

## EXPRESS TERMS

### ARTICLE 4.7. SCHOOLS FOR TRAFFIC VIOLATORS SECTIONS 345.24, 345.40, 345.41, 345.42, 345.46 AND 345.50

#### §345.24. Continuing Professional Education.

- (a) In lieu of a renewal examination every three years ~~three-year period as provided in pursuant to Section 11207(e)(2) of the Vehicle Code~~ section 11207(c)(2), the department ~~shall~~ may accept either:
- (1) Proof evidence of completion of a college level course in traffic safety, equivalent to two semester units; or,
  - (2) Proof evidence of participation in traffic safety seminars, consisting of a minimum of ~~eighteen~~ twelve hours; . The twelve hour continuing education requirement may be completed in increments or simultaneously.
  - (3) The course/seminar completion shall be within the preceding three (3) 3 years of license expiration, as evidence of continuing professional education.
- (b) In order ~~for a college course to substitute the continuing education written examination to qualify a college-level course for substitution for the written examination~~, the applicant shall submit the following directly to the department at its headquarters office no later than 60 days prior to the license expiration date:
- (1) A copy of the college transcript or training certificate showing completion of the course ~~to be qualified.~~
  - (2) A synopsis of the content of the course.
  - (3) The department ~~shall~~ will advise the applicant in writing of either acceptance or rejection of the course within 15 days of receipt of the required documentation. If approved, the applicant shall submit the department's approval letter with the ~~completed~~ renewal application to any designated field office in accordance with Section 345.23(a)(3).
- (c) In order for a course provider to qualify a traffic safety course or seminar for continuing education credits, the provider shall submit a request for approval in writing to the department at its headquarters office a minimum of 60 days prior to conducting the course. The request shall include the following:
- (1) A description of the subject matter of the traffic safety course or seminar, by segment or class.
  - (2) The actual dates and times of each traffic safety course or seminar, including the duration of each segment, break and lunch period. Traffic safety courses or seminars shall be approved for credit towards the required ~~48~~ 12 hours at the rate of one hour of credit per hour of actual traffic safety related instruction. No credit shall be allowed for instruction time spent on unrelated subject matter.
  - (3) The department will advise the provider in writing of the acceptance, partial acceptance or rejection of the course or seminar within 15 days of receipt of the required documentation.

- (4) Upon completion of a qualifying course or seminar, a roster identifying the attendees shall be submitted to the department at its headquarters office by the course provider no later than the 10th day following the course completion date. The roster shall include a statement to be signed by the provider certifying under penalty of perjury that all attendees satisfactorily completed the designated number of hours of training.
- (5) The provider of the training course shall also provide a document to each attendee which certifies that the individual completed an approved traffic safety related course which specifies the actual hours completed, the date(s) of the course, and names the specific segment(s) or class/classes completed.

The applicant shall submit the completion certificate issued by the provider with the completed instructor renewal application to the address on the application form or any a designated field office in accordance with Section 345.23(a)(3).

NOTE: Authority cited: Sections 1651, 11202 and 11219, Vehicle Code. Reference: Section 11207, Vehicle Code.

#### **§345.40. Class Schedules.**

Approval for conducting traffic violator education courses shall be contingent upon the school meeting and maintaining the following scheduling requirements:

- (a) A schedule of all classes shall be filed with the department a minimum of 15 days prior to any class being conducted by any new school or at any new classroom location being used by any school. A schedule shall be submitted through U.S. mail or posted on the school website.
- (b) A schedule of all classes shall be filed with the department a minimum of 15 days prior to the beginning of each calendar month after a school begins operation. A schedule shall be submitted through the U.S. mail or posted on the school website.
- (c) Schools shall use the Official School And Class Location(s) Schedule, form OL 854 (Rev 7/93), when submitting schedules to the department. The form shall contain:
  - (1) The DBA name of the school, the TVS license number, and the date the form is prepared.
  - (2) The signature of the owner, operator, administrator if a public school or agency, or designated representative.
  - (3) The business address and telephone number of the school.
  - (4) The address of each classroom location to be used.
  - (5) The scheduled dates and hours for each classroom to be used during the scheduled period.
  - (6) Identification of the instructional language to be used for each scheduled class.
- (d) A Any school that fails to submit schedules pursuant to this section shall result in have its the school name being removed from all judicial districts on the next TVS Classroom Location List published by the department pursuant to Vehicle Code sSection 11205(a) of the Vehicle Code. If the school fails to submit schedules a second time within any 12 month period, the school's name shall be removed from ~~all judicial districts on~~ the next two TVS Classroom

