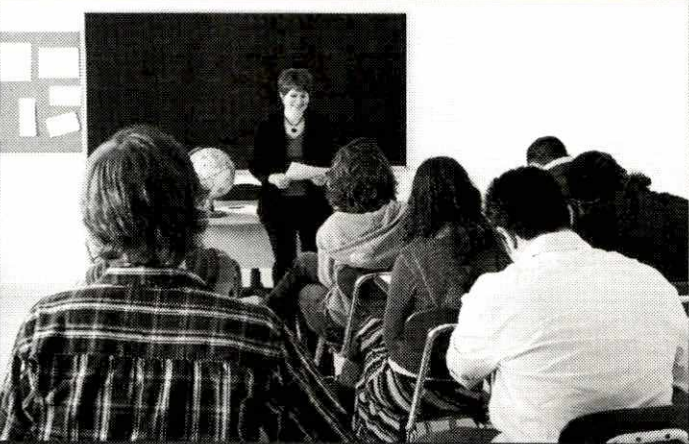
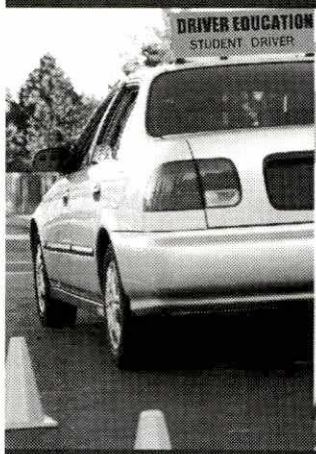


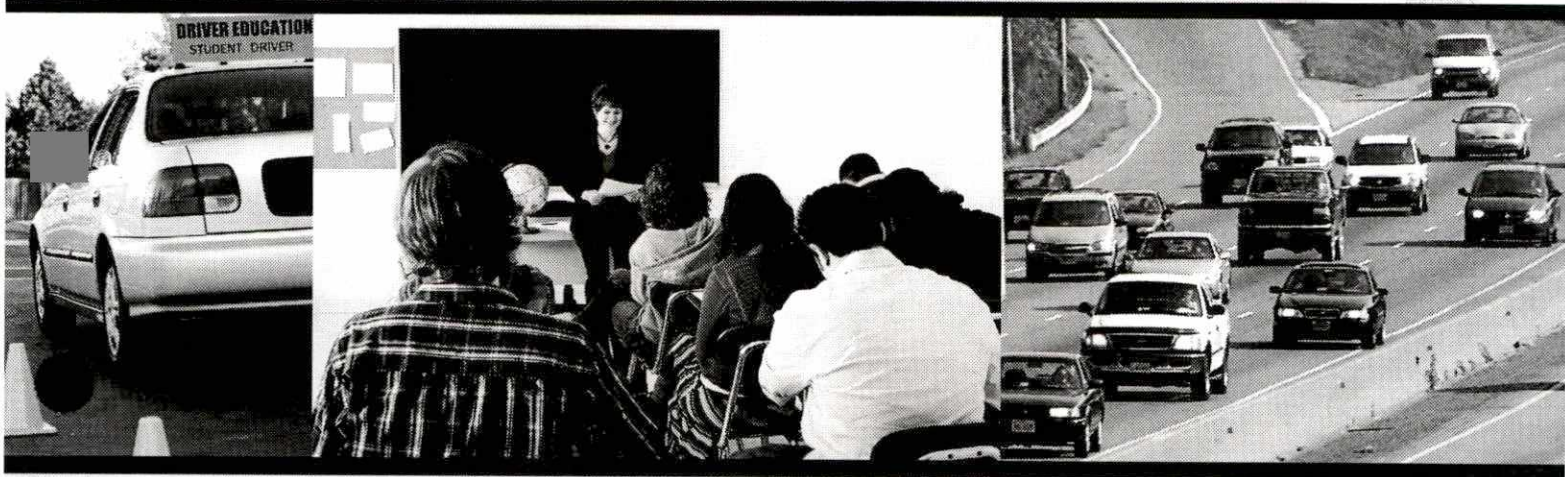
DRIVER TRAINING SCHOOL
STUDENT DRIVER



Virginia's
Driver Training School Manual



Virginia Department of Motor Vehicles



Virginia's Driver Training School Manual

Virginia Department of Motor Vehicles

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Section 1: Background

Driver education programs have been operating in the United States since the early 1920s. The Virginia General Assembly required that Virginia's secondary schools offer driver education, beginning in 1927, as part of their health and physical education programs. The Virginia Department of Education continues to be responsible for the oversight of the driver education programs taught in public and private schools.

The idea of driver training schools was conceived as a result of the increase in population, demand for driver education courses, and increasing costs for public and private schools. The driver training schools' administration was housed in various state agencies until 1990 when the Department of Motor Vehicles (DMV) became responsible for licensing and oversight. The schools primarily train drivers ages 18 and under who wish to complete their driver education requirements outside the public or private school they attend, however, driver training schools serve customers of all ages.

This manual provides laws, regulations, requirements and reminders for those who operate driver training schools. Failure to comply with state laws and regulations may result in the suspension, revocation or cancellation of the school and instructor licenses, and the assessment of civil penalties of up to \$1,000 per violation.

This manual should be kept in the driver training school's business office so that it is accessible to those responsible for the day-to-day operation of the school.

Section 2: Virginia Law and Code

Codes of Virginia governing the operation of Driver Training Schools 46.2-1700 through 46.2-1707

- 46.2-1700 – Definitions
- 46.2-1701 – Licenses required for school and instructor; fees
 - 46.2-1701.1 – Bond of applicants
 - 46.2-1701.2 – Schools required to have established places of business
 - 46.2-1701.3 – Student records to be maintained
- 46.2-1702 – Certification of driver education courses by Commissioner
- 46.2-1703 – Authority to promulgate regulations
- 46.2-1704 – Action on applications; hearing on denial
- 46.2-1705 – Suspension, revocation, cancellation or refusal to renew license; limitations on operations; imposition of monetary penalties
- 46.2-1706 – Civil penalties
- 46.2-1707 – Unlawful acts; prosecution; proceedings in equity

§46.2-1700. Definitions

As used in this chapter, unless the context requires a different meaning:

“Class A licensee” means a driver training school that provides training in the operation of commercial motor vehicles as defined in §46.2-341.4.

“Class B licensee” means a driver training school that provides training in the operation of any type of motor vehicle other than motorcycles and commercial motor vehicles as defined in §46.2-341.4.

“Driver training school” or “school” means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services. “Driver training school” or “school” does not mean any college, university, school established pursuant to §46.2-1314, school maintained or classes conducted by employers for their own employees where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth or any political subdivision thereof,

training programs for school bus operators established pursuant to §22.1-181, driver education programs established pursuant to §22.1-205, or schools accredited by accrediting associations approved by the Department of Education; however, if any such entity or program excluded from the definition of “driver training school” offers driver education and training through a contractual arrangement with another person for consideration, then that other person shall be considered a driver training school subject to the requirements of this chapter.

“Instructor” means any person, whether acting for himself as operator of a driver training school or for such school for compensation, who teaches, conducts classes, gives demonstrations, or supervises persons learning to operate or drive a motor vehicle.
(1990, c. 466; 2004, c. 587.)

§46.2-1701. Licenses required for school and instructor; fees

No driver training school shall be established or continue operation unless the school obtains from the Commissioner a license authorizing the school to operate within this Commonwealth.

No instructor shall perform the actions enumerated in the definition of “instructor” in §46.2-1700 unless he obtains from the Commissioner a license authorizing him to act as driving instructor.

The Commissioner shall have authority to set and collect school and instructor licensing fees. All licensing fees collected by the Commissioner under this chapter shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department of Motor Vehicles.
(1990, c. 466; 2004, c. 587.)

§46.2-1701.1. Bond of applicants

The applicant shall file a surety bond in the amount of \$100,000 for a Class A licensee and \$5,000 for a Class B licensee. The bond shall be payable to the Commonwealth of Virginia and conditioned to protect the contractual rights of students. The bonding requirement for a Class A license may be reduced, at the discretion of the Department, on a showing by the school that no course of study for which tuition is collected lasts longer than thirty days or that the school collects no advance tuition other than equal monthly installments based on the length of the course of study. The minimum bond for any school shall be \$5,000.
(1991, c. 214.)

§46.2-1701.2. Schools required to have established places of business.

No license shall be issued or renewed to any driver training school unless it has an established place of business in the Commonwealth that:

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1. Satisfies all local zoning regulations;
2. Has office space in which the driver training school houses all records required to be maintained under §46.2-1701.3 and which:
 - a. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the school, and working utilities;
 - b. Complies with federal, state, and local health, fire, and building code requirements; and
 - c. Meets all other place of business and recordkeeping requirements set forth in this chapter and established in regulations promulgated by the Department. (2004, c. 587.)

§46.2-1701.3. Student records to be maintained

All student records and other records, as required by the Department, shall be maintained on the premises of the licensed location. The Commissioner may, on written request from a driver training school, permit records to be maintained at a location other than the premises of the licensed location for good cause shown. All records shall be preserved in original form or in film, magnetic, electronic, or optical media, including but not limited to microfilm or microfiche, for a period of three years in a manner that permits systematic retrieval. All records required to be maintained by the provisions of this section or by regulation shall be available to the Commissioner or his agents during regular business hours or at any other reasonable time, as determined by the Commissioner. (2004, c. 587.)

§46.2-1702. Certification of driver education courses by Commissioner

The Commissioner shall have the authority to approve as a driver education course satisfying the requirements of §46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools. The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department. The Commissioner may accept 20 years' service with the Virginia Department of State Police by a person who retired or resigned while in good

standing from such Department in lieu of requirements established by the Department of Education for instructor qualification. (1990, c. 466; 1991, c. 214; 2004, c. 587.)

§46.2-1703. Authority to promulgate regulations

The Commissioner may promulgate regulations necessary to (i) enforce the provisions of this chapter, (ii) provide adequate training for students, (iii) protect student and public safety and (iv) carry out the other provisions of this chapter. These regulations shall include but need not be limited to curriculum requirements, contractual arrangements with students, obligations to students, facilities and equipment, qualifications and other requirements for instructors, school ownership requirements, surety bond requirements, and financial stability of schools. (1990, c. 466; 1991, c. 214; 2004, c. 587.)

§46.2-1704. Action on applications; hearing on denial

The Commissioner shall act on any application for a license under this chapter within thirty days after receipt by either granting or denying the application. Any applicant denied a license shall, on his written request made within thirty days, be given a hearing at a time and place determined by the Commissioner or his designee. All hearings under this section shall be public and shall be held promptly. The applicant may be represented by counsel. Any applicant denied a license may not apply again for a license for thirty days from the date of denial of the application. (1991, c. 214.)

§46.2-1705. Suspension, revocation, cancellation or refusal to renew license; limitations on operations; imposition of monetary penalties

- A. Except as otherwise provided in this section, no license issued under this chapter shall be suspended, revoked, or cancelled or renewal thereof denied, no limitation on operations shall be imposed pursuant to subsection F of this section, and no monetary penalty shall be imposed pursuant to §46.2-1706, unless the licensee has been furnished a written copy of the complaint against him and the grounds upon which the action is taken and has been offered an opportunity for an administrative hearing to show cause why such action should not be taken.
- B. The order suspending, revoking, cancelling, or denying renewal of a license, imposing a limitation on operation, or imposing a monetary penalty, except as otherwise provided in subsection E of this section, shall not become effective until the licensee has had 30 days after notice of the opportunity for a hearing to make a written request for such a hearing. If no hearing has been requested within such 30-day period, the

order shall become effective and no hearing shall thereafter be held. A timely request for a hearing shall automatically stay operation of the order until after the hearing.

- C. Notice of an order suspending, revoking, cancelling or denying renewal of a license, imposing a limitation on operation, or imposing a monetary penalty and advising the licensee of the opportunity for a hearing shall be mailed to the licensee by registered mail to the school address as shown on the licensee's most recent application for license and shall be considered served when mailed.
- D. No licensee whose license has been revoked or cancelled or who has been denied renewal shall apply for a new license within 180 days of such action.
- E. Notwithstanding the provisions of subsection B of this section, an order suspending, revoking, cancelling, or denying renewal of an instructor license shall be effective immediately if the order is based upon a finding by the Commissioner (i) that the instructor's driving record is such that he is not presently qualified to act as an instructor or (ii) that he is otherwise a danger to the safety of his students or the public. Such finding by the Commissioner shall be based on records of driver's license suspension or revocation, upon records of conviction of serious motor vehicle related offenses punishable as a misdemeanor or felony including driving under the influence or reckless driving, and upon such other criteria as the Commissioner may establish by regulation. Notice of the order of suspension, revocation, cancellation, or denial shall be in writing and mailed in accordance with subsection C. Upon receipt of a request for a hearing appealing the suspension, revocation, cancellation, or denial, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.
- F. If the Commissioner makes a finding that the conduct of a licensee is in violation of this chapter or regulations adopted pursuant to this chapter, he may suspend, revoke, cancel, or refuse to renew the license of such licensee or may order the licensee, in accordance with subsections A, B and C of this section, to limit the types of driver education training provided, restrict the use of the licensee's training vehicles, or both. Whenever the Commissioner takes action limiting operations under this subsection, the Commissioner shall require the licensee to post conspicuous notice of the Commissioner's action under this subsection at the same location as the licensee's license was issued under this chapter, as soon as the

Commissioner's order becomes effective. Orders of the Commissioner limiting operations and requiring posting of notices shall remain in effect until (i) the time period for the limitations or restriction has expired and the Commissioner makes a finding that the violations causing the imposition of such limitations or restrictions have been remedied by the licensee or (ii) the Commissioner's order is lifted as the result of an appeal under §46.2-1704 or by a court of competent jurisdiction.

- G. If the Commissioner makes a finding, after conducting a preliminary investigation, that the conduct of a licensee (i) is in violation of this chapter or regulations adopted pursuant to this chapter and (ii) such violation constitutes a danger to public safety, the Commissioner may issue an order suspending the licensee's license to operate a driver training school. Notice of the suspension shall be in writing and mailed in accordance with subsection C of this section. Upon receipt of a request for a hearing appealing the suspension, the licensee shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The suspension shall remain in effect pending the outcome of the hearing.
(1991, c. 214; 2000, c. 179; 2004, c. 587.)

