

## OFFICE OF THE DIRECTOR

## DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328  
SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (department) proposes to adopt Section 345.73; amend Sections 345.50, 345.52, 345.56, 345.58, 345.74, 345.78, 345.86, 345.88, and 345.90; and repeal Sections 345.54 and 345.60 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to Schools for Traffic Violators.

**PUBLIC HEARING**

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

**DEADLINE FOR WRITTEN COMMENTS**

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M.,

**AUGUST 8, 2011**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

**AUTHORITY AND REFERENCE**

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section(s) 11212, 11214, 11219, and 42005.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

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

Historically, the department has exercised oversight of Traffic Violator School (TVS) programs operating in classroom settings; however, no authority existed to oversee home study or online traffic violator school programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) places home study and online traffic violator school programs under the authority of the department. AB 2499 allows the department to provide operator training and curriculum requirements, prescribe application forms, and to establish guidelines for those traffic violator school programs not under department purview prior to the bill's passage.

This action changes the requirements for traffic violator schools operating hours to be the same as day courts in all counties, and deletes the ability for schools in smaller counties to be open shorter hours.

This action also repeals the ability for a school to have an authorized person sign documents for them. The department found that allowing authorized signatures takes away the responsibility of the operation of the traffic violator school from the owner. The department has found that there are no instances where an authorized signature may be used in lieu of the traffic violator school owner or operator.

This action also makes changes to the retention period for records. Each TVS is required to maintain records from its business for three years, and those records must be kept onsite for at least 18 months. After the 18 months, those records can be kept at an offsite location for the remainder of the three years, as long as the records are retrievable within a three business day request period. Business records are also now allowed to be kept as an electronic copy, with the retention periods being the same as paper documents. All confidential information must be secure at each location, and each school shall only store the information that relates to that particular location.

This action allows for the department to conduct onsite reviews of a TVS as well as monitoring of classroom instruction. The TVS shall make all business records available to the department for the business reviews, which can be scheduled or random. The department may monitor TVS instruction without prior notice.

#### **DOCUMENTS INCORPORATED BY REFERENCE**

The following document is incorporated by reference in section 345.74:

- **TRAFFIC VIOLATOR SCHOOL BRANCH BUSINESS OFFICE/ CLASSROOM APPLICATION, OL 712 (Rev. 2/2011)**

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

#### **FISCAL IMPACT STATEMENT**

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- Effects on Housing Costs: None.

## **DETERMINATIONS**

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

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This proposal implements new office practices for traffic violator school owners and provides for new office hours and record retention timelines for classroom, home study, and internet based programs.

## **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

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

## **ALTERNATIVES CONSIDERED**

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

## **CONTACT PERSON**

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

Ally Grayson, Staff Services Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820  
Telephone: (916) 657-6469  
Facsimile: (916) 657-1204  
E-Mail: [LRegulations@dmv.ca.gov](mailto:LRegulations@dmv.ca.gov)

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

Randi Calkins, Regulations Coordinator  
Telephone: (916) 657-6469

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

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

#### **AVAILABILITY OF MODIFIED TEXT**

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