

EXPRESS TERMS

Title 13, Division 1, Chapter 1 Article 4.7 – Schools for Traffic Violators

§ 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.

(b) A traffic violator school owner ~~shall be licensed as a traffic violator school operator before performing~~ may perform any of the operator duties described in Section 345.04(d), ~~except under the emergency provisions described in Section 345.05.~~ without a separate operator license, provided that the owner has met the requirements of Vehicle Code section 11202.5 and Section 345.04 of this Article and is designated as the operator for the school.

(c) A traffic violator school owner ~~shall be licensed as a traffic violator school instructor before~~ may performing any of the ~~classroom~~ instructional services described in Section 345.06(d): without a separate instructor license, provided that the owner has met the requirements of Vehicle Code section 11206 and Section 345.06 of this article.

(d) Any individual, partnership, corporation, public school, or other public agency may apply to the department to be licensed as a traffic violator school by submitting a completed application to the department. A completed ~~application~~ Application for Traffic Violator School (TVS) Owner License, form OL 713 (Rev. 3/2011), which is hereby incorporated by reference, shall be submitted ~~in two parts. Part I shall be submitted~~ to the headquarters office of the department with payment of a ~~nonrefundable application fee of \$150 and shall contain the following:~~ the application fee. Additional documentation required to complete the application process shall include the following:

(1) ~~Form OL 760 (Rev 4/94), Application For Traffic Violator School (TVS) Owner License: Part I. The application form shall contain the following information:~~

(A) ~~Information as to the type of entity making the application: corporation; partnership; sole proprietorship; public adult school, community college; or other public agency.~~

(B) ~~The proposed business name(s) under which the school will do business, DBA (doing business as). The department shall not approve a~~

~~name which exceeds 35 spaces; which is so similar to an existing school names so as to cause confusion to the public, courts or the department; which includes punctuation marks, symbols or letters which are not used in accordance with standard accepted practices of English; or which is configured in such a manner as to give an obvious unfair business advantage on a traffic violator school classroom listing. The department shall not approve more than two names for any traffic violator school. The department shall reserve the proposed name(s), as approved, for a period of one year from the application date.~~

~~(C) The proposed business address and telephone number, if known, at the time of application.~~

~~(D) Information specific to the type of business entity. If a corporation, the corporate name if different from the DBA name, the California corporation number and the name, driver license number and residence address of each principal officer, board member and any stockholders who are active in the management, direction or control of the corporation. If a partnership, the partnership name if different from the DBA name, and the name, driver license number and residence address of each general partner. If a sole proprietorship, the name, driver license number, residence address and residence telephone number of the sole owner. If a public school or other public educational institution, the name of the school district, the name of the school if different from the DBA name, and the name, driver license number and residence address of the administrator who will be in charge of the traffic violator school operation. If another public agency, the name of the public agency, if different from the DBA name, and the name and telephone number of the administrator for the public agency who will be in charge of the traffic violator school operation.~~

~~(E) The names and addresses of any other traffic violator, driving, or mature driver schools owned or operated by any individual, partnership, or corporation applying for ownership on the application.~~

~~(F) A statement by the applicant, signed under penalty of perjury, that all statements made in Part I of the application and all attachments to the application are true and correct.~~

~~(2)(1) An Application For Occupational License (Part B) Personal History Questionnaire, fForm OL 29 (Rev 3/94), Application For Occupational License (Part B) Personal History Questionnaire, completed pursuant to Section 345.68 of this Article by each individual applying for ownership or as an administrator on the application. For partnerships, this requirement extends to all general partners. For corporations, this requirement extends to all principal officers, board members and stockholders active in the management, direction or control of the~~

corporation. Also for corporations, form OL 754 (Rev 8/91), Certificate For All Individuals Listed On Corporate Structure, shall accompany the Personal History Questionnaire and shall contain: the corporation name; the business name (DBA) of the traffic violator school; information that the individual is a corporate officer, a board member, or principal stockholder; and the individual's signature and the date of signature.

~~(3)~~(2) One fingerprint card, completed pursuant to Section 345.72, for each individual who completed a Personal History Questionnaire.

~~(4)~~(3) Payment of a fingerprint processing fee, as described in Vehicle Code Section 1668(b), for each applicant.

~~(5)~~(4) A Evidence of an approved lesson plan, pursuant to Sections 345.30 and through 345.34, for approval by the department or evidence of authorization to use a purchased approved lesson plan. Part I of the application shall not be considered complete until the submitted lesson plan has been approved by the department as specified in Section 345.34, Lesson Plan Requirements. If the department determines after evaluation that a proposed course curriculum does not meet department standards for approval, the applicant shall be notified of the reasons the course curriculum was not approved. without submission of approval/authorization to use the lesson plan. The application will not be approved until submission of the approval/authorization to use a lesson plan.

~~(A) The applicant may submit a revised course curriculum two times for further evaluation. If, after the second revision is evaluated, the curriculum is not approved, the entire application shall be disapproved. The application will be considered complete without submission or approval of a lesson plan for an applicant that is a court approved traffic violator course provider, provided that the application is submitted prior to March 1, 2012.~~

~~(B) Any applicant whose application is disapproved as the result of disapproval of the curriculum may reapply at any time by filing a new original application and fee for owner license.~~

~~(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:~~

~~(1) Form OL 713 (Rev 3/92), Application for Traffic Violator School (TVS) Owner License: Part II, which shall contain the following information:~~

~~(A) Name of individual, partnership, corporation, public school, or public agency.~~

~~(B) School name (DBA) and telephone number.~~

~~(C) Business office address.~~

~~(D) Mailing address of school, if different from the business address. A mailing address different from the school's primary business address will only be recognized and used by the department if certification from the post office that mail can not be delivered to the business address is submitted with the application.~~

~~(E) Office hours and days office will be open.~~

~~(F) The date by which the office will be operational.~~

~~(G) Whether a classroom will be operated at the business office site and, if yes, the judicial district in which the classroom is located.~~

~~(H) If the business site is leased or rented, the property owner's name, address and telephone number and a copy of the lease or rental agreement.~~

~~(I) The name, address and telephone number of the bank where the business account is carried, the name(s) of persons authorized to draw funds or issue checks from the account and, if the account is not carried under the school's DBA name, the name(s) under which the account is carried.~~

~~(J) A statement, signed under penalty of perjury, certifying to the ownership structure of the business, signed by each individual named in Part I of the application, except that, for a corporation, it shall be signed and the corporate seal affixed by a corporate officer authorized to sign for the corporation.~~

~~(K) A certification statement by the applicant, signed under penalty of perjury, that all information provided in Part II of the application and all attachments to the application are true and correct.~~

~~(2)(5) A surety bond or alternate security as specified in Sections 345.65 or 345.66 of this Article, except as provided in Vehicle Code Section 11202(c), regarding public schools or other public agencies.~~

~~(3)(6) If the OL 713 does not designate the owner as the school operator, the applicant must complete one of the following:~~

~~(A) An Application for Traffic Violator School Operator and Instructor License, Form OL751 (Rev 7/93) OL 710 (Rev. 2/2011), which is hereby~~

~~incorporated by reference, Application For Traffic Violator School (TVS) Operator License, completed pursuant to Section 345.04, or of this Article.~~

~~(B) form OL 755 (Rev 9/06), Application for Change: TVS Operator License, An Application for Modification to a Traffic Violator School Operator and Instructor License, form OL 711 (Rev. 2/2011), which is hereby incorporated by reference, completed pursuant to Section 345.22(b) of this Article. An owner's license shall not be issued until the department determines that the applicant for operator meets the requirements for licensure.~~

(7) A traffic violator school with more than one branch office location may designate a separate operator for each location but shall designate one of the operators as the primary contact for the department.

~~(4)(8) A Traffic Violator School Branch Business Office/Classroom Application, Form OL 712 (Rev 10/94 2/2011), which is hereby incorporated by reference, Traffic Violator School Branch Business Office/Classroom Application, completed pursuant to Section 345.15 of this Article, for each proposed branch business office and each proposed classroom and payment of a \$70.00 nonrefundable the application fee for each branch business office and for each classroom which is located at a site other than that of the proposed principal business office or proposed branch business office.~~

~~(5)(9) For any classroom which is located in a facility not owned by the applicant, a copy of the lease or rental agreement specific to the applicant school, but DBA, shall accompany the application.~~

~~(6)(10) If the OL 713 does not indicate that the owner will perform the duties of instructor, the applicant must complete one of the following:~~

~~(A) A completed application for at least one instructor filed in accordance with Section 345.06, or 345.13, or 345.26(b) of this Article, whichever is applicable, or~~

~~(B) aAt least one completed Certification/Deletion of Public School Instructor Traffic Violator School Public School Instructor Certification/Deletion, form OL 609 (Rev 6/93 4/07), pursuant to Section 345.29, if the school is operated by a public school. An owner's license shall not be issued until the department determines that at least one applicant for instructor meets the requirements for licensure or until the department determines that one instructor for a public school meets the requirements of Section 345.29 of this Article.~~

~~(7) Form(s) OL 612 (Rev 8/92), Request For Court Approval Of Traffic Violator School (TVS) Name For Addition To TVS Classroom Location List or form(s) OL 611 (Rev 8/92), Request For Court Approval Of Substitute Traffic Violator School Name, for each judicial district in which the school will be holding classes. The school shall be listed on the TVS Classroom Location List only in those judicial districts for which the school name has been court approved. Each form, either OL 612 or OL 611, shall contain the following information:~~

~~(A) School name, license number (if known), judicial district, school owner's name, school business address, school daytime telephone number, the owner's signature and the date the owner signed the form.~~

~~(B) The court's approval for use of the school name in the judicial district and the name of the judicial district, the county in which the judicial district is located, the court code for the judicial district, the signature of the judge/court administrator who formalizes the approval and the date the approval is signed.~~

~~(C) The OL 611 shall also contain the school name previously disapproved by the court.~~

~~(8)~~(11) A Certificate of Appointment, Form OL 602 (Rev 4/91), completed pursuant to Section 345.67 of this Article.

~~(f)~~(e) ~~Part II of~~†The application shall not be considered complete until the primary business site and, if the application indicates the school will provide classroom instruction, at least one classroom site have been approved by the department as specified in Section 345.74 of this Article.

