

EXPRESS TERMS
Title 13 Division 1 Chapter 1
ARTICLE 4.7 SCHOOLS FOR TRAFFIC VIOLATORS

§345.50. Office Practices.

(a) Each traffic violator school shall post its approved name and office hours at its primary business office and any branch business office(s). The office(s) shall be open to the public during the posted hours. The person in charge of the office during the posted hours shall be knowledgeable concerning the operation of the school, shall be authorized to provide information to the public concerning classes and fees, charged by the school, and shall be able to provide detailed information to any representative or contractor of the a department or the court representative concerning the operation and business records of the school.

(1) At a minimum, each office shall maintain the same office hours as the day courts in the county, ~~except in counties with populations of less than 400,000.~~ as necessary for lunch hour, illness, scheduled vacation, or emergency. If the office will be closed during business hours, the school shall:

(A) Post a notice at the office listing the duration of the closure.

(B) If using an answering service during business hours, require the service to notify callers of the duration of the closure.

(C) If using an answering machine during non-business hours and the closure exceeds one day, include the duration of the closure in the message.

~~(2) In counties with populations of less than 400,000, each office shall be open a minimum of two hours per week, during the day court hours, provided that:~~

~~(A) The school does not schedule or offer classes in any county with a population of 400,000 or more.~~

~~(B) The school utilizes an answering machine or service for the office number during department business hours and responds to all calls from the public within two business days of the call.~~

~~(C) The school notifies the department in writing at least ten days before any acceptable change is made in posted office hours.~~

~~(3) Any school which offers classes in counties with populations of 400,000 or more is required to maintain the office hours described in subdivision (1) for the county(ies) in which classes are offered.~~

(b) If the office is located in a free standing building, a storefront, or a residence, the school name shall be posted on the front of the building. If the office is located in a multi-business building, the school name shall be posted in an area common to all of the businesses and on, adjacent to, or over the entry door to the school office. Any sign shall contain lettering of sufficient size to be clearly legible from a distance of fifty (50) feet for an outdoor sign and ten (10) feet for an indoor sign. The department may make exceptions to sign requirements to accommodate unique circumstances.

(c) Each school shall maintain a telephone at its primary business office and at any branch business office(s). The following conditions shall be met by each school:

(1) The telephone shall be answered with the approved school name.

(2) Each traffic violator school shall have sSeparate telephone numbers. No two or more traffic violator schools shall share the same telephone number. The telephone number used by a school shall not be shared with any other business, unless approved by the department.

(3) All telephone numbers published in the department's list of traffic violator schools included on the Occupational Licensing Status Information System (OLSIS) pursuant to Vehicle Code ~~S~~section 11205(e a) shall be operational and answered during the posted office hours.

(4) If an automated phone system or an answering service is used ~~for scheduling classes during business hours~~ and the service, or system, is unable to answer questions regarding the school, a referral number shall be provided to the caller. The referral number shall be operational and answered during the posted office hours and shall be answered by a person with the knowledge described in ~~subdivision~~ subsection (a).

(5) If the traffic violator school is unable to accommodate any prospective student, the prospective student shall be referred to the OLSIS ~~back to the department's published TVS Classroom Location List or other court approved list~~ to select another school. No traffic violator school shall refer a student to any specific ~~listing or~~ school.

(6) Answering machines shall be utilized only during non-business hours.

(7) No traffic violator school may use California 900/976 numbers or any for-profit telephone lines.

(8) If an answering service is used to answer the telephone numbers ~~published in the department's Classroom Location List, on the OLSIS, or, if the school's telephone number is regionalized to prohibit calls from outside of a defined calling area,~~ the school shall provide one direct number which is operational and answered during the posted office hours for use by the department for contacting the school.

(9) No traffic violator school shall regionalize a telephone number to prohibit calls from outside of a defined calling area.

~~(9)~~ (10) Any traffic violator school representative who discusses enrollment with any potential student shall provide the following information to the prospective student:

(A) The total fee for the course. ~~including any charge for the completion certificate and whether that charge is included in the total class fee or is in addition to the class fee.~~

(B) What form(s) of payment are acceptable.

(C) Any fees charged for cancelling or rescheduling a class.