§46.2-1706. Civil penalties

In addition to any other sanctions or remedies available to the Commissioner under this chapter, the Commissioner may assess a civil penalty not to exceed \$1,000 for any violation of any provision of this chapter or any regulation promulgated thereunder. The penalty may be sued for and recovered in the name of the Commonwealth. (1991, c. 214.)

§46.2-1707. Unlawful acts; prosecution; proceedings in equity

- A. It shall be unlawful for any person to engage in any of the following acts:
 1. Practicing as a driver training school or as an instructor without holding a valid license as required by statute or regulation;
 2. Making use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed;
 3. Performing any act or function which is restricted by statute or regulation to persons holding a driver training school or instructor license or certification, without being duly certified or licensed;
 4. Materially misrepresenting facts in an application for licensure, certification or registration;

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5. Willfully refusing to furnish the Department information or records required or requested pursuant to statute or regulation; or
6. Violating any statute or regulation governing the practice of any driver training school or instructor regulated pursuant to this chapter.

Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a Class 1 misdemeanor. However, the third or any subsequent conviction for violating this section during a 36-month period shall constitute a Class 6 felony.

- B. In addition to the provisions of subsection A of this section, the Department may institute proceedings in equity to enjoin any person from engaging in any unlawful act enumerated in this section. Such proceedings shall be brought in the name of the Commonwealth in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.
(1991, c. 214; 2004, c. 587.)

Virginia Administrative Code Driver Training School regulations (24 VAC 20-121-220 C)

- 24VAC20-121-10 – Definitions
- 24VAC20-121-20 – Business office and classroom requirements
- 24VAC20-121-30 – Business practices
- 24VAC20-121-40 – Records to be maintained
- 24VAC20-121-50 – Availability of records; inspections and compliance reviews
- 24VAC20-121-60 – School licensing requirements
- 24VAC20-121-70 – School license renewal required
- 24VAC20-121-80 – Transferability of school licenses
- 24VAC20-121-90 – School contracts
- 24VAC20-121-100 – General instructor licensing requirements
- 24VAC20-121-110 – Instructor license renewal
- 24VAC20-121-120 – Change in instructor employment
- 24VAC20-121-130 – Notice required to the department
- 24VAC20-121-140 – Fees
- 24VAC20-121-150 – General equipment requirements
- 24VAC20-121-160 – Sanctions for violations of statutes and regulations
- 24VAC20-121-170 – Curriculum requirements for Class A licensed schools
- 24VAC20-121-180 – Class A instructor license requirements
- 24VAC20-121-190 – Equipment requirements for Class A licensed schools; use of driving ranges
- 24VAC20-121-200 – Curriculum requirements for Class B licensed schools
- 24VAC20-121-210 – Class B instructor requirements
- 24VAC20-121-220 – Equipment requirements for Class B licensed schools

24VAC20-121-10. Definitions

The terms “Class A licensee,” “Class B licensee,” “driver training school” or “school,” and “instructor” are defined in §46.2-1700 of the Code of Virginia. In addition to those definitions, the following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:

“Class A license” means a license issued by the Department of Motor Vehicles to a driver training school that provides training in the operation of any type of commercial motor vehicle as defined in §46.2-341.4 of the Code of Virginia.

“Class B license” means a license issued by the Department of Motor Vehicles to a driver training school that provides training in the operation of any type of motor vehicle other than motorcycles and commercial motor vehicles as defined in §46.2-341.4 of the Code of Virginia.

“Commissioner” means the Commissioner of the Virginia Department of Motor Vehicles.

“Curriculum” means the courses of instruction and other relevant materials related to driver training offered by driver training schools.

“Department” means the Virginia Department of Motor Vehicles. For notification and document submission purposes, department shall specifically mean the Commercial Licensing Division at the headquarters office of the Virginia Department of Motor Vehicles in Richmond.

“General compliance review” means a formal review by the department of a driver training school’s operations, facilities and records to determine compliance with statutory and regulatory requirements.

“In-vehicle instruction” means the delivery of information and experience by an instructor to a student who is in or driving a motor vehicle, and where observing the driving skills and actual driving experiences of other students is a major component.

“National criminal records check” means a criminal background check performed by the Department of State Police that includes all participating states and jurisdictions.

“Normal business hours” shall mean the normal business hours of the department, which are Monday through Friday, 8 a.m. to 5 p.m., and Saturdays, 8 a.m. to noon.

“Owner” means a person or persons, including a partnership, corporation or other business entities, that have a vested interest in and control over a school.

“Period of instruction” means 50 minutes of in-vehicle or classroom instruction.

“Revoke” or “revocation” means that school or instructor licenses revoked are not subject to renewal or restoration except through reapplication after (i) the expiration of the revocation period and (ii) any outstanding compliance requirements have been met.

“Safe mechanical condition” means the continual compliance with safety requirements of vehicles that are used to train school students, and have passed either a Virginia state safety inspection or a federal Motor Carrier Safety Administration inspection, and for vehicles used to train the disabled, be certified by the National Mobility Equipment Vendors Association, whichever is applicable based on the type of training provided by the school.

“Suspend” or “suspension” means that the school or instructor licenses suspended have been temporarily withdrawn, but may be reinstated after (i) the expiration of the suspension period and (ii) the licensee has met all outstanding compliance requirements.

24VAC20-121-20. Business office and classroom requirements

- A. No school license shall be issued unless the school has an established place of business in the Commonwealth that is owned, rented or leased by the school. Such established place of business shall:
1. Be the premises of the licensed location of the school;
 2. Satisfy all local business licensing and zoning regulations;
 3. Have office space devoted exclusively to the driver training school;
 4. Contain all records that are required to be maintained under the provisions of these regulations unless the school has been permitted to maintain them elsewhere pursuant to 24VAC20-121-40;
 5. Be equipped with a desk, chairs, filing space, working utilities and a working telephone listed in the name of the school;
 6. Comply with federal, state and local health, fire and building code requirements, including the Americans with Disabilities Act (42 USC § 12101 et seq.);
 7. Be open to the general public a minimum of eight hours per week during normal business hours; and
 8. Not share space with a school classroom.

The school shall also provide to the department the street address and physical address of any other business offices maintained by the school in addition to the licensed location office.

In addition to business office addresses, all addresses, physical locations of classrooms, driving simulators or any other facilities used by the school shall be provided to the department in writing. If any such classroom, driving simulator or other facility is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the department. Schools shall not use classrooms, driving simulators or other driver training facilities prior to receiving approval for their use from the department.

A school owner’s residence may be used as the licensed location of a school if it qualifies for a federal tax deduction of expenses related to the business use of part of the residence and meets the established place of business requirements set forth in these regulations.

- B. Any school that engages in classroom instruction shall provide a classroom with the following:
1. Seating arrangements and writing surfaces for each student and a minimum of 10 square feet per student attending at any given time;
 2. Blackboards or other visual aids that shall be visible from all seating positions;
 3. Driver education reference books, including, when applicable, current curriculum guides, student work books and appropriate textbooks for each student;
 4. Appropriate audio/video equipment and screen in good working order; and
 5. Restroom facilities that are clean, accessible and in good working order.
- C. Office and instruction hours shall be posted in a conspicuous location outside the licensed location and any other business office in a manner that is visible and easily accessible to the public from outside of the licensed location and business.
- D. The school license and any notice of the department that limits or restricts training shall be prominently posted at the licensed location office. A copy of the school license and notice, if applicable, also shall be prominently posted in each school classroom and any other business office maintained by the school. In addition, schools shall display, in a conspicuous location in all their classrooms and their business offices, signs provided by the department that notify students and the public about the department’s toll-free hotline.
- E. Any school licensed by the department shall notify the department, in writing, 30 days prior to a change of address for the licensed location, any other business office or classroom or other instructional facility. The department will issue a revised license reflecting such changes. The school shall return the current license to the department upon receipt of a revised school

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license. All school-related business, classroom and instructional locations are subject to approval by the department, as required in these regulations.

- F. The location of a school's licensed location, other business offices, classrooms or practice driver training areas shall be a distance of at least 1,500 feet from any property owned, leased or maintained by the department for examining motor vehicle operators. Such distance shall be measured in a straight line from the nearest point of the primary building of the department's property to the nearest point of the school licensed location, business office, classroom or practice driver training area, whichever is closest. This distance requirement may be waived by the department if the licensed location, other business office, classroom or practice driver training area has been previously allowed to be within the 1,500 foot limit as a result of an action or omission on the part of the department. All school-related business, classroom or instructional locations must be approved by the department prior to use.

24VAC20-121-30. Business practices

- A. A school shall not use any name other than that shown on its school license. Schools using the same or similar name of another current or former school or similar business, or using names considered to be offensive in nature, as determined by the department, shall not be licensed by the department.
- B. A school that utilizes "Department of Motor Vehicles" or "DMV" in any form of advertising including, but not limited to, telephone directories and websites shall use only the words "Licensed by the Department of Motor Vehicles (DMV) of the Commonwealth of Virginia." A school shall not refer to any other state agency or board in any documentation or advertisement. Schools with web sites shall notify the department of their web addresses when applying for or renewing their license or when the site becomes operational, whichever is sooner.
- C. A school shall not use false, deceptive or misleading information in any advertisement or provide this type of information to prospective students.
- D. A school, instructor, owner or any other person employed by or otherwise associated with a school shall not:
1. Assert or imply that it will guarantee that any student will pass the state driver's license examination;
 2. Assert or imply that the student can secure a driver's license;
 3. Assert or imply that the student will be guaranteed employment upon completion of any course of instruction;
 4. Transact or solicit driver training school business on property owned, leased or maintained by the department;
 5. Provide translation services for any individual who is taking the department's driver's license knowledge examination;
 6. Falsify forms, certificates or other documents for use by students or other individuals in order to obtain a driver's license;
 7. Possess, use, provide, sell or give the department's driver licensing test questions to students or other individuals;
 8. Assist or facilitate the creation of false identification documents of any kind or false residency certification for any individual;
 9. Provide instruction at a site not formally approved by the department;
 10. Contract or subcontract, without written approval of the parents or legal guardians, with other driver training schools or driver training organizations to provide classroom or in-vehicle instruction for students under 18 years of age who are not married or emancipated;
 11. Have, use, keep or be under the influence of alcohol, illegal drugs or substances, or otherwise legal drugs or substances that would affect a person's ability to drive or provide or receive instruction while such person is on the premises of or in vehicles used by the school; or
 12. Conduct themselves in a manner not suitable or compatible with school-related activities. Such prohibited conduct includes, but is not limited to:
 - a. Touching in a manner that would be considered inappropriate by a reasonable person;
 - b. Telling jokes or making statements or comments that a reasonable person would consider (i) to be hateful or demeaning to a particular race or ethnicity, or (ii) to have sexual or otherwise vulgar content or connotation;
 - c. Displaying objects or materials that a reasonable person would consider unpleasant, distasteful, nasty, disgusting, hateful or otherwise unsuitable;
 - d. Berating or otherwise harassing students or other persons;
 - e. Running errands;
 - f. Except for emergency situations, using telecommunications or any other audio or video equipment during periods of in-vehicle or classroom instruction that

are not part of the course of instruction. If an emergency situation occurs during in-vehicle instruction, such use should, whenever possible, be made once the vehicle is safely off the road and stopped;

- g. Eating during periods of instruction;
 - h. Use of tobacco products during periods of instruction;
 - i. Creating a training environment considered hostile or otherwise intimidating to a reasonable person; or
 - j. Allowing any student to engage in such prohibited conduct outlined above.
- E. Except when full tuition has not been satisfied, a school shall provide, within five business days of the successful completion of program requirements and in a manner prescribed by the department, an original certificate of completion needed by the student (i) to obtain a driver's license, (ii) for insurance verification purposes, or (iii) for employment purposes. No fee shall be charged by the school for the original certificate.
- F. Schools shall operate in accordance with the driver training school operations manual as provided and updated by the department.
- G. No school vehicles shall park on the department's owned, leased or maintained property except for the purposes of conducting official business with the department during normal business hours. At no time whatsoever shall a school provide training to a student on the department's owned, leased or maintained property.

24VAC20-121-40. Records to be maintained

Except as otherwise provided in this section, all records shall be maintained at the licensed location of the school. The commissioner may, on written request from a school, permit records to be maintained at a location other than the licensed location for good cause shown.

Schools shall maintain accurate, complete, legible and up-to-date records, as required under §46.2-1701.2 and 46.2-1701.3 of the Code of Virginia. Such records shall include:

- 1. All student records;
- 2. All business records;
- 3. All records relating to:
 - a. Compliance with or proof of exemption from local business licensing and zoning regulations;
 - b. Federal, state and local health, fire and building code requirements; and
 - c. Size and space requirements for places of business and classrooms; and

- 4. Any other records required by the department in a manner prescribed by the department.

All records shall be retained by the school for a minimum of three years after their creation. Copies of such records shall be provided to the department upon request.

24VAC20-121-50. Availability of records; inspections and compliance reviews

- A. All records shall be open and available for inspection by any employee of the department during normal business hours or at a reasonable time agreeable to the department employee. Schools shall have someone, who is employed by or otherwise associated with the school and who can access all records, available to assist the department employee, as necessary. If copies of such records are not readily available, the department employee may secure and remove these records in order to review, photocopy them or use them in a hearing. The department shall return those records it removes after the review or photocopying is completed, or at the conclusion of the hearing process, including any related court action, when used for that purpose.
- B. Each applicant for licensing as a driver training school shall permit the department to inspect its operations, facilities and records as they relate to its driver training program for the purpose of determining whether the applicant is qualified for licensing.

The department shall perform its inspections during normal business hours with or without prior notice to the driver training schools. The department shall prepare a written report on the results of each inspection, and provide a copy of the report to and review it with the applicant. At the conclusion of the review of the report, the applicant shall provide signed written documentation to the representative of the department conducting the inspection that indicates the school has received and reviewed the report.

- C. Each school shall permit the department, from time to time, to inspect and conduct a general compliance review of its business offices, classrooms, vehicles and any other records or properties associated with the operation of the school to determine whether the school remains in compliance with licensing requirements.
- D. The department shall perform its inspections and general compliance reviews during normal business hours with or without prior notice to the driver training schools. The department shall prepare a written report on the results of each inspection and general compliance review, and provide a copy of the report to and review it with the owner or business manager of the school. At the conclusion

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of the review of the report, the owner or business manager of the school shall provide signed written documentation to the representative of the department conducting the inspection or general compliance review that indicates the school has received and reviewed the report.