Location Lists ~~published by the department pursuant to Section 11205(a) of the Vehicle Code.~~

- (e) A school shall schedule and offer to conduct classes in ~~a minimum of one~~ an approved classroom location, in each city listed on the TVS Classroom Location List, at least once every other month.
- (1) For the purposes of this section “schedule and offer to conduct” means that a school shall schedule a class pursuant to the scheduling requirements of this section, shall offer to enroll prospective students in the class, and does not cancel the class except in accordance with the provisions of subdivision (b) or (c) of Section 345.41. If a school cancels a class pursuant to subdivision (a) of Section 345.41, the school did not “offer to conduct” for the purposes of this section.
  - (2) If the department determines, upon investigation, that a school is not scheduling and offering to conduct classes in a city pursuant to subdivision (e), that city location shall be removed from the next TVS Classroom Location ~~list~~ List published by the department pursuant to ~~Section 11205(a) of the Vehicle Code~~ section 11205(a).
  - (3) If a school has 5 city locations removed from the TVS Classroom Location List within any 12 month period, the school’s name shall be removed from all judicial districts on the next publication of the TVS Classroom Location List ~~published by the department pursuant to Section 11205(a) of the Vehicle Code.~~
- (f) A school shall not offer to register a student for a class, nor conduct a class, that has not been included and submitted to the department on the Official School And Class Location(s) Schedule, Form OL 854.
- (g) The department may waive the requirements of subdivision (a), (b), or (e) of this section for a traffic violator school if a school is unable to schedule or conduct classes due to a natural disaster such as, fire, flood, or earthquake, or a civil disturbance.
- (1) As soon as circumstances allow, the school shall notify the department that it is unable to schedule or conduct classes, and shall specify whether the entire school operation is disrupted or which specific classroom locations/judicial districts are affected.
  - (2) The department shall determine whether to waive the requirements, and the duration of the waiver, based on the specific circumstances, and shall notify the school(s) of the decision immediately.

NOTE: Authority cited: Sections 1651, 11202 and 11219, Vehicle Code. Reference: Section 11213 and 11219, Vehicle Code.

### **§345.41. Class Cancellations.**

- (a) Should a school cancel any scheduled class, the school shall notify the department in writing or by telephone as referenced in subdivision (b). The department shall receive such notification no later than 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 in writing or by telephone. Schools with a website may elect to additionally post an alert message on the homepage when a class is cancelled.

(b) If emergency circumstances prevent timely, written notice to the department of class cancellation, the school shall ~~call~~ telephone the department; ~~described no later than at least~~ 72 hours prior to the scheduled class date and start time. A school with a website may elect to post the alert message at least 72 hours prior to the scheduled class.

(1) If emergency circumstances prevent notice to the department of class cancellation within 72 hours ~~of the scheduled date and start time~~, the school shall ~~call~~ telephone the department ~~on~~ the first work day following the decision to cancel the class and explain the circumstances causing the cancellation. The school shall ~~also supply~~ provide confirmation of the circumstances in writing. The confirmation is not required when posted on the school website.

(c) Traffic violator schools shall conduct classes at scheduled locations unless enrollment consists of five students or less.

(1) ~~in cases of low enrollment, unless enrollment consists of less than six students. If less than six students enroll, the~~ The class may be canceled, provided that the school notifies all registered students by phone and the department by telephone at least 24 hours in advance. ~~of the cancellation a minimum of 24 hours prior to the scheduled start of the class.~~

(A) Notification of cancellation may also be by electronic mail. If the school only has a postal address, the notification shall be by U.S. mail.

(2) Student notification by telephone shall be attempted at least three times. A voicemail message shall be left at the first attempt, if a voicemail system answers.

(A) An electronic reply from the student constitutes notification. Returned postal mail shall confirm notification by U.S. mail.

(3) 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.

(4) 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.

