

**INITIAL STATEMENT OF REASONS**  
Title 13, Division 1, Chapter 1  
Article 4.7 – Schools for Traffic Violators

The Department of Motor Vehicles (department) proposes to adopt Sections 345.31, 345.32, 345.33, 345.34, 345.36 and 345.42, amend Sections 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.40 and 345.41 and repeal Sections 345.17, 345.21, 345.25 and 345.26 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Schools for Traffic Violators.

Vehicle Code section 11200 requires the department to license traffic violator schools (TVS). In addition, Vehicle Code section 11219 authorizes the department to prescribe rules and regulations for TVS regarding the conduct of courses including curriculum, facilities and equipment.

Historically, the department has exercised oversight of TVS programs operating in classroom settings; however, no authority existed to oversee home study or online TVS programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) placed home study and online TVS programs under the authority of the department. AB 2499 allows the department to provide operator training requirements, curriculum requirements, prescribe application forms, as well as establish guidelines for those TVS programs not under department purview prior to the bills passage. This action implements application and curriculum standards.

This proposed action amends Article 4.7 in areas relating to the application process for TVS owners, operators and instructors, updates several application forms related to TVS licensure and business locations, and implements continuing professional education requirements.

This action codifies amendments to Vehicle Code section 11202 which provides licensing requirements for TVS owners and authorizes the department to establish standards for each instructional modality. Additional curriculum standards are also adopted for home study and internet based TVS programs including technical standards to ensure a student's privacy is maintained when he or she exits the program and ensure the program integrity by prohibiting unauthorized users to access the program. This action also adopts several forms related to classroom standards and forms related to quarterly reports, as required by AB 2499.

The recommended changes to the course content came about through Assembly Bill 758 (Chapter 369; Statutes of 2007), which required the department to develop a report to the legislature recommending the necessary changes and related concerns of granting such broad authority. These curriculum changes were proposed by the task force gathered for this AB 758 report. Additional areas such as driver distractions, aggressive driving, and road rage have been added to the curriculum.

Note: Non-substantive amendments have been made throughout the express terms. These amendments include the following:

### **Usage of capitalization**

In an effort to ensure conformity throughout Chapter 1 of Title 13, the department had determined it necessary to implement standards when citing Vehicle Code sections and sections found in Chapter 1. This action makes amendments to Vehicle Code citations by using a small 's' under such circumstances and will read as 'Vehicle Code section' followed by the applicable section number. When citing a CCR section, the language will use capitalization in the citation and will read as 'Section xxx.xx of this Article.' These modifications are non-substantive and allow clarity and consistency with other departmental regulations.

Current regulations lack uniformity with capitalization usage. This action will amend the term "Traffic Violator School" and instead use "traffic violator school." This is a non-substantive amendment that will ensure consistency with other departmental regulations.

### **Numbering**

The proposed language implements number usage to ensure compliance with Business, Transportation and Housing Agency writing style requirements. Throughout this text, the numbers one through ten will be spelled out and numbers eleven and so forth will be identified in number format. Exceptions will be made when a number is at the beginning of a sentence, where it will then be spelled out. These amendments are non-substantive and will ensure consistency with departmental regulations.

### **§ 345.02. Traffic Violator School Owner.**

Subsection (a) is amended to delete the reference to classrooms when discussing traffic violator school instructional activities. Because home study and internet programs are a part of traffic violator school instructional activities, this reference to a classroom is no longer necessary.

Subsections (b) is amended for clarity and allows a traffic violator school owner to perform the duties of an operator without undergoing separate licensure, provided the owner has met the requirements of Vehicle Code section 11202.5. Prior to passage of AB 2499, Vehicle Code section 11202.5 prohibited a person from acting as a school operator without having a valid, department issued license. With passage of AB 2499, a school owner can designate himself or herself as operator, provided the licensure criteria established in Vehicle Code section 11202.5(a)(1) through (a)(5) are met.

Subsection (c) is amended for clarity and allows a traffic violator school owner to perform instructional activities without undergoing separate licensure nor having to meet the requirements of Vehicle Code section 11206, provided the owner is also designated as the operator. If the owner is not designated as an operator but meets the requirements of Vehicle Code section 11206, he or she is authorized to be designated as instructor.

Subsection (d) is amended for clarity and requires an individual or entity, applying for a school owner license, to complete an Application for Traffic Violator School (TVS) Owner License, form OL 713 (Rev 3/2011) and submit the application fee. Additional documentation is required to confirm information provided in the application process. Current language requires an applicant to complete an Application for Traffic Violator School Owner License, Part I, form OL 760. Current subsection (e)(1) of this section requires the submission of the Application for Traffic Violator School (TVS) Owner License, Part II, form OL 713. With this action, the form OL 760 is being obsoleted and the form OL 713 is used as the only application form for an owner license.

### **Application for Traffic Violator School (TVS) Owner License, form OL 713**

This form was originally adopted under subsection (e)(1) with a revision date of April 1994 (4/94) and approved by the Office of Administrative Law under OAL file number 94-0913-11 (Register 94, No. 43). Amendments made to the OL 713 from the 4/94 to 3/2011 revision are as follows:

The name is modified to delete the reference to 'Part II.'

The form is divided into several separate sections:

Section A allows the applicant to indicate the types of licenses for which he or she is applying. Vehicle Code section 11202 authorizes an owner to have an operator and/or instructor license at the same time as he or she receives owner licensure.

Section B allows the applicant to indicate the type of educational program he or she is requesting to conduct.

Section C requires the applicant to disclose the owner name, school name, telephone number, business office address, the office hours and whether classroom instruction will be offered at that location. This information is necessary not only for the department to have updated contact information on file but will also allow the department to undertake the procedures specific to the transaction being requested.

Section D requires the disclosure of a financial institution business account. The applicant is required to indicate the financial institution the owner will be conducting business with, as well as the account number, institution's address and the person authorized to draw funds or issue checks from the account.

Section E requires an indication of property use approval. The applicant is required to indicate, by check mark, whether the location meets city and county property use requirements.

Section F requires the applicant to give specific information related to the property. The applicant is required to indicate whether the property is leased, rented or owned. The property dimensions are required and must include the property owner's full name and the address for the property owner. This information will allow the department to verify property usage approval.

Section G is provided for the ownership certification. The applicant is required to list the name, title and date of birth of individuals participating in the direction, control and management of the policy of the business. Specifically, the OL 713 must identify:

- Each partner, principal officer, director and/or stockholder of the corporation
- Each member and manager of the limited liability company
- Each member of the association

This information will allow the department to verify each individual with decision making authority for the traffic violator school as well as ensure documentation on the corporate, LLC or association structure.

Several certifications have been deleted from the updated form. Most of these provisions are contained in Article 4.7 and in statute, therefore, they are deleted to ensure non-duplication.

Section H is provided for certifications of an individual, a partnership, a corporation, a limited liability company, an association, a public adult school or community college or other public agency. Each of these sections require the applicant to certify (or declare) that the entity is authorized to conduct business and that the information contained in Sections G and H are true and correct. This certification is consistent with all departmental forms and is authorized by Code of Civil Procedure section 2015.5(b).

Subsections (d)(1) and (d)(1)(A) through (F) are repealed due to lack of necessity. These subsections identified the components of the Application for Traffic Violator School Owner License. This form was previously approved by the OAL and the revisions have been incorporated by reference in subsection (d).

Subsection (d)(2) through (d)(5) are renumbered due to the repeal identified above. These subsections continue to require an applicant to submit a Personal History Questionnaire, identified in amended subsection (d)(1), a fingerprint card, identified in amended subsection (d)(2) and payment of a fingerprint processing fee, identified in amended subsection (d)(3).

Subsection (d)(5) is amended to (d)(4) and requires an applicant to supply the department with evidence of either an approved lesson plan or authorization to use a purchased approved lesson plan as required by Vehicle Code section 11202(a)(5). This section ensures the applicant is aware that the application process is incomplete without submission of an approved lesson plan.

Subsection (d)(4)(A) is amended to authorize a submission, without inclusion of an approved lesson plan, to be complete when submitted by a court approved traffic violator course provider. This provision will only be afforded to these providers until March 1, 2012. This exemption is provided in Vehicle Code section 11202(c)(1) through (3) whereby a court-approved provider may continue to use the curriculum approved by the court until the department establishes curriculum standards in regulation.

Subsections (d)(4)(B) is repealed due to its lack of necessity.

Subsections (e)(1)(A) through (K) are repealed because they are no longer necessary. These subsections identified the requirements of a departmental form which is no longer prescribed in this section.

Previous subsection (e)(2) is renumbered to (d)(5) but the language contained therein is unchanged.

Previous subsection (e)(3) is renumbered to (d)(6) and the language is amended to establish additional documentation requirements if, on the form OL 713, the owner is not designated as the operator.

Subsection (d)(6)(A) and (B) are adopted to identify forms an applicant must complete when an owner is applying for licensure as an operator. Subsection (A) deletes the prescription of the Application for Traffic Violator School Operator License, form OL 751 and, instead, prescribes the Application for Traffic Violator School Operator and Instructor License, form OL 710 with a revision date of 2/2011. The two forms were merged together and identified as the OL 710.

**Application for Traffic Violator School Operator and Instructor License, form OL 710 (Rev. 2/2011)**

The OL 710 was last amended with the revision date of 9/2006 and approved with OAL file number 2008-0124-02. Since the last adoption of this form the following amendments have been made:

The form title is amended to allow Operators to utilize the form for application purposes.

The application fee is deleted from the top of the form. Each form of licensure has a different application fee. Deleting reference to the \$31 application fee will avoid confusion.

A separate field is utilized for an Operator to indicate whether he or she is seeking an original, additional or reinstatement license transaction.

The applicant information section is unchanged with exception to the section being identified as 'B' instead of '2' and the addition of an Operator applicant being required to indicate his or her current TVS number, just as an Instructor applicant is required to do.

Non-substantive amendments have been made to the employment certification by requiring the employer to indicate the telephone number and the business office hours. This information only seeks to allow the department to contact the school during it's normal business hours.

Sections D and E contain separate certifications for the operator and instructor.

Section F is modified to update the certification to include the words "(or declare)" to ensure conformity with other department forms. This amendment is authorized under the Code of Civil Procedure section 2015.5(b).

Subsection (B) deletes the form Application for Change: TVS Operator License, form OL 755 and prescribes the Application for Modifications to a Traffic Violator School Operator and Instructor License, form OL 711 with a revision date of 2/2011. Previously, the form OL 711 was used only for modifications to an instructor license and the OL 755 was only used form operator license modifications. The two forms have been merged and identified as the OL 711.

**Application for Modifications to a Traffic Violator School Operator and Instructor License, form OL 711 (Rev. 2/2011)**

The OL 711 was last amended with a revision date of 6/93 and approved with OAL file number 94-0913-11. Amendments between the 6/93 and the 2/2011 include the following:

Reference to the \$15 fee is deleted. Fees for license transactions vary depending on the type of license. The fee is deleted to avoid confusion.

The applicant is required to indicate whether he or she holds an operator or an instructor license. This information will ensure the department undertakes the steps appropriate to that type of license. These portions are now identified as Sections A and B.

No amendments have been made to the applicant information section; however, it is now identified as Section C.

The portion where a licensee can report a change of school name is identified as Section D. Two non-substantive amendments are made by adding an “additional school DBA” and “Former School Address” field. The addition of these items only further allow the department to verify the authenticity of the applicant’s license status.

Section E is added to allow the applicant to indicate his or her name change.

Section F is added to allow the applicant to indicate whether he or she is requesting a duplicate license and the circumstances under which the previous license is no longer available. This will allow the department to ensure the correct license transaction is facilitated and the applicant is charged a fee appropriate to the transaction.

Section G is to be completed for a school transfer. The fields remain the same as with the previous version of the form.

Section H contains the applicant certification whereby the applicant certifies (or declares) under penalty of perjury under the laws of the State of California that the information contained on the form is true and correct. This certification will ensure consistency with all departmental forms and is authorized under Code of Civil Procedure section 2015.5(b).

Subsection (d)(7) is adopted to authorize a traffic violator school with more than one branch location to designate a separate operator for each location and requires one of the operators to be disclosed to the department as the primary contact. This provision is authorized by Vehicle Code section 11202(a)(7)(C), effective September 1, 2011.

Subsection (d)(8) is amended to identify the form OL 712 and amend the revision date.

**Traffic Violator School Branch Business Office/Classroom Application, form OL 712 (Rev 2/2011),**

This form was adopted with a revision date of 10/94 and was approved with OAL file number 94-0913-11. Amendments made to the form OL 712 include the following:

The fee amount is deleted from the top of the page.

The form has been divided into several sections for clarity and ease of completion. Section A provides for the applicant to indicate the modality of program offered.

Section B provides for the disclosure of the branch office or classroom location. This information is consistent with the 10/94 revision.

Section C provides for the property use approval and requests, by indication of check mark, whether the location meets city and county property use requirements.

Section D provides for the property data. The applicant is to indicate whether the property is owned, leased or rented and the property owner contact information. Also, the applicant is required to disclose the dimensions of the classroom and office areas. This is necessary for the department to ensure adequate spacing for classroom students.

Section E provides for the applicant acknowledgment. This section requires the applicant to indicate specific features of the course necessary to ensure adequate learning facilities and reasonable access to students with disabilities. All questions contained in this section are consistent with the questions identified on the 10/94 form.

Section F provides for the certification whereby the applicant will certify (or declare) under penalty of perjury under the laws of the State of California that the information contained in the form is true and correct. This certification will ensure consistency with all departmental forms and is authorized under Code of Civil Procedure section 2015.5(b).

Previous subsection (e)(5) is renumbered to (d)(9) and the language is unchanged.