- E. Any school owner, employee or instructor who meets with department employees for the purposes of inspecting or otherwise obtaining records is subject to the conduct requirements set forth in these regulations. Any school owner, employee or instructor who violates the conduct requirements set forth in these regulations during such meetings shall be subject to the sanctions set forth in these regulations.
- F. Each student's record shall be open and available for inspection by the respective current or former student 18 years of age or older and by the parents and legal guardians of current or former students under 18 years of age during normal business hours or at a reasonable time agreeable to both the school and the student or parents or legal guardians of students under 18 years of age. Under no circumstances shall a school owner, employee or instructor meet, for the purposes of inspecting records, or for any other purpose, with current or former students under 18 years of age at the time of the meeting without a parent or legal guardian being present unless the student is married or emancipated. Any school owner, employee or instructor who meets with students, parents or legal guardians for the purposes of inspecting records is subject to the conduct requirements set forth in these regulations. Any school owner, employee or instructor who violates the conduct requirements set forth in these regulations during such meetings with students, parents or legal guardians shall be subject to the sanctions set forth in these regulations.

24VAC20-121-60. School licensing requirements

- A. Schools seeking a license shall file with the department, as required by these regulations, a completed application for a driver training school license along with any associated fees and other documentation required by the department. In addition, each school shall collect and submit to the department, as required by these regulations, the instructor applications for those instructors that they employ along with any associated fees and other documentation required by the department.
- B. The following shall accompany the school licensing application and shall be in addition to any other application requirements of the department:
1. An application fee;
 2. A certificate of insurance;

3. A surety bond;
4. Instructor applications;
5. A local business license or zoning document, or a letter from local authorities indicating none is required; and
6. A national criminal records check completed within 60 days of the application deadline for each individual providing instruction or otherwise employed by or managing the school.

In addition, each owner or principal of the owner of a driver training school shall submit a national criminal records check with the school license application package.

- C. The application package shall be submitted to the department at the address shown on the application. All proper applications will be either approved or denied within 30 business days of receipt by the department.
- D. School licenses shall be valid for a period of 12 months and shall display the validity period on the face of the license. The school license shall expire on the last day of the last valid month of the license period.
- E. Schools seeking a license shall file with the department evidence of insurance, with a company authorized to do business in the Commonwealth of Virginia, on all vehicles used by schools to provide instruction, at least in the minimum amounts as required by §46.2-472 of the Code of Virginia. The school shall provide and maintain evidence of insurance coverage on a certificate of insurance form provided by the department. The certificate shall be filed upon application and at other times of the licensure period as requested by the department. The certificate shall stipulate the make, model, year, vehicle identification number, vehicle color and license plate number for all vehicles and shall also stipulate that the department will be notified by the insurance carrier (i) 10 calendar days before the school's insurance policy expires or (ii) on the same day that the policy is canceled or not maintained in full force.

Schools shall provide to the department written verification from their insurance company that the insurance company is aware the vehicles are used for driver training instruction and are operated by student drivers. Schools shall notify the department in writing of any change in liability insurance coverage not later than the effective date of the change.

Each school shall provide written notice to the department's driver training school section in the event that any motor vehicle is added to or deleted from the insurance policy during the coverage period. The notice shall include the make, model,

year, vehicle identification number, vehicle color and the license plate number. The notice shall be received by the department prior to using any added motor vehicle for driver education instruction. Failure to maintain required liability insurance for school vehicles or failure to comply with insurance certification requirements shall result in the suspension or revocation of the school's license or the imposition of other sanctions, or both, as set forth in these regulations.

- F. All licensed schools shall file with the department a surety bond in the sum set by statute for Class A and Class B schools, payable to the Commonwealth of Virginia, issued by a corporation licensed to transact surety business in the Commonwealth. The surety bond shall be filed with each application and must provide coverage for the entire licensure period.
- G. The department may refuse to approve any application, including originals or renewals, in which the owner or any principal of the owner, or any of the school's employees or instructors (i) have previously been or would be subject to any sanctions prescribed by these regulations or (ii) has been convicted of a felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other jurisdiction, or a conviction of any offense included in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of any similar laws of any other jurisdiction, or any misdemeanor or felony involving:
1. Sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia;
 2. Obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia;
 3. Drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia;
 4. Crimes of moral turpitude;
 5. Contributing to the delinquency of a minor;
 6. Taking indecent liberties with a minor;
 7. The physical or sexual abuse or neglect of a child;
 8. Similar offenses in other jurisdictions; or
 9. Other offenses, as determined by the department, which would impact ownership, operation or instruction by a school.

Any school license issued may be suspended or revoked if such a conviction occurs during any licensure period.

- H. To avoid any conflict of interest, the department will not approve any Class A school license for any applicant that is certified by DMV as a Third Party Tester for the commercial driver's license (CDL) skills testing.
- I. Requests to change (i) the name or address of a school or (ii) a school license to add to or eliminate a licensed location, or any other business offices, classrooms or other instructional facilities during the licensure period shall be made to the department at least 30 days prior to such change. Such changes shall be subject to a processing fee, as set forth in these regulations, and the issuance of a modified license, as requested. The expiration on any modified license issued shall be the same as the current license.

24VAC20-121-70. School license renewal required

- A. Every licensed school applying for renewal shall return the following to the department at the address shown on the application on or before the 15th day of the month in which the current license expires:
1. A renewal application;
 2. A certificate of insurance, as required under these regulations;
 3. A photocopy of a current business license, if required by the locality, or a letter from the locality that indicates no business license is required;
 4. National criminal records checks completed within 60 days of the application deadline for each individual providing instruction or otherwise employed by or managing the school, as required by these regulations; and
 5. A fee for each license renewal application, as set forth in these regulations.
- If the original surety bond is no longer in force, a new surety bond must also accompany the renewal application.
- B. The department will make every effort to mail a renewal notice to the licensee outlining the procedures for renewal at least 90 days prior to the expiration of their license and to mail a follow-up reminder notice 45 days prior to the expiration of their license. Failure to receive these notices shall not relieve the licensee of the obligation to apply if a continuation of the license is desired.

24VAC20-121-80. Transferability of school licenses

- A. A change in ownership shall require an application for an original license along with the documents and fees required under these regulations, which shall be submitted to the department at least 30 days in advance of the effective date of the change.

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The school shall not operate under the change in ownership until an original license has been issued by the department reflecting the new ownership.

- B. School licenses are not transferable; they shall not be sold, loaned, bartered or given by a licensee or an agent of a licensee to another school, individual, association, partnership or corporation.

24VAC20-121-90. School contracts

- A. All contracts between any school and any individual or group attending the school shall be in a standard format approved by the department. A school shall not make any changes to the format without review and approval by the department. A copy of the signed contract must be provided to each student who signs the contract for those students 18 years of age or older and those students under 18 years of age who are either married or emancipated. For students under 18 years of age who are not married or emancipated, a copy of the signed contract must be provided to the parents or legal guardians who sign the contract.

Excluding transcripts and certificates of completion, all written correspondence from schools to current or former students and their parents or legal guardians related in any way to course work or the contract between the school and the student shall include standard information about the department's toll-free telephone hotline. The department shall specify to the schools, as part of the school license application package, the content and the font requirements for this hotline information.

Schools may not include any statements in their contracts that place the financial responsibility for accidents occurring in school-owned vehicles during periods of instruction on the student or on the parents or legal guardians of students operating the vehicles.

- B. The required elements for all contracts between schools and their independent contractors shall be provided by the department as part of the school license application package.
- C. Addenda to any contracts between a school and its students or a school and its independent contractors shall be approved by the department.
- D. Licensed driver training schools may conduct training courses at public or private schools, subject to existing statutory and regulatory requirements. Driver training schools offering such training shall provide the department with a copy of the written contract between the driver training school and the public or private school along with written confirmation as to which portion of the training, if any, is being conducted at the public or private school.

24VAC20-121-100. General instructor licensing requirements

- A. Individuals seeking an instructor's license shall submit, as required by these regulations, a completed application along with any associated fees and other appropriate documentation to the school with which they are employed. Schools shall be responsible for submitting the instructor applications, along with any associated fees and other appropriate documentation, to the department, as required by these regulations. Applicants seeking an original or a renewal of an instructor's license shall submit with their application a national criminal records check completed within 60 days of the submission date of the application.
- B. Applicants must be at least 21 years of age and must be able to document with driving records at least five years of licensed driving experience, two years of which shall be experience in the United States or a territory thereof. These driving records must exhibit the individual's name, the driver's license number, the date of issue, the issuing jurisdiction, the date of expiration and notations of any convictions, license withdrawals, suspensions, revocations, cancellations, disqualifications or restrictions. In the event an applicant uses driving records from a foreign country to substantiate licensed driving experience, such records must be translated into English by an appropriate authority, as approved by the department, at the applicant's expense.
- C. Individuals seeking an instructor's license must be employed by a licensed school. No instructor shall be employed by more than one school unless all the schools are owned by the same person. Instructors employed by more than one school shall have an application and other appropriate documentation and fees submitted to the department by each school that employs them.
- D. Individuals licensed as instructors or seeking an instructor's license must be able to effectively communicate in English in an easily understood and comprehensible manner to their students and the department, as determined by the department.
- E. Individuals seeking an instructor's license to teach in-vehicle instruction shall hold a valid driver's license from their state of domicile at the time of licensing and throughout the entire licensure period. If such driver's licenses are from another state or jurisdiction, the applicant must provide to the department a copy of their driving record from that jurisdiction with their application and every three months thereafter if they receive an instructor's license. Such driving record must be produced within 30 days of its submission to the department.

All applicants for a license to teach in-vehicle instruction and those persons who are currently licensed to teach in-vehicle instruction must also provide written notice to the department of any traffic accidents, convictions of traffic infractions, misdemeanors, or felonies, as well as any administrative actions relating to driving or any driver's license revocation, suspension, cancellation, disqualification or other loss of driving privileges within 15 calendar days of the conviction or administrative action, or within 15 calendar days of the imposition of the revocation, suspension, cancellation, disqualification or other loss of driving privileges.

Applicants for a license to teach in-vehicle instruction shall not be approved if their current driving privileges are expired, suspended, revoked, cancelled or disqualified. Persons required to submit to periodic medical reviews may also be denied an in-vehicle instructor's license if, as determined by the department, their conditions are considered to pose a threat to the safety, health or welfare of driver training students or the public while these persons operate a motor vehicle.

- F. Individuals who obtain an instructor's license shall at the time of licensing have a driving record with no more than six demerit points. After licensing, instructors shall maintain a driving record with no more than six demerit points. If during the licensure period the driving record of such individual accumulates more than six demerit points based on violations occurring in a 12-month period, the department shall suspend the person's instructor license and shall notify the instructor and the driver training school where the instructor is employed of such suspension. Safe driving points shall not be used to reduce the accumulated demerit points. In the event that the driving record is from another state, the department will apply Virginia's equivalent demerit points to convictions noted on such record.

Whenever the driver's license of such individual is suspended or revoked, or such person is convicted in any court of reckless driving, driving under the influence or driving while intoxicated, the department shall suspend the person's instructor license and shall notify the person and the driver training school where the instructor is employed of the suspension.

- G. The department may refuse to approve any application, including originals or renewals, in which the applicant has been convicted of a felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other jurisdiction, or a conviction of any offense included in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of

any similar laws of any other jurisdiction, or any misdemeanor or felony conviction involving:

1. Sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia;
2. Obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia;
3. Drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia;
4. Crimes of moral turpitude;
5. Contributing to the delinquency of a minor;
6. Taking indecent liberties with a minor;
7. The physical or sexual abuse or neglect of a child;
8. Similar offenses in other jurisdictions; or
9. Other offenses, as determined by the department, which would indicate that the applicant may present a danger to the safety of students or the public.

Instructor licenses may be suspended or revoked if a conviction for any of the offenses outlined in this subsection occurs during any licensure period.

- H. Instructor applicants shall not be issued a license if they have a conviction of driving under the influence, reckless driving, refusal to submit to a breath or blood test under §18.2-268.2 of the Code of Virginia, or vehicular or involuntary manslaughter, or of any similar offense from any other jurisdiction within a period of five years prior to the date of the application. If the applicant's driving privileges were revoked for any such conviction, then the five-year period shall be measured from the license restoration date rather than the conviction date. Instructor licenses issued shall be revoked if a conviction, as outlined in this subsection, occurs during the licensure period.
- I. Except as otherwise provided in these regulations, an individual seeking an instructor's license shall have at least a high school diploma or equivalent. After initial licensure or renewal, instructors shall attend annual training sessions provided by the department. These one-day training sessions shall be held in each of the department's regional districts every year, as deemed necessary by the department. These sessions shall include, as appropriate and necessary, updates on department forms, audit processes and other procedural changes, and new legislation that has implications for driver training. They also shall include discussions about any issues or concerns raised by either the department or the licensees. When available, these sessions shall also offer information about the latest in driver training instructional techniques as well as other new developments

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in driver training in order to enhance overall professional training skills and abilities.

The schedule for such training sessions shall be developed by the department and provided to each instructor through the school that employs them at least 30 days in advance of the scheduled sessions. The schedule also shall include provisions for a make-up training session for those licensees who could not attend the training session in their region. Attendance shall be mandatory and shall be at no cost to licensed instructors, other than those costs associated with travel to and from the training session, including lodging and meals.

Each licensed instructor who, without valid excuse, fails to attend and complete a scheduled training session or a scheduled make-up training session shall be subject to a minimum 30-day license suspension, which shall not be lifted until the instructor has completed a special make-up training session. Special make-up training sessions shall be provided only when necessary, and instructors attending such sessions will be required to pay the department's cost for providing the special make-up training session.

- J. All instructors shall complete training on the current curriculum and other course work, as required and approved by the department, prior to instructing students. Evidence of such training shall be maintained by the school employing the instructor and provided to the department upon request.
- K. The fee for an instructor license shall be set pursuant to these regulations. The instructor's license period shall expire when the respective school license expires. At the discretion of the department, instructor licensing fees may be prorated on a monthly basis.
- L. The instructor license application package shall be submitted by the school employing the instructor to the department at the address shown on the application. All proper applications will be either approved or denied by the department within 30 business days of receipt from the school employing the instructor.
- M. All licensed instructors shall have their instructor's license in their possession at all times while providing instruction.
- N. Each instructor licensed by the department shall notify the department in writing within 30 days of establishing a new residential address.
- O. In the event that a school licensed by the department changes its name or address, the school shall, no later than 30 days prior to such change (i) notify the department of the school's name or address change, (ii) request revised instructor's licenses for the instructors it employs reflecting the change and (iii) submit to the department the

processing fees set forth in these regulations for revising and reissuing an instructor's license for each of its instructors. After receiving the processing fees, the department will revise and reissue the instructor's licenses, as requested, and will cancel the previously issued licenses. Once it receives the revised licenses from the department, the school shall return the cancelled instructor's licenses to the department.