~~Leaving a message on an answering machine at the phone number provided by the student shall constitute notification for this purpose. If the school is unable to contact a student by phone on the first attempt, the school shall attempt a phone contact at least 2 subsequent times, and shall note the date and time of the attempts. If the school has only a mailing address for a student, the school shall send a written notification to the student. When notifying the students of the cancellation, whether by mail, or phone, the school shall offer to provide the registered students with an alternate class, at a charge to the student not to exceed the cost of the department completion certificate and the cost of any other certificate required by the court. The school shall maintain a class roster or set of student enrollment cards for each class canceled for low enrollment, which shall indicate the date each student was notified by mail, or the date and time each student was notified by phone, or if the school was unable to notify the student by phone, the date and times of attempted notification.~~

(d) Whenever a class is canceled on an emergency basis, pursuant to subsection (a) or (b) the school shall refer affected students to the department's published TVS Classroom Location List or other court approved list ~~for selection of another school~~, unless an alternate date, time or location is provided at a charge not to exceed the cost of a completion certificate and any other cost of certificate required by the court, ~~except that a school may offer an alternate date, time, or location to a student registered in a class canceled pursuant to subdivision (a) or (b), provided that the alternate class is provided to the student at a charge not to exceed the cost of the department completion certificate and the cost of any other certificate required by the court.~~

(1) Under no circumstances are the affected students to be referred to a specific any other school.

If these conditions cannot be met by the traffic violator school, the scheduled class shall be conducted as scheduled.

(e) If a school cancels a class for any reason, the school shall post a notice of cancellation at the classroom location for 1/2 hour prior to and one hour after the start of the scheduled class, unless all registered students and the department were either ~~contacted~~ notified by telephone, or mailed, or electronic mail as referenced in subsections (b) and (c) ~~a notice of cancellation~~ at least 4 days in advance of the class being canceled.

NOTE: Authority cited: Sections 1651, 11202 and 11219, Vehicle Code. Reference: Sections, 11213 and 11219, Vehicle Code.

#### **~~§345.42. Quarterly Reporting of Classes Conducted.~~**

~~(a) Traffic violator schools shall report the number of classes conducted and the number of students instructed for each classroom location.~~

~~(b) Reports shall be for each preceding calendar quarter or portion of the calendar quarter, if the classroom was not licensed for the full quarter.~~

~~(c) Reports shall be made on form OL 850 (Rev 10/94), Traffic Violator School Reporting Form, and shall contain the following information:~~

~~(1) The months and year covered by the report.~~

~~(2) The complete school name.~~

~~(3) The school's license number and judicial district in which the classroom is located.~~

~~(4) The classroom address.~~

~~(5) The business address where school records are stored.~~

~~(6) The business telephone number.~~

~~(7) The number of students who completed the course at the location.~~

~~(8) The number of classes scheduled and the number of classes actually conducted at the location.~~

~~(9) The signature of the school owner, operator or authorized representative.~~

~~(d) Completed forms are to be received in the department's headquarters office on or before the thirtieth calendar day of the month following the quarter in which classes were conducted.~~

~~NOTE: Authority cited: Sections 1651, 11202(a)(2), 11213(d) and 11219, Vehicle Code. Reference: Section 11213, Vehicle Code.~~

#### **§345.46. Duplicate Completion Certificate.**

(a) A duplicate completion certificate form shall be issued only by the traffic violator school that issued the original certificate.

~~(1) The traffic violator school may charge a fee for the duplicate certificate, not to exceed \$3.00 in addition to the actual cost of the certificate to the school.~~

~~(2) The school shall verify from the school's records that the student completed the course. The number of the original certificate issued shall be marked on the top of the duplicate certificate.~~

~~(3) (2)A duplicate certificate shall be marked "duplicate" in large letters across the face of the certificate and both copies.~~

~~(4) (3)The disposition of the duplicate certificate and copies shall be as described for an original certificate in Section 345.45(b).~~

(b) A duplicate completion certificate may be signed by the school owner, operator, administrator if a public school or agency, or any designated employee authorized pursuant to Section 345.54.

NOTE: Authority cited: Sections 1651, 11202 and 11219, Vehicle Code. Reference: Sections 11212 and 11219, Vehicle Code.