~~(g)~~(f) Upon completion of ~~Parts I and II~~ of the application, the department may issue a temporary operating permit pursuant to Vehicle Code §section 11210, pending completion of the department's evaluation of the background and qualifications of the applicant, provided there is no apparent reason for refusal of the license.

~~(h)~~(g) When the department determines that the applicant meets all qualifications for issuance of a license, it shall issue initial owner and operator licenses each valid for one year from the date the temporary operating permit was issued, if issued, or one year from the date of issuance, if no temporary operating permit was issued.

~~(i)~~(h) 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 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.

~~(j)(i)~~ An original traffic violator school owner license shall be valid for a period of one year. ~~A renewal license may be issued for a period of up to two years, as described in Section 345.16(a),~~ unless canceled, suspended or revoked by the department.

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.

§ 345.04. Traffic Violator School Operator.

(a) A traffic violator school operator shall meet the requirements of Vehicle Code §section 11202.5 and be licensed by the department before engaging in the administration or other business activities of a traffic violator school, except as provided in Vehicle Code §section 11202(d), relating to public schools, unless the operator is licensed as an owner/operator. ~~As used in Vehicle Code Section 11202.5(a)(4), the term "bona fide labor organization" means an association, corporation, partnership, federation, or other organization of any kind, or an agency or employee representation committee or plan:~~

~~(1) in which employees of an employer participate or have the right to participate;~~

~~(2) which is concerned with workplace grievances, labor disputes, wages, benefits, rates of pay, hours of employment, or conditions of work;~~

~~(3) which exists in whole or in part to accomplish any or all of such purposes through employee representation or collective bargaining; and~~

~~(4) which is, or is affiliated with, a local, state, or national organization or federation recognized by any local, state, or federal governmental agency to accomplish any or all of such purposes.~~

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

(c) A traffic violator school operator may perform operator services for more than one school; however, provided that all the following conditions are met:

(1) The operator shall possess a valid license for each school, and

~~(2) All of the affected schools shall be fully aware of the multiple school arrangement, as described in Section 345.11 have the same primary business address.~~

(3) The schools have a common owner(s). For purposes of this Article, a common owner is one of the following:

(A) The same sole owner,

(B) One partner in common, if a partnership, or

(C) The same corporation, if owned by a corporation.

(D) One managing member in common, in a limited liability corporation.

(E) One administrator in common, if an association.

(d) A traffic violator school operator shall play a major role in the operation of the school. An operator's duties shall include, but not be limited to: hiring, training and performance appraisal of instructors; scheduling classes; ensuring that all classes conducted are consistent with the school's approved curriculum; maintenance of the school's business records; and general operations of the traffic violator school.

(e) A traffic violator school operator shall be licensed as a traffic violator school instructor before performing any of the classroom instructional services described in 345.06(d).

(f) Any individual who qualifies as an operator pursuant to Vehicle Code Section 11202.5 may apply to be licensed by the department as an operator by filing a completed application with the department at any ~~field investigation district~~ inspector office.

(g) An original operator license shall be issued to expire in conjunction with the school owner's license. It shall be termed so that the expiration date of the operator license shall be the same date and month as the owner license and so that the expiration date shall not be more than ~~24~~ 12 months from the date of application.

~~(h) A completed application shall contain:~~ To apply for an operator license, the applicant shall submit the following to any inspector office of the department. A list of inspector offices can be accessed on the department's website at www.dmv.ca.gov.

~~(1) A nonrefundable~~ The application fee, which is based on the number of months for which the license will be issued, as follows:

~~(A) If the license will be valid for 12 months, the application fee is \$100.00.~~

~~(B) If the license will be valid for 13 to 15 months, the application fee is \$112.50.~~

~~(C) If the license will be valid for 16 to 18 months, the application fee is \$125.00.~~

~~(D) If the license will be valid for 19 to 21 months, the application fee is \$137.50.~~

~~(E) If the license will be valid for 22 to 24 months, the application fee is \$150.00.~~

~~(F) If the operator application is part of an original owner's application, the fee shall be \$100.00. The expiration date shall be the same as the first expiration date of the owner's license.~~

(2) ~~An~~ completed Application for Traffic Violator School (TVS) Operator and Instructor License, form OL 751 (Rev 7/93) OL 710 (Rev 2/2011). This application shall contain the following information:

~~(A) The name, residence address, and daytime telephone number of the applicant.~~

~~(B) The employing school's name, address, telephone number and office hours.~~

~~(C) The name of the school owner.~~

~~(D) A statement, signed by the applicant under penalty of perjury, certifying to age and completion of teaching experience pursuant to Vehicle Code Section 11202.5(a)(3) and (4) and that all of the information contained on the application is true and correct.~~

~~(E) A statement, signed by the owner, certifying that the school intends to employ the applicant as school operator when the applicant is licensed.~~

(3) A Personal History Questionnaire completed by the applicant pursuant to Section 345.68 of this Article.

(4) One set of fingerprints pursuant to Section 345.72 of this Article and payment of a fingerprint processing fee, as described in Vehicle Code ~~Section~~ 1668(b).

(5) Evidence of completion of an approved operator educational program. However, for any application for an additional operator license, the educational program requirement shall be waived if the applicant has completed a program within 12 months of submission of the application.

- (6) Evidence from an ~~investigation~~ inspection field office that the written examination was passed pursuant to Vehicle Code ~~§~~section 11202.5(a)(2) within three attempts. However, for any application for an additional operator license the examination requirements shall be waived if the applicant has passed the examination within ~~twenty-four (24)~~ months of submission of the application.
- (A) The operator examination shall be administered by the department at any field investigation district office of the department. The operator examination shall consist of 35 questions. A score of 30 or more correct answers shall be passing.
- (B) Any applicant who fails to pass the written examination shall be required to wait at least one week before another examination is administered.
- (C) An applicant shall be provided the opportunity to review the written examination taken after it has been corrected, but the review shall be in the presence of a department employee, and the applicant shall not copy or otherwise reproduce the examination form or any of the questions on the examination form in any manner.
- (i) When the application is complete, the department shall issue a temporary permit valid for a maximum of 120 days, pending department evaluation of the applicant 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 operator's application shall not be considered complete until the owner's permit or license is issued and the operator's temporary permit or license shall not be issued until the owner's permit or license is issued.
- (j) If the department determines that the applicant is not qualified pursuant to any applicable code or statute, the department shall notify the applicant in writing that the license shall be refused. The notice of refusal shall include:
- (1) The reason or basis for the refusal to issue.
 - (2) Information regarding the applicant's right to a hearing upon demand, 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.

(k) Following the final review of the application, a permanent license and identification card shall be issued to all applicants who meet the requirements for licensure. The operator license shall be maintained at the school business office; the identification card shall be used for identification purposes by the operator. A traffic violator school operator license, when issued, is valid for up to ~~two years~~ one year, as described in Section 345.04(g) of this Article, unless suspended or revoked by the department.

Note: Authority cited: Sections 1651, 1665 and 11202(a)(2), Vehicle Code. Reference: Sections 626.6, 11200, 11202.5, 11204, 11206, 11208, 11210 and 11211, Vehicle Code.

§ 345.05. Replacement of a School Operator.

A traffic violator school shall have only one operator licensed at any one time, unless the school has more than one branch office location. If a traffic violator school's operator ceases to be licensed, or employment as the school operator is otherwise terminated, the school shall have ~~thirty~~ (30) days to comply with Vehicle Code ~~Section~~ 11202.5 by licensing a new operator. The department may authorize the owner to act as the school's operator for a period not to exceed 30 days. A traffic violator school shall change operators by:

(a) Notifying the headquarters office of the department in writing, within one business day following the occurrence of the vacancy, specifying the effective date of the vacancy.

(b) Surrendering the operator license of the former operator.

(c) Having a proposed new operator file an application, pursuant to Section 345.04, 345.11 or 345.22 of this Article, and receive a temporary permit.

Note: Authority cited: Sections 1651 and 11202(a)(2), Vehicle Code. Reference: Sections 626.6, 11202.5 and 11208, 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 Vehicle Code 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 Vehicle Code 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 Sections ~~345.38~~ 345.34, and 345.36, if applicable, are maintained at all times during the entire course.

(2) Post all signs required by the department (Section ~~345.39(g) and (i)~~ 345.36(b)(7) and (9) of this Article, and Vehicle Code 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)(h),~~ 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 on the department's website at~~ www.dmv.ca.gov. A completed application shall contain:

(1) ~~A nonrefundable~~ The 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)~~ Traffic Violator School Operator and Instructor License, form OL 710 (Rev. ~~9/06~~ 2/2011), which is hereby incorporated by reference. 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 employing school's name (DBA), address, and school license number.~~

(D) ~~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) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the owner or operator and an indication of whether the signature is of the owner or operator.~~

~~(F) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant.~~

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

(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.

(5) Evidence of successful completion of the written examination required in Section 345.07 of this Article.

(f) ~~An~~ 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~~ indicating the reason ~~why~~ the application is incomplete.

(g) When the application is complete, the department ~~shall~~ may 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.

(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.

(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; Section 17520, Family Code; and Section 2015.5, Code of Civil Procedure.

§ 345.07. Traffic Violator School Instructor Examination Requirements.

(a) The instructor examination shall be administered by the employing ~~T~~traffic ~~V~~violator ~~S~~school owner, or operator or designated representative pursuant to Section 345.54 of ~~these regulations~~ this Article, except as provided for in subsection (g) of this section.

(b) The instructor examination shall consist of 50 questions provided by the department. To pass the examination, the applicant must have 40 or more correct answers.

(c) An applicant who fails the examination shall be provided the opportunity to review the written examination, with the examiner, after it has been corrected. Another examination may be administered the same day or on another day.

(d) The ~~T~~traffic ~~V~~violator ~~S~~school owner, or operator or designated representative shall retain the examination taken by the student for ~~3~~ three years.

(e) The ~~T~~traffic ~~V~~violator ~~S~~school owner, or operator or designated representative shall take steps to secure the examination questions and shall not allow the questions to be copied or otherwise reproduced in any manner except as required to administer the examination.

