

**ORDER TO ADOPT
EXPRESS TERMS
ARTICLE 4.7 SCHOOLS FOR TRAFFIC VIOLATORS**

LICENSES AND APPROVALS REQUIRED

§345.02. Traffic Violator School Owner.

(a) A traffic violator school owner shall be licensed by the department before engaging and/or continuing to engage in any traffic violator school classroom instructional activities. To obtain an owner license an applicant shall:

- (1) Meet all of the requirements of Vehicle Code Section 11202.
- (2) Meet all of the application requirements pursuant to this section.

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(e) The department shall notify the applicant when Part I of the application is complete and shall provide the forms required to complete Part II of the application. Part II of the application shall be submitted to any department field investigation district office and contain the following:

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(3) Form OL 751 (Rev 7/93), Application For Traffic Violator School (TVS) Operator License, completed pursuant to Section 345.04, or form OL 755 (Rev ~~4/93~~ 9/06), Application for Change: TVS Operator License, completed pursuant to Section 345.22(b). An owner's license shall not be issued until the department determines that the applicant for operator meets the requirements for licensure.

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Note: Authority cited: Sections 1651, 1665, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 626, 626.2, 626.4, 626.6, 626.8, 1668(b), 1671, 11200, 11202, 11202.5, 11204, 11206, 11208, 11210 and 11211, Vehicle Code.

§345.06. Traffic Violator School Instructor.

(a) A traffic violator school instructor shall meet the requirements of Vehicle Code Section 11206 and be licensed by the department before engaging in traffic violator school instruction, except as provided in Section 11206(c) of the Vehicle Code.

(b) A traffic violator school instructor license authorizes the licensee to perform instructional services only for the specific school named on the license.

(c) A traffic violator school instructor may perform instructional services for more than one school; however, all of the affected schools, including public schools or agencies, shall be fully aware of each school employing the instructor and the instructor shall possess a valid license for each school, except as provided in Section 11206(c) of the Vehicle Code.

(d) In addition to instructional services, a traffic violator school instructor, including public school instructors, shall perform the following:

- (1) Ensure that the classroom standards described in Section 345.38 are maintained at all times during the entire course.
- (2) Post all signs required by the department (Section 345.39(g) and (i), and Section 11202(e) of the Vehicle Code) in each classroom prior to commencing instruction.

(3) Maintain evidence of licensure at all times while performing instructional services. Possession of the instructor identification card, described in Section 345.06(g), shall be sufficient to meet this requirement.

(4) Follow the school's departmental approved lesson plan at all times while conducting the class.

(e) Any individual who qualifies as an instructor pursuant to Vehicle Code Section 11206 may apply to be licensed by the department as an instructor by filing a completed application with the department at any designated field office of the department. A list of designated offices can be obtained from the headquarters office of the department. A completed application shall contain:

(1) A nonrefundable application fee of \$30 and a \$1 Family Support Program fee under California Family Code Section 17520 for a total of \$31.

(2) An Application for Instructor's License Traffic Violator School (TVS) ~~Instructor License~~, form OL 710 (Rev. ~~8/2005~~ 9/06). This application shall contain the following information:

(A) The type of application, whether the application is for an Original, Additional or Reinstatement license.

(B) The true full name, mailing address and residence address of the applicant. If the applicant is requesting an additional license, the current Traffic Violator School instructor license number shall be provided.

~~(C) The applicant's driver license number and expiration date.~~

~~(D) The applicant's physical description. This description shall contain the color hair, color eyes, height, weight, birthdate, and sex of the applicant.~~

~~(C)(E) The employing school's name (DBA), address, and school license number.~~

~~(D)(F) For Original and Reinstatement applications, a statement dated and signed under penalty of perjury under the laws of the State of California certifying that the person signing the form is the owner, operator, or designated representative of the Traffic Violator School pursuant to Title 13, Section 345.54 that will be employing the licensee named in the form, and that the licensee named in the form has been administered and successfully passed a written examination in accordance with Section 345.07 of Title 13 of the California Code of Regulations and Vehicle Code section 11206.~~

~~(E)(G) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the owner or operator A statement, dated and signed under penalty of perjury under the laws of the State of California by the owner or operator, certifying that the school intends to employ the applicant as an instructor when the applicant is licensed; the city and state where the signature is executed and an indication of whether the signature is of the owner or operator.~~

~~(F)(H) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant. A statement by the applicant dated and signed under penalty of perjury under the laws of the State of California that the foregoing information in the form is true and correct and the city and state where the signature is executed.~~

(3) A Personal History Questionnaire completed by the applicant pursuant to Section 345.68, of Title 13 of the California Code of Regulations.

