CHAPTER 23

Driver Training Schools

**SECTION 56‑23‑10.** Licensing of driver education or training schools; classroom or behind the wheel training licenses.

 A person may not engage in the business of training or educating persons to drive or operate motor vehicles or offer training or education to conduct either the classroom or the behind the wheel training, or both, for which a fee or charge is made, unless and until the person has obtained and holds a valid driver training school license issued by the Department of Motor Vehicles. A person may hold a license to teach classroom only or to teach behind the wheel training only. The licensee must have a permanent location in this State and all motor vehicles used for behind the wheel instruction must be registered in this State. If licensed for classroom training only, the motor vehicle requirement shall be waived.

HISTORY: 1962 Code Section 46‑193; 1954 (48) 1536; 1993 Act No. 181, Section 1494; 1996 Act No. 459, Section 239; 2006 Act No. 328, Section 1, eff January 1, 2007.

**SECTION 56‑23‑20.** Certain courses exempt.

 Classroom courses offered by state institutions and duly accredited and approved colleges, public, parochial, and private high schools in which classroom driver education is part of the curriculum, instruction offered by an entity described in Section 33‑49‑160(A) that is providing instruction to employees of its member organizations, or to employers giving instruction to their licensed employees shall be exempt from registration and license under this chapter. Courses offered to adults under adult education programs shall not qualify for the exemption.

HISTORY: 1962 Code Section 46‑194; 1954 (48) 1536; 1976 Act No. 738 Section 3; 1978 Act No. 450 Section 1; 2022 Act No. 126 (S.947), Section 1, eff April 4, 2022.

Effect of Amendment

2022 Act No. 126, Section 1, in the first sentence, inserted ", instruction offered by an entity described in Section 33‑49‑160(A) that is providing instruction to employees of its member organizations," following "part of the curriculum", and made a nonsubstantive change.

**SECTION 56‑23‑30.** Application for license.

 Applications for driver training school licenses shall be made to the Department of Motor Vehicles on such forms as the Department may prescribe, and all applicants shall furnish such information as may be required by the Department.

HISTORY: 1962 Code Section 46‑194.1; 1954 (48) 1536.

**SECTION 56‑23‑40.** License fees; expiration of license; use of proceeds; corporate bond.

 The license fee for each driver training school licensed under the provisions of this chapter is two hundred dollars. Prior to operation, each licensed driver training school also must obtain a corporate surety bond in the amount of ten thousand dollars. The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by a person having retained services of a driver training school. Licenses issued pursuant to this section expire on the last day of the month, forty‑eight months after the license is issued. The proceeds from the sale of driver training school licenses must be placed in the state general fund for the administration and enforcement of this chapter and title.

HISTORY: 1962 Code Section 46‑194.2; 1954 (48) 1536; 1993 Act No. 181, Section 1495; 2006 Act No. 328, Section 2, eff January 1, 2007; 2023 Act No. 51 (S.549), Section 39, eff May 18, 2023.

Editor's Note

2023 Act No. 51, Section 40(F), provides as follows:

"[SECTION 40.](F) The remaining SECTIONS of this act, and Sections 56‑3‑214(A), 56‑3‑214(B)(1), 56‑3‑214(B)(2), 56‑3‑214(B)(3), 56‑3‑214(G), 56‑1‑20, 56‑23‑40, 56‑23‑60, and 56‑23‑105 take effect upon approval by the Governor."

Effect of Amendment

2023 Act No. 51, Section 39, in the first sentence, substituted "The license fee" for "The annual license fee" and "two hundred dollars" for "fifty dollars", in the fifth sentence, substituted "expire on the last day of the month, forty‑eight months after the license is issued" for "expire on June thirtieth of the license year of issue", and made nonsubstantive changes.

**SECTION 56‑23‑50.** Denial, suspension, or revocation of license.

 A license shall be denied any person failing to meet and maintain the minimum standards and conditions of operation established by the Department of Motor Vehicles pursuant to Section 56‑23‑60. The Department shall also have the right to revoke or suspend any license where the Department finds that the licensee has failed to maintain the required minimum standards or conditions of operation or conducts the school in any way inimical to the public interest or safety on the highways.

HISTORY: 1962 Code Section 46‑194.3; 1954 (48) 1536.

**SECTION 56‑23‑60.** Minimum standards and conditions of operation for schools; inspection of schools.

 The Department of Motor Vehicles may establish minimum standards for the operation of driver training schools authorized to be licensed under the provisions of this chapter and prescribe conditions of operation of the schools. The minimum standards must include, but are not limited to, a requirement that driver training schools have or have access to sufficient facilities and equipment to conduct an eight‑hour driver training course for a minimum of ten students. All activities and operations of licensed driver training schools are at all times subject to inspection or examination by authorized representatives of the department. In addition, records of these activities and operations must be made available at the permanent location in this State for review by the department upon its request.

HISTORY: 1962 Code Section 46‑194.4; 1954 (48) 1536; 1988 Act No. 612, Section 2; 2006 Act No. 328, Section 3, eff January 1, 2007; 2023 Act No. 51 (S.549), Section 35, eff May 18, 2023.