Previous subsection (e)(6) is renumbered to (d)(10) and establishes additional documentation requirements if, on the form OL 713, the owner is not identified as the instructor. Also, this subsection is broken down into two subsections identified as (d)(10)(A) and (B) for clarity.

Subsection (d)(10)(B) is amended to identify forms applicable to an applicant applying for licensure as an instructor. Subsection (B) identifies the form OL 609 with revision date of 4/2007.

### **Certification/Deletion of Public School Instructor, OL 609 (Rev 4/07)**

The form OL 609 was originally identified as the Certification/Deletion of Public School Instructor and was adopted with the revision date of 6/93 with OAL file number 94-0913-11. The non-substantive amendments made from the 6/93 version to the 4/2007 version include the following:

- The name of the form has changed.
- The applicant is now required to disclose his or her OL number at the top of the form. This will add another step in the department's verification process to ensure its records are accurate.

- The certifications at the bottom of the page have been amended to comply with Code of Civil Procedure section 2015.5(b). This amendment is consistent with all departmental forms.

Previous subsections (e)(7), (e)(7)(A) through (C) are repealed because they identified requirements of forms that are no longer utilized by the department.

Previous subsection (e)(8) are amended to (d)(11) and the language contained therein is unchanged.

Previous subsection (f) is amended to (e) and deletes the requirement that Part II of the application be completed and makes a non-substantive, clarifying statement to ensure a classroom site is approved if the traffic violator school course is offered in a classroom setting.

Subsections (g) through (i) are renumbered to (f) through (h) but the language contained therein are unchanged.

Subsection (j) is renumbered to subsection (i) and the provision allowing a renewal license to be issued for a period of two years is deleted for clarity. Industry concerns related to the significant cost associated with paying licensing fees bi-annually, rather than annually, prompted the department to return to an annual renewal of licenses.

#### **§ 345.04. Traffic Violator School Operator.**

Subsection (a) is amended for consistency with the provisions in AB 2499 allowing an owner to act as an operator without an operator license. Vehicle Code section 11202(a)(7) provides that if an owner is designated as an operator, the requirement for a separate license is no longer necessary. This section is also amended to delete the definition of a “bona fide labor organization” due to its lack of necessity.

Subsections (a)(1) through (4) are repealed due to their lack of necessity.

Subsection (c) is amended to establish conditions for an operator to perform services for more than one school and are authorized by Vehicle Code section 11202(a)(7)(b). This subsection has been divided into subsections (c)(1) and (c)(2) for clarity.

Subsection (c)(1) requires the operator to possess a valid license for each school.

Subsection (c)(2) requires all of the schools to have the same primary business address.

Subsection (c)(3) requires the schools to have common owners. Subsections (c)(3)(A) through (E) are adopted to define a “common owner” as the same sole owner, one partner in common for partnerships and the same corporation for corporations, one managing member in common for limited liability companies and one administrator in common for an association. This provision is authorized by Vehicle Code section 11202(a)(7)(B), effective September 1, 2011.

Subsection (h) is amended for clarity and requires an operator license applicant to submit the items identified in subsections (h)(1) through (h)(6) to an inspector office. This section also notifies the applicant that a list of inspector offices can be accessed on the department’s web site.

Subsection (h)(1) requires submission of a fee as part of the operator license application process.

Subsections (h)(1)(A) through (F) are repealed. There are no longer provisions for a sliding fee schedule.

Subsection (h)(2) is amended to delete the prescription of the form OL 751 and prescribe the Application for Traffic Violator School Operator and Instructor License, form OL 710 with the revision date 2/2011 when an applicant is requesting an original operator license. The form amendments are described in Section 345.02(d)(6)(A) of this statement of reasons.

Subsections (h)(2)(A) through (E) are repealed. These subsections identified information required to be collected from the OL 751 form; however, this form is no longer a valid form.

Subsection (h)(5) is adopted to require an applicant for an operator license to submit evidence of successful completion of an approved operator educational training program. Vehicle Code section 11202.5(a)(4) requires applicants to complete the educational program as a condition of licensure. The department has promulgated regulations requiring a new operator to attend eight hours of training while a renewing license holder is to take a four hour course.

The information contained in subsection (h)(6) was originally contained in subsection (h)(5) and remains unchanged.

Subsection (k) is amended to remove reference to a two-year operator license, replacing it with a maximum one year term. Industry concerns related to the significant cost associated with paying licensing fees bi-annually, rather than annually, prompted the department to return to an annual renewal of licenses.

**§ 345.05. Replacement of a School Operator.**

Subsection (a) is amended to authorize a traffic violator school to have more than one licensed operator if the school has more than one location.

**§ 345.06. Traffic Violator School Instructor.**

Subsection (d)(1) is amended to require an instructor to ensure classroom standards provided in Sections 345.34 and 345.36 are maintained.

Subsection (d)(2) is amended to correct a citation.

Subsection (d)(3) makes a non-substantive amendment to update a subsection reference.

Subsection (e) contains non-substantive, clarifying amendments to delete references to “designated” inspector offices and, instead, refers the applicant to the department’s web site for a list of inspector office in which an application can be submitted.

Subsection (e)(1) is amended to delete references to fees for application and the Family Support Program. The department is identifying all fees in section 345.00 of this Article. This subsection now

requires an application fee. This will provide better clarity to the affected parties as all fee information will be contained in one section.

Subsection (e)(2) is amended to update the name of the form OL 710. Because the form is now utilized for operator and instructor license transactions, the name of the form is changed accordingly. The amendments to the form are identified in Section 345.02(d)(6)(A) above.

Subsections (e)(2)(A) through (F) are repealed due to their lack of necessity. These sections identified information required to be on the form OL 710, as the amendments are identified in section 345.02. These sections are not necessary.

Subsection (e)(5) is adopted to require an applicant to submit evidence of successful completion of the written examination identified in section 345.07 of this Article and required by Vehicle Code section 11206(a)(2). Evidence of completion is necessary for the department to verify examination completion and ensure an instructor has completed all Vehicle Code requirements.

Subsection (f) is amended to delete a non-substantive citation and to delete a provision requiring the department to return an incomplete application to the applicant within ten days. This provision is not statutorily required and is being deleted due its lack of necessity.

Subsection (g) contains a non-substantive amendment deleting the word “shall” and replacing with the word “may.”

#### **§ 345.07. Traffic Violator School Instructor Examination Requirements.**

Subsection (g) is adopted to require owners or operators taking an instructor exam to have the exam administered by the department. This requirement will ensure that licensees taking the instructor examination have truthfully passed the examination. Tests administered by individual schools will not be accepted as evidence of successful examination completion. Subsection (a) is amended to cite this exception.

The term “designated representative” is being deleted from this section for clarity because a school owner or operator are the only titles authorized to administer the examination test.

#### **§ 345.11. Additional Operator License.**

Subsections (a) and (a)(1) through (a)(4) are repealed and replaced with subsection (a) requiring an operator, applying for a separate operator license, to supply the department with the name and license number of the school for which he or she is currently licensed. This will ensure department records are accurately identifying employees associated with the correct school.

Subsection (b) is adopted to require an operator, who is requesting a license to work at an additional school, to provide the department with information so it may ensure the additional school meets the standards provided in Vehicle Code section 11202(a)(7)(B).

#### **§ 345.13. Additional Instructor License.**

Subsection (a) is amended to delete reference to “designated representative” for clarity.

Subsection (b) contains a non-substantive amendment to update a section citation.

**§ 345.15. Additional Branch Offices and Classroom Locations.**

This section identifies the requirements when an owner is requesting to add a branch office or a classroom location.

Subsection (a)(1) is amended to update the Traffic Violator School Branch Business Office/Classroom Application, form OL 712 from revision date 10/94 to 2/2011. Amendments to this form are identified in Section 345.02(d)(8).

Subsections (a)(1)(A) through (H) are repealed. These subsections identified components required to be on the form OL 712. As the amendments are identified above and this form is incorporated by reference, these subsections are no longer necessary.

Subsection (a)(2) is amended to require the applicant, in the absence of a copy of a lease or rental agreement, to submit a Traffic Violator School Classroom Lease or Rental Agreement, form OL 144 (Rev. 12/2010).

**Traffic Violator School Classroom Lease or Rental Agreement, form OL 144 (Rev. 12/2010)**

The OL 144 is a departmental form that is used in lieu of a classroom lease or rental agreement.

The top of the form notifies the applicant that additional documentation is required when submitting the OL 144.

Section 1 requires the traffic violator school owner to disclose the school information consisting of school name, DBA, address, occupational license number and telephone number. These requirements will allow the department to update departmental records accordingly.

Section 2 requests the address of the classroom. Information required by this section includes the physical address of the classroom, the proposed class starting date, telephone number and the name of the traffic violator school owner. This information is necessary for the department to have the ability to verify the property is being used for classroom studies.

Section 3 requires the classroom and property information to be disclosed and requires the applicant to answer several questions, by checking yes or no, related to the room dimensions, lighting, occupancy capacities, accessibility and other amenities such as parking and restroom availability. The applicant is also required to indicate the property owner's contact information. Not only will this information allow the department to verify the authorized use of the classroom, but will also allow for the verification of suitable learning space and facilities.

Subsection (a)(3) is amended to delete the monetary amount identified in this subsection and, instead, require only the application fee. All fees are consolidated in section 345.00 under a separate rulemaking action.

**§ 345.16. Renewal of Owner License.**

Subsection (c)(1) is amended to require an applicant, requesting an owner license renewal, to submit to the department the renewal notice that will be provided by the department.

Subsections (c)(1), (c)(2) and all subsections contained therein are repealed. These subsections provided form content requirements of the OL 701 and OL 737. Neither of these documents will be utilized under this program, therefore, it is necessary to delete the prescription of these forms in an effort to avoid confusion.

Subsections (c)(1)(A) through (D) are repealed. These subsections identified components required to be on the form OL 701. As the amendments are identified above and this form is incorporated by reference, these subsections are no longer necessary.

Subsections (c)(2) and (c)(2)(A) through (E) are repealed. These subsections identified components required to be on the form OL 737. This form is no longer utilized for the provisions described in this section, therefore, these subsections are no longer necessary.

**§ 345.17. Duplicate Owner License.**

Section 345.17 is repealed. This section identified the process by which an owner could apply for and receive a duplicate owner license if the license previously issued is lost, stolen or mutilated.

The process to obtain a duplicate license is not the same for all license types and those provisions are codified under section 345.18, therefore, this section is no longer necessary.

**§ 345.18. Changes to Owner License.**

Subsection (a)(2) is amended to delete the requirement that the department notify the school within ten days of the approved or disapproved name change. This provision is not statutorily required and is deleted for lack of necessity.

Subsection (a)(3)(A) is amended to update the revision date of the Application for Modification to a Traffic Violator School License, form OL 736 from a 2/94 revision date to 2/2011 revision date. This subsection is amended to repeal language identifying the form OL 736 requirements.

**Application for Modification to a Traffic Violator School License, form OL 736 (Rev. 2/2011)**

This form was originally approved with OAL file number 94-0913-11 under the name Application for Traffic Violator School Change of DBA, Additional DBA, Change of Business Address or Duplicate License. The name of the form was changed to Application for Modification to a Traffic Violator School License; however, the purpose of the form is the same as it was with the prior revision.

Other than the name change, modifications to the form are minimal and include the following:

This form has been divided in to eight sections identified as A through H.

Section A is provided for the applicant to indicate the transaction he or she is seeking to make. Each transaction is followed with instructions on the applicable sections that must be completed for the transaction. An option is added to allow the applicant to add or delete a curriculum modality. The fee requirements have been removed from the form.

Section B requires the applicant to disclose the name of the owner, partnership, corporation, LLC member or administrator, the TVS license number, the business address and telephone number.

Section C is provided for an applicant that is changing the business name, changing the DBA or adding a DBA.

Section D is provided for an applicant that is changing the business address and requests the former business address, whether classroom instruction will be given at that location and the proposed date classroom instruction will commence, the telephone number and notification of whether or not the location meets city and county property use requirements. This section also requests information related to the property data such as whether the property is rented, leased or owned, the office and classroom area and property information.

Section E is for an applicant requesting to add a curriculum modality to their instructional offerings and Section F is for applicants requesting to delete a curriculum modality from their course offerings. Instructions are given related to supplemental documentation that must be submitted in order for the department to complete the requested transaction.

Section G is for an applicant requesting a duplicate card transaction. The applicant is required to indicate his or her license type, whether a wall license or identification card is being requested and the reason for which the license is no longer useable.

Section H requires the licensee to certify (or declare) under penalty of perjury under the laws of the State of California that the information contained on the form is true and correct. This certification is consistent with all department forms and is authorized under Code of Civil Procedure section 2015.5(b).

Subsection (a)(3)(C) is amended to delete language identifying an application and now, instead, only requires an application fee to be submitted. The department has consolidated all fee language into one section for clarity.

Subsection (a)(3)(D) is repealed due to lack of necessity.

The language in subsection (a)(5) is deleted and replaced with language in former section (a)(6). Also, a citation to Section 345.26(a) of this article is deleted due to its lack of necessity.

The language in subsection (a)(6) is replaced with the language from subsection (a)(7).

Subsection (b)(1) is amended to delete the terms “nonrefundable” and “\$70” when referencing the application fee and to delete reference to the Application for Traffic Violator School Change of DBA,

Additional DBA or Change of Business Address, form OL 736. This form was incorporated above in subsection (a)(3)(A). This section also requires documentation to be submitted to an inspector office rather than a field office.

Subsections (b)(1)(A) through (L) are repealed. These subsections identified form OL 736 requirements. As the form is now incorporated by reference, identifying form components is now not necessary.

The language in subsection (b)(2) is moved down to subsection (b)(3) and subsection (b)(2) contains new language, requiring a school to submit a copy of a lease or rental agreement when applying to change its primary business address. This requirement will allow the department to verify that the school is authorized to use the property.