(4) One fingerprint card completed by the applicant pursuant to Section 345.72 and payment of a fingerprint-processing fee, as described in Vehicle Code Section 1668(b), for each applicant.

(f) Applications must be completed in its entirety and properly signed pursuant to subdivision (e) of these regulations. Incomplete applications will not be processed and will be returned to the applicant within 10 business days with the reason why the application is incomplete. When the application is complete, the department shall issue a temporary permit pursuant to Vehicle Code

Section 11210, pending final review of the application, provided that:

- (1) There is no apparent reason for the application to be refused or disapproved.
- (2) The employing school is currently licensed. If the employing school has not yet been licensed, the instructor's temporary permit or license shall be issued when the owner's permit or license is issued.

(g) When the application is complete, the department shall issue a temporary permit pursuant to Vehicle Code Section 11210, pending final review of the application, provided that:

- (1) There is no apparent reason for the application to be refused or disapproved.
- (2) The employing school is currently licensed. If the employing school has not yet been licensed, the instructor's temporary permit or license shall be issued when the owner's permit or license is issued. Following the final review of the application, a license and an identification card shall be issued to all applicants who meet the requirements for licensure. An instructor license shall be maintained at the school business office and the identification card shall be in the possession of the instructor at all times while conducting classes. A traffic violator school instructor license, when issued, is valid for a period of three years from the date of issuance of the temporary permit or, if no permit is issued, from the date of issuance of the license, unless suspended or revoked by the department.

(h) Following the final review of the application, a license and an identification card shall be issued to all applicants who meet the requirements for licensure. An instructor license shall be maintained at the school business office and the identification card shall be in the possession of the instructor at all times while conducting classes. A traffic violator school instructor license, when issued, is valid for a period of three years from the date of issuance of the temporary permit or, if no permit is issued, from the date of issuance of the license, unless suspended or revoked by the department. If the department determines that the applicant is not qualified, pursuant to any applicable statute or code, the department shall notify the applicant in writing that the license is refused. The notice of refusal shall include:

- (1) The reason or basis for the refusal.
- (2) Information regarding the applicant's right to a hearing, pursuant to Vehicle Code Section 11211(b).
- (3) If a temporary permit has been issued, notification that the temporary permit is canceled upon receipt of the notice.

(i) If the department determines that the applicant is not qualified, pursuant to any applicable statute or code, the department shall notify the applicant in writing that the license is refused. The notice of refusal shall include:

- (1) The reason or basis for the refusal.
- (2) Information regarding the applicant's right to a hearing, pursuant to Vehicle Code Section 11211(b).
- (3) If a temporary permit has been issued, notification that the temporary permit is canceled upon receipt of the notice.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code; and Section 17520, Family Code. Reference: Sections 626.4, 1652, 11200, 11206, 11206.5, 11207, 11208, 11210 and 11211, Vehicle Code; ~~and~~ Section 17520, Family Code and Section 2015.5, Code of Civil Procedure.

LICENSE RENEWALS, DUPLICATES AND CHANGES

§345.21. Duplicate Operator License.

To replace a lost, stolen, or mutilated operator license, or identification card, the operator shall submit to the department a nonrefundable fee of \$15 and an Application For Change: TVS Operator License Change, form OL 755 (Rev 4/93 9/06), completed to contain the following information:

- (a) The name, residence address, and daytime telephone number of the operator.
- (b) The operator's driver license number.
- (c) The operator's license number and expiration date of the license.
- (d) The date the license or identification card was lost, stolen or mutilated.
- (e) The license number of the traffic violator school for which the license was issued.
- (f) Whether the license or identification card was lost, stolen or mutilated.
- (g) Whether the lost, stolen or mutilated document was the license, the identification card, or both.
- (h) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant. ~~A statement, signed by the applicant under penalty of perjury, that the information on the application is true and correct.~~

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11202.5 and 11208, Vehicle Code, and Section 2015.5, Code of Civil Procedure.