~~(10)~~ (11) Any traffic school representative who enrolls students in scheduled classes shall obtain sufficient information to notify the students of class cancellations pursuant to Section 345.41 of this Article. ~~Sufficient information may include a telephone number, mailing address, and electronic mail address. If a student cannot be contacted by phone, the representative shall obtain a mailing address for the student.~~

(d) Each school shall post licenses as follows:

(1) Owner licenses shall be posted in the primary business office and in a location conspicuous to the public.

(2) Operator licenses shall be posted in the primary business office and in a location conspicuous to the public, except for public school providers in accordance with Vehicle Code section 11202.

(3) Photocopies of the owner and operator licenses shall be similarly posted at each branch business office.

(e) Each school shall maintain on file in the primary business office the current license of each instructor, including a copy of the temporary permit if no permanent license has been issued.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 320, 1671, 11202, 11205, and 11215(a), Vehicle Code.

§345.52. Solicitation and Advertisement.

(a) No licensee or any employee or agent of the licensee shall advertise, discuss, or otherwise promote traffic school enrollment in any office of the department or in any court or within 500 feet of any court. The outside perimeter of the property on which any court resides is the beginning point for calculating the straight-line 500 foot distance.

(b) The full name of a traffic violator school, the address of the ~~principle~~ principal business office as shown in department records, and the school's license number shall be used in all media of advertising, including telephone listings, ~~except for the department's TVS Classroom Location List~~ internet sites, or printed ads.

(c) No traffic violator school shall advertise that it is approved by the department. ~~However;~~ however, the school may refer to the fact that it is licensed by the department.

(d) A traffic violator school name shall be considered a form of advertising. A traffic violator school shall conduct its business pursuant to any claims, actual or implied, that are included in its name.

~~(e) The department's published TVS Classroom Location List shall not be altered in any manner. Alteration includes stamping a school name on the list.~~

(e) A traffic violator school shall not use any name other than the departmentally approved business name or also known as (aka) name in any advertising or on any school website or any site to which a traffic violator is directed.

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

~~§345.54. Authorized Signatures~~

~~(a) All required notification forms sent to the department shall be signed by a school owner, operator, administrator, or designated representative. All signatures shall be as previously provided to the department on license applications or an OL 227 (New 2/94), Authorized Signatures.~~

~~(b) One or more designated representative(s) may be identified by a school owner, operator or administrator by submitting an OL 227 (New 2/94), Authorized Signatures, to the department's headquarters office, signed by an owner, operator or administrator which states the designated representative's name(s), and which contains the signature(s) and full printed name(s) of the designated representative(s).~~

~~(c) Designation of an authorized representative shall be withdrawn upon receipt by the department's headquarters office of an OL 227 (New 2/94), Authorized Signatures, from the school owner, operator or administrator, which no longer includes the representative's name and signature.~~

~~NOTE: Authority cited: Sections 1651 and 11202(a)(2), Vehicle Code. Reference: Section 11213, Vehicle Code.~~

§345.56. Business Records.

(a) Each traffic violator school shall maintain records of every traffic violator school class conducted pursuant to Vehicle Code ~~§~~section 11212 for a minimum of three years. A roster sheet or set of student enrollment cards shall be completed for each class conducted. The roster may be maintained electronically and shall contain the following:

- (1) The information required in Vehicle Code ~~§~~section 11212.
- (2) The telephone number of each student, unless the student does not have a telephone, and the post knowledge test score of each student.
- (3) The driver license class of each student.
- (4) The citation ~~number of a student referred~~ information required in Section 345.78 of this Article pursuant to Vehicle Code Section 42005 or an indication that the student elected to take the course.

~~(b) Each traffic violator school owner shall maintain records of each completion certificate purchased and issued for a minimum of three years.~~

- ~~(1) The school shall maintain all receipts for purchase of certificates from the department.~~
- ~~(2) The school copy of each completion certificate issued shall be maintained in numerical order.~~
- ~~(3) Any voided completion certificate shall be marked void on the original and both copies. The original and both copies of a voided certificate shall be maintained in numerical order.~~
- ~~(4) The school shall maintain a copy of every request for refund for fees paid for completion certificates.~~
- ~~(5) The school shall maintain a copy of every report of stolen or lost certificate(s).~~

~~(e)~~ (b) The traffic violator school shall maintain a copy of each quarterly report required pursuant to Section 345.42 of this Article, ~~on classroom location activity~~ for a minimum of three years.