(f) The examination questions are for use solely by the ~~T~~traffic ~~V~~violator ~~S~~school for the administration of the instructor examination and shall not be distributed or shared with any other person.

(g) The instructor examination shall be administered by the department at any inspector office of the department for any owner or operator requesting authorization to instruct for the school.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Section 11206, Vehicle Code.

§ 345.11. Additional Operator License.

An operator shall be licensed separately for each school by which he/she is employed in the capacity of operator. To be licensed for an additional school, the operator shall meet all requirements for an original license pursuant to Section 345.04 of this Article, except for submission of a fingerprint card. In addition to meeting the requirements for an original license pursuant to Section 345.04, the applicant shall submit:

~~(a) A letter of acknowledgment from each of the affected schools with the application. A letter of acknowledgment shall be signed by the owner and shall contain the following information:~~

~~(1) The school name and license number.~~

~~(2) The operator's name.~~

~~(3) The name(s) of the other school(s) which will employ the operator.~~

~~(4) A statement acknowledging that the operator will be licensed and employed as an operator for the school(s) listed.~~

(a) The name and license number of the school for which the applicant is currently licensed.

(b) If the request is for a license to work for an additional school, information necessary for the department to determine if the employing schools meet the requirements of Vehicle Code section 11202(a)(7)(B).

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219 Vehicle Code. Reference: Sections 11202(a)(7)(B), 11202.5 and 11208, Vehicle Code.

§ 345.13. Additional Instructor License.

An instructor shall be licensed separately for each school by which he is employed in the capacity of instructor, except as provided for in Vehicle Code Section 11206(c) of the Vehicle Code. To be licensed for an additional school, the instructor shall meet all the requirements for an original license pursuant to Section 345.06 ~~of this Article~~, except for submission of a fingerprint card. In addition to meeting the requirements of Section 345.06, the applicant shall:

(a) Submit a letter of acknowledgment from each of the affected schools with the application. A letter of acknowledgment shall be signed by the owner, operator, administrator for a public school or agency, ~~or other designated representative~~ and shall contain:

(1) The school name and license number.

- (2) The instructor's name.
- (3) The names of the other school(s) which will employ the instructor.
- (4) A statement acknowledging that the instructor will be employed as an instructor for the school(s) listed.

(b) Pass a written examination pursuant to Section ~~345.06(e)(5)~~ 345.07 of this Article. This requirement may be waived, provided that the applicant has passed the examination in the previous three years, or has submitted evidence of department approved continuing education pursuant to Section 345.24 in the previous three years.

Note: Authority cited: Sections 1651, 1665, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11206, 11207 and 11208, Vehicle Code.

§ 345.15. Additional Branch Offices and Classroom Locations.

(a) A traffic violator school owner may apply to the department at any ~~field investigation district inspector~~ office to add branch business offices or classroom locations by submitting the following for each location:

(1) Traffic Violator School Branch Business Office/Classroom Application, form OL 712 (Rev ~~10/94~~ 2/2011), ~~which shall contain the following information:~~

~~(A) Traffic violator school name, license number, address and business phone number.~~

~~(B) New classroom address or new branch business office and, if a new classroom, the telephone number to be shown on the department's classroom listing. The telephone number shall be operational at the time of application.~~

~~(C) Name of county or judicial district in which the new classroom or branch office is located and, if the judicial district is one in which the school does not now operate, the court's approval for use of the school name in the new judicial district, on form OL 612 (Rev 8/92), Request For Court Approval Of Traffic Violator School (TVS) Name For Addition to TVS Classroom Location List, or on form OL 611 (Rev 8/92), Request For Court Approval Of Substitute Traffic Violator School Name, as described in Section 345.02(e)(7).~~

~~(D) If location is rented or leased: the property owner's name, address and daytime telephone number; the type of facility; and a contact person's name at the facility and the contact person's daytime telephone number.~~

~~(E) The proposed date for starting classes.~~

~~(F) Self certification information for a new classroom regarding: exclusive use, lighting, seating and writing facilities, square footage, maximum occupaney, maximum seating capacity, accessibility to students of disability, accessibility of restrooms, accessibility of parking or public transportation, consumption or advertising of alcohol on the premises, and distance from a court.~~

~~(G) City and state in which the form is executed and date of execution.~~

~~(H) A statement signed under penalty of perjury by the owner, operator or authorized representative that the facility meets all safety regulations and requirements of state law and local ordinances.~~

(2) A copy of a lease or rental agreement or a Traffic Violator School Classroom Lease or Rental Agreement, form OL 144 (Rev 12/10), which is hereby incorporated by reference.

(3) ~~A nonrefundable~~ The application fee of \$70.

(b) The department shall notify the owner of the approval or disapproval of the application subsequent to the inspection of the location pursuant to Section 345.74 of this Article.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 626.2, 11208 and 11213, Vehicle Code.

§ 345.16. Renewal of Owner License.

(a) An original traffic violator school owner license shall expire one year from the date of issuance.

(b) Branch business office and classroom licenses for each school expire at the same time as the owner license, regardless of the application dates for the branch and classrooms. These licenses shall be renewed in conjunction with renewal of the owner's license.

(c) An owner shall apply to the department at its headquarters office before the expiration date of the current license to renew the owner license by ~~submitting the following:~~ completing and returning the school renewal notice provided by the department along with the renewal forms for any branch business office or classroom license with the applicable fees.

~~(1) An Application for Renewal of Traffic Violator School (TVS) Owner License, form OL 701 (Rev 2/94). This application shall contain the following information:~~

~~(A) A designation as to whether the type of ownership structure is sole proprietor, partnership, corporation, public school or other public agency.~~

~~(B) The names, social security numbers, titles, and residence address of all owners, partners, principle corporate officers, board members, and stockholders active in the management, direction or control of the corporation and public school or public agency administrators.~~

~~(C) Whether any individual listed as an owner pursuant to Section 345.02 has been convicted of any crime, misdemeanor or felony, since the expiring license was issued by the department.~~

~~(D) A statement, signed under penalty of perjury by the owner or administrator if a public school or agency, certifying that the information on the application is true and correct.~~

~~(2) An Application for Renewal of Traffic Violator School (TVS) Branch/Classroom Locations, form OL 737 (Rev 2/94). This application shall contain the following:~~

~~(A) The traffic violator school's name and license number.~~

~~(B) The traffic violator school's business office address and telephone number.~~

~~(C) Whether classroom instruction is given at the business address.~~

~~(D) The street address and judicial district for each branch business office and for each classroom location to be renewed.~~

~~(E) A statement, signed under penalty of perjury, by the owner or the administrator if a public school or agency, certifying that the classroom/branch locations shown are true and correct.~~

(d) Renewal applications submitted ~~on or~~ after the expiration date of the owner's license shall not be accepted or processed. An owner whose license has expired shall comply with all original licensing requirements prior to being relicensed by the department.

Note: Authority cited: Sections 1651, 1665, 11202(a)(2) and 11219, Vehicle Code. Reference: 42 U.S.C. 405; Section 11350.6, Welfare and Institutions Code; and Sections 626.8, 11204 and 11209, Vehicle Code.

~~§ 345.17. Duplicate Owner License.~~

~~To replace a lost, stolen, or mutilated owner license, or identification card, the owner shall submit to the department a nonrefundable fee of \$15 and an Application For Traffic Violator School Change of DBA, Additional DBA, Change of Business Address or Duplicate License, form OL 736 (Rev 2/94), completed to contain the following information:~~

~~(a) The owner's name.~~

~~(b) The school's current DBA name, TVS license number and business telephone number.~~

~~(c) The date the license or identification card was lost, stolen or mutilated.~~

~~(d) Whether the license or identification card was lost, stolen or mutilated.~~

~~(e) Whether the lost, stolen or mutilated document was the license, the identification card, or both.~~

~~(f) A statement, signed under penalty of perjury by the applicant, that the information on the application is true and correct.~~

Note: Authority cited: Sections 1651, 11202(a)(2), 11208(a)(4) and 11219, Vehicle Code. Reference: Sections 11208(a)(4), Vehicle Code.

§ 345.18. Changes to Owner License.

(a) A traffic violator school may apply to change its business name (DBA) or add a DBA as follows:

(1) Submit, to the headquarters office of the department, a written request for name approval. A business name is subject to department approval pursuant to Section 345.02(d)(1)(B) of this Article.

~~(2) If the proposed name is approved by the department, the department shall notify the school within ten (10) days following of approval or disapproval of the proposed name. The department shall reserve the proposed name as approved for the school for a period of one year from the date of request for approval.~~

(3) After receipt of department approval of the proposed name, the traffic violator school shall submit, to the headquarters office of the department, the following:

~~(A) An Application For Traffic Violator School Change of DBA, Additional DBA or Change of Business Address, Application for Modification to a Traffic Violator School License, form OL 736 (Rev 2/94 2/2011), which shall contain the owner's name(s), the proposed business name and judicial districts for which the name will be used, the telephone number of the school's primary business office, and the traffic violator school license number. The application shall also contain a statement, signed under penalty of perjury by the owner or administrator if a public school or agency certifying that the information contained on the application is true and correct which is hereby incorporated by reference.~~

(B) A rider to the traffic violator school's bond filed pursuant to Vehicle Code ~~§~~section 11202(a)(3), reflecting the new or additional business name.

~~(C) A nonrefundable~~ The application fee, of \$70, except that there shall be no fee to change a school business name for a licensed school if evidence is submitted with the application that the existing name was disapproved by a court pursuant to Vehicle Code Section 11205(d).

~~(D) Form(s) OL 612 (Rev 8/92) or form(s) OL 611 (Rev 8/92) pursuant to Section 345.02(e)(7).~~

(4) The school shall continue to do business under its current name until notified in writing by the department that the application has been approved and until the license reflecting the new name is received from the department.

~~(5) If a change of DBA is approved by the department, the revised license shall not be sent to the school unless the new TVS Classroom Location List reflecting the new DBA is sent to the courts. If the school is adding a DBA, the revised license will be sent to the school when the application is complete and approved.~~

~~(6)~~(5) Within 30 days of receipt of the new owner license, the school operator and all licensed instructors employed by the school shall apply to the department to change the school name on their licenses to reflect the new school name, pursuant to Sections 345.22(a) and 345.26(a) of this Article.