Subsection (c) is amended to delete the reference “\$70 nonrefundable” when identifying the application fee. All fees are contained in one section and this reference is not necessary.

Subsection (c)(2) is amended to amend the revision date of the Certification of Corporate Officers and/or Directors of Lieu of Corporate Minutes, form OL 15 from revision date 5/94 to 2/2011.

### **Certification of Corporate Officers and/or Directors of Lieu of Corporate Minutes, form OL 15 (Rev. 2/2011)**

This form was originally approved with OAL file number 94-0913-11 The name of the form OL 15 has been changed in order to accurately reflect the form’s purpose.

The revised form contains an instructional segment at the top of the page. The addition of this section will allow the applicant to ensure all documents and fees are included when submitting the form OL 15. The following are required documents when adding an officer to the school records:

- A Personal History Questionnaire
- An Appointment of Director as Agent for Service of Process
- A Request for Live Scan Service (receipt) or
- A fingerprint Card (plus the processing fee).

The applicant is also required to submit a copy of the Corporate Minutes or Statement of Officers stamped by the California Secretary of State’s Office. This documentation will allow the department to validate the applicant’s corporate status.

The form directs the applicant to submit the OL 15, other required documents and the fee, to the local DMV inspector’s office.

The second portion of the form contains a certification of incorporation. This certification was adopted and approved with OAL file number 94-0913-11, and has remained unchanged since, with the exception of the required disclosure of the corporate number and California State Board of Equalization Seller’s Permit number, all of which are necessary for the department to ensure the entities corporate status.

Sections A, B and C are unchanged from the form's initial approval; however, the certification is amended to comply with Code of Civil Procedure section 2015.5(b), as do all departmental forms.

Subsections (c)(2)(A) through (G) are repealed. These subsections previously identified the form OL 15 requirements. As this form is now incorporated by reference, these subsections are no longer necessary.

**§ 345.20. Renewal of Operator License.**

Subsection (a) is amended to delete reference to a two year renewal period. Industry concerns related to the significant cost associated with paying for licensing fees biannually, rather than annually, prompted the department to return to an annual renewal cycle.

Subsections (a)(1) through (5) are repealed due to lack of necessity. Because of the annual renewal, the sliding fee schedule is no longer applicable.

Subsection (b) is also amended to require the applicant to submit evidence of completion of an approved four hour operator educational program. This requirement is authorized by Vehicle Code section 11202.5(a)(4).

Subsections (b)(1) through (6) are repealed. These subsections identified the requirements of the OL 756.

**§ 345.21. Duplicate Operator License.**

This section is repealed. The process to obtain a duplicate license is provided in section 345.22 of this Article.

**§ 345.22. Changes to Operator or Instructor License and Duplicate TVS License.**

This section is amended to incorporate all requests for changes to an operator or instructor license and all requests for a duplicate TVS license. As a result, the section name is amended to identify Instructors and to include Duplicate TVS license transactions.

Subsection (a) is amended to add references to instructors. This section also requires an operator license to change when the associated traffic violator school changes the school address. The prescription of the Application for Change: Operator or Instructor/Duplicate TVS License, form OL 755 is deleted and replaced with the prescription of the Application for Modifications to a Traffic Violator School Operator and Instructor License, form OL 711 with a revision date of 12/10. Amendments made to this form are outlined in section 345.02(d)(6)(B) of this initial statement of reasons.

Subsections (a)(1) through (7) are repealed. These subsections identified form requirements but, because this form is obsolete these subsections are no longer necessary.

Subsection (b) is establishes requirements when operators, and now instructors, want to transfer a license from one school to another.

Subsection (b)(2) is amended to delete the reference to the form OL 755 and, instead, prescribe the form OL 711 for license modifications.

Subsections (b)(2)(A) through (G) are repealed to delete reference to an obsolete form.

Subsection (b)(3) is amended to require an application fee.

Language contained in subsection (4) was previously in subsection (b)(3) and requires the expiration of an operator license to coincide with the expiration date of the new school owner's license. Language in subsequent subsections, providing for fees to be prorated based on the new expiration terms, are no longer valid. Fees are no longer assessed on a biannual basis. Language has been repealed accordingly.

Subsection (c) establishes requirements when an operator or an instructor wants to change his or her name. Also, this subsection is amended to delete reference to the Application for Change: Operator or Instructor/Duplicate TVS License, form OL 755 and adds reference to the form OL 711.

Subsections (c)(1) through (5) are repealed. These subsections identified requirements of the form OL 755.

Subsection (d) is adopted to establish requirements when a licensee is requesting a duplicate TVS license. As in the sections above, the applicant is required to submit a form OL 711 and the applicable fee.

#### **§ 345.23. Renewal of Instructor License.**

Subsection (a)(1) is amended to delete the reference to the \$30 fee. All fees are contained in one section and, therefore, is no longer necessary in this subsection.

Subsection (a)(2) is amended to update the revision date of the Application for Renewal of Traffic Violator School Instructor License, form OL 740 from 2/94 to 12/2010.

#### **Application for Renewal of Traffic Violator School Instructor License, form OL 740 (Rev. 12/2010)**

The 2/94 version of this form was originally adopted with OAL file number 94-0913-11. Amendments made and identified in the 12/2010 version are as follows:

The remittance address is added to the form to allow an applicant to send the document to the appropriate address. This will ensure the documents are processed as timely as possible.

The renewal process requires the applicant to comply with application and continuing education requirements. The Renewal Requirements are added as a feature to ensure applicants have all documentation necessary before submitting the form OL 740 to the department.

The form now cites Business and Professions Code section allowing the department to collect an applicant's social security number.

The Important Notice section now requires an applicant who pled nolo contendere or was convicted and had that conviction set aside by federal or state law equivalent to Penal Code

section 1203.4, to disclose such a conviction. This is necessary for the department to capture all possible cases of conduct involving moral turpitude that could have an adverse effect on licensure. The addition of this language does not change the application process or review in any way.

The form requires the employer to complete the form indicating the school name, occupational licensing number, expiration date and address. The owner, operator or authorized representative must certify or declare under penalty of perjury under the laws of the State of California that the applicant has been administered and successfully completed the written examination required by Vehicle Code section 11207. Also the owner, operator or authorized representative must certify or declare that the applicant is being retained as an employee of the school.

The applicant and employer are to sign the certification, which has been amended from the 2/94 revision to comply with Code of Civil Procedure section 2015.5(b). The certification will ensure consistency with all departmental forms.

Subsection (a)(2)(A) through (E) are repealed. These subsections identified information required on the form OL 740. As this form is incorporated by reference, the information is no longer necessary.

**§ 345.24. Continuing Professional Education.**

Subsection (a) contains a non-substantive amendment for clarity by specifying the evidence of continuing professional education required for instructors.

Subsection (a)(2) is amended to require an instructor to submit to eighteen hours, instead of twelve, of continuing education courses within a three year period. This will ensure instructors are current on material related to the safe operation of a vehicle.

Subsection (a)(3) is repealed because the language contained therein is incorporated into subsection (a)(2).

Subsections (b) and (b)(1) contain non-substantive amendment related to the substitution of a college course.

Subsection (b)(3) is amended to substitute the word “will” with “shall.” This is a non-substantive amendment. Also, this subsection deletes the provision whereby the department is required to provide written acceptance or rejection within 15 days of receipt. There is no statutory requirement that the department issue a decision within a predetermined period of time.

Subsection (c)(2) is amended to require an applicant to disclose the specific dates and times of classroom instruction. For home study or internet courses, the date of course availability is required. These requirements will ensure an instructor taking a traffic safety course or seminar is being given instruction for an amount of time sufficient to be counted as continuing education.

Subsection (c)(3) is adopted to require a home study or internet course to describe the method used to ensure an instructor completes a course. This is necessary to verify a system is in place to validate an instructor’s participation and subsequent successful completion of the course.

Subsection (c)(4) contains information formerly identified in subsection (c)(3); however, is amended to update the required hours from 12 to 18. Also, standards are placed on home study and internet programs, allowing 600 words to equate to one hour of instruction. This will ensure that instruction, regardless of learning modality, is consistent with respect to hours being counted toward continuing education credits.

Subsection (c)(5) is renumbered from (c)(3) and is amended to delete the requirement that the department notify a provider within 15 days of whether the request is accepted or rejected.

Subsection (c)(4) is renumbered to (c)(6); however, the language remains unchanged.

Subsection (c)(7) is adopted to require a provider to submit to the department a list of students who completed the course. The provider is to certify that the students identified on the list have satisfactorily completed the course. This will allow the department to verify the instructors listed on the document have completed the course as required. Also, the list will ensure the course is accurately identified as successful completion of continuing education on the instructor's record.

Subsection (c)(8) contains three non-substantive amendments. Two amendments make grammar changes and one authorizes an applicant to submit a completion certificate to any field office.

**§ 345.25. Duplicate Instructor License.**

Section 345.25 is repealed due to lack of necessity. The application process for a duplicate instructor license is provided in Section 345.22 of this Article.

**§ 345.26. Changes to Instructor Licenses.**

Section 345.26 is repealed due to lack of necessity. The application process for changing an instructor license is provided in Section 345.22 of this Article.

**§ 345.27. Seasonal Closure of Public Schools.**

Section 345.27 contains a non-substantive amendment to correct a citation related to scheduling and offering a minimum of one class per location.

**§ 345.28. Change of Administrator -Public Schools/Agencies.**

Paragraph one is amended to delete the word 'file' and require an administrator to provide required documentation directly to the department. This will ensure the administrator is clear on his or her responsibility when changing administrator information.

Subsection (a) is amended to update the revision date of the Application for Traffic Violator School (TVS) Administrator Change, form OL 757 from 12/91 to 12/10.

**Application for Traffic Violator School (TVS) Administrator Change, form OL 757 (Rev. 12/10)**

The form OL 757 was originally adopted with OAL file number 94-0913-11. Amendments made to the form under the revision date of 12/10 are as follows:

The fee amount has been removed.

The applicant is required to disclose the TVS number. This will ensure the department's records are updated accurately.

The certification is amended to comply with the Code of Civil Procedure section 2015.5(b) and will ensure uniformity among all department forms.

For clarity, this section has been divided into subsections to separately identify the requirements when submitting an application to change administrator. These requirements include an application in subsection (a), an application fee in subsection (b), fingerprints for a new administrator in subsection (c) and a Personal History Questionnaire in subsection (d).

Former subsections (a) through (d) and subsections (f) and (g) are repealed. These subsections identified components of the form OL 29. As that form is incorporated by reference, these subsections are no longer necessary.

**§ 345.29. Certification and Deletion of Instructors.**

Subsection (a) is amended to require a school to submit the required documentation to the department prior to the instructor conducting a course. This section will ensure the applicant is aware of the documentation needed and allows the department the time necessary to verify the credentials.

Subsections (a)(1) through (6) are repealed. These subsections identified the components required to be on the form OL 609. As this form is incorporated by reference, these components are no longer necessary.

Subsection (a)(7) is amended to (a)(1) and contains non-substantive modifications.

Subsections (a)(8) through (10) are renumbered to (a)(2) through (4), respectively.

Subsection (b) is amended to delete the provision whereby the department is required to notify the provider that the instructor is not approved to instruct a course. The department makes an effort to ensure notifications are made in a timely manner; however, in some circumstances, the department may not be able to authenticate the instructor's credentials within ten days of receipt.

Subsection (c) is amended to update the form name and revision date of the form OL 609. This form revision was adopted in Section 345.02(d)(10)(B) above.

Subsections (c)(1) through (5) are repealed. These subsections identified the components required in a form OL 609. As this form is being incorporated by reference, these subsections are no longer necessary.

Subsection (d) is repealed due to lack of necessity.

**§ 345.30 Curriculum Content.**

Vehicle Code sections 11202 (a)(2) and 11219 authorize the department to establish curriculum content and standards for traffic violator schools. The purpose of this section is to establish in regulations the traffic safety subjects which must be covered during each traffic violator school course and to specifically exclude class registration, rest breaks, issuance of completion certificates and subjects not related to traffic safety from the instructional time. Additionally, this section establishes in regulation how the traffic school curriculum is to be presented to students.

Subsection (a) is amended to delete reference to classrooms and allow the section to apply to all modalities. In place of existing language that was used to describe classroom education, more general terms are used to reflect the expansion of the program to incorporate all modalities. In place of the specifying key topics to be used in the traffic violator school course, an Outline of Required Topics and Standards for State of California, Department of Motor Vehicles Approved Traffic Violator School Course, form OL 613 (Rev 2/2011), is incorporated by reference. This form has been created to ensure traffic violator school programs are offering sufficient education related to the dangers of careless driving and possible consequences of such behavior.

**Outline of Required Topics and Standards for State of California, Department of Motor Vehicles Traffic Violator School Course, form OL 613 (Rev. 2/2011)**

Vehicle Code section 11200 requires the department to license traffic violator schools. Section 11202(a)(2) requires the department to adopt standards for traffic violator schools which will foster the knowledge, skills, and judgment necessary for compliance with traffic laws. This outline of required topics both revises the subject areas currently established in regulation and includes provisions related to home study and internet programs. This revision deletes information which was determined to be irrelevant to educational training designed to reduce traffic collisions, reduce traffic law offenses, or reemphasize the duties of a vehicle operator. The revised outline adds new topics such as road rage, use of navigations systems, aggressive driving, and the use of cellular phones. Defensive driving has a more heightened priority now. The emphasis is moving from the driver education model to a driver review of those areas that frequently show a high risk behavior that increases the chances of collisions, receiving citations, and a possibility of repeated undesirable driving habits. These course changes were based on the recommendations of a task force created through AB 758.