#### **§345.50. Office Practices.**

(a) Each traffic violator school shall post its approved name and its office hours at its primary ~~business office and any branch business offices. The office(s) and~~ shall be open to the public during the posted hours. The person in charge of the office ~~during the posted hours~~ shall be knowledgeable concerning the operation of the school, ~~shall be authorized to provide give~~ information ~~to the public concerning classes and fees, charged by the school and shall be able to~~ and provide detailed information to a department any or court representative or contractor of the department or a court concerning the operation and business records of the school.

(1) At a minimum, each office shall maintain the same office hours as the day courts in the county, except in counties with populations of less than 400,000.

(2) In counties with populations of less than 400,000, each office shall be open a minimum of two hours per week, during the day court hours, provided that:

(A) The school does not schedule or offer classes in any county with a population of 400,000 or more.

- (B) The school utilizes an answering machine or service for the office number during department business hours and responds to all calls from the public within two business days of the call.
  - (C) The school notifies the department in writing at least ten days before any acceptable change is made in posted office hours.
- (3) Any school which offers classes in counties with populations of 400,000 or more is required to maintain the office hours described in subdivision (1) for the county/counties in which classes are offered.
- (b) If the office is located in a free standing building, a storefront or a residence, the school name shall be posted on the front of the building. If the office is located in a multi-business building, the school name shall be posted in an area common to all of the businesses and on, adjacent to or over the entry door to the school office. Any sign shall contain lettering of sufficient size to be clearly legible from a distance of fifty (50) feet for an outdoor sign and ten (10) feet for an indoor sign. The department may make exceptions to sign requirements to accommodate unique circumstances.
- (c) Each school shall maintain a telephone at its primary business office and at any branch business office(s). The following conditions shall be met by each school:
- (1) The telephone shall be answered with the approved school name.
  - (2) Separate telephone numbers. No two or more traffic violator schools shall share the same telephone number. The telephone number used by a school shall not be shared with any other business, unless approved by the department.
  - (3) All telephone numbers published in the department's list of schools pursuant to Vehicle Code §section 11205(c) shall be operational and answered during the posted office hours.
  - (4) If an automated phone system or an answering service is used for scheduling classes and the service, or system, is unable to answer questions regarding the school, a referral number shall be provided to the caller. The referral number shall be operational and answered during the posted office hours and shall be answered by a person with the knowledge described in subdivision (a).
  - (5) If the traffic violator school is unable to accommodate any prospective student, the prospective student shall be referred back to the department's published TVS Classroom Location List or other court approved list to select another school. No traffic violator school shall refer a student to any specific listing or school.
  - (6) Answering machines shall be utilized only during non-business hours.
  - (7) No school may use California 900/976 numbers or any for-profit telephone lines.
  - (8) If an answering service is used to answer the telephone numbers published in the department's Classroom Location List, or, if the school's telephone number is regionalized to prohibit calls from outside of a defined calling area, the school shall provide one direct number which is operational and answered during the posted office hours for use by the department for contacting the school.
  - (9) Any traffic violator school representative who discusses enrollment with any potential student shall provide the following information to the prospective student:

- (A) The total fee for the course, including any charge for the completion certificate and whether that charge is included in the total class fee or is in addition to the class fee.
  - (B) What form(s) of payment are acceptable.
  - (C) Any fees charged for canceling or rescheduling a class.
- (10) Any traffic school representative who enrolls students in scheduled classes shall obtain sufficient information to notify the students of class cancellations pursuant to Section 345.41. Sufficient information may include a telephone number, mailing address and electronic mail address. ~~If a student can not be contacted by phone, the representative shall obtain a mailing address for the student.~~
- (d) Each school shall post licenses as follows:
- (1) Owner licenses shall be posted in the primary business office ~~and~~ in a location conspicuous to the public.
  - (2) Operator licenses shall be posted in the primary business office ~~and~~ in a location conspicuous to the public, except for public school providers in accordance with Vehicle Code section 11202.
  - (3) Photocopies of the owner and operator licenses shall be similarly posted at each branch business office.
- (e) Each school shall maintain on file in the primary business office the current license of each instructor, including a copy of the temporary permit if no permanent license has been issued.

NOTE: Authority cited: Sections 1651, 11202 and 11219, Vehicle Code. Reference: Sections 320, 1671, 11202 and 11215(a), Vehicle Code.