~~(7)~~(6) Any operator or instructor who fails to make application in the new school name within the prescribed ~~thirty~~ (30) day period will be considered to be unlicensed and unable to perform operator or instructor duties until a new license is obtained.

(b) A traffic violator school may apply to change its primary business location as follows:

(1) Submit, to any ~~field investigation district~~ inspector office of the department, a ~~nonrefundable the application fee of \$70 and an Application For Traffic Violator School Change of DBA, Additional DBA or Change of Business Address, form OL 736, which shall contain the following information:~~ with the applicable sections completed.

~~(A) The owner's name(s).~~

~~(B) The school name.~~

~~(C) Telephone number of the school's primary business office.~~

~~(D) The traffic violator school's license number.~~

~~(E) The new street address of the business office.~~

~~(F) The new mailing address of the business office if different from the street address. A mailing address different from the school's primary business address shall only be recognized and used by the department if certification from the post office that mail can not be delivered to the business address is included with the application.~~

~~(G) Former business address.~~

~~(H) If the school does not own the property, the name and telephone number of the property owner.~~

~~(I) Whether classroom instruction will be offered at this location.~~

~~(J) The date that the location will be operationally complete and ready for inspection pursuant to Section 345.74.~~

~~(K) Copy of lease or rental agreement.~~

~~(L) A certification, signed under penalty of perjury, by the owner or other authorized individual, that the information contained on the application is true and correct to the best of his or her knowledge.~~

(2) If the school does not own the property, a copy of the lease or rental agreement or a Traffic Violator School Classroom Lease or Rental Agreement, form OL 144 (Rev 12/10).

(3) The department shall notify the applicant in writing when the location is approved for use or disapproved pursuant to Section 345.74.

(c) A traffic violator school shall notify the department within 10 days of any change in corporate officer structure by submitting, to the headquarters office of the department, a ~~\$70 nonrefundable~~ the application fee, a personal history questionnaire for each officer and/or director being added to the corporate structure pursuant to Section 345.68 of this Article, one set of fingerprints for each officer and/or director being added to the corporate structure pursuant to Section 345.72, and payment of a fingerprint processing fee as described in Vehicle Code ~~§~~section 1668(b), for each applicant, and either:

(1) A certified copy of the corporate minutes reflecting the change or

~~(2) A Certification of Corporate Officers and/or Directors Change of Lieu of Corporate Minutes, form OL 15 (Rev 5/94 2/2011), which is herby incorporated by reference.~~ shall contain the following information:

~~(A) The name of the corporation's secretary, the name of the corporation and the state in which incorporated.~~

~~(B) A list of all officers and/or directors being deleted from the corporate structure.~~

~~(C) A list of all officers and/or directors being added to the corporate structure.~~

~~(D) A current list of the officer and/or directors in the corporate structure.~~

~~(E) The effective date of the change(s).~~

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

~~(G) A certification that the information contained on the OL 15 is true and correct, signed and dated by the secretary for the corporation.~~

(d) A traffic violator school shall notify the department in writing at its headquarters of any other changes to the information contained on the Application for Traffic Violator School (TVS) Owner License or of any change of telephone numbers within ~~10~~ ten days of the change.

Note: Authority cited: Sections 1651, 1665, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11204, 11208 and 11213, Vehicle Code.

§ 345.20. Renewal of Operator License.

(a) The term of a renewal license shall be ~~two (2) years~~ one year, and the renewal fee shall be \$100.00, unless the department notifies the operator at least sixty (60) days prior to renewal that the renewal license shall be issued for a term of less than two (2) years to align the expiration dates of the owner and operator licenses. The nonrefundable fee for renewal for any period less than two (2) years is as follows:

~~(1) \$50.00 if the license is termed to expire in 12 months.~~

~~(2) \$62.50 if the license is termed to expire 13 to 15 months.~~

~~(3) \$75.00 if the license is termed to expire 16 to 18 months.~~

~~(4) \$87.50 if the license is termed to expire 19 to 21 months.~~

~~(5) \$100.00 if the license is termed to expire 22 to 24 months.~~

(b) An operator shall renew the operator license by submitting, to any ~~field investigations~~ inspector office of the department, appropriate fees and an Application for Renewal of Traffic Violator School Operator License, form OL 756 (Rev 2/94), which is hereby incorporated by reference, and evidence of completion of an approved four hour operator educational program. ~~This application shall contain the following information:~~

- ~~(1) The name, address, driver license number, social security number, and daytime telephone number of the applicant.~~
- ~~(2) The employing school's name and license number.~~
- ~~(3) Whether the applicant has been convicted, fined, or placed on probation for any crime, misdemeanor or felony, since issuance of the last license.~~
- ~~(4) A statement, signed under penalty of perjury by the applicant, certifying that the information contained on the application is true and correct.~~
- ~~(5) A statement, signed under penalty of perjury by the school owner, certifying that the applicant shall be employed by the school as operator.~~
- ~~(6) Evidence from an investigation filed office that the written examination was passed as required by Section 11202.5(a)(2) of the Vehicle Code, unless the operator has passed the written examination within the past 24 months.~~

(c) Renewal applications submitted ~~on or~~ after the expiration date of the operator license shall not be accepted or processed. An operator whose license has expired shall comply with all original licensing requirements as described in Section 345.04 of this Article prior to being relicensed by the department.

Note: Authority cited: Sections 1651, 1665, 11202(a)(2) and 11219, Vehicle Code. Reference: 42 U.S.C. 405; Section 11350.6, Welfare and Institutions Code; and Sections 626.6, 11202.5, 11204 and 11208, Vehicle Code.

~~§ 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, form OL 755 (Rev 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.~~

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 or Instructor License and Duplicate TVS License.

A request for change to an operator or instructor license shall be submitted to an ~~investigation field~~ inspector 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 and instructor's license(s) shall also be changed to reflect the new school name ~~or address~~. When a traffic violator school changes the school address, the school operator's license shall also be changed to reflect the new address. To change the school name or address on an operator or instructor license, the ~~operator licensee~~ shall submit the current ~~operator~~ license and an Application For Change: TVS Operator License, form OL 755 (Rev 9/06) Application for Modification to a Traffic Violator School Operator and Instructor License, form OL 711 (Rev. 2/2011), along with a ~~nonrefundable~~ the application 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.~~

(b) An operator or instructor may transfer 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 9/06), which shall contain the following information: Form OL 711 with the appropriate sections completed.~~

~~(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 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.~~

(3) ~~A nonrefundable transfer fee based on the expiration date of the new license. The application fee.~~

(4) 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 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 or instructor changes his or her name, the department shall issue an ~~operator~~ license in the new name. The ~~operator licensee~~ shall submit an ~~Application For Change: TVS Operator License, form OL 755 (Rev 9/06)~~ form OL 711, and a ~~nonrefundable \$15~~ the application fee to the department, with the applicable sections completed. ~~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 former name.~~
- ~~(5) A perjury statement pursuant to Civil Code of Procedure section 2015.5 dated and signed by the applicant.~~

(d) When requesting a duplicate license to replace a lost, stolen or mutilated instructor, operator or owner license or identification card, the licensee shall submit a form OL 711, with the applicable sections completed, and the application fee to the department.

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.

§ 345.23. Renewal of Instructor License.

(a) An instructor shall renew the instructor license by submitting a completed application to any specifically designated department field office before the expiration date of the current license. A list of designated offices is available at the department's headquarters office. A completed application shall consist of:

- ~~(1) A nonrefundable \$30.00~~ The application fee.
- (2) An Application for Renewal of Traffic Violator School Instructor License, form OL 740 (Rev ~~2/94~~ 12/10), which is hereby incorporated by reference. ~~This application shall contain the following information:~~
 - ~~(A) The name, address, driver license number, driver license expiration date, social security number, and daytime telephone number of the applicant.~~
 - ~~(B) The employing school's name and license number.~~

~~(C) Whether the applicant has been convicted, fined, or placed on probation for any crime, misdemeanor or felony, in the past three years.~~

~~(D) A statement, signed by the applicant under penalty of perjury, certifying that the information contained on the application is true and correct.~~

~~(E) A statement, signed by the school owner, operator or administrator under penalty of perjury, certifying that the applicant shall be employed by the school as an instructor.~~

(3) Evidence from a field office that a written examination was passed within three attempts pursuant to Vehicle Code §section 11206(a)(2), or evidence of continuing education pursuant to Section 345.24 of this Article or a statement that the applicant has passed a written examination within the past three years. Such statement shall be verified by the field office by calling the headquarters office of the department.

(b) Renewal applications submitted ~~on or~~ after the expiration date of the instructor license shall not be accepted or processed. An instructor whose license has expired shall comply with all original licensing requirements, as described in Section 345.06, prior to being licensed by the department.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: 42 U.S.C. 405; Section 11350.6, Welfare and Institutions Code; and Sections 11206, 11207 and 11208, Vehicle Code.

§ 345.24. Continuing Professional Education.

(a) In lieu of a renewal examination every three years pursuant to Vehicle Code section 11207(c)(2), the department may accept either of the following as evidence of continuing professional education for instructor licensing:

(1) Proof of completion of a college level course in traffic safety, equivalent to two semester units or,

(2) Proof of participation in traffic safety seminars or courses, consisting of a minimum of ~~twelve~~ 18 hours, within the preceding three years. ~~The twelve hour continuing education requirement may be completed in increments or simultaneously.~~

~~(3) The course/seminar completion shall be within the preceding 3 years of license expiration.~~

(b) In order ~~for~~ to qualify a college course ~~to substitute~~ as a substitution for the continuing education written examination, the applicant shall submit the following directly to the department 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 ~~will~~ shall 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 renewal application to any designated field office in accordance with Section 345.23(a)(3) of this Article.

(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 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, if the instruction is in a classroom. For home study or internet instruction, include the date the course will be available.

(3) For a home study or internet course, provide specific information describing the method used to ensure the instructor completes the course.

(4) Traffic safety courses or seminars shall be approved for credit towards the required ~~42~~ 18 hours at the rate of one hour of credit per hour of actual traffic safety related instruction. For home study or internet, 600 words equate to one hour of classroom instruction. No credit shall be allowed for instruction time spent on unrelated subject matter.