24VAC20-121-110. Instructor license renewal

- A. Each school employing a licensed instructor applying for renewal shall return to the department for each of its instructors a renewal application, a current national criminal records check completed within 60 days of the application and the instructor license fee to the department at the address shown on the application, on or before the 15th day of the month in which the current license expires. Each instructor's license shall expire when the respective school license expires. Thirty days prior to the end of the 12 months of the licensure period, each instructor's license renewal applicant shall provide to the school employing them, for submission to the department, a national criminal records check completed within 60 days of the application deadline.
- B. No instructor shall be permitted to continue instructing students upon the expiration of the instructor's license. The department shall not renew the instructor's license if the school license of the school employing an instructor is not renewed.
- C. The department will make every effort to mail a renewal notice outlining the procedures for renewal at least 45 days prior to the expiration of an instructor's license to the licensee at the school's licensed location. Failure to receive this notice shall not relieve the licensee of the obligation to apply for renewal of the license through the school if continuation is desired.

24VAC20-121-120. Change in instructor employment

Instructor licenses shall not be transferred from one licensed school to another licensed school. If an instructor changes schools, a new license application and the appropriate fee, as set forth in these regulations, shall be submitted to the department.

24VAC20-121-130. Notice required to the department

- A. Each school shall notify the department in writing no later than 15 calendar days after the termination of employment of any licensed instructor. The school shall make every reasonable attempt to return to the department the instructor's license.
- B. In the event of cessation of business, the school shall submit to the department, within 15 calendar days of such date, a written statement indicating

the business is closing, and forward to the department within 30 calendar days after cessation of business the school license, all instructors' licenses, all student records and any materials furnished to the school by the department. The department will retain such records for a period of three years from the date they are received to ensure such records are available to students and other persons or entities who may want or need access to them.

- C. All schools shall notify the department of any proposed structural or other modifications to an existing school, classroom or driving range 30 days prior to initiating such modifications.
- D. In the event a school files for bankruptcy, the school shall submit to the department, within 15 calendar days of such filing and in a manner prescribed by the department, a written statement indicating among other things (i) the financial status of the business, and (ii) the anticipated impact of the bankruptcy on the Commonwealth and the school's former, current and future students, if any.

24VAC20-121-140. Fees

All fees related to school and instructor licensing under the driver training program shall be, as determined by the department, set at levels that will provide reasonable fiscal support for the operations and activities of the Commercial Licensing Division of the department. Such licensing fees shall be based, in part, on the number of business office, classroom and instructional locations that are part of the license or license application at a given time.

A schedule of such fees, as follows, shall be provided to (i) all school license applicants at time of initial application and (ii) all licensed schools at least 30 days prior to their license renewal date.

School license for one year, original and renewal	\$100
Instructor license for one year, original and renewal	\$50
Penalty for failure to renew school license prior to expiration date	\$100
Penalty for failure to renew instructor license prior to expiration date	\$50
Processing fee for change of address	\$3/change

All such fees shall be nonrefundable. All check payments for fees shall be made on an active account containing sufficient funds for the amount of the payment.

24VAC20-121-150. General equipment requirements

- A. Each school shall provide all necessary equipment and materials required for classroom and in-vehicle instruction, including motor vehicles that are in safe mechanical condition and that are properly registered and insured. Except as otherwise provided in 22VAC20-121-220, no motor vehicle may be used for driver training purposes unless it is owned or leased in the name of the licensed school or the school owner as indicated on the application for the school license.
- B. Each vehicle shall also carry minimum safety equipment as determined by the department, while they are used for training students. Such equipment shall be readily available and maintained in a safe, workable and organized manner, and shall include, but not be limited to reflective triangles, flares, first aid kit, flashlight, fire extinguisher, jumper cables or a battery charger, towel, blanket, and a safety vest.

24VAC20-121-160. Sanctions for violations of statutes and regulations

- A. The department may cancel, suspend, revoke or deny renewal for any license issued pursuant to these regulations, refuse to license a school or instructor or may limit the type of driver training instruction provided and impose a civil penalty up to \$1,000, as outlined in Chapter 17 (§46.2-1700 et seq.) of Title 46.2 of the Code of Virginia, for any licensee who violates any provisions of such statutes or these regulations. The department may take action to cancel, suspend, revoke or deny renewal for any license without first offering the licensee the opportunity for a hearing if the Commissioner has made a determination pursuant to §46.2-1705 E or G of the Code of Virginia that the violation poses a danger to the safety of students or to public safety or indicates that an instructor is no longer qualified to act as an instructor. The department may also limit the privileges of a school or an instructor pursuant to §46.2-1705 F of the Code of Virginia.
- B. For the purposes of this section, if a school licensee is an association, partnership, corporation or other business entity, it shall be sufficient cause for the suspension, cancellation, revocation or refusal to renew a school license in the event that any officer, director, or any trustee, partner or majority or controlling shareholder of a partnership or corporation, or member of an association or controlling person in any other business entity has committed any act or omitted any duty that would be cause for suspending, canceling, revoking, or refusing to renew a license issued to him as an individual under the laws and regulations pertaining to driver training schools. In addition, each school owner shall be responsible for the acts of any instructor while performing within the scope of his duties as an instructor.

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- C. Upon revocation or refusal to renew a school license, all school and instructor licenses, forms, documents and all records relating to the school operation, including all student records, and any materials furnished to the school by the department shall be forwarded to the department by the school within 30 calendar days of the action.

24VAC20-121-170. Curriculum requirements for Class A licensed schools

Course curriculum requirements will be established and made available by the department to Class A licensed schools, Class A license applicants and the public. A course curriculum meeting the established requirements must be submitted to the department at the time of Class A license application or renewal application, and must be approved by the department prior to the beginning of course instruction. The department shall provide and update the list of course curriculum requirements from time to time, as deemed appropriate and necessary by the department, in consultation with all affected schools that are licensed by the department at the time of the update and other interested parties as identified by the department. The department shall notify the affected schools when and if new relevant topics are added to the course curriculum. Schools shall have 45 calendar days after such notice is issued to update their course curriculum and to certify to the department in writing that the school has added the new topics to the course curriculum.

24VAC20-121-180. Class A instructor license requirements

- A. Applicants for a Class A instructor's license shall possess a valid Virginia nonrestricted interstate commercial driver's license, with the appropriate vehicle classes and endorsements for the type of instruction they intend to provide, and that has been held by the applicant for at least three years. Applicants for a Class A instructor's license who do not have a high school diploma may nevertheless be licensed if they provide written evidence that they (i) have at least one year of previous Class A instructing experience or (ii) have successfully completed a Class A driver training course and a minimum of 160 hours of Class A instructor training provided by the hiring school. Instructor applicants shall provide with their applications certifications that they meet the physical requirements, and any alcohol and drug screening requirements for commercial drivers as specified in the federal motor carrier safety regulations. A copy of such certification shall be kept in the instructor's file maintained by the driver training school employing the instructor.

If applicants for a Class A instructor's license hold a valid commercial driver's license (CDL) from a state other than Virginia at the time of licensing,

they shall maintain a valid CDL throughout the entire licensure period and shall provide to the department a copy of their driving record from that other state or states upon application and, if licensed as a Class A instructor by the department, on a quarterly basis thereafter. Those applicants for and holders of a Class A instructor's license shall also provide written notice to the department of any conviction of traffic infractions, misdemeanors, or felonies, any administrative actions relating to driving or any driver's license revocation, suspension, cancellation, disqualification or other loss of driving privilege within 15 calendar days of the conviction or administrative action, or within 15 calendar days of the imposition of the revocation, suspension, cancellation, disqualification or other loss of driving privilege.

- B. Instructors shall complete in-service instructor training provided by the school prior to offering student instruction. The requirements of such in-service instructor training shall be established and made available to licensed Class A schools by the department and shall include, but not be limited to, the following topic areas:
 1. Basic instructional skills;
 2. Student teaching with a mentor;
 3. Background in federal, state and local laws and ordinances;
 4. Basic skills for operating commercial motor vehicles;
 5. Safe operating practices;
 6. Maintenance of commercial motor vehicles; and
 7. Safe trip planning.

24VAC20-121-190. Equipment requirements for Class A licensed schools; use of driving ranges

- A. All vehicles used for driver education or testing purposes shall be marked by signs affixed to the sides and the rear of the vehicle, in bold letters not less than four inches in height, clearly visible from 100 feet, stating one of the following: "Student Driver," "Learner," "New Driver," "Driver Education" or "Caution-Student."

All vehicles used by a school shall display the name of the school, as shown on the school license, on the outside of the vehicle when engaged in driver education or when the vehicle is being used for testing purposes. The name of the school shall be included on the signs affixed to the sides of the vehicle.

- B. The cabs of such vehicles shall be designed to have safety belts for each individual. No more than four students and one instructor shall occupy the cab during periods of instruction.

- C. No motor vehicle may be used for driver education unless it displays a valid safety inspection sticker or federal Motor Carrier Safety Administration inspection sticker. In addition to other equipment required by law, each vehicle used for driver education shall have dual-braking capability.
- D. Any and all agreements associated with driving ranges used by the school shall be provided to the department in writing. Schools shall not use driving ranges prior to receiving approval for their use from the department.

24VAC20-121-200. Curriculum requirements for Class B licensed schools

- A. Except as otherwise provided in this subsection, course curriculum shall comply with the provisions of the "Curriculum and Administrative Guide for Driver Education in Virginia" (2001) published by the Virginia Department of Education (or any successor publication so published) and these regulations. A copy of the current guide may be obtained from the Virginia Department of Education at: http://www.doe.virginia.gov/instruction/driver_education/curriculum_admin_guide/index.shtml

Course curriculum requirements other than those set forth in the "Curriculum and Administrative Guide for Driver Education in Virginia" (2001) may be established by the department. Once established, such requirements shall be made available by the department to Class B licensed schools, Class B license applicants and the public. A course curriculum meeting the established requirements must be submitted to the department at the time of Class B license application or renewal application, and must be approved by the department prior to the beginning of course instruction as provided in and in accordance with §46.2-1702 of the Code of Virginia.

- B. The department shall provide and update the list of course curriculum requirements from time to time, as deemed appropriate and necessary by the department, in consultation with all affected schools that are licensed by the department at the time of the update and other interested parties as identified by the department.

The department shall notify the affected schools when and if new relevant topics are added to the course curriculum. Schools shall have 45 calendar days after such notice is issued to update their course curriculum and to certify to the department in writing that the school has added the new topics to the course curriculum.

- C. The length of daily instruction shall comply with the provisions of the "Curriculum and Administrative Guide for Driver Education in Virginia" (2001) or as otherwise provided by these regulations.

- D. The number of students in a driver training vehicle during in-vehicle instruction shall be no more than three and no less than two students. Students 18 years of age or older may receive one-on-one driver training with an instructor if such training is agreed to in the contract with the school. Students under 18 years of age who are not married or emancipated must have their parents or legal guardians sign a written release, an original to be maintained with the student's record, in order to receive one-on-one driver training with an instructor.
- E. Except when one-on-one driver training is being provided as outlined in subsection D of this section, a student under 19 years of age riding alone with the instructor shall ride in the back seat of the driver training vehicle until other students are present in the vehicle.
- F. Except when a student is driving the vehicle, the time during which a student is being transported in a driver training vehicle for the purposes of picking up a student or other students prior to the beginning of a period of instruction or dropping that student or other students off after the end of a period of instruction shall not count as observation time. Any student involved in one-on-one training with an instructor as permitted under subsection D of this section shall meet the observation requirements with at least one other student in the vehicle during in-vehicle training.
- G. Students under 19 years of age shall only receive in-vehicle instruction with other students under 19 years of age.

24VAC20-121-210. Class B instructor requirements

Any instructor relying on a valid Virginia teaching license with a driver's education endorsement shall submit either the original license or a certified copy of the original license and an unexpired endorsement upon original application and renewal of the license. If submitted, the original license shall be returned to the instructor after review by the department.

24VAC20-121-220. Equipment requirements for Class B licensed schools

- A. All vehicles used for driver education or used for testing purposes shall be marked by a rooftop sign, in bold letters not less than two and one-half inches in height, clearly visible 100 feet from the front and rear, stating one of the following: "Student Driver," "Learner," "New Driver," "Driver Education" or "Caution-Student."

All vehicles used by a school shall display the name of the school, as shown on the school license, on the outside of the vehicle when engaged in driver education or when the vehicle is being used for

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testing purposes. The name of the school shall be included either on the rooftop sign or affixed to both sides of the vehicle.

- B. No motor vehicle may be used for driver education unless it is in safe mechanical condition as defined in these regulations. Each vehicle used for driver education in a school shall have dual controls consisting of dual brakes, dual inside rearview mirror and right-hand and left-hand outside mirrors. Any training vehicle or vehicles used for instruction shall not be more than nine model years old. This model year requirement may be waived or altered on a case-by-case basis for vehicles specially equipped to accommodate disabled individuals. The driver training vehicle shall be equipped with a minimum of four safety belts.
- C. The department may exempt any school teaching disabled individuals from the requirement to provide motor vehicles, on a case-by-case basis. The school may use a vehicle provided by the disabled student for their in-vehicle instruction in the event that it is cost prohibitive for the school to maintain certain specialized equipment or if such equipment is not readily installed and removed or if it provides necessary practical experience for the student in their own vehicle. When using a student's vehicle, the school shall require that the disabled student provide written verification from the company insuring the vehicle that it is aware that the vehicle will be used for driver training

instruction and the insurance is in full force during such use. The school shall also require the disabled student to provide a copy of the current liability insurance policy for the vehicle. The school shall maintain a copy of the current liability insurance policy covering such vehicle in the student's file. The school shall also send prior to beginning instruction a written notice to the department stipulating the reasons for using the student's vehicle and the anticipated dates of instruction as well as a copy of the current liability insurance policy on the vehicle.

Any school that uses a disabled student's motor vehicle must ensure that such vehicle is in safe mechanical condition as defined in these regulations, and displays signage as specified under these regulations.