The Document Title, combined with the California Department of Motor Vehicles logo, identifies this material as a required layout of information needed to be provided for offenders of motor vehicle safety laws. This is needed as a clear introduction to the nature of the material it contains.

The Purpose and Objectives section identifies the goal and direction of the classes which is to reduce crashes, reduce motor safety statute violations, and reinforce the duties of the vehicle operator. This is needed as a pointer to those designing a course as the intent and goal of this program.

The Course section identifies the time requirement that is the least acceptable amount of time to be spent presenting the required educational traffic safety information in the classroom. It also states that intermissions and class administrative tasks are not to be included as instructional

time. A word count requirement is established for the home study and internet courses. The time standard is not appropriate for non-classroom modalities; therefore the word count requirement has been added. The reading comprehension is standard for an average person. This section is needed to clearly identify how time is allowed to be credited toward the time requirement.

The Outline of Course Material section defines the general and specific needs of different areas of the course. This area details the information necessary to submit the course to the department with standards for all modalities. The subject matter being submitted needs to be explained with enough detail to allow the department to determine whether or not the material meets the requirements. This information leads into separate sections where different types of concerns must be addressed. This is needed to establish a general idea that the specifics of the proposed instruction are important in the review. This is also needed as an introduction to different areas that will be addressed as the material is pulled together into a proposed educational program. Vehicle Code section 11219.3 requires the instruction of the responsibility of a pedestrian in relation to drivers, a driver in relation to pedestrians, and the importance of the right-of-way rules related to pedestrian, bicycle, and motorcycle traffic. This section also states that intermissions and class administrative tasks are not to be included in the time requirement. This is needed to explain this mandate clearly to the person or group developing a course plan. Stating this information may reduce unnecessary course submission denials and resubmissions.

The Test section identifies the requirements for a final examination of the violator's knowledge following the course lesson. The examination is to include at least one question from eight of the ten topic areas and at least two questions dealing with defensive driving, operator distractions, right-of-way situations, and operator responsibilities. The test will total 25 questions and be open book. It will consist of multiple choice, matching columns, fill-in, or a combination thereof. The multiple choice and matching columns are to provide a selection of at least four answers. The answers are to be close enough within reason for the violator to consider each as a possible answer. There will be 60 minutes allowed to complete the test. A passing score is 70 percent or more. A student who does not pass the examination may be given another examination if ample time exists before court continuance ends.

Separately, the home study and internet courses are to randomize the questions when the format allows for it and the home study course using a paper test is to copyright protect the test. These testing mandates are needed to maintain fairness across modalities, keep the testing consistent, and reduce the opportunity for cheating. This program is based on the idea that a violator who is motivated to keep his insurance rate stable and his or her driver record point clear of a point violation, will take advantage of an opportunity to refresh their understanding of the rules of the road. If the driver attending this course does not improve driving skills and understanding through increased knowledge, his or her driving behavior may not change, which in turn will increase the risk of violations and additional collisions. The test serves as a means of evaluating the information taught and retained.

As the 400 minute time requirement is a minimum standard, it does not require the test time included in the 400 minute time requirement. It has been reasoned that the test itself provides the violator further opportunity to learn due to a review of the information through the questions

themselves and with an opportunity to review the instruction material. For this reason, the test is a continuation in education for the violator and is included in the time credited toward the 400 minute requirement. The test has been made open book after recognizing the home study and internet courses would have been difficult to control otherwise. The requirement to randomize the test questions provides some protection from dishonesty. Similarly, a requirement for the paper based tests in the home study program to be copyright protected acts as both a deterrent of corrupt actions and as a means for the program owner to take legal action if someone was found to have violated the school's exclusive rights.

The Evaluation section requires the course provider to collect feedback from the students. The time allowed for the completion of this survey is limited to five minutes. The evaluation is beneficial to the school as a means of considering improvements and determining whether or not the instructor/program is showing any difficulties with teaching techniques, course material, or student interaction. The department wishes to allow time for this type of evaluation which is beneficial for both the business and department interests. A time limit must be set because this is not technically educational from the student perspective. The department shall provide the design of the form. It is in the department's interest to determine that appropriate questions are being asked of the student and that the questions are consistent from school to school.

The Statistical Information section requires the traffic violator school to send information to the department detailing the number of students instructed by modality, the number of students that did not pass the course by modality, the number of students that did not pass their initial post-knowledge test by modality, and the number of students that did not pass their second post-knowledge test by modality.

This information is needed for a department review of overall effectiveness. It will assist the department to monitor the success of the program or identify general problems that may be further researched. It will also provide a better picture of the volume the schools are processing.

The Requirements for Individual Modalities section indicates where regulations regarding the individual modalities can be located for further research.

The Course Length Guidelines section states that the course material being provided must include the identified informational areas and lesser related areas as well as being adequately covered in the submitted material. The key topics have been identified along with the related time or word count deemed necessary to cover the related material. The listed topics are areas required by statute, developed through a joint task force, or otherwise judged to be relevant by the department.

The Information for Brochures and/or Statistics section provides information on some of the places that topic and statistical information may be found. There is a comment that the list is not a complete list and that the web sites and publications may change at an agency level. This information is needed to provide a direction in finding information and remind the course provider that information can and does change as well as the fact that many of the sites are not within departmental control.

Subsections (a)(1) through (a)(16) are repealed. These subsections identified specific requirements for course content. This repeal is necessary because the department has determined that it is more efficient to provide the requirements in a detailed form rather than list the requirements in the regulation.

Subsection (b) is adopted to specify standards for the length of the course. This was needed due to the differences in modalities.

Subsection (b)(1) is adopted to provide a classroom course standard of 400 minutes. After revising the subject topics, it was determined that the 400 minutes remains appropriate for the amount and depth of subject matter.

Subsection (b)(2) is adopted to establish a word count for home study and internet programs that will be used as an equivalent measurement to the classroom standard of 400 minutes. This word count reflects the reading comprehension level of an average person.

The existing subsection (b) is renumbered to subsection (c) but the language contained therein is unchanged.

The existing subsection (c) is renumbered to subsection (d) and is amended to include curriculum standards for all modalities and delete the 400 minute requirement provided for in subsection (b)(1) above.

Subsection (d) is modified to list specific requirements common to all modalities of instruction. Vehicle Code section 11200(a) requires the department to license all traffic violator school programs which now includes home study and internet training.

The existing subsections (c)(1) and (c)(2) are repealed. The information contained in these subsections is specific to classroom training and has been moved to subsection (e).

The existing subsection (c)(3) is renumbered to subsection (d)(1) and amended to specify that each modality shall include a final examination. The number of topics to be included in the examination has been changed to reflect the changes in the number of topics that must be taught. Question changes have been recommended addressing road rage, driver distractions, and operator responsibility. While the dangers of driving under the influence (DUI) is still being taught, DUI emphasis has been reduced because a DUI violation has a two point count and completing a traffic violator school course does not mask a two point count violation. The area of the subsection dealing with entering information on a roll sheet or student card has been changed to broaden the language to include home study and internet courses pursuant to Vehicle Code section 11200(a).

Subsection (d)(1)(A) is adopted to require an allowance of 60 minutes for the classroom final examination. Sixty minutes has been determined to provide sufficient time for a student to complete this examination. Because the home study and internet final examinations are self directed and unsupervised, a maximum length standard of 15 percent of instruction has been established. This percentage is being used to maintain a common standard for all modalities. It is the same percentage of class time in minutes for the classroom test.

Subsection (d)(1)(B) is adopted to require a test question to be drawn from presented traffic safety instruction material. This ensures that the test reinforces the lesson information discussed and is given in compliance with the course goals of reducing traffic violations, reducing accidents, and reemphasizing the responsibilities of operating a vehicle.

Subsection (d)(1)(C) is adopted to allow the student to review the course material while taking a final examination. This requirement will ensure fairness across modalities. In a home study or internet based course, an instructor will not be able to prevent a student from reviewing the material, therefore, all modalities will be allowed to review the material. It is also recognized that a review of course material may further educate the student.

Subsection (d)(1)(D) is adopted to establish 70 percent as the cut off for a passing score. This is necessary to ensure a consistent standard for passing a final examination. This percentage shows the student has adequate knowledge to understand the risks of careless driving behavior and the need to reduce traffic violations and accidents. While the department may desire a higher cut-off, it is recognized that there may be other factors such as differing learning aptitudes, a lack of appropriate rest, outside pressures, the effectiveness of the instructor, or material being presented which also may contribute to lower scores. Seventy percent is commonly accepted as an average grade and is likewise being applied here as a passing standard.

Subsection (d)(1)(E) is adopted to specify steps to be taken in the event a student does not pass the final examination. This subsection is needed to maintain consistency and ensure all students have ample opportunities to complete the course within the allotted court time. The student may be given a second opportunity to pass the final exam. While the final exam is an "open book" test, an additional opportunity is provided to allow the student another chance at passing the exam. This subsection requires the second exam to contain different questions than the first exam given. This will ensure a student passes the exam based on actual content learned rather than by memorizing answers. The second test is to be conducted within one week of the first test. This will ensure the student is still able to recollect information learned in the program.

A traffic violator school is to make a serious effort to offer the follow up test to the student. This is needed to ensure that a school does not automatically refuse to retest the student after failing the first final examination. The school may otherwise be motivated to re-enroll the student for another course and for an additional course fee. A student who fails two examinations may attend another traffic violator school course, if time allows.

Subsection (d)(1)(F) is adopted to require examination answer options to be related to the material presented in the instruction. This provision will ensure the integrity of the exam. When answer options are not easily eliminated, the student is made to rely on the knowledge taken from course instruction.

Subsection (d)(1)(G) is adopted to prohibit a test question from being designed to point the student to the correct answer. As with subsection (d)(1)(E), this provision seeks to ensure the integrity of the final examination.

Subsection (d)(1)(H) is adopted to require a minimum of 25 test questions. It is the department's position that a minimum of 25 questions will allow for a variety of questions that adequately test the knowledge of the student.

Subsection (d)(1)(I) is adopted to prohibit a student from correcting his or her own test. As with other provisions in this section, this is another safeguard to maintain the integrity of the testing process.

Subsection (d)(1)(J) is adopted to ensure a student, who answers a question incorrectly, receives the correct answer as well as the reason for which it is the correct answer. This allows an instructor an opportunity to interact with a student and instill the information that was deemed important but not sufficiently understood.

Subsection (d)(2) is adopted to require a school owner to comply with the federal Americans with Disabilities Act of 1990 (ADA) as it relates to their mode of instruction. This subsection is needed to inform the program developer or traffic violator school of the requirements, cite the section of federal regulation, and list specific examples for each modality. Vehicle Code section 11200(a)(9) requires an applicant to provide the department with written assurance that ADA standards will be complied with.

Subsection (d)(3) is adopted to prescribe the Traffic Violator Course Evaluation, form OL 767 (New 9/2011) and require the form be given to each student to complete as a course completion requirement. This form will allow a course student to provide valuable information that will allow programs to identify areas that may require closer scrutiny through monitoring and to provide statistical information for an annual report to the legislature. Vehicle Code section 11208.5 specifies that reports shall contain details of complaints and their status or the end result of the complaints. By allowing the student the opportunity to provide feedback, the department is in a better position to identify and respond to program related issues at an earlier stage.

#### **Traffic Violator Course Evaluation, form OL 767 (New 9/2011)**

The document title, combined with the California Department of Motor Vehicles (DMV) logo, identifies this material as an official DMV document. The title explains to the student what this form is used for.

The Information section informs the student that he or she is required to submit this form, although answering the questions is voluntary, in order to satisfy the requirements for completing the traffic violator school course. If the student chooses not to answer the questions, he or she need only disclose his or her name and identifying information on the form and submit it after lining out the questions not being answered. This will satisfy the requirement of the evaluation of the course. The evaluation is beneficial to the school as a means of considering improvements and determining whether or not the instructor/program is showing any difficulties with teaching techniques, course material, or student interaction.

The Student and School Information section has a place for a student to identify his or her first and last name, the name of the school, the school license number, and the date the student completed the course. This information is necessary for tracking purposes. The student's name

and course completion date are necessary in order to be assured of compliance with all requirements for completing the course.

The General Questions section is to be completed by students from all modalities. These questions are to be rated on a scale of one to ten with ten being excellent and one being poor. There are seven questions regarding the difficulty with registering for the course, the ease of instruction, whether the student has learned something from the course, whether the student feels he or she received everything that was promised by the school, whether the student was given correct answers for questions missed on the final, if the student would recommend this school to someone else, and if there were any advertisements or other unrelated material that was displayed or discussed during the course.

The Classroom Students Only section has four questions where the classroom based student is instructed to circle yes, no, or NA, whichever the student felt was an appropriate answer. The questions are related to the adequacy of seating and writing surfaces in the classroom, whether the instructor was professional and courteous to all of the students, if the classroom was clean and quiet and free from distractions and if the student attended the class in the location for which he or she registered. This information will help show the department where potential problems might be so they can quickly be dealt with.

The Home Study Students/Internet Students section has eight questions where the home study or internet based student is instructed to circle yes, no, or N/A, whichever the student feels is appropriate. The first question asks the student if he or she had to contact the school regarding a question. If the student answers yes, he or she is instructed to complete questions 2 through 8. If the student answers no, he or she is instructed to answer only questions 6 through 8. The questions are related to the instructor's accessibility to the student, if a satisfactory answer or solution was provided to the student within one business day, if the instructor was courteous and professional, if the school provided information such as the name of the school and the license number, if the instructor provided information such as his or her name and license number, if the student received a response to the initial course enrollment within five business days from their initial inquiry, and if the student was able to browse through the web site easily. This information is needed for a department review of overall effectiveness. It will assist the department to monitor the success of the program or identify general problems that may be further researched.