~~(3)~~(5) 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)~~(6) 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~~ tenth 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.

(7) For a home study or internet course, a list of students who completed the course shall be submitted by the tenth of the month following completion of the course. The list shall include a statement to be signed by the provider certifying under penalty of perjury that all students listed satisfactorily completed the designated hours of training.

~~(5)~~(8) The provider of the training course shall also provide a document to each attendee which student that certifies that the individual he or she 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(es) 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 a designated~~ any field office in accordance with Section 345.23(a)(3) of this Article.

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

~~§ 345.25. Duplicate Instructor License.~~

~~To replace a lost, stolen, or mutilated instructor license or identification card, the instructor shall submit to the department a nonrefundable fee of \$15 and an Application For Change: TVS Instructor License, form OL 711 (Rev 6/93), completed to contain the following information:~~

- ~~(a) The name, residence address, and telephone number of the instructor.~~
- ~~(b) The instructor's driver license number and expiration date.~~
- ~~(c) The instructor's license number and expiration date of the licence.~~
- ~~(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 wall license, identification card or both.~~
- ~~(h) A statement, signed under penalty of perjury by the applicant, that the information on the application is true and correct.~~

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11200, 11206, 11207 and 11208, Vehicle Code.

§ 345.26. Changes to Instructor Licenses.

Any request for change to an instructor license shall be submitted to the headquarters office of the department as follows:

(a) ~~When a traffic violator school changes its business name, or adds a DBA, the school's instructor licenses shall also be changed to reflect the new business name. To change the school name on an instructor license, the instructor shall submit to the department the current identification card, an Application For Change: TVS Instructor License, form OL 711 (Rev 6/93), and 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, the application shall contain the following information:~~

- ~~(1) The name, residence address and daytime telephone number of the instructor.~~
- ~~(2) The instructor's driver license number and expiration date.~~
- ~~(3) The instructor'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.~~
- ~~(7) A statement, signed by the applicant under penalty of perjury, that the information on the application is true and correct.~~

(b) ~~An instructor may transfer his instructor license to another school for the remainder of the license term by submitting to the department a nonrefundable application fee of \$15 along with the current identification card and an Application For Change: TVS Instructor License, form OL 711 (Rev 6/93), which contains the following:~~

- ~~(1) The name, residence address, and telephone number of the instructor.~~
- ~~(2) The instructor's driver licence number and expiration date.~~
- ~~(3) The instructor's license number and expiration date of the license.~~
- ~~(4) The name, license number, and address of the new school.~~
- ~~(5) The name and license number of the former school.~~

~~(6) A statement, signed under penalty of perjury by the owner or other designated representative of the new school, requesting the department to issue the instructor a license for the new school.~~

~~(7) A statement, signed by the applicant under penalty of perjury, that the information on the application is correct.~~

~~(e) If an instructor changes his or her name, the department shall issue an instructor license in the new name. The instructor shall submit the current identification card, an Application For Change: TVS Instructor License, form OL 711 (Rev 6/93), and a nonrefundable \$15 application fee to the department. The OL 711 shall contain the following information:~~

~~(1) The new name, residence address, and telephone number of the instructor.~~

~~(2) The instructor's driver license number and expiration date.~~

~~(3) The instructor's license number and expiration date of the license.~~

~~(4) The instructor's former name.~~

~~(5) 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 11200, 11206, 11207, 11208 and 11213, Vehicle Code.

§ 345.27. Seasonal Closure of Public Schools.

A public school that offers traffic violator school classes shall not be required to comply with Section 345.40(b) regarding monthly submission of schedules, Section ~~340(e)~~ 345.40(e) regarding scheduling and offering a minimum of one class per location in a judicial district, or Section 345.50(a)(1) or (2) regarding minimum office hours, during the time that the entire public school is closed to the public provided that:

(a) ~~¶~~The school offers classes only at the public school facility.

(b) ~~¶~~The school notifies the department of the closure 60 days in advance.

(c) ~~¶~~The school closure does not exceed two months in any twelve month period.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11213, 11215.5 and 11219, Vehicle Code.

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

When the administrator of a public school, other public educational institution or other public agency traffic violator school program changes, the school/agency shall report the change to the headquarters office of the department within five (5) business days of the change. The school/agency shall be allowed ~~thirty (30)~~ days to select a new administrator and have that administrator ~~file~~ provide the department with the following:

~~(a) a~~ An Application For Traffic Violator (TVS) Administrator Change, form OL 757 (Rev 12/94 12/10), which is hereby incorporated by reference;

~~(b) pay a nonrefundable~~ The application fee of \$70.00;

~~(c) supply~~ One set of the new administrator's fingerprints, pursuant to Section 345.72 of this Article, and payment of a fingerprint processing fee, as described in Vehicle Code Section 1668(b);

~~(d) and submit a~~ A Personal History Questionnaire, form OL 29 (Rev 3/94), which is hereby incorporated by reference. pursuant to Section 345.68. The application shall contain the following information:

~~(a) The name of the school/agency and the DBA name, if different from the school/agency name.~~

~~(b) The business address and telephone number of the school/agency and the mailing address, if different from the business address.~~

~~(c) The name of the new administrator.~~

~~(d) The name of the former administrator.~~

~~(e) The effective date of the administrator change.~~

~~(f) The driver license number, the residence address and the business telephone number of the new administrator.~~

~~(g) A statement, signed by the new administrator under penalty of perjury, that he/she is the administrator and that all information on the application is true and correct.~~

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11204, 11208 and 11213, Vehicle Code.

§ 345.29. Certification and Deletion of Instructors.

(a) An instructor conducting classes for a public school or other public educational institution shall not be required to be licensed pursuant to Vehicle Code Section 11206(c) of the Vehicle Code, provided that the department determines that the instructor has a valid teaching credential and sufficient background or training in traffic safety. At least 15 days prior to the instructor conducting a traffic violator school course, ~~the~~ public school shall provide the department with the information necessary for this determination by submitting a Traffic Violator School Public School Instructor Certification/Deletion of ~~Public School Instructor~~, form OL 609 (Rev ~~6/93~~ 4/07), which is hereby incorporated by reference, and evidence that the instructor has a valid teaching credential. Evidence shall be a copy of the credential. ~~for each instructor at least 15 days prior to the instructor conducting a traffic violator school course. The OL 609 shall be completed to include the following information:~~

~~(1) The name of the public provider and the DBA name, if different from the name of the public school or other public educational institution.~~

~~(2) The address of the public provider and its traffic violator school license number.~~

~~(3) The name and residence address of the added instructor.~~

~~(4) The instructor's driver license number and expiration date.~~

~~(5) The effective date of employment.~~

~~(6) Evidence that the instructor has a valid teaching credential. Evidence shall be a copy of the credential attached to form OL 609 (Rev 6/93).~~

~~(7)~~(1) ~~Whether~~ If the instructor is employed at any other traffic violator school(s) and, if so, identification of the other school(s). A letter of acknowledgment from each of the affected schools shall be attached to the Certification/Deletion of Public School Instructor. A letter of acknowledgment shall be signed by the owner, operator, or administrator if a public school or agency, ~~or other designated representative~~ and shall contain:

(A) The school name and license number.

(B) The instructor's name.

(C) The names of the other school(s) which will employ the instructor.

(D) A statement acknowledging that the instructor will be employed as an instructor for the school(s) listed.

~~(8)~~(2) A description of the traffic safety background of the instructor which indicates how and when the instructor obtained traffic safety experience.

~~(9)~~(3) A statement, signed under penalty of perjury by the instructor, that the information provided on or attached to the form is true and correct.

~~(10)~~(4) A statement, signed under penalty of perjury by the traffic violator school administrator, that the information provided on or attached to the form is true and correct.

(b) If the department determines, based upon the information submitted on or attached to the OL 609, that the instructor is not qualified to instruct traffic violator school courses pursuant to Vehicle Code ~~Section~~ 11206(c), the department shall notify the public provider of the disapproval within 10 days of receipt of the OL 609, specifying the reason(s) for the disapproval.

(c) Whenever an instructor for a traffic violator school operated by a public school or other public educational institution ceases to be a traffic school instructor, the public provider shall notify the headquarters office of the department within ten ~~(10)~~ days following cessation by submitting a Certification/Deletion of Public School Instructor, form OL 609 (Rev ~~6/93~~ 4/07) with the applicable sections completed. ~~completed to include the following information:~~

~~(1) The name of the public provided and the DBA name, if different from the name of the public school or other public educational institution.~~

~~(2) The address of the public provider and its traffic violator school license number.~~

~~(3) The name of the deleted instructor and the instructor's driver license number.~~

~~(4) The date the instructor ceased to instruct traffic school classes.~~

~~(5) A statement, signed under penalty of perjury by the traffic violator school administrator, that the information provided on or attached to the form is true and correct.~~

~~(d) For any instructor conducting classes for a public school or other public education institution prior to the effective date of this section, the public school shall be required, not later than 90 days after the effective date, to submit an OL 609 to the department completed to include the information required by subdivision (a)(1) through (5) and (a)(9) and (10). No other verification shall be required.~~

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Section 11206(c), Vehicle Code.

§345.30. Curriculum Content.

(a) A traffic violator school shall provide ~~a minimum of 400 minutes of~~ traffic safety related ~~classroom education instruction,~~ exclusive of ~~class course~~ registration, ~~lunch, rest breaks,~~ issuance of completion ~~certificates receipts or~~ ~~and~~ subjects not related to traffic safety. The course shall adequately cover each of the subject areas included in the 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), which is hereby incorporated by reference. Each topic area included in the OL 613 shall be closely adhered to in the course as referenced in the time frames or word count and percentage of instruction guidelines. The following traffic safety subjects shall be included in each 400 minute course offered by a traffic violator school:

- ~~(1) The common sense of driving.~~
- ~~(2) Use and Maintenance of required safety equipment.~~
- ~~(3) Defensive driving.~~
- ~~(4) Established speed laws.~~
- ~~(5) Proper lane use.~~
- ~~(6) Backing up safely.~~
- ~~(7) Interacting at intersections.~~
- ~~(8) Passing.~~
- ~~(9) Demands of city driving.~~
- ~~(10) Demands of freeway driving.~~
- ~~(11) Demands of driving on a open highway.~~
- ~~(12) Hazardous conditions.~~
- ~~(13) Alcohol and other drugs.~~
- ~~(14) Driver Responsibility.~~
- ~~(15) Traffic signs, signals and pavement markings.~~
- ~~(16) Licensing control measures.~~

(b) The following shall be the determinant for completion of the required minimum length of a course:

(1) A classroom program shall provide a minimum of 400 minutes of traffic safety related instruction, exclusive of lunch and rest breaks.