- D. All motor vehicles used by a licensed school for in-vehicle instruction shall be inspected and approved by the department based on the criteria outlined in these regulations before being used for student instruction. All motor vehicles used by a licensed school for the purpose of taking the driving examination shall have a valid registration in the vehicle and be in safe mechanical condition, as defined in these regulations.

Section 3: Commercial (CDL) Class A Driver Training Schools

Class A – Curriculum Requirements

Driver training instructional courses offered for the purpose of operating **commercial motor vehicles** as defined by Virginia Code §46.2-341.4, including passenger and/or property carrying vehicles, will consist of both classroom and in-vehicle training. The Class A driver training school must develop and submit the following to DMV for approval:

- ▶ The paper copy of the course, including a description of the course curriculum and a table of contents or index indicating where all required components are located
- ▶ An instructor training manual
- ▶ The instructor's student training manual
- ▶ The student workbook/manual
- ▶ A student contract
- ▶ School policies and procedures
- ▶ Lesson plans
- ▶ All teaching aids, including, if applicable, films, videos, slides and discussion cards

These documents should be completed and returned to the Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Virginia, 23269-0001 fax (804) 367-2019 or email dmvclu@dmv.virginia.gov.

The course materials should not contain race, ethnicity, gender or sexual orientation stereotypes, and must clearly define the purpose, goals, and objectives of the program. DMV may request copies of the curriculum, including training materials, at any time. Once a curriculum is approved, subsequent changes to that curriculum must be submitted to DMV for approval. It is the responsibility of the school to conform to the requirements of the Americans with Disabilities Act. Visit <http://www.ada.gov/> for more information about this federal law's requirements.

The DMV-approved driver training course will consist of a minimum of 120 hours of instruction, including a minimum of 40 hours of classroom instruction. It also includes a minimum of 80 hours of in-vehicle instruction consisting of hands-on, observation, range, and road instruction and simulation. Both classroom and in-vehicle training sessions will be limited to a maximum of 10 hours

per day. Not more than 30 percent of the total classroom hours may be devoted to slides, films, DVDs or videos.

Classroom Instruction Requirements

The classroom instruction must include the following:

- ▶ Operation of commercial motor vehicles, such as trucks, commercial tractor trailers and semi-trailers
- ▶ Truck safety — safe driving strategies and principles
- ▶ Awareness of unsafe, unacceptable driving practices to avoid, including:
 - ▶ Aggressive driving
 - ▶ Distracted driving
 - ▶ Alcohol/drug awareness
- ▶ Virginia motor vehicle laws relating to registration, proof of insurance, licensing laws, equipment, brake systems, lighting and display of emergency equipment
- ▶ Special taxes
- ▶ Federal Motor Carrier Safety Administration rules and regulations relating to medical reviews
- ▶ Transporting flammable or hazardous cargo
- ▶ Passenger-carrying vehicles
- ▶ Commercial driver's response to teen or mature drivers
- ▶ Crash reporting and safety responsibility laws
- ▶ Motorcycle safety awareness
- ▶ Railroad crossings requirements
- ▶ Driving conditions
- ▶ Emergencies on the road
- ▶ City and suburban driving, rural and expressway driving
- ▶ Routine service and pre-trip safety check
- ▶ Log book lessons and map reading
- ▶ Use of occupant safety devices and their benefits and effectiveness in motor vehicle collisions, including:
 - ▶ Flares, triangles or reflectors
 - ▶ Fire extinguishers
 - ▶ Safety belts
 - ▶ Hazmat emergency handbooks

In-vehicle Instruction Requirements

The in-vehicle instruction must include starting, stopping, turning, braking, parking, docking, display of emergency equipment, use of hazard lighting system, and hooking up and unhooking trailers and semi-trailers. Pre-trip inspections must include routine checking and servicing of all component parts of the vehicles. For in-vehicle instruction, the number of occupants, including the driver

Section 3: Commercial (CDL) Class A – Driver Training Schools

and instructor, is limited to five people or less in the cab as required by regulation.

Passenger-carrying Instruction Requirements

Passenger-carrying vehicle courses must include the same instruction requirements as above, plus:

- ▶ Occupant protection and accommodation instructions
- ▶ Passenger loading and unloading practices
- ▶ Emergency situation procedures
- ▶ Emergency passenger evacuation and exit procedures
- ▶ Seating limitations
- ▶ Baggage loading and unloading
- ▶ Weight distribution
- ▶ Passenger requirements under the Americans with Disabilities Act

Class A – School Licensing Requirements

Class A licensed schools provide training in the operation of any type of commercial motor vehicle, and must be licensed by DMV. Applicants must submit the forms listed below. These forms should be completed and returned to the Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Virginia, 23269-0001 fax (804) 367-2019 or email dmvclu@dmv.virginia.gov. Refer to Class A Forms on page 24 of this manual.

- ▶ Application – Submit a Virginia Driver Training School License Application Class A–Commercial Vehicles (DTS 33A).
- ▶ National Criminal Record Check – The school owner and business manager must submit a criminal record check within 60 days of submitting an application. Criminal record checks are available at www.fbi.gov/hq/cjisd/fprequest.htm.
- ▶ Business License – Submit a local business license or zoning document, or a letter from local authorities indicating none is required.
- ▶ Surety Bond – All CDL schools licensed in Virginia must submit a Surety Bond Affidavit and Acknowledgement of Surety (DTS 22) form to DMV as proof of filing a \$100,000 surety bond. The bond must be payable to the Commonwealth of Virginia and conditioned to protect the contractual rights of students.
- ▶ Certificate of Insurance – Submit a Vehicle Insurance Certification (DTS 5) form as evidence of insurance with a company authorized to do business in the Commonwealth of Virginia on all vehicles used to provide instruction.

- ▶ Place of Business – Each school must maintain an established place of business within the Commonwealth. All addresses or physical locations of the classrooms, or any other facility used by the school, must be provided in writing and approved by DMV prior to use.

Every school must provide the necessary **vehicles** to give instructions for driving motor vehicles. It is the school's responsibility to keep the vehicles in good mechanical condition. These vehicles will be inspected by a DMV representative prior to licensing, and periodically thereafter.

Licensing Process

All applications will be approved or denied in 30 days. If the application is approved, the applicant will receive written notice from DMV. Also, a DMV representative will contact the school's owner/business manager to conduct a review of the Virginia Administrative Code and Virginia statutes governing the Driver Training Program, record-keeping and training forms. If the application is denied, the applicant will have an opportunity to request an administrative hearing to discuss why the application was denied.

Class A – Instructor Licensing Requirements

An instructor is any person, whether acting for himself as operator of a driver training school or for a school for compensation, who teaches, conducts classes, gives demonstrations, or supervises students learning to operate or drive a motor vehicle.

Individuals wishing to be licensed as a driver training school instructor must:

- ▶ Submit a completed School License Application for Class A–Commercial Vehicles (DMV 33A) to DMV
- ▶ Submit a National Criminal Record Check to DMV within 60 days of submitting an application. Record checks are available at www.fbi.gov/hq/cjisd/fprequest.htm.
- ▶ Be at least 21 years of age
- ▶ Have at least:
 - ▶ A high school diploma or equivalent **or**
 - ▶ Have at least one year of previous Class A instructing experience **or**
 - ▶ Have successfully completed a Class A driver training course and a minimum of 160 hours of Class A instructor training provided by the hiring school
- ▶ Be able to effectively communicate in English
- ▶ Have at least five years of driving experience

- ▶ Hold a valid commercial Virginia non-restricted interstate commercial driver's license for at least three years, with appropriate vehicle classes and endorsements for the type of instruction that will be provided
- ▶ Have certifications of physical requirements, and any alcohol and drug screening requirements, for commercial drivers as specified in the Federal Motor Carrier Safety Administrations' regulations (<http://www.fmcsa.dot.gov/>)
- ▶ Have no more than six demerit points on the DMV driving record at the time of the driver training school application and throughout the licensure period; safe driving points may not be used to reduce accumulated demerit points
- ▶ A statement indicating the minimum hours of daily instruction for both classroom and in-vehicle training sessions
- ▶ A statement indicating the minimum number of miles of behind-the-wheel instruction occurring in the vehicle students are being trained to operate
- ▶ A statement indicating the contract price per period, lesson or as a package, and the terms of the payment
- ▶ A statement disclosing any additional charges that driver's license applicants must pay for using the school's vehicle to complete a DMV behind-the-wheel exam
- ▶ A statement indicating the specific date and time when classroom instruction begins
- ▶ The name, address and telephone number of the student
- ▶ A statement that a refund of any fees or tuition, or any part of fees or tuition, must be provided upon request unless the school is capable or willing to perform its part of the contract within a reasonable time period
- ▶ A statement that the instruction period does not guarantee that any student will meet the requirements to obtain a Virginia driver's license, or that the student will be guaranteed employment upon completion of any course instruction
- ▶ A statement addressing how to make up missed classroom or in-vehicle instruction

Applications for new and renewing driver training schools are available at www.dmvNOW.com. Return forms to the Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax (804) 367-2019 or email dmvclu@dmv.virginia.gov. All applicants will receive a response in 30 days. If the application is denied, the applicant will have an opportunity to request an administrative hearing to discuss why the application was denied.

Class A – Contract Requirements

Contracts are created by individual driver training schools. The contracts between any individual or group attending a DMV-licensed driver training school must be in a standard format approved by DMV. The school must submit a copy of the contract to DMV at the time of licensing and at any other requested time. Any changes made to the contract must be approved by DMV prior to use.

The contract must clearly define the purpose, goals and objectives of the program with specific contract elements. It must not contain statements that place the financial responsibility for crashes occurring in school-owned vehicles during periods of instruction on the students, or on the parents or legal guardians of students operating the vehicles. It must include:

- ▶ A statement indicating the minimum number of periods of classroom instruction that is required, see the Class A Driver Training School Curriculum Requirements (DTS 30)
- ▶ A statement indicating the minimum number of hours of in-vehicle instruction consisting of hands-on, observation, range, and road instruction and simulation, if available
- ▶ Use standard fonts, such as Times New Roman and Arial
- ▶ Display the driver trainer school owner's name, school name, address, telephone number and email address at the top of the contract
- ▶ Display the date the contract was created or revised on each page, if applicable, on the lower left-hand corner of the contract
- ▶ If the contract has more than one page, display the page number on each page on the lower right-hand corner
- ▶ Display the DMV telephone number and statement, in bold print, at the bottom of the contract between the contract date and the page number

Contract format:

Sample Contract Format

Name of Driver Training School
Business Address
Telephone Number
Email address
Owner's Name

(contract contents here)

DMV is committed to promoting transportation safety through the certification of quality driver training programs.
If you have comments or concerns about this course, call DMV at 804-367-7050 or email dmvclu@dmv.virginia.gov.

(Rev. DATE)

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Class A – Forms

All driver training schools are required to use DMV-issued forms. DMV's Commercial Licensing Work Center supplies the Class A Virginia Commercial Driver Training Certificate (DTS A) and Virginia Driver Training Re-Examination Certificate (DTS C). An asterisk denotes that a form may be downloaded from www.dmvNOW.com. Go to Forms and Publications and click on Searchable List. Or, request forms from the Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax (804) 367-2019 or email dmvclu@dmv.virginia.gov.

Form Number	Form Name	Purpose
DTS A	Virginia Commercial Driver – Driver Training Certificate (Class A)	Use this document for proof of completing a driver training course in lieu of holding a CDL learner's permit for 30 days
*DTS A I	Virginia Commercial Driver – Driver Training Certificate Instructions	Use this document as a guide for completing the Virginia Commercial Driver – Driver Training Certificate (DTS A)
DTS C	Virginia Driver Training – Re-Examination Certificate	This certificate allows students to be re-tested after failing the general knowledge or road skills examination three times. After the form is completed, students take it to any DMV customer service center as proof of successful completion of the classroom or in-vehicle training
*DTS C I	Virginia Driver Training School Certification of Completion Instructions	Use this document as a guide for completing the Virginia Driver Training – Re-Examination Certificate (DTS C)
*DTS 33A	Virginia Driver Training School License Application Class A-Commercial Vehicle	Use this document to apply or renew a driver training school license for commercial vehicles
*DTS 34A	Virginia Driver Training Instructor License Application Class A – Commercial Vehicle	Use this document to apply or renew a driver training school instructor license for commercial vehicles
*DTS 5	Vehicle Insurance Certification	Use this document as proof of insurance on vehicles used for in-vehicle instruction
*DTS 22	Surety Bond Affidavit and Acknowledgement of Surety	After being notarized and completed, use this document to prove to DMV that the school obtained a proper bond to protect the contractual rights of students
*DTS 30	Class A Driver Training School Curriculum Requirements	Use this document to create the school's curriculum
*DTS 100	Monthly School Training Completion Report	Use this document to monitor and record students completing the driver education requirement. It must be mailed by the 10th of the following month

Class A – Guidelines for Conducting Classroom Instructions

The DMV-approved driver training course is a minimum of 120 hours of instruction including 40 hours of classroom instruction and 80 hours of in-vehicle instruction consisting of hands-on, observation, range and road instruction, and simulation.

Schools may institute one of three options for students regarding missed classes.

- ▶ Option one: If students miss any classes for any reason, they must retake the whole classroom portion of driver training
- ▶ Option two: Plan one make-up session before or after administering the final exam, giving the students one absentee allowance
 - ▶ You must cover the specific lesson missed by each student in the make-up class
 - ▶ Make a list of acceptable excuses for missing a class, such as a death in family, illness, or a well defined "emergency situation"
- ▶ Option three: Give the students a schedule and syllabus for upcoming sessions and allow them to attend the class they missed in a future session

Section 3: Commercial (CDL) Class A – Driver Training Schools

Before class review the material, separate it by class, and ensure there is enough time to cover the material. Make a lesson plan for consistent instruction and performance evaluation:

- ▶ Title: title linking the classroom and the in-vehicle activities
- ▶ Dates: class and completion dates, if lesson is going to last more than one session, and how long each subject and activity may take
- ▶ Preparation: teacher’s responsibilities before teaching the lesson
- ▶ Student activities
- ▶ Instructor comments: make notations when teaching the session
- ▶ Conclusions: assignments and due dates
- ▶ Discussion questions: ask students when reviewing the lesson

It may be helpful to create a syllabus for the students with:

- ▶ Dates and times
- ▶ Contact information
- ▶ Subjects that will be covered in each class
- ▶ Grading requirements
- ▶ Information about attendance, such as a make-up class schedule

Prepare materials for students including books, handouts and tests for the final class. Create a file for each student to organize all of the student’s paperwork and tests. Make a roster for the class to track attendance and ensure they attend all periods of classroom instruction. Plan any special guests or activities for the upcoming class.