~~(d)~~ (c) The traffic violator school shall maintain a copy of each receipt for payment issued pursuant to ~~Section 345.45(e)~~ Vehicle Code section 11219.5 for a minimum of three years, ~~unless a notation that a receipt was issued, including the date of payment and the amount paid, is made on the class roster sheet or student enrollment card.~~

(d) The traffic violator school shall maintain a copy of each receipt indicating successful completion of a course for a minimum of three years.

(e) The traffic violator school may issue a single receipt for payment and completion of a course only if the course is completed on the same day as payment of the fee.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11212, 11219.5, 15210 and 42005, Vehicle Code.

§345.58. Verification Of Employment.

~~The owner, operator, administrator of a public school or agency, or designated representative of a school shall verify the period(s) of employment and actual hours of classroom instruction for any instructor occurring within the 36 months prior to the date of the request, if requested by the instructor or the department, within 30 days of such request.~~

~~NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11213(d), Vehicle Code. Reference: Section 11202.5(a)(4), Vehicle Code.~~

§345.58. Location of Business Records.

(a) A traffic violator school shall maintain all original business records required by Section 345.56 of this Article at its principal place of business or branch location for at least 18 months.

(b) If a traffic violator school has a branch location, business records created at or relating to that branch location may be maintained either at the branch location or at the principal place of business.

(c) After the initial 18 month record retention period required pursuant to subdivision (a), a traffic violator school may maintain the original business records at an offsite storage location within California, provided that the original business records are retrievable upon three business days notice and the business records are stored in a manner that meets any applicable safeguard requirements pursuant to 15 U.S.C. 6801(b).

(d) A traffic violator school may create an electronic copy of an original business record at any time.

(1) After the initial 18 month record retention period required pursuant to subdivision (a), an electronic copy of an original business record shall satisfy the record retention requirements for the remainder of the three year record retention period provided all of the following requirements are satisfied:

(A) The electronic copy is created in a non-alterable format.

(B) The electronic copy is retained in a format that permits the document to be readily accessible and retrievable.

(C) The electronic copy is a legible, complete, and accurate reproduction of the original business record.

(D) A backup copy of the electronic record is retained at an onsite or offsite location in a manner that permits the business record to be retrieved upon three business days notice.

(E) Any access device, server, network device, or any internal or external storage medium used for storing the electronic copy or backup copy has access controls and physical security measures to protect the records from unauthorized access, viewing, or alteration.

(2) A school that makes an electronic copy of an original business record that meets the requirements of this subdivision may dispose of the original business record, provided that the original business record is disposed of in a manner that meets the requirements of Civil Code section 1798.81.

(e) Use of a third party to physically or electronically store business records shall not reduce a school's responsibility to produce a business record when required.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11212, 11219.5, 15210 and 42005, Vehicle Code. Section 1798.81, Civil Code. Part 15 U.S.C. 6801(b).

§345.60. Providing Department Address to Students.

~~Upon receipt of an oral or written request from any potential student or student, a traffic violator school shall provide the complete mailing address and telephone number of the department's headquarters office.~~

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

INSPECTIONS BY DEPARTMENT AND MONITORING OF TVS

§345.73. Business Reviews and Monitoring of Instruction

(a) A traffic violator school shall permit the department or its representative to conduct onsite business reviews as scheduled by the department during normal business hours. The traffic violator school shall make available all business records requested by the department including, but not limited to, the records specified by Section 345.56 of this Article. The traffic violator school operator shall be present for scheduled business reviews.

(b) A traffic violator school shall permit the department or its representative to conduct random business reviews and inspections without prior notice.

(c) A traffic violator school and its employees shall permit the department or its representative to monitor traffic violator school instruction without prior notice and shall provide any information requested to facilitate the monitoring.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11212, 11219.5, 15210 and 42005, Vehicle Code.

§345.74. Inspection and Approval of Sites.

(a) Before authorizing the use of a primary business location, a branch business office, or a classroom location, the department shall inspect the location as needed to determine that the location meets or exceeds the following minimum qualifications.