The last section of the form is a notice to the student that if he or she wants to file a complaint regarding the school or the instructor, he or she can go to the DMV web site and access the Driving School and Traffic Violator Complaint, form OL 620. The student is then given an address of where to mail the form.

Subsection (d)(3)(A) is adopted to allow a student not wishing to complete an evaluation to meet the course completion requirement by simply writing his or her name on the evaluation form and turning it in. It is recognized that not all students will wish to complete an evaluation form. This is an area that is best to leave as optional. However, by requiring the student to write their name as a minimum requirement, the department is able to determine that the student was afforded the opportunity to provide feedback with a minimum of inconvenience.

Subsection (d)(3)(B) is added to prohibit an instructor, operator, or owner from changing the result of an evaluation by altering the form or answers, dissuading the student from providing unsatisfactory comments, dissuading the student from completing the form questions, or failing to submit the completed forms to the department. For student feedback to be of any benefit, the form must be distributed, completed, and returned to the department. To have any other result will lessen the information the department has to correctly interpret. The home study and internet programs are both new programs for the department and areas where technology continues to grow. The department needs to be able to adjust for areas either not foreseen or that are rapidly changing in order to maintain adequate oversight of the program. With the raw information provided by the student evaluation, the department will have another tool with which to determine areas needing and not needing further attending.

Subsection (d)(3)(C) is adopted to establish a monthly time requirement for submitting a student evaluation. This is needed for the uniform reporting of information and to establish consistency among schools.

Subsection (d)(4) is adopted to require the traffic violator school to provide statistical information related to the department consisting of:

- the number of students they taught,
- the number that did not pass the final examination,
- the number of students that did not pass a final examination on the second attempt, and
- the number of students that did not successfully complete the course.

This information is of value to the department in its effort to evaluate the effectiveness of the school, the course, and the traffic violator school program. This information will be filled out on a Traffic Violator School Quarterly Report, form OL 850 (Rev. 2/2011). Any feedback will assist the department in applying additional resources in more demanding areas, help determine where resources may be reduced, and help identify irregularities for further monitoring. The form OL 850 is a new form developed to simplify the traffic violator school reporting of this information and to ensure the information is complete.

### **Traffic Violator School Quarterly Report, form OL 850 (Rev. 2/2011)**

The form OL 850 (Rev. 2/2011), Traffic Violator School Quarterly Report, is a form developed for traffic violator schools to report attendance, completion, and evaluation information at the completion of every quarter. The form consists of five sections identified by A, B, C, D and E.

Section A is for basic traffic violator school information. This section requires the traffic violator school to complete the school contact information including the school name, traffic violator school license number, address, and telephone number. Completion of these fields will ensure the department has updated records associated with each school.

A separate box in this section also requires the school to indicate the reporting year as well as marking a box to indicate the session quarter for which the information is reported.

Sections B, C and D are provided for the school to indicate course numbers including the total number of students instructed, the total number failing to complete the course, the total number failing the final exam, the total number failing the final exam on the second attempt, and the total number of student evaluations received.

This data is necessary for the department to ensure the approved programs are appropriately covering topics and information necessary for a student to successfully complete the examination. The department is also better equipped to accurately identify program deficiencies and resolve those issues as quickly as possible.

This is a comprehensive form that allows the reporting of statistics in a classroom setting (Section B), a home study program (Section C) and an internet based program (Section D). This will allow schools that are required to report on multiple modalities, to report their numbers without having to complete several forms.

Section E contains the form certification. The school is required to certify (or declare) under penalty of perjury under the laws of the State of California that the forgoing is true and correct. This certification is common to all department forms and is authorized under the Code of Civil Procedure section 2015.5(b).

A separate clause requires the certification that all student evaluations collected by the school for the stated quarter and modality have been submitted with the statistics. The authority for this certification is provided in Sections 345.30(d)(3) and (d)(4) of this Article.

The form is to be signed and dated by the school's owner or operator. The name of the signer is also to be printed in order to clearly read the name of the signer in case the signature is not readable.

Subsection (d)(5) is adopted to require that every person, who attends a traffic violator course for purposes of Vehicle Code section 41501 or 42005, shall receive a completion certificate documenting his or her successful completion of the program. This provision also cites Vehicle Code section 11200(e), as effective September 1, 2011, identifying information required to be on a completion certificate.

Subsection (d)(6) is adopted to prohibit a completion receipt from being issued to a course student or from completion information being provided to a court for a person who:

- does not meet the length of required course time, as provided in subsection (d)(6)(A),
- has not passed the final examination and has either not taken a second examination or has not passed the second examination, as provided in subsection (d)(6)(B),
- has not provided the court name or jurisdiction, the violation date and the section violated, as provided in subsection (d)(6)(C), or
- has not completed and turned in the form OL 767, as provided in subsection (d)(6)(D).

These provisions specify instances when a completion receipt is not to be given to a student or completion information be provided to a court. This is needed to clearly establish when traffic violator school course completion has not been achieved.

Subsection (d)(7) is adopted to identify subsections containing additional requirements specific to the modality of instruction, as appropriate. This is needed due to the differences of the types of course instruction in order to meet outlined requirements.

Subsection (e) is existing subsection (c) and is modified to reflect the requirements specific to classroom instruction. The requirement for student participation does not apply to the other modalities.

Subsection (e)(1) is existing subsection (c)(1) and is modified to specify that these requirements apply only to classroom instruction.

Subsection (e)(2) is existing subsection (c)(2) and is modified to specify that these requirements apply only to classroom instruction.

Subsection (f) is adopted to specify requirements specific to the home study and internet modalities of instruction. Vehicle Code section 11200(a) requires the department to license all traffic violator school programs which now includes home study and internet training.

Subsection (f)(1) is adopted to establish visual aid requirements for home study and internet courses. This is necessary to establish a standard for these courses to ensure that each course contains appropriate visual aids.

Subsection (f)(2) is adopted to specify statements that are to be included at the start of the course. This serves as an introduction to the required statements.

Subsection (f)(2)(A) is adopted to require the disclosure of the department's legal statement and disclaimer. This disclaimer serves to protect the department from statements and harm that may be a result of other parties. Examples of such harm include events out of the department's jurisdiction such as advertising or any program changes that take place after the department approved the course. This disclosure is common departmental program language and has been approved by the Office of Administrative Law in Section 345.06 of Article 4.8 with the implantation of the Mature Driver Improvement Course Program (OAL File number 2008-0910-02).

Subsection (f)(2)(B) is adopted pursuant to Vehicle Code section 11200(b)(1). The text of the statute has been worded for the classroom setting and has been modified in this subsection for the other modalities and is in keeping with the spirit of the statute. This subsection makes it clear that this course is for traffic violators only and is not the proper instruction for learning to drive.

Subsection (f)(2)(C) is adopted to provide exemptions to masking a traffic safety violation. This is needed to inform a violator prior to starting the course of the conditions when a violation will not be masked on a driving record.

Subsection (f)(2)(C)(1) is adopted to specify that a driver who has already attended a traffic violator school course within the last 18 months would not be eligible to have their violation masked on their record.

Subsection (f)(2)(C)(2) is adopted to specify that a driver who holds a commercial driver license would not be eligible to have his or her violation masked on their record. This is prohibited pursuant to Vehicle Code section 42005(b).

Subsection (f)(2)(C)(3) is adopted to specify that a driver who holds a commercial driver license from another state would not be eligible to have their violation masked on their record. This is prohibited pursuant to Vehicle Code section 42005(b).

Subsections (f)(2)(C)(4) is adopted to specify that the violation may not be masked if the driver holds a California commercial driver license or a commercial driver license as it is defined in Vehicle Code section 15210. These prohibitions are authorized under Vehicle Code section 42005(b) and comply with Title 49 of the Code of Federal Regulations.

Subsection (f)(2)(C)(5) is adopted to specify that if the violator has not paid a deposit of fees or bail, and has not pled guilty or no contest, or has not been convicted by the court of jurisdiction would not be eligible to have his or her violation masked on their record. This is provided in Vehicle Code section 41501.

Subsection (f)(2)(C)(6) is adopted to specify that a violator who has a conviction which would result in a point count of more than one point on the record would not be eligible to have their violation masked on their record. This is prohibited pursuant to Vehicle Code section 42205(c)(2).

A notice is also adopted for clarity to note that a list of two point violations can be found on the Department of Motor Vehicles' web site.

Subsection (f)(2)(D) is adopted to specify that a person beginning the course will need to provide specific information to enroll in the course. The information is necessary to enable the school to report completion of the course to the appropriate court. By identifying the requirement in the beginning, the schools will be able to include it in the course which will save time and confusion.

Subsection (f)(2)(E) is adopted to require the office hours to be identified. This will ensure students are aware of the hours in which they will be able to reach someone directly if they have questions or concerns. It also states that an instructor must respond to questions during those hours and must respond to questions received after the office has closed on the next business day. A student with a question needs to be able to speak to a knowledgeable source for related information. In the classroom, an instructor is present to answer a question. For home study and internet programs, an instructor needs to be available to answer a question in a timely manner since the student needs to complete the course and has a limited amount of time to do so.

Subsection (f)(3) is adopted to require the traffic violator school to identify the school name and occupational licensing number at the start of the course. This will allow the department or its authorized agent to identify schools that are funneling students from multiple internet schools to one web site or workbook for instruction. Also a student will be able to identify the school providing the instruction should he or she decide to provide a course evaluation. Also, an internet course is required to have the school name and occupational license number on each instruction screen. This is needed so that anyone reentering from a link or returning to the course after an intermission may easily identify they are at the

correct traffic violator school site. This requirement applies to the course site only and does not apply to traffic safety related links that do not belong to the school.

Subsection (f)(4) is adopted to require course instruction be completed prior to accessing the final examination and prohibit any final examination test questions from being printed. These provisions will prevent a student from avoiding the instruction portion and merely taking the final examination. The latter requirement is to prevent the student from disseminating the examination questions to others which would only serve to diminish the integrity of the program's final examination.

Subsection (f)(5) is adopted to specify that the course site is secure and protected from electronic infection, cannot be accessed without permission and will not track a user after he or she leaves the web site. These requirements will ensure a student's privacy protection and ensure that a non-student is not able to access the course fraudulently.

Subsection (f)(5)(A) is adopted to prohibit a course from displaying distractive images which flash, move, are brightly colored, or are sexually suggestive, whether in text or image format. A student taking a traffic violator school course should be able to take the course without being subjected to questionable material unrelated to the course.

Subsection (f)(5)(B) is adopted to require lessons to be free of interruptions such as pop-up windows. This provision will ensure a student is able to maintain focused on the course instruction.

Subsection (f)(5)(C) is adopted to require a different password for each student. This provision will reduce the chance of unauthorized entry to the course web site. The site is designed for course instruction and any unauthorized use must be seen as an attempt to either corrupt the site or copy and disseminate the course content.

Subsection (f)(6) is adopted to require a student's password be disabled once he or she has successfully completed the course. This will prevent unnecessary access to course instruction and related examinations. A student receiving credit for the completion does not have any further need to access the course. Refusing any further access ensures the course integrity.

### **§ 345.31. Submission of TVS Course for Approval.**

Subsection (a) is adopted to require the department to approve a traffic violator school course before it is used. This section also introduces general requirements for all modalities. These provisions clearly state that, as the overseer of the traffic violator school program, the department must verify the information being used satisfies the requirements to maximize the effectiveness of the goals. The introduction is needed to focus the reader on the list of general requirements. Vehicle Code section 11200(a)(5) requires an applicant to have a lesson plan approved by the department and requires the lesson plan to adhere to standards including post lesson knowledge test. A lesson plan for each modality is required to undergo separate approval.

Subsection (a)(1) is adopted to require a Request for Approval of TVS Educational Program, form OL 764 (New 1/2011), be completed and provided to the department with each traffic violator school course submitted for review. This form provides information regarding the program owner, program information, and a certification under penalty of perjury that the material is an original program created

by the submitter. This information will assist in creating a record in the occupational licensing database and will act as a cover sheet to introduce the specific course application, allowing the department to correctly evaluate the submission for completeness and accuracy.

### **Request for Approval of TVS Educational Program, form OL 764 (New 1/2011)**

Vehicle Code section 11200 requires the department to license traffic violator schools. Vehicle Code section 11202(a)(2) requires the department to adopt standards for traffic violator schools which will foster the knowledge, skills, and judgment necessary for compliance with traffic laws. This form will serve as a type of cover letter to introduce the educational training material submitted for departmental approval for traffic violator school program owners. This material must be evaluated to determine that it meets all of the statutes and regulations as well as being accurate and relevant. This form will also assist the department in clearly understanding how the training will be applied so the specific requirements for each modality are applied correctly in the departmental appraisal. It incorporates the home study and internet traffic violator school programs which the department will oversee as a result of the passage of AB 2499.

The Document Title section is established to show that the document is intended for educational material being turned over to the department for acceptance for traffic violator school training.

The Request for Approval section provides boxes to be checked for the course provider to show if the application is for an original submission, a resubmission, or a course change. This information is needed to help separate submissions into different designations.

Section A requires the name, address, telephone number, email address, and school name and occupational licensing number if it is known. There is also a box to list the Certificate Approval number for resubmissions and course changes. This information is being requested to create a departmental program provider record with contact information.

Section B provides a statement of information to the program provider regarding where the details of traffic violator school program requirements may be found. The statement is being provided to make sure the program owner has the correct information regarding the departmental expectations for approval. It is anticipated that this statement will save both the program owner and department time in questions and repeated submissions due to missing information. There is a request to the program owner that all items being submitted be identified with their contact information. There is an additional request for a list detailing the material being submitted. These requests are needed to help the department identify items that may become separated. The list will verify that all of the material is present to make a complete review and determination of acceptance.