During classroom instruction, take attendance, collect necessary paperwork and review the lesson plan. Begin reviewing the materials to be covered, making sure there is enough time to cover and answer questions for each subject. At the end of class, tell students the topics for the next class. After the first class, ask the students if they have any questions on materials previously covered. Remind students you are available after class for any additional questions. Collect any paperwork, and remind the students of the time and date of their next class. Be sure to review safety instructions more than once in each class when applicable. After each class, review, verify and file any paperwork, and prepare materials for the next session.

Prior to the final exam, make sure all questions are answered, and review the requirements and the date and time of the exam. Inform students of make-up exam requirements in case of failure or an emergency. After administering the final exam, inform students of their grades. Do not give students a copy of the exam. File the exam results and fill out certificates for classroom completion.

Class A Guidelines for Conducting In-Vehicle Instructions

Before conducting in-vehicle training, instructors need to complete several tasks. First, make sure each student has a valid CDL learner’s permit.

It may be helpful to determine at least three possible routes in advance. Pre-determining the routes allows you to be found during an emergency, and it allows more time for you to focus on the student’s performance rather than the route. Travel each route in advance and note obstacles a student may encounter such as heavy traffic, construction or bus stops. You have the option of reviewing your routes with the Driver’s License Quality Assurance (DLQA) auditor sent to your school, and you have the option of using their recommended route as your Final Exam Route. Please note that DMV establishes test routes to evaluate a person’s abilities to operate motor vehicles safely and legally in a real driving environment. Driving Training School in-vehicle instruction must adhere to this type of evaluation.

Make sure your route includes:

- ▶ A change in speed limit
- ▶ Left turn
- ▶ Right turn
- ▶ Major intersection
- ▶ More than one direction of traffic
- ▶ A highway (one of the routes should include this)
- ▶ Four lanes (one route should include a four-lane road)

If you have difficulty creating routes please check with your DLQA auditor for assistance in planning a route. There should be a different route for the final exam.

Select the route that is most appropriate for the individual lesson’s objectives and student-driver’s ability. Before each session:

- ▶ Go over the curriculum with the students before they enter the vehicle
- ▶ Review what the student will be practicing that day
- ▶ Make sure the student knows what is expected of them and what their goals should be when driving, as these goals may vary each day
- ▶ Go over the route and explain what they may encounter
- ▶ Explain when students will drive and when they will observe
- ▶ Review safety precautions including safety belts, distractions and noise control
- ▶ Inform students of the type of vehicle, noting the type of steering and brakes

- ▶ Ask students if they have any issues before entering the vehicle such as car sickness, problems hearing or wearing glasses. Accommodate a student's needs; if the student wears glasses, remind him or her to wear them while driving

When entering the vehicle, introduce the students to the vehicle they will be operating. Go over the dashboard gauges. Students should locate the lights, turn signals and windshield wipers. Make sure the student knows which foot to use for the brake and accelerator, and have the student adjust mirrors for their height. Point out any airbags.

When the student starts the vehicle, check the time and enter it on the training record. Make sure the student is comfortable with the vehicle, and verify all seatbelts are fastened and headlights are on. The instructor should sit so his or her left hand can grab the steering wheel at anytime. Never leave students unsupervised in a vehicle with the motor running. As with any instructional setting, food and beverages should not be consumed in the vehicle.

Observe students while they are driving. Be calm and alert; do not become distracted from the instructional task. Maintain the highest level of attention to ensure the safe operation of the vehicle. Keep students under control. If you notice a student is nervous or is having difficulty, have them pull off the road until they feel comfortable driving.

Read the traffic environment ahead, to the sides and behind the vehicle while observing the student driver's behavior and ask the student to verbalize the need to change direction or speed. Give students tips on how they can improve their skills while they are driving. When giving directions, first provide students with the path of travel and then state the action to take. For example, say, "At the second intersection, prepare to take a left." Give directions four to six seconds before the maneuver, and always check mirrors before giving the direction. Avoid the use of terms with double meanings. Try not to use the word "right" unless you are referring to the direction.

Guide the student through the skill two or three times and then let them take action on their own. Give them instructions on moving the steering wheel, for example, "Slightly turn the wheel to the right to switch lanes," and then let them change lanes on their own. Never let a student enter a high-risk situation blindly. Be sure to explain all of the dangers before entering the area. Continue to review certain skills if the student is struggling with them. Talk the driver through the process, step by step. Review the skill until you and the driver feel comfortable with the student's skill level. Involve the student driver in the evaluation of his or her performance. It is very important to maintain accurate records for each student.

After each in-vehicle instruction session, answer any questions the student may have regarding the day's lesson. Inform the student of what will be covered the following day

Class A – Three Test Failures

CDL drivers who fail the knowledge or behind-the-wheel examination three times are required to successfully complete the applicable knowledge or in-vehicle component of a driver education course, approved by DMV, before they can take the examination a fourth time. The course is required one time only after the third failure.

The DMV-approved commercial driver classroom component consists of a minimum of 40 hours of study. The DMV-approved commercial driver in-vehicle component consists of a minimum of 80 hours of study including hands-on, driving on a range, driving on the road and/or simulator, and driving observation. The classroom and in-vehicle training sessions are limited to a maximum of 10 hours per day.

Driver training schools must submit the Monthly Training Completion Report (DTS 100) to DMV by the 10th of the following month. Instructors should write "Three Test Failures" at the top of the report, and provide information for drivers completing the course.



Section 4: Class B – Driver Training Schools

Class B – Curriculum Requirements

Driver Training Schools are required to use the same driver education curriculum as the public and private schools use. Published by the Virginia Department of Education, the curriculum is designed to provide students with an understanding of the fundamentals of driving and to foster responsible attitudes and driving behaviors. Emphasis is on extended supervised practice with a licensed parent or guardian to develop precision in the application of skills and processes.

Driver education requires classroom instruction and hands-on training. Students must apply concepts learned behind a desk to the realities of driving behind the wheel. While curriculum content is an essential element for improved driver education, a quality delivery system is critical to effective student learning. The curriculum provides tools to help students meet competencies through a combination of classroom and behind-the-wheel instruction.

DMV will notify schools when new relevant topics are added to the curriculum. Schools will have 45 days after being notified to update their curriculum and certify in writing to DMV that the school has added the new topics.

The state-approved driver education program consists of a minimum of 36 periods of classroom instruction, and 14 periods of in-vehicle instruction, which includes seven observation periods, seven driving periods and a standardized road skills examination.

Students completing a driver education program in Planning District 8 must participate, along with their parent or guardian, in an additional minimum 90-minute parent/student driver education component as part of the in-classroom portion. The program emphasizes parental responsibilities regarding juvenile driver behavior, driving restrictions, and the dangers of underage drinking and driving while intoxicated.

For more information on Virginia's driver education curriculum, refer to the Curriculum and Administrative Guide for Driver Education in Virginia available on the Virginia Department of Education's website at http://www.doe.virginia.gov/instruction/driver_education/curriculum_admin_guide/index.shtml.

Class B – Licensing Requirements

Schools seeking a license not regulated by the Department of Education are licensed by DMV. To receive a license, a school must meet the following criteria:

- ▶ Application – Complete a Driver Trainer School Application (DTS 34A) for new and renewing school licenses at www.dmvNOW.com. Return the application to the Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax to (804) 367-2019 or email dmvclu@dmv.virginia.gov.
- ▶ Equipment – Every driver training school must provide the necessary equipment to give instructions for driving motor vehicles. It is the school's responsibility to keep the equipment in good mechanical condition. These vehicles will be inspected by a DMV representative prior to licensing, and periodically thereafter. They must have:
 - ▶ Dual brakes
 - ▶ Dual inside rearview mirrors
 - ▶ Dual clutches (where appropriate)
 - ▶ Right and left outside mirrors
 - ▶ A rooftop sign stating the vehicle is used for driver training that can be easily read 100 feet from the front or back of the vehicle
- ▶ Bonding – File a \$5,000 Surety Bond (DTS 22) and return it to DMV
- ▶ Insurance – Schools must provide evidence that all of their vehicles are properly insured by providing a Vehicle Insurance Certification Form (DTS 5)
- ▶ License fee – Schools must pay a \$100 non-refundable licensing fee
- ▶ Business License – Schools must provide a business license from the locality where their school is located, or a letter from the locality's government official stating none is required
- ▶ Place of Business – Each driver training school must maintain an established place of business within the Commonwealth that:
 - ▶ Demonstrates compliance with all local business licensing and zoning regulations, and the Americans With Disabilities Act
 - ▶ Has office space devoted exclusively to the driver training school
 - ▶ Houses all records
 - ▶ Is equipped with a desk, chairs, filing space, working telephone in the name of the school and working utilities
 - ▶ Has restroom facilities

Section 4: Class B – Driver Training Schools

- ▶ Is open to the general public a minimum of eight hours per week during normal business hours
 - ▶ Displays office and instruction hours
 - ▶ Displays school license
 - ▶ Classroom – All addresses or physical locations of the classrooms, or any other facility used by the school, must be provided in writing and approved by DMV prior to use. Classroom space must have a minimum of 10 square feet per student and comply with federal, state and local health, fire and building code requirements. Seating arrangements and writing surfaces must be provided for each student, and the area where instruction is delivered must be visible from all seating positions.
 - ▶ Licensing Process – Applicants will receive written notice from DMV within 30 days of applying for a driver training school license. If the application is denied, the applicant may request an administrative hearing to discuss why the application was denied. If the application is approved, a DMV Driver Licensing Specialist will contact the school's owner to conduct a review of the Virginia laws and Administrative Code governing the Driver Training Program, recordkeeping and training.
- Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax (804) 367-2019 or email dmvclu@dmv.virginia.gov.
 - ▶ A \$50 non-refundable licensing fee is required
 - ▶ Complete a National Criminal Record Check within 60 days of submitting an application. Criminal checks are available at www.fbi.gov/hq/cjisd/fprequest.htm.
 - ▶ Submit an original or certified copy of a valid Virginia teaching license, or an original or certified copy of transcript(s) from an accredited college or university showing successful completion of a driver education endorsement class. Applicants without a teaching license must complete six semester hours of coursework at a college or university. The two courses are:
 - ▶ Driver Task Analysis, three semester hours
 - ▶ Principles and Methodologies of Classroom and In-car Instruction, three semester hours. This course includes a minimum of 14 hours of behind-the-wheel, supervised teaching experience and two hours of basic evasive maneuvers. A list of colleges and universities that offer the driver education endorsement classes is available at www.vadets.org.

Class B – Instructor Licensing Requirements

An instructor is any person — acting for himself as operator of a driver training school, or for a school for compensation — who teaches, conducts classes, gives demonstration, or supervises students learning to operate or drive a motor vehicle.

Instructor applicants must:

- ▶ Be at least 21 years old
- ▶ Have a high school diploma or equivalent
- ▶ Be able to effectively communicate in English
- ▶ Have five years of driving experience
- ▶ Hold a valid Virginia driver's license
- ▶ Have no more than six DMV demerit points on their driving record at the time of the driver training school application and throughout the licensure period; safe driving points may not be used to reduce accumulated demerit points
- ▶ Be employed by a licensed school

Requirements for an instructor's license:

- ▶ The Application for a Driver Training Instructor License (DTS 34B) is available at www.dmvNOW.com. Return the application to the Commercial Licensing Work Center, Virginia Department of

Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax (804) 367-2019 or email dmvclu@dmv.virginia.gov.

Applicants will receive written notice from DMV within 30 days of applying for an instructor's license. If the application is denied, the applicant may request an administrative hearing to discuss why the application was denied.

Class B – Contract Requirements

Contracts are created by individual driver training schools. The contracts between any individual or group attending a DMV-licensed driver training school must be in a standard format approved by DMV. The school must submit a copy of the contract to DMV at the time of licensing and at any other requested time. Any changes made to the contract must be reviewed and approved by DMV prior to use.

The contract must clearly define the purpose, goals and objectives of the program with specific contract elements, and be free from race, ethnic and gender stereotypes. It must not contain statements that place the financial responsibility for crashes occurring in school-owned vehicles during periods of instruction on the students, or on the parents or legal guardians of students operating the vehicles. It must include:

- ▶ A statement indicating the minimum number of periods of classroom instruction that is required, see the Class A Driver Training School Curriculum Requirements (DTS 30)

- ▶ A statement indicating the minimum number of hours of in-vehicle instruction consisting of hands-on, observation, range, and road instruction and simulation, if available
- ▶ A statement indicating the minimum hours of daily instruction for both classroom and in-vehicle training sessions
- ▶ A statement indicating the minimum number of miles of behind-the-wheel instruction occurring in the vehicle students are being trained to operate
- ▶ A statement indicating the contract price per period, lesson or as a package, and the terms of the payment
- ▶ A statement disclosing any additional charges that driver's license applicants must pay for using the school's vehicle to complete a DMV behind-the-wheel exam
- ▶ A statement indicating the specific date and time when classroom instruction begins
- ▶ The name, address and telephone number of the student
- ▶ A statement that a refund of any fees or tuition, or any part of fees or tuition, must be provided upon request unless the school is capable or willing to perform its part of the contract within a reasonable time period
- ▶ A statement that the instruction period does not guarantee that any student will meet the requirements to obtain a Virginia driver's license, or that the student will be guaranteed employment upon completion of any course instruction
- ▶ A statement addressing how to make up missed classroom or in-vehicle instruction

Contract format:

- ▶ Use standard fonts, such as Times New Roman and Arial
- ▶ Display the driver trainer school owner's name, school name, address, telephone number and email address at the top of the contract
- ▶ Display the date the contract was created or revised on each page, if applicable, on the lower left-hand corner of the contract
- ▶ If contract has more than one page, display the page number on each page on the lower right-hand corner
- ▶ Display the DMV telephone number, email address and statement, in bold print, at the bottom of the contract between the contract date and the page number

Contact the Commercial Licensing Work Center for questions concerning your school's contract at (804) 367-7050 or email dmvclu@dmv.virginia.gov.

Sample Contract Format

Name of Driver Training School
Business Address
Telephone Number
Email address
Owner's Name

(contract contents here)

DMV is committed to promoting transportation safety through the certification of quality driver training programs.
If you have comments or concerns about this course, call DMV at 804-367-7050 or email dmvclu@dmv.virginia.gov.

