may be directed by the department, for approval of additional fields or courses in which it is desired to offer instruction during the effective period of the license. A licensed agent desiring to solicit prospective students to enroll in schools other than those specifically listed in any application for license shall present a supplementary application, as may be directed by the department, for approval to solicit for such schools or additional schools.
Section 9. Each original license issued shall be effective from the date of issue until the first day of July following the issuance of the original license, and shall be renewed annually thereafter on a form prepared and furnished by the department. Each licensing year is to continue from the first day of July to the following thirtieth day of June inclusive. Each school shall have a separate license which shall not be transferable.
Section 10. Each original application for a license to conduct a school shall be accompanied by a license fee equal to ten dollars($10) for each teacher used or employed at any one time. The first application shall be accompanied by the fee based on the highest number of teachers used or employed at any one time during the twelve months immediately preceding the effective date of this act, or, if the applicant is first commencing to operate after said date, the fee shall be based on the highest number of teachers estimated to be employed at any one time during the first six months of the year for which the license is to be effective. If, during the first six months, such applicant shall use or employ at any one time more teachers than the

number he estimated, he shall pay the additional fee due therefor at the time he applies for his next renewal. Each renewal application shall be accompanied by the fee based on the highest number of teachers used or employed at any one time during the license year immediately preceding the year for which the renewal is to be effective. No fee shall be charged for a supplementary application for the approval of additional fields or courses of instruction. Fees for agents shall be five dollars ($5) per year. All license fees shall be paid into the General Fund in the State Treasury through the Department of Revenue. No license fees shall be refunded in the event any license is suspended or revoked.

Section 11. The department shall maintain a list of schools and agents licensed under the provisions of this act, which shall be available for the information of the public.

Section 12. No private driver education or training school shall be granted a license or shall be permitted to continue to operate under a granted license unless:

(1) It shall permit the department and its representatives to inspect the school or classes, and shall make available to the department, at any time when requested to do so, full information pertaining to any or all items of information contained in the application form which is currently provided by the department to applicants for license.

(2) It shall prominently display the current approved license where it may be inspected by students, visitors and designated officials of the department.

(3) The advertising and representations made by anyone representing the school or classes as an agent or contractual agent to prospective students shall be free from misrepresentation or fraud.

(a) A school shall not use any name, other than its licensed name, for advertising or publicity purposes, nor shall a school advertise or imply that it is “supervised,” “recommended,” “endorsed,” “accredited” or “approved” by the Department of Public Instruction or the Commonwealth of Pennsylvania.

(b) A school shall not claim or imply that it is endorsed by colleges, universities or other institutions of higher learning, bus companies, trucking associations, automobile clubs or taxi companies, unless written evidence of that fact is presented to the department by the endorsing college, university, bus company, trucking association, automobile club or taxi company.

(c) A school shall not claim or imply that it will guarantee employment upon completion of the course, or guarantee the securing of a license to drive an automobile.

(d) A school shall not by means of “blind” advertisements or advertisements in the “help wanted” or other employment columns of newspapers and other publications solicit prospective students to enroll in the school.

Section 13. The department shall have the power to refuse to issue and the power to suspend or revoke a license in any case where the department shall find:

(1) That the licensee has violated any of the provisions of this act or any of the rules and regulations of the department.

(2) That the applicant or licensee has knowingly presented to the department false, incomplete or misleading information relating to licensure.

(3) That the applicant or licensee has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime involving moral turpitude, by a judge or jury in any State of Federal court.

(4) That the applicant licensee or any employe in a school is addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having a similar effect, or is or shall become mentally incompetent.
(5) That the applicant or licensee has failed or refused to permit the department or its representatives to inspect the school or classes, or has failed or refused to make available to the department, at any time when requested to do so, full information pertaining to any or all items of information contained in an application for license or pertaining to the program of instruction and matters relating thereto.
(6) That the applicant has failed or refused to submit to the department an application for license in the manner and form prescribed by the department.
(7) That a licensed school has failed or refused to display the current approved license where it may be inspected by students, visitors and designated officials of the department.
(8) That a licensed agent has failed or refused to display or produce his license when requested to do so by prospective students or designated officials of the department.
(9) That the applicant or licensee has failed to provide or maintain premises, equipment or conditions which are adequate, safe and sanitary, in accordance with such standards of the Commonwealth or any of its political subdivisions as are applicable to such premises and equipment.
(10) That the licensee has perpetrated or committed fraud or deceit in advertising the school or classes or in presenting to prospective students written or oral information relating to the school or classes or to employment opportunities.
(11) That the licensee is employing teachers, supervisors or administrators who have not been approved by the department, or agents who have not been licensed by the department.
(12) That the licensee has failed to provide and maintain adequate premises, equipment, materials or supplies, or has exceeded the maximum enrollment for which the school or class was licensed.
(13) That the licensee has failed to provide and maintain adequate standards of instruction or an adequate and qualified administrative supervisory or teaching staff.
(14) That the applicant or licensee is unable to provide and maintain financial resources in sufficient amount to equip and maintain adequately and effectively the school or classes.
(15) That the licensee has moved the school into new premises or facilities, or has altered or made additions to premises or facilities, before notifying the department of such change and before receiving from the department approval for the new premises or facilities, alterations or additions.
(16) That the licensee has offered training or instruction in courses or subjects which have not been approved and authorized by the department.
(17) That a licensed agent has solicited prospective students to enroll in a school which has not been approved by the department and which is not listed on the license issued by the department.
(18) That there was a change in the ownership of the school without the approval of the department.
(19) That the school was operated or conducted under an ownership constituency not approved by the department.

The procedure to be followed in the refusal, suspension and revocation of licenses and in appeals taken from action of the department shall be that prescribed by the act, approved the

fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), known as the "Administrative Agency Law" and its amendments.

Section 14. The Department of Public Instruction shall have power to make, adopt and enforce rules and regulations for the enforcement of this act. The Superintendent of Public Instruction may appoint an advisory committee of seven members, two members of which shall be selected from persons active in the private driver education field, two members shall be public school administrators, one member shall be from the membership of the Pennsylvania Association of Highway Safety Educators, one member shall be from the personnel of the Department of Revenue, and one member shall be from the personnel of the Pennsylvania State Police. It shall be the duty of the committee to advise and to make recommendations to the department regarding rules and regulations for the licensing of schools and agents.

Section 15. Any person who shall violate or fail to comply with any of the provisions of this act or any of the rules and regulations promulgated thereunder shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or to undergo imprisonment for not more than one (1) year, or both. If the violation shall be by a corporation, partnership or association, the officers and directors of such corporation or the members of such partnership or association, its agents and employes, with guilty knowledge of the fact, shall also be guilty of misdemeanor, and, upon conviction thereof, shall be punished as hereinbefore provided.

Section 16. The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 18th day of January, A. D. 1952.

JOHN S. FINE