(1) A business office location, whether the primary location or a branch location, shall comply with the provisions of Vehicle Code ~~Sections~~ 1671(a), 11202(a)(1) and 11202(e) and all applicable provisions of this code.

(A) The location shall have secure storage for data and documents that contain confidential information.

(B) The traffic violator school must demonstrate how confidential information will be secured.

(C) The storage of confidential information shall be exclusive for documents or data for that specific traffic violator school and shall not include documents or data not related to that traffic violator school.

(2) A classroom location shall meet the requirements outlined in Section ~~345.38~~ 345.34 of this Article.

(b) No business office, branch business office, or classroom shall be inspected by the department until it is operationally ready for business. If the location is not operationally ready for business at the time the application for the location is filed, the date that the location shall be operationally ready for business shall be indicated on the application.

(c) No business office, branch business office, or classroom shall be used by a traffic violator school until its use has been approved by the department.

(1) The department has the authority to approve a classroom without prior inspection based upon the self-certification information contained on the Traffic Violator School Branch Business Office/Classroom Application, form OL 712 (Rev ~~10/94~~ 2/2011).

(2) If the department approves the classroom without prior inspection, the department shall inspect the classroom at or before the next monitoring visit, pursuant to Vehicle Code ~~Section~~ 11214.

- (d) The department shall notify the applicant in writing when the location is approved for use.
- (e) If the location does not comply with department standards, the department shall notify the applicant in writing, ~~within seven (7) days following the inspection~~ citing the specific reasons the location does not comply.
- (1) The department shall, upon written request from the applicant, reinspect a proposed location to determine if the deficiencies have been corrected.
 - (2) The department shall disapprove any site which has been inspected twice and does not pass inspection. A new application and payment of appropriate fees shall accompany any request for further consideration of the site.
- (f) The department may reinspect any licensed location as needed to determine that the location continues to meet licensing requirements pursuant to this section.
- (1) If the department determines that a location no longer meets approval standards, the department shall notify the school in writing that the location has been disapproved, the specific reasons for disapproval, and the date by which the school shall cease using the location.
 - (2) The department shall, upon written request from the applicant, reinspect such a disapproved location once to determine if the deficiencies have been corrected.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 1671(a), ~~and~~ 11202, and 11214, Vehicle Code.

MISCELLANEOUS REQUIREMENTS

§345.78. Traffic Violator School Attendance

- (a) An owner, operator, administrator, or instructor of a traffic violator school may not attend any class course offered by the school for which he/she is licensed which results in the designation of the resulting conviction as confidential, pursuant to Vehicle Code section 1803.5, in lieu of adjudication of for any personal traffic citation.
- (b) In order to ~~determine compliance with Vehicle Code Section 42005~~ ensure that the traffic violator school has the information necessary to report completion of the course to the court of jurisdiction, each traffic violator school shall obtain the following information for each student before beginning instruction for a classroom course, providing home study materials, or allowing a violator to begin an internet course: verify the driver license class and a copy of the citation of each student prior to the student attending the course. The following persons may not attend a traffic violator school in lieu of adjudicating a traffic offense:

- ~~(1) Any person holding a class A, class B, or commercial class C driver license.~~
 - ~~(2) Any person regardless of driver license class that committed a traffic offense that occurred in a commercial motor vehicle, as defined in subdivision (b) of Vehicle Code Section 15210.~~
 - (1) The true full name of the violator as it appears on the driver license or identification card.
 - (2) The driver license or identification card number.
 - (3) The docket number for the violation.
 - (4) The identifying code for the court that referred the violator to traffic violator school.
 - (5) If the person is not referred by a court, but elects to attend pursuant to Vehicle Code section 11200(b), the student record shall be marked to reflect that and the information listed in subdivisions (3) and (4) above is not required.
- ~~(c) Any person described in subdivision (b) that complies with Vehicle Code Section 11200 (b), may elect to attend a traffic violator school.~~

NOTE: Authority cited: Sections 1651, 11200, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 1803.5, 11200, 11202, 15210 and 42005, Vehicle Code.

§345.86. Refusal to Issue, Suspension, Revocation or Cancellation of a License.