(Rev. DATE)

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Class B – Forms

All driver training schools are required to use DMV-issued forms. DMV's Commercial Licensing Work Center supplies the Class B Virginia Commercial Driver Training Certificate (DTS B) and Virginia Driver Training Re-Examination Certificate (DTS C). An asterisk denotes that a form may be downloaded from www.dmvNOW.com. Go to Forms and Publications and click on Searchable List. Or, request forms from the Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax (804) 367-2019 or email dmvclu@dmv.virginia.gov.

Form Number	Form Name	Purpose
CSMA 09	Final Road Skills Test Score Sheet	Use this form to score an applicant's performance on the pre-road and road skills tests.
DTS B	Virginia Driver Training Certificate	Use this document as proof of completing Virginia's driver education requirement. When combined with a learner's permit for those 18 years old and younger, it is a valid driver's license for 180 days. See more information below.
*DTS B I	Driver Training Instructions – Virginia Driver Training Certificate	Use this document as a guide for completing the Virginia Driver Training Certificate (DTS B)
DTS C	Virginia Driver Training – Re-Examination Certificate	This certificate allows student to be re-tested after failing the general knowledge or road skills examination three times. After the form is completed, students take it to any DMV customer service center as proof of successful completion of the classroom or in-vehicle training.
*DTS C I	Virginia Driver Training – Re-Examination Certificate Instructions	Use this document as a guide for completing the Virginia Driver Training School Re-Examination Certificate
*DTS 33B	Virginia Driver Training School License Application	Use this document to apply or renew a driver training school license
*DTS 34B	Virginia Driver Training Instructor License Application	Use this document to apply or renew a driver training school instructor license
*DTS 5	Vehicle Insurance Certification	Use this document as proof of insurance on vehicles used for in-vehicle instruction
*DTS 14	Student In-Car Instruction/Observation Record	Use this form to record student performance, the number of periods of behind-the-wheel observation, and to record other students in the vehicle completing the required observation
*DTS 17	Instructions For Completing the Classroom Instruction Attendance Roster	Use this form to create an attendance roster
*DTS 22	Surety Bond Affidavit and Acknowledgement of Surety	After being notarized and completed, use this document to verify to DMV that the school obtained a surety bond to protect the contractual rights of students
DTS 90	90-Minute Parent/Teen Affirmation of Attendance	Beginning with the 2010-11 school year, use this form to confirm attendance of the required 90-minute parent/teen driver education component of classroom instruction
*DTS 100	Monthly School Training Completion Report	Use this document to monitor and record students completing the driver education requirement. It must be sent by the 10th of the following month

No extensions will be granted for expired **Virginia Driver Training Certificates** (DTS B). A driver training school can reissue a lost or stolen unexpired DTS B to a student only one time. Transfer the original information from the school's copy of the student's DTS B to a new DTS B form. Write "REISSUE" across the top of the new certificate. Place the DMV and school's copy of the reissued certificate in the student's file. If the original DMV copy was not sent to DMV for processing, fax the reissued DMV copy to the DMV Driver Licensing Central Issue work center at (804) 367-2019.

Section 4: Class B – Driver Training Schools

In Virginia, successful driver's license applicants attend a ceremony at their local Juvenile and Domestic Relations Court to receive their driver's license from a Virginia judge. If the student is not contacted by their local Juvenile and Domestic Relations Court within 90 days from the DTS B's eligibility date, contact DMV at 1-804-497-7100 to verify a permanent license was issued.

As proof of a student's completion of classroom instruction, instructors should submit the Virginia Department of Education's Classroom Completion Certificate (DEC 1). If a student completed the classroom instruction portion at a public or non-public school, the original form must be maintained in the student's file. (The form is green.)

Class B – Guidelines for Conducting Classroom Instructions

A class period is defined as a minimum of 50 minutes. The maximum in-vehicle time should not exceed two, 50-minute periods of instruction per day. During the regular school year, instruction should not exceed a total of two periods of classroom or two periods of in-car instruction (one period of actual driving and one period of observation by another student) within any 24-hour period. There is an exception during the summer, weekends and holidays when students may receive four periods of classroom instruction, or two periods of classroom instruction and two periods of in-car instruction (one period of actual driving and one period of observation by another student). For more information on Virginia's driver education curriculum, refer to the Curriculum and Administrative Guide for Driver Education in Virginia available at http://www.doe.virginia.gov/instruction/driver_education/curriculum_admin_guide/index.shtml

Driver education is a team effort involving schools, communities, students and families. The Virginia Department of Education's **45-Hour Parent/Teen Driving Guide** is available at www.doe.virginia.gov under "For Students and Parents." The handbook provides suggestions for in-car lessons to help young drivers. Virginia law requires a parent, legal guardian, or foster parent to certify that drivers under 18 years old complete 45 hours of behind-the-wheel driving experience, 15 hours of which must be after sunset. At the end of the 45-Hour Parent/Teen Driving Guide is a log to help parents and students keep track of driving time. The 45-hour log does not have to be presented to DMV.

Schools may institute one of three options for students regarding missed classes.

- ▶ Option one: If students miss any classes for any reason, they must retake the whole classroom portion of driver training

- ▶ Option two: Plan one make-up session before or after administering the final exam, giving the students one absentee allowance
 - ▶ You must cover the specific lesson missed by each student in the make-up class
 - ▶ Make a list of acceptable excuses for missing a class, such as a death in family, illness, or a well defined "emergency situation"
- ▶ Option three: Give the students a schedule and syllabus for upcoming sessions and allow them to attend the class they missed in a future session
- ▶ A student cannot take the final exam prior to completing the required 36 sessions

Before class review the material, separate it by class, and ensure there is enough time to cover the material. Make a lesson plan for consistent instruction and performance evaluation:

- ▶ Title: title linking the classroom and the in-vehicle activities
- ▶ Dates: class and completion dates, if lesson is going to last more than one session, and how long each subject and activity may take
- ▶ Preparation: teacher's responsibilities before teaching the lesson
- ▶ Student activities
- ▶ Instructor comments: make notations when teaching the session
- ▶ Conclusions: assignments and due dates
- ▶ Discussion questions: ask students when reviewing the lesson

It might be helpful to create a syllabus for the students with:

- ▶ Dates and times
- ▶ Contact information
- ▶ Subjects that will be covered in each class
- ▶ Grading requirements
- ▶ Information about attendance, such as a make-up class schedule

Prepare materials for students including books, handouts and tests for the final class. Create a file for each student to organize all of the student's paperwork and tests. Each student's file must contain a copy of their learner's permit, student contract and proof of classroom completion (DEC 1 or DTS B, or home-school certificate), student in-car instruction/observation record (DTS 14). Make a roster for the class to track attendance and ensure they attend all periods of classroom instruction. Plan any activities for the upcoming class.

During classroom instruction, take attendance, collect necessary paperwork and review the lesson plan. Begin

reviewing the materials to be covered, making sure there is enough time to cover and answer questions for each subject. At the end of class, tell students the topics for the next class. After class, ask the students if they have any questions on materials previously covered. Remind students you are available after class for any additional questions. Collect any paperwork, and remind the students of the time and date of their next class. Be sure to review safety instructions more than once in each class when applicable. After each class, review, verify and file any paperwork, and prepare materials for the next session.

Prior to the final exam, make sure all questions are answered, and review the requirements and the date and time of the exam. Inform students of make-up exam requirements in case of failure or an emergency. After administering the final exam, inform students of their grade. Do not give the student a copy of the exam. Be sure to file the exam results and fill out certificates for classroom completion.

Complete the Monthly School Training Completion Report (DTS 100) form, which records the names of students completing the classroom and in-vehicle instruction requirements.

Class B – Guidelines for Conducting In-Vehicle Instructions

Before conducting in-vehicle training, make sure students have a valid learner's permit and provide proof of completion of the classroom portion of the driver education program by submitting the original of one of the following: (Photocopies will not be accepted.)

- ▶ Certificate from an approved correspondence course
- ▶ DTS B form from a Driver Training School
- ▶ DEC 1 form from a public/private school

Prepare a Student In-car Instruction Observation Record (DTS 14) for each student to allow you to fill out performance measures while on the road, and not take time away from the student. The record ensures all students serve the correct time as both a driver and an observer, and what order they should do so.

It may be helpful to determine at least three possible routes in advance. Pre-determining the routes allows you to be found during an emergency, and it allows more time for you to focus on the student's performance rather than the route. Travel each route in advance and note obstacles a student may encounter such as heavy traffic, construction or bus stops. You have the option of reviewing your routes with the Driver's License Quality Assurance (DLQA) auditor sent to your school, and you have the option of using their recommended

route as your Final Exam Route. Please note that DMV establishes test routes to evaluate a person's abilities to operate motor vehicles safely and legally in a real driving environment. Driving Training School in-vehicle instruction must adhere to this type of evaluation.

Make sure your route includes:

- ▶ Change in speed limit
- ▶ Left turn
- ▶ Right turn
- ▶ Major intersection
- ▶ More than one direction of traffic

Make sure at least one route includes

- ▶ A highway
- ▶ Four-lane road

If you have difficulty creating routes, check with your DLQA auditor for assistance in planning a route. There should be a different route for the final exam.

Select the route that is most appropriate for the individual lesson's objectives and student-driver's ability. Before each session:

- ▶ Go over the curriculum with the students before they enter the vehicle
- ▶ Review what the student will be practicing that day
- ▶ Make sure the student knows what is expected of them and what their goals should be when driving, as this may vary each day
- ▶ Go over the route and explain what they may encounter
- ▶ Explain when students will observe and when they will drive
- ▶ Review safety precautions including safety belts, concentration and noise control
- ▶ Inform the students of the type of vehicle, noting the type of steering and brakes
- ▶ Ask students if they have any issues before entering the vehicle such as car sickness, problems hearing or wearing glasses. Accommodate a student's needs; if the student wears glasses, remind him or her to wear them while driving.

When entering the vehicle, introduce the students to the car they will be operating. Go over the dashboard gauges. Locate the lights, turn signals and windshield wipers. Make sure the student knows which foot to use for the brake and accelerator, and have the student adjust mirrors for their height. Point out any airbags.

When the student starts the vehicle, check the time and enter it on the training record. Make sure the student is comfortable with the car, and verify all seatbelts are fastened and headlights are on. The instructor should

Section 4: Class B – Driver Training Schools

sit so his or her left hand can grab the steering wheel at anytime. Never leave students unsupervised in a vehicle with the motor running. As with any instructional setting, food and beverages should not be consumed in the vehicle.

Observe students while they are driving, and fill out the In-car Instruction Observation Record (DTS 14) every time. Be calm and alert; do not become distracted from the instructional task. Maintain the highest level of attention to ensure the safe operation of the vehicle. Keep students under control. If you notice a student is nervous or is having difficulty, have them pull off the road until they feel comfortable driving.

Read the traffic environment ahead, to the sides and behind the vehicle while observing the student driver's behavior and ask the student to verbalize the need to change direction or speed. Give students tips on how they can improve their skills while they are driving. When giving directions, first provide students with the path of travel and then state the action to take. For example, say, "At the second intersection, prepare to take a left." Give directions four to six seconds before the maneuver, and always check mirrors before giving the direction. Avoid the use of terms with double meanings. Try not to use the word "right" unless you are referring to the direction.

Guide the student through the skill two or three times and then let them take action on their own. Give them instructions on moving the steering wheel, for example, "Slightly turn the wheel to the right to switch lanes," and then let them change lanes on their own. Never let a student enter a high-risk situation blindly. Be sure to explain all of the dangers before entering the area. Continue to review certain skills if the student is struggling with them. Talk the driver through the process, step by step. Review the skill until you and the driver feel comfortable with the student's skill level. Involve the student driver in the evaluation of his or her performance. It is very important to maintain accurate records for each student.

After each in-vehicle instruction session, go over the student's record with them, and answer any questions the student may have regarding the day's lesson. Inform the student of what will be covered the following day. Make sure parents of students under 18 are aware of their child's progress, or skills the student may need additional help mastering.

Class B – Guidelines for Conducting In-Vehicle Instruction for Students with Disabilities

Driver training schools may provide in-vehicle instruction to students with disabilities as outlined in

the Virginia Administrative Code's (VAC) Driver Training School regulations (24 VAC 20-121-220(C)). (Go to <http://leg1.state.va.us/>, click on Virginia Administrative Code and type "Driver Training School" into the search engine.) However, DMV encourages driver training schools to direct students with disabilities to a rehabilitation facility licensed by DMV and staffed by Certified Driver Rehabilitation Specialists (CDRS). The CDRS determines if the student is able to drive safely and the results are reported to DMV. A restriction code, if applicable, is placed on the student's driver's license. Students enrolled in a public school should contact the Virginia Department of Education for assistance.

Driver training schools should refer to Administration Module in the Curriculum and Administrative Guide for Driver Education in Virginia available on the Virginia Department of Education's website at http://www.doe.virginia.gov/instruction/driver_education/curriculum_admin_guide/index.shtml. Schools that provide in-vehicle instruction to students with disabilities must supply a copy of their student contracts containing any alternative instructional plans. For example, when the Virginia Department of Rehabilitative Services is contracted to pay the driver training school attendance fee and not the parent, the school should modify the contract to reflect that fact. A parent or legal guardian must sign the contract and be given a copy, and a copy must be maintained in the student's file.

Students under 19 years old with special needs are required to complete 36, 50-minute periods of classroom instruction and 14, 50-minute periods of in-vehicle instruction. This requirement includes seven periods observing, seven periods of driving and a standardized road skills examination. If no other student is taking the course, the student may observe the instructor.

The driver training school may choose to either use a vehicle owned by the school and modified with specialized equipment, or a vehicle provided by the student with disabilities. The Virginia Administrative Code regulations include a provision that permits a driver training school to use the student's vehicle for his or her behind-the-wheel instruction if (1) the cost prohibits the school to maintain certain specialized equipment, (2) if the equipment is not readily installed and removed, or (3) if their own vehicle provides necessary practical experience for the student.