The next section deals with the modality of the material being submitted. The program provider is required to identify the modality of the training by checking the appropriate box. This information is needed to identify the format being used to instruct the student, match the specific requirements to each modality, and clarify that the material is being submitted for only one type of instruction.

The next section requires the owner to state whether or not an intention exists to sell the program to others. This is to be used for statistical information and has no bearing on whether the program will be approved or returned for modification. An applicant that indicates an intention to sell the program may be entered into a data base for later program verification of a purchased program.

Section C is a certification. The program owner signs under penalty of perjury that the material belongs to him or her, any copy written material is being used with approval, and that the statements made on the request are not falsifications. These statements show that the provider is aware of the requirements and may be held accountable for the material submitted.

An area is provided for the program owner's signature, printed name, and the date. The signature is required for the certification statement and to connect the program provider to the request and submitted material. The printed name is required in the event that the signature is not readable to help identify the person signing. The date is required to set a period in time when the document was signed.

Subsection (a)(2) is adopted to require that each course modality be submitted separately. This requirement will avoid confusion as to which materials are being used by one program or multiple programs. Each modality has both general requirements and those specific to each modality. Separate submission will allow the department to focus clearly on the information being submitted for the designated modality and to compare it to the correct guidelines required for it.

Subsection (a)(3) is adopted to require a detailed list of items being submitted for course evaluation. This list will ensure that the department is able to determine all of the information is available for a properly reviewed course presentation. This list will save time, extra communication, and confusion for the department and program provider.

Subsection (a)(4) is adopted to require a complete set of course materials be provided to the department for proper evaluation. With a complete set of course material, the department can determine if the course satisfies all of the requirements. All materials shall cover the required topics identified in form Outline of Required Topics and Standards for State of California, Department of Motor Vehicles Approved Traffic Violator School Course, form OL 613. This form lists in outline presentation the required subject matter that has been judged as important for educating the traffic violator in an effort to help reform a high risk traffic safety behavior. The form OL 613 was discussed in Section 345.30 of this initial statement of reasons.

Subsection (a)(5) is adopted to require submission of a sample completion receipt. A sample completion receipt will allow the department to not only verify all the components are identified pursuant to Vehicle Code section 11200(e), but also authenticate a completion certificate after it is granted to a student.

Subsection (a)(6) is adopted to prohibit a DMV symbol or similar image from being used on course material. This will prevent the school from appearing as an official partner of the department. An exception is made for material from the department that may be used in the course of instruction which is available to the public or is required by the department.

Subsection (a)(7) is adopted to require a course be conducted in a professional manner. There may be a time that a school employee or student may attempt to make light of the fact that someone has violated the law. It is not acceptable for a student to attend course and feel that he or she is being treated disrespectfully. Therefore, school employees are required to maintain a professional demeanor and ensure that the course is run in the same manner.

Subsection (a)(8) is adopted clarify that each modality is required to submit additional documentation specific to that instructional modality. This provision will indicate that information beyond the general requirements exists in another location which is relevant to particular types of instruction.

Subsection (b) is adopted to state the specific requirements for a classroom course.

Subsection (b)(1) is adopted to specify that each page of the lesson plan be consecutively numbered to make sure that all pages have been submitted and are in the correct order. Each line of each page shall be consecutively numbered and the numbering requirements will ease communicating with the school regarding a question or deficiency. Each page shall be printed on a standard 8 ½" x 11" page.

Subsection (b)(2) is adopted to specify that the lesson plan submitted must contain a Table of Contents.

Subsection (b)(3) is adopted to specify that the lesson plan must cover all of the requirements set forth in Section 345.30 with enough detail to enable the department to easily evaluate the lesson plan for specific information, to determine the accuracy of the information, and for an instructor to use it to present the material to the department standards.

Subsection (b)(4) is adopted to specify that the lesson plan that is submitted shall reflect where visual aids and student participation will be used to supplement the lecture material. The lesson plan shall explain the purpose of each visual aid and will explain each student participation activity including a description of how the instructor will generate the intended student participation. The lesson plan shall contain a brief synopsis of any movie or video clip in sufficient detail to allow the department to determine what information will be gained by viewing the clip.

Subsection (b)(4)(A) is adopted to specify that a copy of each audio-visual media, whether it is a chart, illustration, movie, etc., shall be submitted to the department with the lesson plan.

These requirements are needed so that there is sufficient information to determine that the course requirements have been achieved. This level of detail may avoid repeated submission and save time for both the department and the submitter.

Subsection (b)(5) is adopted to require a time schedule be submitted for the course. This will allow the department to determine the time spent on a specific area and requirement of instruction. The time schedule may be compared to the form OL 613 which lists recommended time frames for each major topic area.

Subsection (b)(5)(A) is adopted to specify that the time schedule includes rest and meal breaks for classes lasting over a certain amount of time.

Subsection (b)(5)(B) is adopted to specify that the time schedule lists the approximate time that is allotted for each audio-visual aid that will be used during the course.

Subsection (b)(5)(C) is adopted to specify that the time schedule lists the amount of time allotted for each major subject area.

Subsection (b)(5)(D) is adopted to specify that the time schedule lists the approximate amount of time allotted for student participation activities.

Subsection (b)(5)(E) is adopted to specify that the time schedule lists the approximate amount of time allotted for completion, correction, discussion of any tests used, and the method of correction that will be used.

Subsection (b)(6) is adopted to specify that any materials being used in conjunction with the lesson plan, such as workbooks or brochures, must to be included with the lesson plan.

These requirements will allow the department to properly evaluate the course submission and provide a recommendation when there is a deficiency as to what may be done to reach standard compliance. The department must have everything the instructors will use for instruction in order to review it for acceptance.

Subsection (c) is adopted to provide specific requirements for a home study course.

Subsection (c)(1) is adopted to require the submission of the course workbook and all other material the student will receive from the school. This will enable the department to review the information the student will use to complete the course.

Subsection (c)(1)(A) is adopted to prohibit all materials which have not been approved by the department from being included with the course material provided to the student. This will prohibit a course student from receiving documentation that has not been reviewed by the department. Just as an internet based program is prohibited from containing distractions that could interfere with instruction, inserts and other literature may be inappropriate for inclusion with the course material. Such material must be reviewed to ensure it enhances the learning process.

Subsection (c)(2) is adopted to require a list of the course percentage by word count per key topic area. This percentage of course material requirement is an equivalent for the classroom time instruction. Film and similar motion picture segments are to be placed within this list with the titles and a discussion of its content. The film and other motion presentations are added in real time toward meeting word count requirements where each minute equals 125 words. The requirements in this subsection are needed to establish that the course content is in line with the established requirements.

Subsection (c)(3) is adopted to establish requirements related to security, fraud, and student participation.

Subsection (c)(3)(A) is adopted to require the school to identify the processes and/or safeguards that have been established to determine that the person taking the class is the actual student violator.

Subsection (c)(3)(B) is adopted to require the school to identify what will be used in the home study course that will be the equivalent to the classroom requirement of student participation.

Subsection (c)(3)(C) is adopted to require the school to identify what steps have been taken to ensure that the student cannot bypass the course and go directly to the final examination.

Subsection (c)(3)(D) is adopted to require the school to identify what steps have been taken to make sure the course is not compromised by copying and dissemination of the test or other material to anyone other than the student who is taking the course.

Subsection (c)(3)(E) is adopted to require the school to identify what steps have been taken to protect the student's confidential information.

These requirements will allow the department to verify what steps the program owner has taken to address issues related to internet security. Technology rapidly changes and instruction by home study is relatively new to the department. Requiring the program owner to submit this information with the course offers flexibility for the program to advance with the technology instead of holding back the program or program owner.

These concerns must be addressed to keep the program safe and to perform as desired by the department and legal system. The program has been designed to require the traffic violator to spend time focusing on high risk driving behavior and its consequences. To allow the student to bypass instruction, copy and hand out the relevant information to others, or have someone else stand in their place compromises the intention of the program.

Student participation is required to establish both as a change from to the lecture presentation and as an additional method of learning. The home study program will not have students gathered for this participation to occur and so needs to explain how the benefit of the participation will be offered in the course.

Subsection (c)(4) is adopted to require a minimum assortment of three different final examinations which are to be protected by copyright if they are paper based. This requirement will act as a deterrent to unauthorized use of the examinations and a means of legal prosecution for anyone found using the exams inappropriately.

Subsection (d) is adopted to provide specific requirements for an internet course.

Subsection (d)(1) is adopted to specify that the same requirements stated in subsection (c)(2), the breakdown of the course percentage of instruction by word count and subsection (c)(3)(A) through (E), the detailed explanation of steps taken to maintain course integrity, protect the student confidential information and ensure the benefits of student participation, are identified because they apply to both the home study and internet courses.

Subsection (d)(2) is adopted to require the course web address, a user name, and user password be provided so that a department employee or agent may review the site for course requirements. This is needed so that the interaction of the web site may be tested and that the site may continue to be monitored.

Subsection (d)(3) is adopted to require a screen print used in the course instruction numbered and in order. This is needed to clearly discuss with the school a point where any departmental concerns or questions exist in the process of conducting a review of the program. A web site may offer links or alternative branches from one page to the next and by the school providing numbered pages, both the school and the department may be assured they are discussing the same page.

Subsection (d)(4) is adopted to require that the web site provide program support for both a course question or a technical problem encountered while using the traffic violator school program. A student with a course question or computer problem needs to have a way of seeking out answers or solutions in a reasonable amount of time.

Subsection (d)(4)(A) is adopted to require a licensed instructor to respond to a question within one day of the question being posed. The answer is to include the instructor's name, the occupational license number, the school name, and its occupational license number.

This is provided pursuant to Vehicle Code section 12206 which, with the exception of a credentialed teacher providing instruction in a public school or other public institution, must be licensed by the department. A licensed instructor will have provided evidence of satisfactory traffic safety knowledge and will have met all application requirements to prove to the department to be capable of providing instruction to the department's standards.

Subsection (d)(5) is adopted to require that an internet course submission include a complete list of the examination questions. This will allow the department to evaluate the examination requirements specified in Section 345.30(d)(1)(A) through (G), which require that the questions be based on information covered in the instruction material, an examination answer is to be traffic safety related, and the question is not to direct the reader to the right answer.

Subsection (d)(5)(A) is adopted to require the order of examination questions to be random for each student. This provision will serve as a safeguard to reduce the opportunity of memorizing or distributing the answers to future students.

Subsection (d)(5)(B) is adopted to require the post lesson exam to continue until the 60 minutes have elapsed or the test has been completed. This is needed to maximize the learning opportunity for the student. By having the opportunity to answer all of the questions, the student has a chance to reinforce other areas from the course.

Subsection (e) is adopted to state that the department will provide a disposition in writing for a submitted course. This is necessary to let the program owner know if the course is approved or must be modified.

### **§ 345.32 Authorization for Purchase.**

Subsection (a) is adopted to specify that an option is available to a traffic violator school applicant who does not wish to create their own course program. An applicant is authorized to purchase a traffic violator school program which has already been approved for use by another traffic violator school. This section specifies that a letter of authorization is required from the traffic violator school program owner, and lists the information that is needed on the letter of authorization which the purchaser will need to submit to the department to verify approval. The letter is to include the name of the buyer and any business name that may be used, a statement that the purchaser has been given permission to use the approved program, the owner's name, signature, and date. The section also specifies that the program will only be approved for use by the purchaser if the course program has been reviewed and approved by the department within the past 12 months. This is necessary so that both the seller and buyer are aware of the department's requirements for utilizing an existing program. The need for the seller and buyer information and the statement authorizing its use is to clearly state which individuals are reaching an agreement so that the department may verify authorization. The 12 month limitation has been set as the cut off because the subject matter would be current and little would likely have changed in that amount of time. Any significant changes to the program would still require another department review.

Subsection (a)(1) is adopted to require that the program owner provide a copy of the Request for Approval of TVS Educational Program, form OL 764 (New 1/2011) to the buyer as evidence of department approval and the date of the approval. This is needed to provide proof to the buyer that the program has been reviewed and the date of the acceptance by the department.

Subsection (a)(1)(A) is adopted to clarify that the program can only be offered for sale if the program has been reviewed by the department in the past 12 months.

Subsection (a)(1)(B) is adopted to specify that if the program to be sold has not been reviewed within the past 12 months, it must be resubmitted to the department with a new form OL 764 to receive an updated approval date.

Subsection (a)(1)(C) is adopted to specify that the program owner is responsible for keeping the course up to date.

These requirements are necessary to identify the time requirements for selling a traffic violator school course which has been approved for use. Approved courses need to be updated as new laws, information, and departmental changes occur. However, a requirement to have an approved program reevaluated takes place only when significant changes occur. This means that a program being sold may otherwise not have been reviewed in some time. The point prior to implementation of a program is a beneficial time for the department to ensure a program not having been recently reviewed gets reviewed. The 12 month limitation has been set as the cut off because the subject matter would remain current by that time and little would likely have changed in that time. Any significant changes to the program would still require another department review.

These requirements eliminate the discussion of which party is responsible for bringing the course current. The reasoning for this is that the owner is authorizing use of the program but that the program still belongs to the program creator. Should the program owner not bring the course current, the school has the option of either developing its own program or purchasing another one. Specifying that the program owner is required to update the course, keeps the expectation consistent for everyone. The 12

month limitation is consistent with the program needing re-approval at that point and serves to protect the buyer from buying a program that cannot be used.

Subsection (a)(2) is adopted to specify the requirements for the department to verify an approved course for authorized use. This will be introduced on a Request for Verification of Approval for Use of an Approved TVS Program, form OL 766 (New 01/2011). This document will serve as an introduction to the list of requirements for an approved program which the program owner allows to be used by another person.