(2) A home study or internet program word count shall meet or exceed 50,000 words, not including text in images or image captions or text in chapter quizzes.

~~(b)~~ (c) For purposes of this section, subjects not related to traffic safety include, but are not limited to:

(1) Courtroom procedures.

(2) Beating traffic tickets.

(3) Police jurisdictions.

~~(e)~~ (d) The ~~400-minute~~ curriculum of a traffic violator school for all modalities shall include the following:

~~(1) Visual aids including, but not limited to, slide presentations, video cassettes or movies, graphs, magnetic boards, charts, or pictorial representations shall at a minimum be used to visually demonstrate concepts presented for the subject areas described in subdivision (a)(3), (a)(5) to (8), (a)(12) and (a)(15) OL 613. Audio visual aids (video cassettes or movies) shall comprise not more than 80 minutes of the 400-minute curriculum. All visual aids shall be applicable to the course purpose and subject area.~~

~~(2) Student participation. Participation includes, but is not limited to: questions and answers; pre- and post- knowledge tests; and group discussions. Student participation shall comprise not less than 40 minutes of the 400-minute curriculum. All student participation shall be applicable to the course to the course purpose and subject area.~~

~~(3)~~(1) A post-knowledge test to be administered at the end of the class instruction. The test shall be designed to include questions related to at least ~~ten~~ eight of the main subject areas in ~~subdivision (a)~~ topic areas I-XI of the form OL 613 and shall include at least one question on each of the following subjects: defensive driving, alcohol and drugs, road rage, driver distractions, and driver operator responsibility. The test shall be graded and each student's score will be recorded ~~on the class roster or student enrollment card~~ with all other student information, unless the school retains the tests for three years from the date of the class. If the tests are retained, each test shall indicate the date of the class instruction, and the student's name and driver license number.

(A) Sixty minutes shall be allowed to complete the final examination in classroom courses. The final examination for internet and home study courses shall not exceed 15 percent of the total instruction content.

- (B) Test questions shall be based on presented course information.
- (C) A student shall be allowed to review course material during the final exam.
- (D) A passing score shall be 70 percent correct or higher.
- (E) A student scoring less than 70 percent may be offered a second test within one week. The second test shall not be the same test administered on the first occasion. A traffic violator school shall make a reasonable attempt within the one week period to offer an opportunity for retesting. A student scoring less than 70 percent on the second test may take another traffic violator school course, if court continuance time allows.
- (F) Test answers shall not contain an off topic option.
- (G) Test questions shall not lead the user to the correct answer.
- (H) Tests shall include a minimum of 25 questions.
- (I) A student shall not correct his own test.
- (J) Reasoning and the correct answer shall be provided to the student in response to a question they answered incorrectly.
- (2) The program shall comply with the established requirements of the Americans with Disabilities Act of 1990 (ADA)(42 U.S.C. § 1210), as applicable. Such consideration may include, but is not limited to, an interpreter for the hearing impaired in classrooms, larger print for written material, and captioning for video presentations.
- (3) A Traffic Violator Course Evaluation, form OL 767 (New 9/2011), which is hereby incorporated by reference, shall be provided to each participant as a course completion requirement.
- (A) Students not wishing to complete the evaluation shall satisfy the requirement by printing their name on the form and turning it in.
- (B) A traffic violator school instructor, operator, or owner shall not alter, discourage a student from answering, or withhold from the department a student evaluation.
- (C) All completed student evaluation forms shall be sent to the department on a quarterly basis by the 30th calendar day of the month following the quarter in which the classes were conducted.

- (4) The traffic violator school shall provide statistical information quarterly to the department by the 30th calendar day of the month following the quarter in which the classes were conducted using the Traffic Violator School Quarterly Report, form OL 850 (Rev. 2/2011), which is hereby incorporated by reference.
- (5) All students shall receive a completion receipt after successfully meeting all course requirements. The completion receipt shall conform to Vehicle Code section 11200(e).
- (6) A completion receipt shall not be issued or completion information provided to a court for any person who:
- (A) Does not meet the length of course requirement,
 - (B) Has not passed the final examination and has either not taken a second exam or has taken and not passed the second examination,
 - (C) Has not provided the court name or jurisdiction, the violation date, and the section violated.
 - (D) Has not completed and turned in the form OL 767.
- (7) Additional curriculum requirements specific to the modality as stated in subsection (e) and (f) of this section, as applicable.
- (e) The curriculum of a traffic violator school for a classroom course shall also include the following:
- (1) Visual aids including, but not limited to, slide presentations, video cassettes or movies, graphs, magnetic boards, charts, or pictorial representations shall at a minimum be used to visually demonstrate concepts presented for the subject areas described in form OL 613. Audio visual aids such as movies and media clips shall comprise not more than 80 minutes of the 400 minute curriculum. All visual aids shall be applicable to the course purpose and subject area.
 - (2) Student participation is required and includes, but is not limited to, questions and answers, pre and post knowledge tests, and group discussions. Student participation shall comprise not less than 40 minutes of the 400 minute curriculum. All student participation shall be applicable to the course purpose and subject area.
- (f) The curriculum of a traffic violator school for a home study or internet course shall also include:

(1) Visual aids including, but not limited to, animations, charts, and pictorial representations shall be included in the course at a rate of one image for every 500 words.

(2) The following notices and statements shall be included at the start of each course:

(A) A department legal waiver and disclaimer as stated below:

“California Department of Motor Vehicles Legal Notice and Disclaimer:

The California Department of Motor Vehicles (DMV) recognizes private enterprises right to advertise and distribute information related to their business functions. DMV promotes the free exchange of information, ideas, and opinions, except when the content may invade personal privacy, violate property rights, constitute libel, or be a violation of any applicable federal, state, or local laws.

While this lesson plan content may have been approved by DMV, the distribution, advertising, and other information provided by this vendor is not guaranteed by DMV, nor does it represent the views of the department.

You are advised that DMV, unless statutorily required, has no continuing obligation to provide information to an approved course web site or printed publication.

DMV assumes no responsibility for erroneous, incomplete, or out-of-date information. The user should contact the provider and/or DMV to ensure that the information herein is current and accurate. All warranties of any kind, including, but not limited to, the IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, freedom from contamination by computer viruses, and infringement of proprietary rights ARE DISCLAIMED.

You are advised that DMV is not responsible for the content of any off-site web pages referenced from or to an approved course web site or home study publication. In addition, DMV and the State of California are not responsible for the content of files that are uploaded for inclusion.

The user should not rely on the presentation of statutes or regulations referenced in an approved web site or printed publication, but should consult the actual text of the law. Legal requirements frequently change and the user may wish to seek the advice of counsel.

If you find any errors, omissions, or have a complaint regarding the educational content, we encourage you to report them to the education provider. In the event the issue is not resolved to your satisfaction you may submit the following form to the department:
[http://www.dmv.ca.gov/forms/ol/ol620.pdf.](http://www.dmv.ca.gov/forms/ol/ol620.pdf)”

(B) “This course is not intended as training from a licensed driving school. It does not meet the standards, training, or requirements in preparation for being issued a driver license. This course has been reviewed and approved to meet the requirements for the traffic violator school program. Completion documentation will not be issued to those not meeting the traffic violator school program criteria.”

(C) “Pursuant to Vehicle Code section 1808.7, the following situations are not eligible for masking a traffic safety violation on a California driver record:

(1) The driver has already attended a traffic violator course within 18 months of the conviction.

(2) The driver holds a commercial license as defined in Vehicle Code section 15210.

(3) The driver holds a commercial driver license from out of state.

(4) The violation occurred in a commercial motor vehicle as defined in Vehicle Code section 15210.

(5) The violator has not paid a deposit of fees or bail, and has not pleaded guilty, no contest, or been convicted by the court of jurisdiction.

(6) The conviction would result in a violation point count of more than one point pursuant to Vehicle Code section 12810. A list of Vehicle Code two point violations may be found on the Department of Motor Vehicles web site, www.dmv.ca.gov.

(D) “This site will require your California driver license or California identification number, the name of the court with jurisdiction, docket number, section(s) violated, and your violation date. These are requirements for receiving a completion receipt and to have the information sent to the court of jurisdiction should you successfully pass this course. If you are unable to provide the required information, your participation shall not be credited toward satisfying the requirement.”

(E) “The office business hours shall be listed. An instructor shall be available during business hours to answer questions. An instructor shall respond to a call received after business hours on the next business day.”

(3) Home study and internet courses shall identify the traffic violator school and occupational license numbers at the start of the course. The internet course shall provide the traffic violator school and occupational license numbers on each course instruction screen.

(4) The internet course shall not allow a student to take the final exam until the course instruction has been completed or allow any test questions to be printed from the final exam.

(5) The course web site shall be secure and protected from electronic infection, unauthorized content alteration, or user tracking outside of the course web site.

(A) Course pages shall be free from distractions including flashing, moving, brightly colored, or sexually suggestive text and images.

(B) Course pages shall be free from interruptions including pop-up windows.

(C) The web site shall require a unique password for each student.

(6) Each student password shall be made invalid upon issuance of the completion receipt.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 1808.7, 11200, 11202, 11219, 12810, and 15210, Vehicle Code; 42 U.S.C. Section 1210

§ 345.31. Submission of Traffic Violator School Course for Approval.

(a) A traffic violator school course shall be approved by the department or an authorized agent of the department prior to use. Requirements for submitting a course for approval in all modalities shall include:

(1) A completed Request for Approval of TVS Educational Program, form OL 764 (New 1/2011), which is hereby incorporated by reference.

(2) A separate request for approval shall be required for each modality of the traffic violator school program.

(3) A list detailing the course materials being submitted for department review.

(4) A complete set of course materials which shall cover all required topics identified in the 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).