Editor's Note

2023 Act No. 51, Section 40(F), provides as follows:

"[SECTION 40.](F) The remaining SECTIONS of this act, and Sections 56‑3‑214(A), 56‑3‑214(B)(1), 56‑3‑214(B)(2), 56‑3‑214(B)(3), 56‑3‑214(G), 56‑1‑20, 56‑23‑40, 56‑23‑60, and 56‑23‑105 take effect upon approval by the Governor."

Effect of Amendment

2023 Act No. 51, Section 35, in the second sentence, substituted "eight‑hour driver training course" for "eight‑hour defensive driving course".

**SECTION 56‑23‑70.** Driver instructor qualifying courses; supervision by Department of Motor Vehicles.

 Driver instructor qualifying courses may be conducted by recognized college, university, or driving school instructors who successfully have completed an approved forty‑hour safety education course from a recognized college or university and have acquired an instructor permit from the Department of Motor Vehicles. Where such qualifying courses are offered, they must be supervised by the department and must be offered at least once a year.

HISTORY: 1962 Code Section 46‑194.6; 1974 (58) 2251; 1993 Act No. 181, Section 1496; 2006 Act No. 328, Section 4, eff January 1, 2007.

**SECTION 56‑23‑80.** Temporary driver instructor permits; fee.

 Temporary instructor permits may be issued after special examination by the Department of Motor Vehicles and upon payment of a twenty‑dollar fee to the department. Temporary instructor permits are valid for six months and until the next available and approved qualifying class, but in no event shall such permits exceed one year. A temporary driver instructor's activities and instruction are subject to an audit of driving skills and classroom teaching by authorized representatives of the department. The proceeds from the sale of temporary instructor permits must be deposited in the state general fund.

HISTORY: 1962 Code Section 46‑194.7; 1974 (58) 2248; 2006 Act No. 328, Section 5, eff January 1, 2007.

**SECTION 56‑23‑85.** Driver instructor permits required.

 A person connected with driver training schools or private, parochial, or public high schools shall not engage in either classroom only instruction, or behind the wheel only instruction, or both, unless the person has obtained and holds a valid driver instructor permit or temporary driver instructor permit issued by the Department of Motor Vehicles.

 Appropriate examination for an instructor permit must be at the discretion of the department. The annual fee for an instructor permit is twenty dollars, and all instructor permits expire on June thirtieth. Public and private high school instructors are not required to pay a fee for a permit. The proceeds from the sale of instructor permits must be deposited in the state general fund.

HISTORY: 1962 Code Section 46‑194.8; 1976 Act No. 738 Section 4; 1978 Act No. 450 Section 2; 1993 Act No. 181, Section 1497; 2006 Act No. 328, Section 6, eff January 1, 2007.

**SECTION 56‑23‑87.** Certificate of completion of driver's training course.

 A person successfully completing a driver's training course conducted by a person holding a valid driver's instructor permit as provided for in Section 56‑23‑85 must be issued a certificate of completion by the entity conducting the course in a form consistent with regulations issued by the Department of Motor Vehicles.

HISTORY: 1998 Act No. 258, Section 5.

**SECTION 56‑23‑90.** Penalties.

 Any person violating any provisions of this chapter, or of any driver training school license issued pursuant to this chapter, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both, for such violation.

HISTORY: 1962 Code Section 46‑194.5; 1954 (48) 1536.

**SECTION 56‑23‑95.** Driver training school financial assistance.

 All driver training schools licensed pursuant to the provisions of this chapter may offer financial assistance to students who attend public South Carolina high schools to cover the fees associated with the business of training or educating persons to drive or operate motor vehicles.

HISTORY: 2022 Act No. 126 (S.947), Section 2, eff April 4, 2022.

**SECTION 56‑23‑100.** Promulgation of regulations.

 The Department of Motor Vehicles may promulgate regulations to carry out the provisions contained in this chapter.

HISTORY: 2006 Act No. 328, Section 7, eff January 1, 2007.

**SECTION 56‑23‑105.** "Classroom training" defined.

 For purposes of this chapter, "classroom training" means either in‑person, virtual, or remote online training. The online classroom training must utilize a student username and password, measure the amount of time that the student spends in the course, provide technical support to students that is available twenty‑four hours per day, seven days per week, utilize personal validation questions which appear periodically throughout the entire course, have measures in place that prevent a student from completing more than four hours of instruction in a calendar day, and provide a final examination at the completion of the program. A passing score or 80 percent or higher is required. Students may take up to three attempts to pass the online test to successfully complete the course.

HISTORY: 2023 Act No. 51 (S.549), Section 36, eff May 18, 2023.

Editor's Note

2023 Act No. 51, Section 40(F), provides as follows:

"[SECTION 40.](F) The remaining SECTIONS of this act, and Sections 56‑3‑214(A), 56‑3‑214(B)(1), 56‑3‑214(B)(2), 56‑3‑214(B)(3), 56‑3‑214(G), 56‑1‑20, 56‑23‑40, 56‑23‑60, and 56‑23‑105 take effect upon approval by the Governor."