Subsection (a)(2)(A) is adopted to specify the requirements for departmental verification to use a purchased traffic violator school program. To verify the authorization to use a program, the person given permission to use the program is required to submit a completed form OL 766 requesting departmental confirmation of the program owner's permission to use the traffic violator school program. The applicant must also include a letter from the program owner giving the buyer permission to use the program and pay the appropriate fees. If the applicant is currently not licensed as a traffic violator school owner, this request must be submitted with the owner application.

### **Request for Verification of Approval for Use of an Approved TVS Program, form OL 766 (New 1/2011)**

Vehicle Code Section 11200 requires the department to oversee the traffic violator school (TVS) program. Section 11202 (a)(5) requires an owner applicant to submit a traffic safety lesson plan to the department for approval. In place of the prospective school owner creating a unique program, an allowance has been made for the owner to purchase a program from another owner that has already been approved. This form is used by an owner that has purchased a program from someone that has already undergone the department review and been approved to use the program.

The document title, combined with the California Department of Motor Vehicles logo, identifies this material as a required layout of information needing to be provided by a program purchaser for verification and permission to use an already approved TVS program. This is needed so that a person may clearly and quickly identify this form and its purpose.

Section A requires the program buyer to provide his or her name, the name of the school, the mailing address, the telephone number, the traffic violator school occupational licensing number if it is available, and lists the three modalities; classroom, home study, and internet, with boxes which the applicant is to use to indicate the type of program to be taught. This information is needed to identify the person making the request in the event contact is needed for clarification, to enter into the occupational licensing data base, and to provide documentation. The modality to be taught is used to verify the program purchased is in fact intended for that method of instruction. All modalities have common requirements and each modality has specific requirements. The check box indicating which type of instruction the program will be used for will make it easy to identify if the correct modality of instruction has been purchased.

Section B requires the program seller's information. There are areas to enter the owner's name, address, telephone number, and the program certification approval number. This information is

needed to verify the correct owner of the traffic safety program. Though the owner information may be in the department data base, the provided information will either verify the correct record, or may identify a change that has not been reported by the program owner. The certification approval number is an additional method of verifying the owner has given consent since it is not readily available to the purchaser.

Section C provides information to the applicant regarding the information that is to be provided with this request for verification of permission for program use. This states a requirement that the program must have been reviewed by the department within the past 12 months. This information is necessary for the requester to have a clear understanding of the department expectation as a condition for approval and to save both the person requesting approval and the department time gathering and reviewing the information. The requirement that the program must have been reviewed recently is to ensure that the material that will be presented by the purchasing school is current. The owner of the program has a duty to provide a program that will meet the department standards. If an older program is to be sold, it must first undergo a review to determine that it continues to meet these standards. There is an informational note provided to the purchaser regarding the updating of the purchased program. It states that the owner of the program is responsible for bringing it up to date and provides options in the event the owner does not update the material. There is also a note that if the traffic violator school is not ready to begin business, it may cause a delay in approval. The department expects the program to be implemented in a timely manner. If there is a delay, the material may not stay current and meet department requirements.

Section D is the certification area. The purchaser is stating under oath that the information entered on the form is accurate, that the owner has consented to allowing use of the approved course which has been approved within the required 12 month timeframe, and acknowledges reading the requirements section. An area is provided for the requestor's signature, date and printed name. These are needed to document acceptance, understanding of requirements, and to hold the requester responsible for any entered information that is inaccurate or misleading.

Subsection (a)(2)(B) is adopted to specify the requirements for departmental verification to use a traffic violator school owner. The documents required to request verification are a completed form OL 766, a letter from the program owner giving the buyer permission to use the program, and the appropriate fees.

Subsection (a)(2)(C) is adopted to specify what information is needed in the letter of authorization from a program owner with an approved program giving permission to another person or entity. The information must identify both parties by name and any business name by which the buyer and seller may be known, a declaration that the applicant has permission to use the traffic violator school program, must describe the program by certificate approval number, contain the program owner's signature, and list the date the permission was extended. This information is needed for the department to check its records to determine if the program approval is currently valid, to contact the program owner and verify the authorized use of the program, and to properly record that the program being used by a buyer. Tracking the use of a specific educational program is important in the event of needed updates or a discovered problem such as a programming flaw which allows the issuance of a completion receipt in error.

**~~§ 345.36~~ 345.33 Lesson Plan Revisions**

Section 345.36 is renumbered to Section 345.33. The section title remains the same.

Subsection (a) is amended to add an exception to the traffic violator school owner being responsible for updating the course program. The person or entity receiving department course approval for the developed traffic violator school program remains the owner of the program and is responsible for keeping it current. If the traffic violator school owner is using a purchased program, the seller is responsible for the updating. Any changes to an approved lesson plan beyond keeping the information current shall be submitted to the department for approval before using the new lesson plan. The previous language dealing with changes has been moved to (a)(1).

Subsection (a)(1) is adopted to specify that any course modification with exception to adding new laws, removing laws which no longer apply, and subject matter that is an equivalent to material it is replacing, must be resubmitted to the department for approval. Any updates made to the course information which does not require resubmission to the department must maintain the department's standards of course approval. This section is needed to reemphasize that regular occurring law changes may take place on a yearly basis. If this provision did not exist, it is likely that the department would need to review the traffic violator school courses on a yearly basis which would tie up needed resources. The department believes the majority of the school owners and operators take their role as educators seriously and wish to provide the correct and current information. The department monitors the schools on a regular basis and the monitoring includes the course as part of that evaluation.

Subsection (a)(2) is adopted to require when a change is made to the course final examination, movies or film clips, or areas related to student participation, the course must be reevaluated by the department if the content change adds up to more than 25 percent of the course information. This is needed in order to maintain the testing, visual aid, and student participation requirements. Without this stipulation, these areas may be substituted following the department approval for material which may not meet the level of education the department judges appropriate. The post lesson test, visual aids, and student participation have multiple and specific requirements and this section will ensure that the traffic violator school courses remain constant with department standards.

Subsection (a)(3) is adopted to allow the school using written examinations to randomize the questions without requiring resubmission to the department as long as the required subject based questions are present in the new randomized examination. This will allow the school to change the examination if it suspects that an exam has been compromised. It is in the department's interest to allow the school to maintain the integrity of the final examination. This is also in keeping with the effort to maintain fairness among modalities since the internet programs are required to randomize the examination questions.

Subsection (b) contains non-substantive amendments to correct grammar.

Subsection (c) contains non-substantive amendments to correct grammar.

**~~§ 345.38.~~ 345.34 Classroom Standards for TVS Courses.**

Section 345.38 is renumbered to Section 345.34 and the section title is amended to read Standards for TVS Courses. The provisions of this section are applicable to home study and internet programs as well as classroom programs and; therefore, the revised section title is necessary.

Because this section now sets standards for home study and internet programs, in addition to the classroom programs, it is necessary to adopt separate subsections to capture requirements for all three programs. Subsection (a) will provide standards for classroom based courses and subsection (b) will provide standards for home study and internet based programs.

Subsection (a) is amended and the provisions therein provide requirements for classroom programs. Subsections formerly identified as (a) through (f) are now renumbered to (a)(1) through (a)(6), respectively.

Subsection (a)(5) contains a non-substantive amendment moving language from the end of the subsection to the beginning.

Subsection (b) is adopted to ensure traffic violator school providers are aware that home study or internet courses must maintain availability to the public.

Subsection (b)(1) is adopted to require a home study or internet course provider to notify the department of the date the program will be available to the public. This will ensure that, in the event that a program is approved before the date that the providers are ready to make it available for students, departmental records will be updated to ensure potential course students are aware of the course availability.

Subsection (b)(2) is adopted to require that a school notify the department if the course is unavailable for more than five days. This notification will ensure that information contained on the department's Occupational Licensing Status Information System (hereinafter referred to as OLSIS) is limited to "active" courses. Accurate records will prevent a potential student from attempting to access a course that is not available. If a course is unavailable for any significant length of time, OLSIS must be modified to reflect the unavailable course.

Subsection (b)(3) is adopted to require a school whose course has been reported as "unavailable" to notify the department in advance of offering the course again. This advance notification will allow the department sufficient time to modify OLSIS to reflect the availability of the course.

Subsection (b)(4) is adopted to require a school that is unable to provide a course to provide a potential student with a specific date that the course will be available, or to refer the student to the OLSIS to choose another course or provider. Because a traffic violator has a limited amount of time to complete a course prior to the court due date, it is important to ensure that all schools provide potential students with the information necessary to determine if he or she wants to delay taking the course until this school's course is available or to move on to a different school.

Subsection (b)(5) is adopted to set a standard for availability for home study and internet courses. If an available course is identified on the OLSIS, the public has a reasonable expectation that the course is readily available to allow a violator to complete the course in the necessary time to meet a court deadline. Repeated unavailability of a course has a significant negative impact on the public.

This subsection sets the on-going minimum standard for availability at 25 percent. If a school is unable to maintain this level of availability during a quarter, the course (not necessarily the school, since it may offer other modalities) will be removed from OLSIS for a period of six months. This provision conveys the serious nature of not having a course available and to motivate schools to meet the standard.

If the school falls below the standard of availability again within two years, the school shall be removed from OLSIS until the department approves the resumption of the course availability.

Subsection (b)(6) is adopted to require the school to respond to an enrollment request within five business days of that request. Because a violator has a limited amount of time to complete a course, any delay in responding may reduce the time available to the violator to complete a course.

Subsection (b)(7) is adopted to require a school to refund the course fee when instruction is interrupted and will not be available for completion within five days. As with subsections above, a student is given a limited time to complete the traffic violator school and a prolonged course interruption could impact the student's ability to make the court deadline. Providing a refund will allow the student to find another course to complete.

**§ ~~345.39~~. 345.36. Conducting ~~Classes~~ Courses.**

The section previously identified as 345.39 is moved to section 345.36 and the title is amended.

Because AB 2499 allows the department to oversee internet and home study courses, the section name is being changed.

Subsection (a) is amended to delete the word classes and adopt the word courses.

Subsection (a)(1) is adopted to prohibit a course student from receiving a completion for purposes of masking a violation when he or she is unable to provide the court and violation information. AB 2499 requires the department to establish a web-based tracking database for reporting completion information. Completion information contained on the database will provide completion information to the appropriate court. When a student is unable to provide these requirements, the department is unable to report course completion necessary for a violation to be masked. Without this information, the student may only elect to take the class as provided in Vehicle Code section 11200.

Subsection (a)(2) is adopted to require a school, prior to the payment of fees and/or the beginning of the course, to provide a disclosure statement if the student is electing to take the course as opposed to being required to take the course. This is required by statute and will ensure that any one who is not a "traffic violator" understands that the course is intended for traffic violators. This provision is only applicable to those who elect to attend a traffic violator school and is not intended for those attending to mask the subject violation.

Subsection (a)(2)(A) is adopted to require any student who elects to take the course to be provided with and required to sign the disclosure statement for the school.

Subsection (a)(3) is adopted to restrict the use of student information. To ensure that confidential student information is handled in a manner to protect the privacy of the student, it is necessary to specify that the information cannot be used or released for use by a third party. For clarity, this subsection defines “confidential student information.”

Subsection (a)(3)(A) is adopted to require confidential information to be handled in a secure manner and all information safeguarded.

Subsection (a)(3)(B) is adopted to further prohibit the collection of the mother’s maiden name or the student’s social security number.

Subsection (a)(4) is adopted to allow only those materials approved by the department to be provided to course students. The department is responsible for overseeing a uniform traffic violator school curriculum that is designed to meet specific educational standards and is appropriate for the course; therefore, unapproved materials will not be allowed in a department approved course.

Subsection (a)(5) is adopted to prohibit a school from advertising, soliciting or marketing to a student until the course is concluded, nor shall materials be offered during the course. In the past, traffic violator school students have complained that schools provide advertising for insurance products, further training, or other goods or services and, as a result, the student felt pressured into purchasing the items or services. This provision seeks to strengthen consumer protection by prohibiting any marketing or advertising that could make a student feel that successful course completion rests upon whether a purchase is made.

Subsection (a)(6) is adopted to prohibit the completion of a course being contingent upon the purchase of any product. Even with the prohibition against advertising during the course, some schools do offer products before and after the course. This additional provision is necessary to ensure that a student does not feel obligated to respond to the advertising in order to complete the course.

Subsection (a)(7) is adopted to specify that no instructor will knowingly provide false or misleading information. This provision is necessary to provide the basis for a possible administrative action against an instructor who fails to rely on the lesson plan and Vehicle Code when providing answers to student questions.

Subsection (b) is adopted to provide standards specific to conducting a course in a classroom setting.

Former subsections (a) through (o) are renumbered to (b)(1) through (b)(14), respectively, and are not amended with exception to the following:

Subsection (b)(3) is amended to add the words in the classroom to specify that the instructor must have the approved lesson plan with them in the classroom while conducting the classroom training.

Subsection (b)(4) is amended to add the words in the classroom to specify that the instructor must have a copy of the Vehicle Code with them in the classroom while conducting the classroom training.

Subsection (b)(5) is amended to add reference to subsection 345.02(b) when discussing evidence of licensure.

Former subsection (l) is repealed due to lack of necessity.

Subsection (b)(13) is amended to delete a statement that not all courts allow participation in a traffic violator school program as part of the adjudication of a traffic violation. This statement is no longer necessary because the student must have a docket number before enrolling in the program. A docket number is only provided to a student by a participating court. The section is amended to provide situations where a traffic violation may not be masked by attending a traffic violator school.

Subsections (b)(13)(A) through (E) are adopted to provide the situations where a traffic violation may not be masked by attending a traffic violator school. The following circumstances will prohibit the masking of a violation, even with attendance at a traffic violator school:

Subsection (b)(13)(A) is adopted to specify that the violation may not be masked if the driver has already attended a traffic violator course within 18 months of the conviction. This prohibition is authorized under Vehicle Code section 41501(a).

