

**INITIAL STATEMENT OF REASONS
SCHOOLS FOR TRAFFIC VIOLATORS
TITLE 13, ARTICLE 3.7
SECTIONS 345.24, 345.40, 345.41, ~~345.42~~, 345.46, 345.50**

California Vehicle Code section 42005 authorizes a court to order a person convicted of a traffic violation to attend a licensed traffic violator school.

California Vehicle Code section 626 defines a traffic violator school as a business which for compensation, provides, or offers to provide, instruction in traffic safety, including, but not limited to, classroom traffic violator curricula, for persons referred by a court.

California Vehicle Code 11200 authorizes the department to license schools for traffic violators for purposes of Section 42005 and to provide traffic safety instruction to other persons who elect to attend. A person may not own or operate a traffic violator school or give instruction for compensation in a traffic violator school without a valid license issued by the department.

Currently there are 375 traffic violator schools licensed through out the state of California. Many traffic violator school licensees depend on Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations to specify Vehicle Code sections that may be general, vague or open to interpretation.

These regulations improve regulatory language for California businesses and reduce business requirements. These regulations reduce Traffic Violator School instructor continuing education requirements; provides class schedules and class cancellations to be posted on the Internet; and reduces administrative costs for Traffic Violator Schools.

The proposed regulations were developed to make specific Chapter 1.5 of the California Vehicle Code Sections 320, 11202, 11207, 11208, 11212, 11213, 11215, 11215.5 and 11219.

The department proposes to amend Sections 345.24, 345.40, 345.41, 345.46, 345.50 and repeals Section 345.42.

§345.24. Continuing Professional Education.

Proposed amendments to Section 345.24 address continuing education requirements for Traffic Violator School (TVS) instructors. The amendment is necessary to make specific Vehicle Code section 11207 regarding the issuance and renewal of instructor licenses.

Proposed amendments to subsection (a) make two grammatical changes and adds formatting tabulations. The term “shall” is repealed and “may” is added in reference to department criteria for accepting proof of continuing education. In proposed amendments to subdivision (a)(2), the minimum requirement of participation in traffic safety seminars hours is changed from 18 hours to 12 hours. The twelve hour requirement may be completed in increments or simultaneously. These changes are necessary to make specific criteria for license qualifications of a TVS instructor. The proposed changes will also reduce continuing education requirements.

Proposed subdivision (a)(2) is added to specify that the twelve hour continuing education requirement may be completed in increments or simultaneously. This is necessary to make specific criteria for license qualifications of a TVS instructor. These changes will improve continuing education requirements for instructors.

Proposed amendments to subsection (b) and subdivision (b)(1) make grammatical changes. This is necessary for clarity purposes.

In proposed amendments to subdivision (b)(3) the term “shall” is repealed and “may” is added in reference to the department’s notification of acceptance or rejection of a course substitution. This is necessary to make specific criteria for qualifications of a TVS instructor. Grammatical changes are for clarity purposes.

Proposed amendments to subsection (c) make a grammatical change. Subdivision (c)(2) is amended in reference to the number of hours required for participation in traffic safety seminars by repealing 18 and adding twelve (12). This is necessary to make specific the criteria for the qualifications of a TVS instructor.

Proposed amendments to subdivision (c)(5) informs instructors proof of continuing education shall be sent to the address on the renewal application form. The provider of the training course shall provide a document to each attendee certifying the individual completed an approved traffic safety related course specifying the hours completed, the date(s) of the course, and name of the specific segment(s) or class(es) completed. The applicant shall submit the document with the instructor renewal application to the address on the application form, or to a designated field office, in accordance with Section 345.23(a)(3). This is necessary to make specific criteria for qualifications of a TVS instructor.

§345.40. Class Schedules.

Section 345.40 addresses class scheduling requirements. The amendments make specific Vehicle Code section 11219 regarding the conduct of courses of education including curriculum, facilities, and equipment.