(5) A sample of the completion receipt to be issued to each student after passing the course.

(6) No DMV logo or logo similar to an official DMV logo shall be used or displayed with the exception of public accessible publications such as the driver handbook, pamphlets, and the Traffic Violator Course Evaluation, form OL 767 (New 9/2011).

(7) The course shall be presented in a professional manner.

(8) Additional course requirements specific to each modality shall be included as appropriate by reference to subdivisions (b) through (d) of this section.

(b) Additional requirements for submitting a course for classroom instruction shall include:

(1) Each page of the lesson plan shall be consecutively numbered. Each line of each page shall be consecutively numbered on a standard 8 ½" x 11" page.

(2) The lesson plan shall include a Table of Contents.

(3) The lesson plan shall cover all requirements listed in Section 345.30 of this Article in sufficient detail to enable the department or an authorized agent of the department to evaluate the specific information, determine the accuracy of the information, and for an instructor to use it to present the material to the department standards.

(4) The lesson plan shall reflect where visual aids and student participation will be used to supplement lecture material. The purpose of each visual aid and student participation activity shall be explained, and shall include a description of how the instructor will generate the intended student participation. The lesson plan shall include a brief synopsis of the information presented in any movie or video presentation that is sufficient to allow the department or authorized agent of the department to determine what specific information is presented by the movie or video.

(A) A copy of each audio-visual media (chart, illustration, movie, and the like) shall be submitted to the department for approval.

(5) The lesson plan shall include a time schedule. The time schedule shall include:

(A) The time allotted for lunch and rest break periods. A meal break of at least 30 minutes shall be provided if the course is conducted in one session. A rest break of at least ten minutes shall be provided during any session conducted for a period of 200 minutes or more.

(B) The approximate time allotted for each audio-visual aid to be used.

(C) The time allotted for each major subject area.

(D) The approximate time allotted for each student participation activity.

(E) The approximate time allotted for completion, correction and discussion of any tests used, and the method of correction to be used.

(6) Any other materials used beyond the lesson plan for instruction, such as workbooks or brochures, shall be included for department approval.

(c) Additional Requirements for submitting a course for home study instruction shall include:

(1) A sample of the workbook and any other material which will be provided to the student.

(A) No material shall be offered to the student beyond what has been approved by the department including advertisements, incentives, or solicitations.

(2) A breakdown of the percentage of instruction for each topic area including the calculated word counts per topic, the types of visual aids used, where they will be inserted, and any movie or media clip titles and running times.

(3) A detailed description of:

(A) The steps taken to ensure the violator is the actual person taking the course,

(B) The procedures used as an equivalent to the classroom requirement for student participation,

(C) The steps taken to ensure that the student cannot bypass the course instruction and go directly to the final examination,

(D) The steps taken to ensure the course is not compromised by copying and dissemination of the test or other material,

(E) The steps taken to protect all student's confidential information.

(4) A minimum of three copyright protected final examinations if the test administered is paper based.

(d) Additional requirements for submitting a course for internet instruction shall include:

(1) The standards specified in subsections (c)(2) and (c)(3)(A) through (E) shall also apply to internet courses.

(2) The internet web site address for the course and a user identification and password to allow the department to review the actual course.

(3) Sequentially numbered screen prints of the lesson presentation.

(4) Information regarding support for program and course related problems and questions.

(A) A course question shall be answered by a licensed traffic violator school instructor within 24 hours of a question being submitted and shall include the traffic violator school represented, the school's occupational license number, the instructor's name, and the instructor's occupational license number.

(6) A list of all post lesson examination questions.

(A) All examination questions shall be randomized on the web site.

(B) The post lesson examination shall continue until the allotted time has elapsed or all questions have been answered.

(e) The department shall give written approval or disapproval of course submissions.

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

§ 345.32 Authorization for Purchase.

(a) In lieu of filing its own unique lesson plan, a traffic violator school owner or operator applicant may meet the course submission requirement by submitting a letter of authorization from the owner of an approved traffic violator school course. The letter of authorization shall be signed and dated by the owner of the previously approved course and shall specify that it authorizes use of the material by the applicant and identifies the applicant by name and the doing business as (DBA) business name as they appear on the application. The department or an authorized agent of the department shall approve the use of previously approved course material only if the material has been evaluated and approved for use within the preceding 12 months.

(1) The program owner shall provide the purchaser a copy of the Approval of TVS Educational Program, form OL 764 (New 1/2011), showing the previously

submitted traffic violator school training program has been approved for use and the approval date.

(A) A course shall not be valid for sale if the department approval date is more than 12 months beyond its last department review and approval.

(B) In order to sell an approved program more than 12 months beyond its last department review, a program owner shall complete a form OL 764, re-submit the course, pay the appropriate fee, and receive an updated department approval on the completed form OL 764.

(C) The program owner is responsible for updating the course.

(2) A request for verification of authorized use of an approved traffic violator school program shall include:

(A) For an original or reinstating traffic violator school owner applicant, a Request for Verification of Approval for Use of an Approved TVS Program, form OL 766 (New 1/2011), which is hereby incorporated by reference, shall be submitted with the program owner's letter of authorization, traffic violator school owner application, and appropriate application fees.

(B) When a currently licensed traffic violator school owner is requesting verification of authorization to use an existing approved program, the application shall include a form OL 766, the program owner's letter authorizing use of the program, and the appropriate fees.

(C) A letter of authorization shall identify the program owner by name and Doing Business As (DBA) name as it appears on form OL 764, shall list the program certificate approval number, shall state that the purchaser has permission to use their approved traffic violator school program, shall identify the buyer by name and any DBA name used by the buyer, and shall bear the program owner's signature and the date of the agreement.

Note: Authority cited: Sections 1651, 11219, Vehicle Code. Reference: Section 11202, Vehicle Code.

§ 345.36 345.33 Lesson Plan Revisions

(a) With the exception of purchased course programs, a traffic violator school owner is responsible for revising the approved lesson plan as necessary to ensure that approved topics reflect changes in laws or other information to be presented in the course remain current and relevant to traffic safety. Any proposed changes or alterations to an approved lesson plan beyond incorporating new law, deleting obsolete law, or switching content for similar content, shall be submitted to the department for approval prior to the changes being made to the course.

(1) The traffic violator school owner shall be responsible for ensuring that a course addition, deletion, or change, which does not require department review, maintains the department's standards for the course once the course has been approved.

(2) Any final examination questions, film or media clip, student participation related changes, or total accumulated content changes of more than 25 percent shall require department review.

(3) Paper based final examination questions may be randomized without department review to create additional final examinations provided that each test complies with the requirements set forth in Section 345.30(d)(1) of this Article.

(b) The department shall reevaluate an approved lesson plans, as needed, to ensure that an approved courses reflects current laws, and other information, and otherwise continues to meet department standards.

(1) The department shall notify any traffic violator school of any deficiencies in any lesson plan and require a revisions to the plan.

(2) A traffic violator school which receives notification to revise its lesson plan shall submit a revised lesson plan to the department by the date indicated on the notice from the department.

(3) The failure of a traffic violator school to respond to any notification by the department regarding a lesson plan deficiencies by the date indicated on the notice, or by failure to providing a revisions responsive to the a lesson plan deficiencies noted by the department, is cause for action pursuant to Vehicle Code ~~S~~section 11215(b).

(c) A traffic violator school shall continue to use its previously approved lesson plan until receiving notification from the department that the revised lesson plan is approved. The school shall implement use of the revised lesson plan within 60 days of notification of approval.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11202 and 11215, Vehicle Code.

§ 345.38. 345.34 Classroom Standards for TVS Courses.

(a) Approval for conducting traffic violator education classroom courses shall be contingent upon the traffic violator school meeting and maintaining the following ~~classroom~~ standards requirements:

~~(a)~~(1) Classroom shall provide a minimum of 15 square feet of space per student if the facility has lecture/assembly type seating or 20 square feet of space per student if the facility has standard classroom seating with tables or desks.

~~(b)~~(2) Classroom shall provide seating and writing surfaces for all students. Writing surfaces shall be tables, desks, the equivalent, or portable writing surfaces. Portable writing surfaces shall be made of a rigid material at least a 1/8 inch thick and shall measure at least 8 1/2 by 11 inches.

~~(c)~~(3) Classrooms attendance shall be limited to a maximum of ~~forty (40)~~ students.

~~(d)~~(4) Classrooms shall provide an educational atmosphere which is conducive to learning. To be conducive to learning, the classroom atmosphere shall be influenced as follows: appropriately cooled and heated to overcome normal summer and winter outside temperatures; appropriately lit for reading; and be free from interruptions including but not limited to noise, ~~school~~ business activities, foot traffic, and machinery.

~~(e)~~(5) Classrooms shall not be located in or accessed through bars, restaurant lounges, or any other rooms which serve alcohol, allow alcohol consumption, or advertise or promote alcohol or its consumption., ~~nor shall student access to the classroom facility be through bars.~~

~~(f)~~(6) Classrooms shall comply with all applicable local ordinances, including ~~but not limited to~~ health and safety ordinances.

(b) Approval for conducting traffic violator home study and internet education courses shall be contingent upon the traffic violator school maintaining the availability of the course:

(1) A traffic violator school that offers a home study or internet course shall notify the department of the initial date the course is available to the public.

(2) If the course becomes unavailable for five or more business days for any reason after that date, the school shall notify the department of the change in status within ten days.

(3) Before offering a course to the public that has been reported as "unavailable," the school must notify the department 15 business days prior to offering the course.

(4) A home study or internet course shall provide a prospective student with a specific time when the course shall be available or refer the person to the Occupational Licensing Status Information System (OLSIS) when the course is

not available. OLSIS can be accessed through the department's website address at www.dmv.ca.gov.

(5) A home study or internet program which is not available for 25 percent of the time in a quarter, with exception to a cause determined to be beyond the school's control, shall be notified and removed from the OLSIS for a period of six months. If the program is unavailable more than 25 percent of the time for a second quarter within two years, the course shall be removed from OLSIS until the department approves a request from the school to have the course returned to the OLSIS. The school's name will remain on OLSIS; however, OLSIS will reflect that a course of the modality affected is not available.