Subsections (b)(13)(B) and (b)(13)(C) are adopted to specify that the violation may not be masked if the driver holds a California commercial driver license or a commercial driver license in another state. These prohibitions are authorized under Vehicle Code section 42005(b) and comply with Title 49 of the Code of Federal Regulations.

Subsection (b)(13)(D) is adopted to specify that the violation may not be masked if the violation occurred in a commercial motor vehicle. This prohibition is authorized under Vehicle Code section 42005(c)(1).

Subsection (b)(13)(E) is adopted to specify that the violation may not be masked if the conviction would result in a violation point count of more than one point. This prohibition is authorized under Vehicle Code section 12810.

Subsection (b)(15) is adopted to prohibit a student roster from being passed among students or handled in a way that could allow a person to view another student's confidential information. This provision will require the course instructor to collect information in a manner which does not put confidential information at risk.

Subsection (c) is adopted to establish conduct requirements that are specific to a home study based modality.

Subsection (c)(1) is adopted to require an instructor to have a Vehicle Code book and lesson plan available when responding to student questions. This is a requirement shared by classroom and internet modalities because it is extremely important that an instructor have immediate access to a lesson plan and a Vehicle Code book to ensure correctness and consistency in the answers provided to students.

Subsection (c)(2) is adopted to require that questions presented by students be responded to within 24 hours. It allows the flexibility to respond by several electronic methods and ensures a timely response to the student in an effort to facilitate course completion. This provision also requires questions be answered by a licensed instructor. AB 2499 requires that each school have at least one licensed instructor; however, there is no provision that allows anyone other than a licensed instructor to interact with a home study student. An owner or operator may only act as an instructor if qualified by meeting instructor licensing requirements.

Subsection (c)(3) is adopted to require communications, when sent from a school to a student, to display the school name, license number, instructor name, and instructor license number. Having this information readily available will ensure the student is communicating with the appropriate school.

Subsection (c)(4) is adopted to prohibit the release of an answer key with course material. It is the department's expectations that a traffic violator school will impart curriculum in a manner that will foster safe driving habits. As a means of measuring the material learned, students are required to successfully complete a post-course examination. Providing the answer key with the home study material would eliminate the validity of the course and the examination, since anyone could complete the exam without the use of the other course materials.

Subsection (c)(5) is adopted to require an examination to be submitted to the school for correction and determination of whether the student passed or failed. This is necessary to protect the validity and integrity of the course and the test.

Subsection (d) is adopted to establish conduct requirements specific to an internet based modality.

Subsection (d)(1) is adopted to require an instructor to have a Vehicle Code book and lesson plan available when responding to student questions. This is a requirement shared by classroom and home study modalities because it is extremely important that an instructor have immediate access to a lesson plan and a Vehicle Code book to ensure correctness and consistency in the answers provided to students.

Subsection (d)(2) is adopted to require questions presented by students be responded to within 24 hours and is in common with the home study conduct requirements.

Subsection (d)(3) is adopted to require communication from a school to student display the school name, school license number, instructor name, and instructor license number. Having this information readily available will ensure the student is communicating with the appropriate school.

Subsection (d)(4) is added to prohibit any links appearing on the course web site that may be off topic. It is inappropriate for a course web site to provide links that are not related to the subject matter of the course and may serve as distractions from the educational material.

Subsection (d)(5) is adopted to require course pages to be free of distractions. This is necessary to provide a reasonable educational atmosphere for the student that is free of distractions from the educational material.

Subsection (d)(6) is adopted to prohibit pop-up advertisements. While the department will review the web pages prior to approval, it is necessary to specifically prohibit pop-ups because they may not be apparent during the departmental review.

Subsection (d)(7) is adopted to require a school to remove or disable a course web site if the school is not doing business because of an administrative action, invalid license, or in the event the school should otherwise discontinue doing business. It is unreasonable for a student to spend an undue amount of time attempting to enroll in an internet program only to find the course is unavailable and only serves to further decrease the time allotted by the court to complete the program.

Subsection (d)(8) is adopted to require the school to post a notice on the web site if the course is not available, provide the estimated date the course will be available, and direct the student to the OLSIS web site to allow them to choose another school. These provisions will ensure that a potential student does not spend an undue amount of time trying to register for a course that is unavailable. Providing the estimated date the course may be available will allow the student to make an informed choice before committing to a program.

Subsection (d)(9) is adopted to require the school to invalidate a student's access to the course upon completion of the course and issuance of a receipt. Once a course is completed a student should no longer be able to access the program. Invalidating the access will ensure that the student does not continue to access the site nor allow another person to access the site.

#### **§ 345.40. Classroom Course Schedules.**

Paragraph one contains a non-substantive amendment to add the word 'classroom' and to change the words 'the following' to 'specific.'

Subsection (b)(1) is adopted to require the traffic violator school to report the method of submitting the instruction schedule either when the instruction begins or when a reporting change is needed. The Notification of Class Schedules, form OL 854E (Rev. 9/2011), is to be used to notify the department how the school will report, either by using the Official Classroom Location Schedule, form OL 854 (Rev. 9/2011), or by posting schedules on the school's web site. The declared method of delivering the school schedule is necessary for a clear understanding of how the department is to expect the scheduled report. This will enable the department to determine if the school is complying with scheduling requirements and will streamline the department's oversight of classroom courses.

#### **Notification of Class Schedules, form OL 854E (Rev. 9/2011)**

The Notification of Class Schedules, form OL 854E (Rev. 9/2011), is designed to provide traffic violator schools with a streamlined method for notifying the department by which method of reporting schedules the school will be using.

The document title, combined with the California Department of Motor Vehicles logo, identifies this material as a required notification of class schedules form for the Occupational Licensing Section of the Department of Motor Vehicles. This is needed so that a traffic violator school owner or operator may clearly and quickly identify this form and its purpose.

The address for the DMV Traffic Violator School Unit is listed at the top of the form.

The form contains a notification that the form must be completed in full or it will be returned.

The instructions tell the person filling out the form that they must print the requested information and that it must be clear, in black or blue ink, or be typed. It tells the person to mark an appropriate box in Section B relating to how the school intends to list its scheduled classes, either by filling out and submitting a form to the Occupational Licensing address or by posting the information to the school's web site. It also tells the person to keep a copy of the form for their own records.

The form contains a boxed notice advising traffic violator school owner/operator applicants to submit the schedule of classes through the U.S. mail or to post the information on the school's web site a minimum of 15 days before the first scheduled course. This notice will allow the department time to ensure its database is updated so potential students know which courses are available to them and in which location.

The notice further provides that a school that fails to submit a schedule will have its name removed from the judicial districts on the new Occupational Licensing Status Information System, (OLSIS). Vehicle Code section 11205 requires the department to maintain a list of traffic violator schools provided under all modalities of instruction. Advance notice of course schedules, as this form is intended to capture, will aid the department in creating an accurate list of classes and will ensure students have the widest range of courses to choose from.

Section A-Business Information requires the school name, TVS number, telephone number, and address to be identified. This information will ensure departmental records are updated and correct in identifying classes for the appropriate school.

Section B-Applicant/Licensee Acknowledgment requires the school to indicate by checking a box the method by which their schedule of courses will be reported. This will enable the department to determine if a school is complying with the scheduling requirements and will assist in the oversight of classroom instruction.

Section B also contains a paragraph that simply mimics the Class Cancellation Requirements identified in Section 345.41 of this Article.

Section C requires the school's owner or operator to certify (or declare) under penalty of perjury under the laws of the State of California that the information contained in the form is true and correct. This certification is authorized under the Code of Civil Procedure section 2015.5(b).

Subsection (c) is amended to update the title revision date of the form used to report classroom schedules, to rearrange the order of the form name, and to incorporate the form by reference.

Subsections (c)(1) through (c)(6) are repealed. These sections identified the form requirements of the OL 854. As this form is now incorporated by reference, these provisions are no longer necessary.

### **Official Classroom Location Schedule, form OL 854 (Rev. 9/2011)**

This form has undergone several changes since its adoption with OAL File number 94-0913-11 (Register 94, No. 43), although most of those changes are to further clarify instructions on completing the form and providing authorizing codes. This form provides a streamlined method for a traffic violator school to report a schedule of courses for each quarter. This information is necessary so that the department can ascertain that a classroom location is actually being used and should be on the OLSIS and it provides the department the information necessary for oversight of classroom courses. First and foremost, the 1993 version of the form was used to identify schedules for school at several locations. The 2011 version allows the reporting of schedules at one location so the user must complete several forms or attach the original form to a list of all classroom locations. This modification, while possibly tedious to the user, allows for optimal department review and ensures the accuracy and integrity of department records. Also, better clarity in reporting will allow students the best options when choosing a school to attend.

Language is added to the top of the form informing the user to clearly print in blue or black ink and complete the form in its entirety. Incomplete forms will be returned to the school. The department cannot maintain traffic violator school class information when the information on the form is not decipherable. Further language asks the user to attach a separate form, or attach a list of courses, when completing the OL 854. As specified above, this allows clearer reporting of class schedules. The user is required to return the completed form to the department a minimum of 15 days prior to any class being conducted by a new school, any new classroom location being used by any school, or the beginning of each calendar month after a school's begins operation.

These standards will allow the department time to review the schedules and update its database to reflect the available courses which, in turn, will allow a potential student to have the widest range of classes from which to choose.

The form lists the address to correctly mail the completed forms to the Department.

A Notice is provided to ensure the user is aware that failure to complete and return the form as specified will result in the school having its name removed from the judicial districts on the new Occupational Licensing Status Information System (OLSIS). Authorizing sections are cited.

Section A-Business Information requires the name of the school, the school's TVS number, telephone number, and business address to be identified. These points of identification will enable the department to determine whether a classroom location is actually being used and should be on the OLSIS. Also, the schedules provide the department with information necessary for oversight of classroom courses.

Section B-Classroom Location requires information regarding the classroom location for which the schedules are being reported.

Section C-List all Class Dates for this Location requires the listing of class date(s), class hour(s), and the language in which instruction will be given. These identification points will allow the

department to accurately update the school's instruction information to ensure potential students are made aware of course availability.

Section D requires a school owner or operator to certify (or declare) under penalty of perjury that the information provided on the form is true and correct. This certification is authorized under Code of Civil Procedure section 2015.5(b) and is consistent with all department forms.

Subsection (d) is amended to delete the reference to the TVS Classroom Location List and replace it with a reference to the Occupational Licensing Status Information System (OLSIS). The bi-annual printed list of TVS school locations will be abolished and a database located on the department's web site will replace it. Previously a school which did not submit a class schedule on time would have the school name removed from the next publication of the list. The publication was printed and distributed semi-annually. Under AB 2499, the OLSIS is updated daily. The equivalent period for removal from this system is six months. Currently a school not providing a classroom schedule on time a second time would have the school name removed from the list for two publications. The equivalent period for removal from OLSIS is listed instead as 12 months. Added to this subsection is a requirement that after the second occasion of not submitting the class schedule on time, the department will terminate the use of the classroom and the school will need to re-apply to license the location after the 12 months have elapsed.

Subsection (e) is amended to reflect the change from a printed TVS classroom location list to the Occupational Licensing Status Information System and to reduce the minimum instruction requirement in an approved classroom of one time every two months to one time every quarter. Since a classroom not being used for instruction does not bring revenue to the school, the department determined that a more lenient requirement is sufficient. The owner is motivated to keep a classroom operational but should not be punished if it is not deemed feasible. This change will provide greater flexibility for TVS scheduling.

Subsection (e)(2) is amended to reflect the change from a printed TVS classroom location list to the Occupational Licensing Status Information System.

Subsection (e)(3) is amended to require that a school name be removed from the Occupational Licensing Status Information System list for six months when a school's name has been removed twice from the Occupational Licensing Status Information System in a 12 month period. This change extends an expectation for smaller schools to continue to submit class schedules on time. Currently schools with more than five classrooms faced a possibility of having the school name removed when five different classrooms have been removed in 12 months. The defined duration has also been modified from one published list to the equivalent of six months. A modification was made to reflect the change from a printed TVS classroom location list to the Occupational Licensing Status Information System and to require that if the owner license is terminated, he may reapply to operate a traffic violator school after the six month termination period has expired.

Subsection (f) is amended to delete the form title which has been introduced in subsection (b)(1) and to provide an alternative to post to the web site in lieu of submitting the report form.

Subsection (g) is amended the phrase “normal disaster” to “natural disaster” which more appropriately identifies the intended meaning.

Subsection (g)(2) is amended to delete the word “immediately.” There are occasions when the department is not able to immediately determine that a waiver of filing a TVS classroom schedule is warranted. The department will address each need for a waiver in a timely manner as part of its normal business process; however, the consideration of a waiver must be dealt with on a case by case basis.

**§ 345.41. Class Cancellations.**

Subsection (a) is amended to delete the language providing instruction to schools on how to convey a class cancellation to students. This language is found in the various sections below.

Subsection (b) and (b)(1) are amended to make non-substantive, clarifying updates and delete language that is adopted else where in this section.

Subsection (c)(3) is repealed because the department no longer has the authority to impose this requirement. Vehicle Code section 12915 was amended to prohibit the department from requiring a school to provide a course at less than the normal fee.

Subsection (c)(4) is renumbered (c)(3).

**§ 345.42. Quarterly Reporting of ~~Classes Conducted~~ Traffic Violator School Activity. ~~[Repealed]~~**

Subsection (a) is added to require the traffic violator school to submit a report to the department each quarter on the designated form. The completed forms will allow the department to assess the effectiveness of the expanded traffic violator school program and will provide input necessary for the department to report to the Legislature regarding the program’s effectiveness, as required by Vehicle Code section 11208.5.

Subsection (b) is added to implement reporting requirements.

Subsection (c) is added to provide the date the forms are to be submitted to the department.