Proposed amendments to subsection (a) requires schedule of all classes to be submitted either by U.S. mail or posted on a school’s website prior to being conducted by a new school or at a new location. This is necessary to make specific conduct of courses, curriculum and facilities. This change will improve TVS alternatives when submitting class schedules.

Proposed amendments to subsection (b) require a schedule of all classes to be submitted either by U.S. mail or posted on a school’s website prior to the beginning of each calendar month after a school begins operation. This is necessary to make specific conduct of courses, curriculum and facilities. This change will improve TVS options when submitting class schedules each month.

Proposed amendments to subsections (d), (e) and (e)(3) make grammatical changes. This is necessary for clarity purposes and removes redundancy.

§345.41. Class Cancellations.

Section 345.41 addresses class cancellations given advance notice, due to emergencies and low

enrollment. The amendments make specific Vehicle Code section 11219 regarding the conduct of courses of education including curriculum, facilities, and equipment.

Proposed amendments to subsection (a) address advance notice of cancellations. A school that cancels any scheduled class is required to notify the department in writing. Telephone notification is added as an alternative to the notification in writing. The notification shall be by 5:00 PM on the fifth business day preceding the scheduled class date.

The school shall notify affected students a minimum of 4 days prior to the scheduled class date. Telephone notification is added as an alternative to notification in writing. The school may additionally post a cancellation message on the homepage. These amendments are necessary to make specific the conduct of courses. These changes will improve TVS alternatives when notifying the department of class cancellations.

Proposed amendments to subsection (b) requires that if emergency circumstances prevent timely written notice of a class cancellation, the school shall telephone the department at least 72 hours prior to the scheduled class. Additionally, a school with a website may post the cancellation at least 72 hours prior to the class.

If a 72 hour notice is prevented, the school shall telephone the department the first working day following the decision to cancel the class and explain the circumstances causing the emergency cancellation. Additionally, a school with a website may elect to post the cancellation at least 72 hours prior to the class cancellation. A written confirmation of the circumstances for the cancellation is not required when posted on the school website. These amendments are necessary to make specific conduct of courses. These changes will improve TVS alternatives when notifying the department of class cancellations.

Proposed amendments to subsection (b) also make grammatical changes. These amendments are necessary to make specific Vehicle Code section 11219 regarding the conduct of courses including curriculum, facilities and equipment. These changes will improve TVS alternatives when notifying the department of emergency class cancellations. These amendments are necessary to make specific conduct of courses. These changes will improve TVS alternatives when notifying the department of class cancellations.

Proposed amendments to subdivision (b)(1) requires that if emergency circumstances prevent notice to the department of class cancellation within 72 hours of the cancellation, the school shall telephone the department the first working day following the decision to cancel, explain the circumstances and provide confirmation of the circumstances. The confirmation of circumstances is not required when the cancellation is posted on the school's website. These amendments are necessary to make specific conduct of courses. These changes will improve TVS alternatives when notifying the department of class cancellations.

Proposed amendments to subsection (c) allow a Traffic Violator School to cancel a class due to low enrollment of five students or less. This amendment is necessary to make specific conduct of courses including curriculum. This change will improve TVS alternatives when notifying the department of class cancellations.

Proposed amendments to subsection (c) add subdivision (1). Subdivision (c)(1) repeals some existing language and makes grammatical changes. Subdivision (c)(1) repeals reference to low enrollment if less than 6 students are enrolled. The subdivision adds telephone as an alternate method of notification. These amendments are necessary to make specific conduct of courses including curriculum, facilities and equipment. These changes will improve TVS alternatives when notifying the department of class cancellations.

Proposed amendment to subdivision (c)(1) add subparagraph (A). Subparagraph (c)(1)(A) adds electronic mail as a method of notice of cancellation in addition to telephone notification. If the school only has a postal address, the notification shall be by U.S. mail. These amendments are necessary to make specific conduct of courses. This change will improve TVS alternatives when making class cancellations notifications.

Proposed amendments to subsection (c) add subdivision (2). Subdivision (c)(2) adds that student notification by telephone shall be attempted at least three times before leaving a message. This amendment is necessary to make specific conduct of courses.

