

INITIAL STATEMENT OF REASONS

Title 13, Division 1, Chapter 1

Article 4.7 – Schools for Traffic Violators

The Department of Motor Vehicles (department) proposes to adopt Section 345.00 in Article 4.7 of Title 13, California Code of Regulations, relating to Schools for Traffic Violators.

Vehicle Code section 11200 requires the department to license traffic violator schools (TVS). In addition, Vehicle Code section 11219 authorizes the department to prescribe rules and regulations for TVS regarding the conduct of courses including curriculum, facilities and equipment.

Historically, the department has exercised oversight of TVS programs operating in classroom settings; however, no authority existed to oversee home study or online TVS programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) placed home study and online TVS programs under the authority of the department. AB 2499 allows the department to provide operator training requirements, curriculum requirements, prescribe application forms, as well as establish guidelines for those TVS programs not under department purview prior to the bills passage.

This action will implement the fees related to licensure of TVS owners, operators and instructors, as well as fees for the departmental review of lesson plans for all TVS programs. Fees established in this action are authorized under Vehicle Code section 11208, as effective September 1, 2011, in an amount sufficient to defray the administrative costs of administering the program.

§345.00. Traffic Violator School Program Fees.

Subsection (a) provides the fees for licenses related to TVS owners. These fees are authorized under Vehicle Code section 11208, operative September 1, 2011, whereby the department is authorized to charge fees sufficient to defray the actual cost of administering the program. Departmental costing data has determined the costs of licenses provided in subsections (a)(1) through (a)(4). These fees will be effective September 1, 2011.

Subsection (a)(1) is adopted to implement the application fee for an original TVS owner's application at \$200.00.

Subsection (a)(2) is adopted to implement the application fee for each TVS branch or classroom location at \$100.00.

Subsection (a)(3) is adopted to require a fee to be paid if an ownership change is made pursuant to Section 345.18 of this Article. This transaction will be processed as an original license and the application fee will be \$200.00.

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Subsection (a)(4) is adopted to implement the annual renewal fee for a TVS, as well as each branch or classroom location. The fee for renewal is \$100.00.

Subsection (b) is adopted to provide the fees for the approval of a TVS lesson plan. The department review will ensure the plan is based on the curriculum identified in Section 345.30 of this Article. Fees established in subsection (b)(1) through (b)(5) are authorized under Vehicle Code section 11208, operative September 1, 2011, whereby the department is authorized to charge a fee sufficient to defray the costs of administering the program. Departmental costing data has determined the costs of licenses provided in subsections (b)(1) through (b)(5). These fees will be effective September 1, 2011.

Subsection (b)(1) is adopted to implement the fee for review of a lesson plan to be utilized in classroom instruction. The cost of this review will be \$475.00.

Subsection (b)(2) is adopted to implement the fee for review of a lesson plan to be utilized in home study instruction. The cost of this review will be \$800.00

Subsection (b)(3) is adopted to implement the fee for review of a lesson plan to be utilized in an online program. The cost of this review will be \$800.00.

Subsection (b)(4) is adopted to implement the fee for validation of authority to use an existing lesson plan. TVS providers are authorized by the department to utilize a lesson plan already approved by the department, even if that plan was approved for a different TVS provider. When such a submission is made, the department verifies that the TVS requesting to use the approved lesson plan has been authorized to do so by the lesson plan owner.

Subsection (b)(5) is adopted to implement the fee to review an updated lesson plan. The cost of this review will be \$250.00

Subsection (b)(6) is adopted to allow an applicant, whose initial curriculum was not approved, to revise and resubmit at no additional cost. If, after one resubmission, the curriculum is not approved, the applicant will be required to submit a new review fee.

Subsection (c) provides the fees for licenses related to TVS operators. These fees are authorized under Vehicle Code section 11208, operative September 1, 2011, whereby the department is authorized to charge fees sufficient to defray the actual cost of administering the program. Departmental costing data has determined the costs of licenses provided in subsections (b)(1) through (b)(5). These fees will be effective September 1, 2011.

Subsection (c)(1) is adopted to implement the application fee for an original TVS operator license. This application fee will be \$100.00.

Subsection (c)(2) is adopted to implement the cost of annual renewal of a TVS operator. This renewal fee will be \$75.00.

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Subsection (c)(3) is adopted to establish a fee of \$16.00 for administering the requirements examination, as provided in Vehicle Code section 11202.5, which requires a TVS operator to pass an examination demonstrating knowledge related to traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, traffic violator school statutes, as well as office procedures and recordkeeping.

Subsection (d) provides the fees for licenses related to TVS instructors. These fees are also authorized under Vehicle Code section 11208, operative September 1, 2011.

Subsection (d)(1) is adopted to implement the application fee for an original TVS instructor license. The cost for such licensure is set at \$50.00.

Subsection (d)(2) is adopted to implement the application fee for a renewal of a TVS instructor license. The cost for renewals is set at \$50.00.

Subsection (d)(3) is adopted to establish a fee of \$16.00 for the department to ensure the applicant has met all the requirements provided in Vehicle Code section 11206.

Subsection (e) provides the fees for license modifications or requests for duplicate licenses. These fees are authorized under Vehicle Code section 11208, operative September 1, 2011, whereby the department is authorized to charge fees sufficient to defray the actual cost of administering the program.

Subsection (e)(1) is adopted to establish a fee of \$100.00 to alter an existing school license.

Subsection (e)(2) and (e)(3) are adopted to establish fees when altering an existing license due to a required change or when the license is lost, stolen or mutilated.

Subsection (e)(4) and (e)(5) are adopted to establish fees when a license is being transferred from one TVS to another.

Subsection (f) is adopted to ensure the applicants and licensees are aware that the fees are not refundable.

Subsection (g) is adopted to implement the court assessment fees authorized by Vehicle Code section 42005.

Subsection (h) is adopted to implement the Family Support Program fee authorized under Family Code section 17520.

Subsection (i) is adopted to ensure affected parties are aware that, pursuant to AB 2499, the provisions of this section are effective September 1, 2011. The department will repeal this subsection after September 1, 2011.