(6) A home study or internet school shall respond to a course inquiry within five business days by providing the home study course materials or the information necessary to commence an internet course. If the school is unable to respond within five days, it shall provide the requester with the date the course will be offered again or refer the student to the OLSIS so the student can choose another school.

(7) If internet course instruction has been interrupted, the traffic violator school shall refund the course fee if the course will not be available for completion within five business days.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Section 11202, Vehicle Code.

§ 345.39. 345.36. Conducting Classes Courses.

(a) Approval for conducting traffic violator education courses shall be contingent upon the traffic violator school conducting ~~classes~~ courses as follows:

(1) A violator who is unable to provide the docket number, the court code, the violation date, and the section violated shall be admitted only as electing to take the course as provided by Vehicle Code section 11200. In this case, completion of the course may not be used to mask a traffic violation on the student's record.

(2) Pursuant to Vehicle Code section 11200(b)(1), a disclosure statement shall be provided to any student who is not taking a traffic violator school course to have a violation masked on the record pursuant to Vehicle Code section 41501 or 42005.

(A) A student who elects to attend shall be provided the disclosure and required to sign a copy for the school prior to payment of the school fee or attendance to the course.

(3) Confidential student information provided as a course requirement shall not be used or provided to a third party for purposes of marketing and/or solicitation. For purposes of this section, "Confidential student information" shall include, but

shall not be limited to, the student's name, address, telephone number, driver license number, court related violation information, and financial information.

(A) Confidential student information shall be safeguarded and secure.

(B) Information collected shall not include the mother's maiden name or the student's social security number.

(4) Only approved materials shall be provided for student instruction.

(5) The school shall not advertise, solicit, or market to a student until after the course has been concluded. No advertisement, offer, or other commercial literature shall be offered during the course.

(6) Course completion shall not be made contingent on the purchase of any product.

(7) No instructor shall knowingly give false or misleading information to any student.

(b) Approval for conducting a traffic violator classroom education course shall be contingent upon the traffic violator school conducting classes as follows:

~~(a)~~(1) Only one school shall conduct class in any specific classroom at one time.

~~(b)~~(2) The school shall ensure that students understand the language in which the course is presented by talking with students during registration.

~~(c)~~(3) The instructor shall have the school's approved lesson plan in his/ or her possession in the classroom for the duration of the class and shall follow that lesson plan.

~~(d)~~(4) The instructor shall have a current Vehicle Code in his/ or her possession in the classroom for the duration of the class.

~~(e)~~(5) The instructor shall have evidence of licensure, which is specific to the school offering the class, in his/ or her possession, except as exempted by Vehicle Code §section 11206. The identification card issued by the department in accordance with Section 345.02(b) or 345.06(g) shall be used to meet this requirement, unless a permanent license has not yet been issued.

~~(f)~~(6) The instructor shall ensure that the exterior of the classroom is clearly marked with the school name, as a guide to students. In a hotel or convention center type facility, a notice on the facility's bulletin board or room locator shall be sufficient.

~~(g)~~(7) The instructor shall identify himself/ or herself by name to the class, state the full name of the school, and post both names in the classroom.

~~(h)~~(8) The instructor shall not admit any student to the class if the student arrives more than 15 minutes after commencement of instruction. This provision shall apply to students returning late from lunch or rest breaks. An instructor may admit a student to class who is late less than 15 minutes, provided that the instructor provides the student with a make-up session, which covers the actual class instruction missed by being late, during the lunch break or after normal class hours.

~~(i)~~(9) The instructor shall ensure that a sign is posted in each classroom for the duration of the class which reads: "No Alcoholic Beverage To Be Consumed Or Possessed By Students During School Hours". Owners, operators, and instructors shall strictly enforce this requirement and shall not permit any person to participate in any class who is under the influence of alcohol, has any alcoholic beverage on his or her person, or who consumes any alcoholic beverage in the classroom.

~~(j)~~(10) A traffic violator course shall not be combined with any other driver education or driver improvement course.

~~(k)~~(11) Topics discussed by an instructor or during student participation or audio visual aids shall not include topics which are not of a traffic safety nature, including but not limited to, offering advice on how to beat traffic tickets, courtroom procedures, and police jurisdictions.

~~(l) No instructor shall knowingly give false or misleading information to any student.~~

~~(m)~~(12) The instructor shall conduct himself/ or herself in a professional and courteous manner at all times when students are present.

~~(n)~~(13) At the start of any class, the instructor shall explain the effect of attendance on the students' driving records pursuant to Vehicle Code Section 1808.7, including the information that not all courts allow participation in traffic violator school program as part of the adjudication of a traffic violation situations where a traffic violation may not be masked by attending a traffic violator school. Such situations include:

(A) The driver has already attended a traffic violator course within 18 months of the conviction.

(B) The person convicted holds a commercial driver license, as defined by Vehicle Code section 15210.

(C) The person convicted holds a commercial driver license in another state, in accordance with Part 383 of Title 49, Code of Federal Regulation.

(D) The violation occurred in a commercial motor vehicle as defined in Vehicle Code section 15210.

(E) The conviction would result in a violation point count of more than one point pursuant to Vehicle Code section 12810.

~~(14)~~ (14) The instructor shall validate the student information provided on the roster sheet or enrollment card, pursuant to Section 345.56(a), with the student's actual driver license.

(15) A student roster shall not be passed from student to student or handled in a way that would allow a student or any other person to view information related to any other student.

(c) Approval for conducting a traffic violator home study education course shall be contingent upon the traffic violator school conducting courses as follows:

(1) The instructor shall have an approved lesson plan and current California Vehicle Code book on hand when responding to student questions.

(2) A licensed instructor shall respond to a student question within 24 hours of receiving it by telephone, facsimile, or electronic mail.

(3) All communication from the instructor shall include the school name, school occupational licensing number, instructor name, and the instructor's occupational licensing number.

(4) An examination answer key shall not be included in the materials provided to the student.

(5) The completed final examination shall be sent to the school office for correction.

(d) Approval for conducting a traffic violator education internet course shall be contingent upon the traffic violator school conducting the course as follows:

(1) The instructor shall have an approved lesson plan and California Vehicle Code book on hand when responding to student questions.

(2) A licensed instructor shall respond to a student question within 24 hours of receiving it by telephone, facsimile or electronic mail.

(3) All communication from the instructor shall include the school name, school occupational licensing number, the instructor name, and the instructor's occupational licensing number.

(4) No off topic links shall be allowed on the course website.

(5) Course web pages shall be free of distractions including flashing, moving, brightly colored, or sexually suggestive text and images.

(6) Course web pages shall be free of interruptions including pop-up advertisements.

(7) An internet school whose license is expired, suspended, terminated, revoked, or who discontinues doing business shall immediately remove or disable the course website until such time as the department has provided written approval to conduct business again.

(8) A notice shall be posted on the website when instruction is not available with an expected time that instruction will again be offered or shall refer the prospective student to the Occupational Licensing Status Information System to allow the student to select another course or school.

(9) A student access code shall be made invalid upon issuance of a completion receipt.

Note: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 1808.7, 11200, 11202, 11206, 11219, 12810, 15210, 41501, and 42005, Vehicle Code. Title 49, Code of Federal Regulations, Part 383.

§ 345.40. Classroom Course Schedules.

Approval for conducting traffic violator education classroom courses shall be contingent upon the school meeting and maintaining ~~the following~~ specific 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 web site.

(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 U.S. mail or posted on the school web site.

(1) A school shall declare its reporting method for a class schedule when beginning or changing the manner of reporting a class schedule on a Notification of Class Schedules, form OL 854E (Rev. 9/2011), which is hereby incorporated

by reference, fifteen (15) business days prior to beginning instruction or changing the reporting method.

(c) Schools shall use the Official ~~School And Classroom~~ Location(s) Schedule, form OL 854 (Rev ~~7/93~~ 9/2011), which is hereby incorporated by reference, 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 school that fails to submit schedules pursuant to this section shall result in the school name being removed from all judicial districts on ~~the next TVS Classroom Location List~~ published by the department's Occupational Licensing Status Information System (OLSIS) for six months, pursuant to Vehicle Code section 11205(a). If the school fails to submit schedules a second time within any 12 month period, the school's name shall be removed from the ~~next two TVS Classroom Location Lists~~ OLSIS for 12 months and until the department approves a new classroom application.

(e) A school shall schedule and offer to conduct classes in an approved classroom location, in each city listed on the ~~TVS Classroom Location List~~ Occupational Licensing Status Information System (OLSIS), at least once every ~~other month~~ quarter.

(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~~ OLSIS for six months published by the department pursuant to Vehicle Code section 11205(a).

(3) If a school has ~~5~~ five city locations or a subsequent time for a single location removed from the ~~TVS Classroom Location List~~ OLSIS 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~~ the OLSIS for six months and until the department approves a new owner application.

(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~~ Official Classroom Location Schedule, form OL 854 (Rev. 9/2011), or posted on the school's website.

(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 ~~normal~~ 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: Sections 11205, 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 P.M. on the fifth business day preceeding the scheduled class date. The school shall notify affected students a minimum of 4 four 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 ~~telephone call~~ call the department ~~at least~~ no later than 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 time, the school shall ~~telephone call~~ call the department the first work day following the decision to cancel the class and explain the circumstances causing the cancellation. The school shall

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 in cases of low enrollment, unless enrollment consists of less than six students.

(1) The class may be canceled, provided the school notifies all registered students and the department by telephone at least 24 hours in advance.

(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)~~ (3) 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.

(d) Whenever a class is canceled on an emergency basis, pursuant to subsection (b), the school shall refer affected students to the ~~department's published TVS Classroom Location List or other court approved list~~ OLSIS 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.

(1) Under no circumstances are the affected students to be referred to a specific 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 notified by telephone, mail, or electronic mail as referenced in ~~subsections~~ subdivisions (b) and (c) at least 4 four 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~~ Traffic Violator School Activity. ~~{Repealed}~~

(a) A traffic violator school shall report on all traffic violator school activity by modality using the Traffic Violator School Quarterly Report, form OL 850 (Rev 2/2011).

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

(c) Completed forms are to be received in the department's headquarters office on or before the 30th calendar day of the month following the quarter in which the classes were conducted.

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