

**OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES**P.O. BOX 932328
SACRAMENTO, CA 94232-3280**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

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.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., **JUNE 20, 2011**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret, or make specific Sections 1808.7, 11200, 11202.5, 11204, 11206, 11208, 42005 and 42231 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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. This action amends current TVS curriculum by placing additional requirements on classroom programs by requiring the use of audio or visual aids in the class and requiring student participation. 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 is also adopting 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.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Corporate Officers and/or Director Change, form OL 15 (Rev. 2/2011), in Section 345.18
- Traffic Violator School Classroom Lease or Rental Agreement, form OL 144 (Rev. 12/10), in Section 345.15
- Traffic Violator School Public School Instructor Certification/Deletion, form OL 609 (Rev. 4/2007), in Section 345.29
- 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), in Section 345.30
- Application for Traffic Violator School Operator and Instructor License, form OL 710 (Rev. 2/2011), in Section 345.02
- Application for Modification to a Traffic Violator School Operator and Instructor License, form OL 711 (Rev. 2/2011), in Section 345.02
- Traffic Violator School Branch Business Office/Classroom Application, form OL 712 (Rev. 2/2011), in Section 345.02
- Application for Traffic Violator School (TVS) Owner License, form OL 713 (Rev. 3/2011), in Section 345.02
- Application for Modification to a Traffic Violator School License, form OL 736 (Rev. 2/2011), in Section 345.18
- Renewal of a Traffic Violator School Instructor License, form OL 740 (Rev. 12/10), in Section 345.23

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- Application for Traffic Violator School Administrator Change, form OL 757 (Rev. 12/10), in Section 345.28
- Request for Approval of a TVS Educational Program, form OL 764 (NEW 1/2011), in Section 345.32
- Request for Verification for Use of an Approved TVS Program, form OL 766 (NEW 1/2011), in Section 345.32
- Traffic Violator School Course Evaluation, form OL 767 (NEW 9/2011), in Section 345.30
- Traffic Violator School Quarterly Report, form OL 850 (Rev. 2/2011), in Section 345.30
- Official Classroom Location Schedule, form OL 854 (Rev. 9/2011), in Section 345.40
- Notification of Class Schedules, form OL 854E (Rev. 9/2011), in Section 345.40

These documents are not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, these documents are readily available to interested parties by contacting the department representative identified below.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This action establishes application requirements for licensees and course curriculum standards for a traffic violator school program. This action specifies that fees are to be paid at the time an application is submitted, however, this action does not implement fees.
- Effects on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This proposal implements application requirements for traffic violator school owners, operators and instructors and provides course curriculum requirements for classroom, home study and internet based programs.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons that the proposed action.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Coordinator
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820
Telephone: (916) 657-6469
Facsimile: (916) 657-1204
E-Mail: LRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Cathy Sowell, Chief of Staff
Telephone: (916) 657-7970

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed action using underline to indicate additions, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.