CHAPTER 23

Driver Training Schools

CROSS REFERENCES

Rate reductions for nonyouthful operator completing approved driver training course, see Section 38‑73‑736.

Rate reductions for youthful operator completing approved driver training course, see Section 38‑73‑737.

**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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 11(1).

Westlaw Topic No. 238.

Attorney General’s Opinions

Driver training school at Charleston Air Force Base under licensing authority of State Highway Department, since exclusive jurisdiction has not been accepted by Federal government and State territorial jurisdiction continues. S.C. Op.Atty.Gen. (January 7, 1963) 1963 WL 8211.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

An operator of a driver training school was not denied due process by virtue of the fact that employees within the Department of Highways and Public Transportation are permitted to adjudicate issues concerning driver training school licenses. Baldwin v. South Carolina Dept. of Highways and Public Transp. (S.C. 1989) 297 S.C. 232, 376 S.E.2d 259.

**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 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.

CROSS REFERENCES

General application requirements for licenses to operate driving education schools, etc., see S.C. Code of Regulations R. 90‑161.

Requirements and application for truck driver training school, see S.C. Code of Regulations R. 90‑101.

Library References

Licenses 11(1).

Westlaw Topic No. 238.

**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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 22.

Westlaw Topic No. 238.

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

 The annual license fee for each driver training school licensed under the provisions of this chapter is fifty 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 June thirtieth of the license year of issue. 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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 22, 29.

Westlaw Topic No. 238.

C.J.S. Licenses Section 103.

**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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 20, 38.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66, 80.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

An operator of a driver training school was not denied due process by virtue of the fact that employees within the Department of Highways and Public Transportation are permitted to adjudicate issues concerning driver training school licenses. Baldwin v. South Carolina Dept. of Highways and Public Transp. (S.C. 1989) 297 S.C. 232, 376 S.E.2d 259.

**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 defensive driving 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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 25.

Westlaw Topic No. 238.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

An operator of a driver training school was not denied due process by virtue of the fact that employees within the Department of Highways and Public Transportation are permitted to adjudicate issues concerning driver training school licenses. Baldwin v. South Carolina Dept. of Highways and Public Transp. (S.C. 1989) 297 S.C. 232, 376 S.E.2d 259.

**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.

CROSS REFERENCES

Driving school requirements, see S.C. Code of Regulations R. 90‑163.

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 25.

Westlaw Topic No. 238.

**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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Automobiles 130.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 318, 322 to 326, 328 to 330, 335 to 336, 338.

Attorney General’s Opinions

To effectuate the clear legislative intent of Section 56‑23‑80 of the Code of Laws of South Carolina (1976), the term “and until” contained therein should properly be interpreted as “or until.” 1978 Op.Atty.Gen. No. 78‑132, p. 168 (July 7, 1978) 1978 WL 22600.

**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.

Library References

Automobiles 130.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 318, 322 to 326, 328 to 330, 335 to 336, 338.

**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.

Library References

Licenses 25.

Westlaw Topic No. 238.

**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.

CROSS REFERENCES

Mandatory driver education and training in high schools, see Sections 59‑39‑310 et seq.

Library References

Licenses 40.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 125 to 126.

**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.