Proposed amendment to subdivision (c)(2) add subparagraph (A). Subparagraph (c)(2)(A) adds that an electronic reply from the student constitutes notification. Returned postal mail shall confirm notification by U.S. mail. This amendment is necessary to make specific conduct of courses.

Proposed amendments to subsection (c) add subdivision (3). Subdivision (c)(3) adds that the school shall offer to provide the registered students with an alternate class, at a charge not to exceed the cost of a completion certificate and the cost of any other certificate required by the court. This amendment is necessary to make specific conduct of courses.

Proposed amendments to subsection (c) add subdivision (4). Subdivision (c)(4) adds that the school shall maintain a class roster or student enrollment form for each class canceled for low enrollment. The form shall indicate the notification method, date(s) and time(s), and outcome of notification.

Proposed changes to subsection (c) deletes existing language added in subdivisions and subparagraphs (c)(1), (c)(1)(A), (c)(2), (c)(2)(A), (c)(3) and (c)(4). Section (c) is written mainly in a narrative format and tabulation is added for clarity purposes. This is necessary because the existing language duplicates the subdivisions and subparagraphs introduced in subsection (c). These amendments are necessary to make specific conduct of courses and for clarity purposes.

Proposed amendments to subsection (d) repeal existing language and add language similar in content which is more concise. Reference to class cancellation on an emergency basis is also added. These changes are grammatical in nature and make sentence structural changes. This is necessary to make specific conduct of courses and for clarity purposes.

Proposed amendments repeal reference to the types of cancellations. Reference to subsection (a) which refers to advance notice of class cancellation is repealed. This is necessary to make specific conduct of courses.

Proposed amendments to subsection (d) add subdivision (1). Subdivision (d)(1) is added for grammatical/structural purposes. Section (d) is written mainly in a narrative format and tabulation is added for clarity purposes

Proposed amendments to subsection (e) make grammatical/structural changes and add reference to electronic mail notifications referenced in subsections (b) and (c). This is necessary for clarity purposes.

§345.42. Quarterly Reporting of Classes Conducted.

Proposed amendments to Section 345.42 provide quarterly reporting requirements of classes conducted in a specified form. This section is repealed. Form OL 850 (Rev 10/94), Traffic Violator School Report Form is repealed. This is necessary to make specific conduct of courses.

§345.46. Duplicate Completion Certificate.

Section 345.46 addresses requirements for issuance of duplicate completion certificates issued by Traffic Violator Schools.

Proposed amendments to subsection (a)(1) repeal a price cap on duplicate certificates. Existing language allows a school a fee for duplicate certificates, not to exceed \$3.00 in addition to the actual cost of the certificate to the school. Existing subsections (a)(2), (a)(3) and (a)(4) are renumbered. Existing numbering (a)(4) is eliminated from the numbering scheme. This amendment allows schools to increase revenue by removing the price cap for issuing a duplicate certificate. This is necessary to make specific conduct of courses.

§345.50. Office Practices.

Section 345.50 addresses office practice requirements for Traffic Violator Schools such as the posting of approved school name(s), office hours, location of an office and telephone answering requirements. The proposed amendments to Section 345.50 are necessary to make specific Vehicle Code section 11219 regarding the conduct of courses of education including curriculum, facilities, and equipment.

Proposed amendments to subsection (a), and subdivisions (c)(3) and (c)(4) are grammatical in nature. This amendment is necessary for clarity purposes.

Proposed amendments to subdivision (c)(10) requires schools to obtain sufficient contact information to notify students of class cancellations. An electronic mailing address is added to the contact information in addition to existing language which requires a telephone number and mailing address. The amendment makes grammatical changes. These amendments are necessary to make specific the conduct of courses of education including curriculum, facilities, and equipment. The grammatical changes are made for clarity purposes.

Proposed amendment to subdivision (d)(1) and (d)(2) make grammatical changes. The grammatical changes are made for clarity purposes.