§345.22. Changes to Operator License.

A request for change to an operator license shall be submitted to an investigation field office of the department, as follows:

- (a) When a traffic violator school changes its ~~business~~ name, or adds a DBA, or changes the school address, the school operator's license shall also be changed to reflect the new school business name or address. To change the school name or address on an operator license, the operator shall submit the current operator license and an Application For Change: TVS Operator License, form OL 755 (Rev 4/93 9/06) along with a nonrefundable fee of \$15, except that there shall be no fee if the existing name was disapproved by a court pursuant to Section 11205(h) of the Vehicle Code. For a change of school name or address, the application shall contain the following information:
 - (1) The name, residence address and daytime telephone number of the operator.
 - (2) The operator's driver license number.
 - (3) The operator's license number and expiration date of the license.
 - (4) The new school name.
 - (5) The school's license number and current address.
 - (6) The former school name or address.
 - (7) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant. ~~A statement, signed by the applicant under penalty of perjury that the information on the application is true and correct.~~
- (b) An operator may transfer ~~his~~ an operator license to another school by submitting to the department:

- (1) The current identification card.
- (2) An Application For Change: TVS Operator License, form OL 755 (Rev 4/93 9/06), which shall contain the following information:
 - (A) The name, residence address, and telephone number of the operator.
 - (B) The operator's driver license number.
 - (C) The operator's license number and expiration date of the license.
 - (D) The name, license number, and address of the new school.
 - (E) The name and license number of the former school.
 - (F) A statement, signed by the owner or other designated representative of the new school, requesting the department to issue the operator a license for the new school.
 - (G) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant. ~~A statement, signed by the applicant under penalty of perjury, that the information on the application is true and correct.~~
- (3) A nonrefundable transfer fee based on the expiration date of the new license. The expiration date of a transferred operator license shall be changed to coincide with the new school's owner license expiration. In the event that this change would extend the expiration date of the existing operator license more than 12 months, or results in an expiration date more than 24 months from the issuance of the original or renewal license; the operator shall be required to renew the license in addition to the transfer. The transfer fee in such cases shall be \$15.00 plus a fee pursuant to Section 345.20 for renewal. The fee for transfer of an operator license shall be \$15.00 if the new license shall expire less than ~~than~~ 30 days after the expiration date of the license being surrendered for transfer or if the new license shall expire before the license being surrendered. If the new license issued expires 30 days or more after the prior expiration date, the fee for transfer shall be \$15.00 plus a fee based on the number of months the term of the license is extended, as follows:
 - (A) If the new expiration date extends the term of the license for 30 days to 3 months, the additional fee shall be \$12.50.
 - (B) If the new expiration date extends the term of the license for 4 months to 6 months, the additional fee shall be \$25.00.
 - (C) If the new expiration date extends the term of the license for 7 months to 9 months, the additional fee shall be \$37.50.
 - (D) If the new expiration date extends the term of the license for 10 months to 12 months, the additional fee shall be \$50.00
- (c) If an operator changes his or her name, the department shall issue an operator license in the new name. The operator shall submit an Application For Change: TVS Operator License, form OL 755 (Rev 4/93 9/06), and a nonrefundable \$15 application fee to the department. The OL 755 shall contain the following information:
 - (1) The new name, residence address, and telephone number of the operator.
 - (2) The operator's driver license number.
 - (3) The operator's license number and expiration date of the license.
 - ~~(4) The operator's name as currently shown in department records.~~
 - ~~(4)(5) The operator's former name.~~
 - ~~(5)(6) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant.~~ A statement, signed by the applicant under penalty of perjury, certifying that the information on the application is true and correct.

Note: Authority cited: Sections 1651, 1665, 11202(a)(2), and 11219, Vehicle Code. Reference: Sections 1652, 1665, 11202.5, 11208 and 11213, Vehicle Code and Section 2015.5, Code of Civil Procedure.