



ROBERT L. QUINN  
COMMISSIONER OF SAFETY

# State of New Hampshire

DEPARTMENT OF SAFETY  
DIVISION OF MOTOR VEHICLES  
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JOHN C. MARASCO  
DIRECTOR OF MOTOR VEHICLES

May 12, 2023

Dear Driving Educator:

In response to inquiries posed during regular meetings held between representatives from the NH Division of Motor Vehicles, leaders from the NH Driver Education Teachers Association, owners of driving schools and, individual driver education instructors, this letter is being provided to further confirm and to clarify that although RSA 263:19 does authorize the Commissioner of the Department of Safety to allow for up to 15 of the 30 hours required for classroom instruction as part of a driver's education curriculum to be completed on-line, **the Department of Safety's continued policy decision relating to this topic is that no on-line option is authorized at this time and that all 30 hours of classroom instruction must be completed in-person.**

Please know that the on-line driver's education inquiries and questions that were raised through our meetings at the DMV were brought to the attention of the Commissioner of Safety and were ultimately referred to the Department of Safety's Legal Unit for further consideration; however, the decision to not authorize any on-line driver's education at this time was confirmed.

The Department of Safety Legal Unit did authorize the release of the below information, which does offer additional insight into the legal rationale utilized to support this decision:

*The purported authority cited in support of a present ability by drivers' schools to conduct such activity is apparently the portion of RSA 263:19, 1 that provides, "No more than 15 hours of the classroom instruction may be satisfied through the completion of an online driver education course." For the reasons that follow, it is the position of the Department that such an interpretation of the statute is incorrect. The basic rules of statutory construction dictate that the words of a statute be considered as a whole, so that statutes are interpreted in the context of the overall statutory scheme and not in isolation. The same statute plainly provides, "The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses."*

*Further, immediately following the provision referring to the 15 hours, the statute provides that, "The commissioner may enter into contracts for assistance in developing, assisting, and conducting an online driver education course." Another general rule of statutory construction is that "may" is permissive, not mandatory.*

*Taken as a whole, RSA 263:19, I, gives the Commissioner of the Department of Safety the discretion to set and maintain the quality standards for driver education in New Hampshire. Other than specific course content in statute, such as the 45 minutes of required education regarding motorcycle safety, those quality standards are promulgated in administrative rules proposed by the Commissioner and approved by the Joint Legislative Committee on Administrative Rules. As the language of the statute suggests, such quality standards for online driver education courses have yet to be developed, and to date, the Commissioner has not promulgated such standards.*

*As of the writing of this statement, the Commissioner has no plans to promulgate such standards in the foreseeable future. Until such standards are determined, with or without the contractual consultant services referenced in the law, and then promulgated in administrative rules, the driver education community is reminded that online driver education courses are not currently approved and will not be accepted in support of either applications for drivers' schools or their ongoing compliance, or applications for driver licenses supported by driver education certificates issued in reliance on completion of required classroom components using online driver education courses.*

*This has been the consistent position of the Division for some time now, through the state of emergency in which remote classroom coursework was authorized only by Emergency Order, which has now expired, as well as the Division's non-acceptance of online classroom coursework in requests for reciprocal recognition of driver education per RSA 263:20. Until administrative rules are promulgated which could provide further clarification, "online driver education course" is given its plain meaning, which would include both remote, realtime coursework and self-study programs provided over the Internet.*

*On the current state of the law and rules, classroom driver education coursework must be completed in person. Please be advised that the Department intends to enforce the driver education laws and rules consistently with this statement."*

I look forward to our future meetings and I will continue to be fully committed to listening to your ideas and suggestions, seeking answers to your questions and to supporting you and your industry whenever possible.

Respectfully,

A handwritten signature in black ink that reads "John C. Marasco". The signature is written in a cursive style with a large, stylized initial "J".

John C. Marasco