(a) In addition to the conditions specified in Vehicle Code ~~Sections~~ 11215, 11215.5, 11215.7 and 11216 ~~of the Vehicle Code~~, the department may refuse to issue, suspend, or revoke a license for a traffic violator school for any of the following reasons:

(1) The traffic violator school ~~wrote a check to the department that was thereafter dishonored when presented for payment~~ submitted a check, draft, or money order to the department for any obligation or fee due that was thereafter dishonored or refused payment upon presentation.

(2) The traffic violator school violated any of the provisions contained in this Article.

(b) In addition to the conditions specified in Vehicle Code ~~Sections~~ 11215, 11215.5, and 11215.7 ~~of the Vehicle Code~~, the department may refuse to issue, suspend, or revoke a license for a traffic violator school operator for any of the following reasons:

(1) The traffic violator school operator ~~wrote a check to the department that was thereafter dishonored when presented for payment~~ submitted a check, draft, or money

order to the department for any obligation or fee due that was thereafter dishonored or refused payment upon presentation.

(2) The traffic violator school operator violated any of the provisions contained in this Article.

(c) In addition to the conditions specified in ~~Vehicle Code~~ Sections 11215, 11215.5, and 11215.7 of the Vehicle Code, the department may refuse to issue, suspend, or revoke a license for a traffic violator school instructor for any of the following reasons:

(1) The traffic violator school instructor ~~wrote a check to the department that was thereafter dishonored when presented for payment~~ submitted a check, draft, or money order to the department for any obligation or fee due that was thereafter dishonored or refused payment upon presentation.

(2) The traffic violator school instructor violated any of the provisions contained in this Article.

(d) A traffic violator school owner, operator or instructor license may be canceled by the department when the license was issued through error.

NOTE: Authority cited: Sections 1651 and 11202(a)(2), Vehicle Code. Reference: Sections 11204, 11207, 11211, 11215, 11215.5, 11215.7 and 11216, Vehicle Code.

§345.88. Monetary Penalties.

Payment of the following monetary penalties may be required of a traffic violator school owner, operator, or instructor pursuant to a stipulated settlement agreement between the Director and the licensee entered into under the authority of ~~Vehicle Code~~ Section 11218:

(a) The monetary penalty shall not exceed one thousand dollars (\$1,000) for a traffic violator school owner or five hundred dollars (\$500) for a traffic violator school operator or instructor, per violation.

(b) A minimum ~~penalty~~ of \$15 one hundred dollars (\$100) and a maximum ~~penalty~~ of five hundred dollars (\$500) shall be assessed for each violation of the following provisions of law: ~~Vehicle Code~~ Sections 1671, 11202(e), 11202.5, 11206, 11213(c), and 11219.5.

(c) A minimum of one hundred dollars (\$100) and a maximum of one thousand dollars (\$1000) for each violation of the following provisions of law: ~~Vehicle Code~~ Sections 20, 11200, 11202(a), 11212, 11213(a), 11213(b), 11213(d), 11215, and 11215.5 and 11215.7.

NOTE: Authority cited: Sections 1651, 11202(a)(2), 11218 and 11219, Vehicle Code. Reference: Sections 20, 1671, 11200, 11202, 11206, 11212, 11213, 11215, 11218, and 11219, Vehicle Code.

CESSATION OF BUSINESS

§345.90. Voluntary or Involuntary Cessation of Business.

Whenever a traffic violator school ceases to do business for any period, either voluntarily or involuntarily:

~~(a) The department may cancel or suspend use of the school's published telephone number(s).~~

~~(b)~~ (a) The traffic violator school shall surrender all owner, operator, and instructor licenses applicable to the school and all unused completion certificates.

(b) The traffic violator school's name, courses, addresses, and phone numbers shall be marked as invalid on the Occupational Licensing Status Information System.

(c) The traffic violator school shall provide the department with a telephone number and address of the owner or, if a corporation or partnership, a principal or partner, to enable the department to inquire as to specific records which the ex-licensee shall maintain for three ~~(3)~~ years following cessation of business. The ex-licensee shall notify the department within ten ~~(10)~~ days of any change in either the telephone number or address.

(d) No other traffic violator school shall buy or otherwise obtain or use the telephone number of a traffic violator school which ceases to do business, except when a that traffic violator school is ~~sole~~ purchased in its entirety and an original application has been approved by the department.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 8803, 11208(d), 11212, 11213, 11217.5 and 11219, Vehicle Code.