When using a student's vehicle, certain requirements must be met before beginning in-vehicle instruction. The student must provide:

- ▶ A written verification from the student's insurance company stating the policy is valid and the company is aware the vehicle will be used for driver training instruction
- ▶ A copy of the current liability insurance policy for the vehicle

- ▶ A signed release from a parent or guardian allowing one-on-one training with an instructor

When using the student’s vehicle, the school or instructor must:

- ▶ File a copy of the current liability insurance policy in the student’s file
- ▶ File a copy of the written release notification from a parent or legal guardian allowing one-on-one training with an instructor
- ▶ Send a written notice to DMV outlining the reasons for using the student’s vehicle and the anticipated dates of instruction
- ▶ Ensure that the vehicle is in safe mechanical condition
- ▶ Display signage in accordance to regulations

Class B – Juvenile Licensing Chart

Use this chart to determine the licensing requirements for juvenile drivers.

Age	Licensing Requirements
Driver was under 18 when the learner’s permit was issued	<ul style="list-style-type: none"> ▶ Complete Driver Education Course ▶ Complete 45 hours, 15 hours of which occurred after sunset with parent/guardian/foster parent ▶ Parent signature is required to validate Virginia Driver Training Certificate (DTS-B) as a temporary driver’s license ▶ Driver must attend Juvenile Licensing Ceremony
Driver was 18 when the learner’s permit was issued	<ul style="list-style-type: none"> ▶ Complete Driver Education Course ▶ Parent signature is not required to validate Virginia Driver Training Certificate (DTS-B) as a temporary driver’s license ▶ Driver is not required to attend licensing ceremony ▶ Driver must hold learner’s permit at least 9 months to obtain a driver’s license
Driver was 19 when the learner’s permit was issued	<ul style="list-style-type: none"> ▶ Hold learner’s permit for 30 days or complete Driver Education Course ▶ DMV will conduct the final road test ▶ The DTS-B does not serve as a temporary driver’s license. DMV will issue a 30-day temporary driver’s permit, permanent license will be mailed.
Driver was under 18 when the learner’s permit was issued and driver completed the driver education course on or after 19	<ul style="list-style-type: none"> ▶ Hold learner’s permit for 30 days or complete Driver Education Course ▶ DMV will conduct the final road test ▶ Driver must attend licensing ceremony ▶ The DTS-B does not serve as a temporary driver’s license since the person is 19
Driver was under 18 when the learner’s permit was issued, but turned 18 and completed driver education course	<ul style="list-style-type: none"> ▶ Complete 45 hours, 15 hours of which occurred after sunset with parent/guardian/foster parent ▶ Parent signature is not required to validate DTS-B as temporary driver’s license if the person is age 18 ▶ Driver must attend licensing ceremony ▶ DMV will verify if permanent license was issued. If not, using the “DMV Copy” or “Student Copy” of the certificate, DMV will forward license to the court. Driver keeps “Student Copy” to be eligible to drive until he/she turns 19

Section 4: Class B – Driver Training Schools

Age	Licensing Requirements
Driver is 19 or older and completed driver education course before turning 19	<ul style="list-style-type: none">▶ Driver presents DTS-B to DMV as proof of completion▶ Parent signature is not required to validate DTS-B▶ If driver obtained learner’s permit when under 18, he/she must attend licensing ceremony.▶ If driver obtained learner’s permit at 18 or older, he/she is not required to attend licensing ceremony. DMV is not required to perform a road test. DMV will issue 30-day temporary driver’s permit and mail permanent license

Note: DMV does not require the parent/guardian/foster parent to maintain or submit a driving log tracking the number of hours driven with the child; however, it is recommended they may maintain a driving log for their personal use.

Class B – Three Test Failures

Students who fail the knowledge or behind-the-wheel examination three times are required to successfully complete the applicable knowledge or in-vehicle component of a driver education course, approved by DMV, before they can take the examination a fourth time. Students under medical review by DMV are exempt from the three-test-failures law.

The course is required one time only after the third failure. The DMV-approved course consists of 36 periods of classroom study, each period is 50 minutes. The DMV-approved course for those under 19 consists of 14 periods of driving instruction — seven periods of behind-the-wheel and seven periods of observation. In-vehicle instruction for students 19 and older consists of 14 periods. No observation time is required.

Driver training schools must submit the Monthly School Training Completion Report (DTS 100) to DMV by the 10th of the following month. Instructors should write “Three Test Failures” at the top of the report, and provide information for drivers completing the course.

Students under age 19 who fail the exam three times and have not completed the classroom portion must:

- ▶ Enroll at a public or private school or a driver training school to satisfy driver education requirements
- ▶ Comply with the provisions of the curriculum guide for length of daily instruction, two periods of instruction within 24 hours. (Exception: four periods of classroom instruction on weekends or holidays only)
- ▶ Attend classroom instruction with other students under 19
- ▶ Be given a Driver Education Certificate (DEC 1) from a public or private school or a Virginia Driver Training Certificate (DTS B) from a driver training school. The certificates can be used to be eligible to take the test a fourth or subsequent time as long as the date of completion is after the third failure.

Students under age 19 who completed the classroom course prior to failing the exam three times:

- ▶ May attend class with other students of any age
- ▶ Must present a certificate of completion, DEC 1 or DTS B as proof of completion, with a course completion date prior to the date of the third failure
- ▶ Are not restricted to the maximum periods of instruction, two periods within 24-hours per day
- ▶ Should be given a Virginia Driver Training School Re-Examination Certificate (DTS C) at the completion of the course to be eligible to take the test a fourth or subsequent time

Section 5: Driver Training School Fee Table

Fees	Description
\$100	School license for one year, original and renewal
\$50	Instructor license for one year, original and renewal
\$100	Penalty for failure to renew school license prior to expiration date
\$50	Penalty for failure to renew instructor license prior to expiration date
\$3	Processing fee for change of address
Up to \$1,000	For each violation of the laws or regulations related to driver training schools



Section 6: Advertising Driver Training Schools

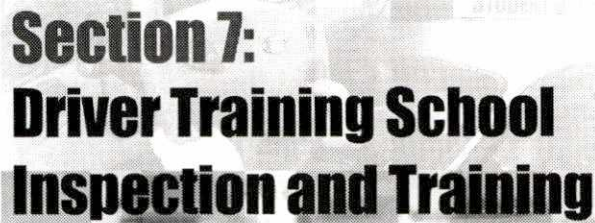
DMV maintains a current list of all Virginia driver training schools on its website to assist customers in locating a school. Schools must meet the minimum licensing requirements and educational needs of students to be listed on the site. The listing on dmvNOW.com is at no cost to the school. Schools are listed in alphabetical order, so as not to unintentionally endorse any one school.

If driver training schools advertise in any form other than on the DMV website listing, the advertisement must not appear in or near any DMV customer service center, motor carrier service center (weigh station) or DMV Select. If schools advertise in any other outlets, such as telephone directories, the advertisement must meet certain requirements.

Advertisements may only use the school's proper name that appears on the school's application and license. Advertisements must not claim that successful students will obtain a Virginia driver's license, or that students will be guaranteed employment upon completion of any course of instruction.

Copyright laws prohibit the use of the DMV logo in any school advertisement. Advertisements should be clear about the entity operating the driver training school; the ad should not lead the public to believe the school is a state-operated agency. If the term "Virginia Department of Motor Vehicles," "DMV" or any variation is used, advertisements should use the phrase "Licensed by DMV" as the only reference to the relationship between the driver training school and DMV.

To maintain the integrity of all DMV-licensed driver training schools, and to best serve the citizens of the Commonwealth, DMV will monitor all advertising to prevent the dissemination of false, deceptive or misleading information. The final version of any driver training school advertisement must be reviewed by the DMV Commercial Licensing Work Center. Mail a copy of the advertisement to: Commercial Licensing Work Center, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Va., 23269-0001, fax it to (804) 367-2019 or email dmvclu@dmv.virginia.gov. Include the outlet(s) where the advertisement will appear.



Section 7: Driver Training School Inspection and Training

After DMV determines a driver training school met the pre-licensing requirement, the school will receive written notification of the approval of their application. A Driver Licensing Specialist will contact the school owner to schedule a pre-inspection of the facility and vehicles, and a training session with the school owners, business manager and instructors. The training consists of a review of laws, regulations, training forms, recordkeeping and audit processes.

After the initial licensure or renewal, school owners and instructors must attend an annual, one-day training session provided by DMV. Attendance is mandatory and is at no cost to the school or instructors. The sessions are normally held in each of DMV's seven regional districts every year. Schools will be notified in advance of the dates, times and places of the sessions. They include updates on department forms, audit processes and other procedure changes, and new legislation impacting driver training schools. When available, these sessions offer information about the latest in driver training instructional techniques, and new developments in driver training to enhance overall professional training skills and abilities.



Section 8: Vehicle Equipment Requirements

Vehicles used by driver training schools for in-vehicle instruction must be in safe, mechanical condition at all times, and be properly registered and insured. Schools must provide written notification of any change in liability insurance coverage, and when a motor vehicle is added or deleted from the insurance policy, by filling out a Vehicle Insurance Certification (DTS 5) form.

DMV inspects all vehicles used to conduct in-vehicle instruction prior to use. Refer to the specific equipment requirements for Class A and Class B training vehicles outlined in the Virginia Administrative Code's (VAC) Driver Training School regulations.

Safety equipment must be readily available and maintained in a safe, workable and organized manner. Equipment requirements include, but are not be limited to: reflective triangles, flares, first aid kit, flashlight, fire extinguisher, jumper cables or a battery charger, towel, blanket and a safety vest.

Motor vehicles used for driver training must be owned or leased in the name of the school or school owner as indicated on the application for the school license. The school must provide a copy of the vehicle's lease agreement that includes:

- ▶ Name of the school or owner leasing the vehicle, as reflected on the driver training school's application
- ▶ Year, make, license plate number and vehicle identification number (VIN)
- ▶ Written verification from the insurance company stating the company is aware the vehicle will be used for driver training instruction and will be operated by student drivers
- ▶ Vehicle Insurance Certification (DTS 5) form reflecting that the vehicle is listed or was added to the insurance policy of the driver training school leasing the vehicle

Driver training schools that rent motor vehicles to students for taking a driving test are required to register with DMV as a renter and obtain a certificate of registration. Fax a Motor Vehicle Rental Tax Application (RT 423) and a copy of your business license, if it is required by the locality to (804) 367-5437. The RT 423 form is available at www.dmvNOW.com. Go to Forms and Publications and click on Searchable List. There is no application fee. The certificate of registration authorizes the individual company to collect rental tax, the rental tax fee, and exempts rental vehicles from the vehicle sales and use tax. The driver training school contract must include a statement disclosing any additional rental charges for using school vehicles for driving tests. For more information concerning Rental Tax Information, contact DMV Rental Tax Services at (804) 367-4324 or (804) 367-2690.

Section 9: Compliance Review Process

Compliance reviews are conducted by DMV during normal business hours, with or without prior notice. The reviews ensure compliance with driver training school laws and regulations. The compliance review includes selecting sample records to review. Non-compliance issues that were not detected by the review are the responsibility of the school owner to correct.

A Licensing Compliance Review is conducted before the school begins operating to ensure the proposed school, place of business and classroom meet the minimum standards for teaching students. The school's application and the school's inspection report will be used to determine approval or denial of the application. If the school passes the Licensing Compliance Review, a Driver Licensing Specialist (DLS) from DMV will schedule a training session with the school owner and/or business manager to review forms, procedures and regulations (see Section 7 – Driver School Inspection and Training in this manual).

A 15-Day Follow-up Compliance Review is conducted after the Licensing Compliance Review if deficiencies are found to ensure that the noted deficiencies are corrected prior to licensing.

A 60-Day Follow-up Compliance Review is conducted within 60 days after the school is licensed or during the first scheduled class. The intent is to monitor classroom instruction, finalize any items not reviewed during the Licensing Compliance Review, and meet the Annual Compliance Review requirement for the current year. To ensure compliance, additional follow-up reviews may be conducted as a result of deficiencies identified through the Annual Compliance Review.

An Annual Compliance Review is conducted once a year. The school must provide the DLS with the application date renewal, and the date of the last compliance review. Schools with multiple locations under the same ownership will receive an audit at the business office location and at one classroom location to observe instruction.

A Random Compliance Review is conducted at the discretion of DMV. For example, if DMV is notified that a school may not be in compliance of the regulations, the DLS may conduct a random compliance review, even if the school already had its Annual Compliance Review.

A Closing Compliance Review is conducted upon receipt of written notification from the school owner that the school will close.

At the completion of the compliance review, a DLS will meet with the school owner and/or business manager, prepare a written report on the results of each inspection and provide a copy of the report.

When minor deficiencies or violations are detected, DMV will direct corrective action within 30 days and require a formal reply from the school confirming that the action occurred. If the corrections are not completed, DMV will suspend the school and/or instructor(s) license(s) until corrections are made. A civil penalty is assessed for each deficiency not corrected. When violations are more serious, yet do not pose a safety threat, a civil penalty for each violation will be assessed immediately. DMV will direct corrective action to be completed within 30 days with a formal reply including documentation to substantiate that all corrections were made. When violations pose a safety threat and/or represent a violation of the law, DMV will immediately suspend the school and/or instructor license(s) for each violation to run consecutively. A civil penalty for each violation will be assessed.

The licensed driver training school and instructor have 30 days to request an administrative hearing from DMV after receiving an order suspending, revoking, cancelling, or denying renewal of a license; or imposing a limitation on operation or imposing a monetary penalty, unless the order immediately suspends, revokes, cancels or denies renewal of a license.

To request a hearing, a licensee must make a written request. A request received within 30 days will automatically allow the school to continue operation until after the hearing, unless the order was immediate. If no hearing is requested within 30 days, the order will become effective and no hearing may be requested or held thereafter. DMV's Hearing Office, not the Commercial Licensing Work Center, will provide notification of the date, time and place of the hearing.

Section 10: Compliance Review Checklist

Use the checklist to verify your school is in compliance with the laws and regulations concerning the operation of driver training schools.

Place of business requirements

- ▶ Devoted exclusively to school use
- ▶ Equipped with desk, chair, filing space and restroom
- ▶ Training schedules and fees posted
- ▶ School hours of operation posted
- ▶ School business office hours of operation posted. The office must be open at least eight hours per week
- ▶ Business office is at least 1,500 feet away from any property used by DMV.
- ▶ The DMV-issued sign posted that displays DMV's telephone number for customer concerns and comments

Classroom requirements

- ▶ Classroom is at least 1,500 feet from any property used by DMV
- ▶ At least 10 square feet per student
- ▶ Seating and writing surfaces for each student
- ▶ Videos and video equipment in working condition
- ▶ Safety back-up storage provided for electronic (computer) records
- ▶ The DMV-issued sign displaying DMV's telephone number for customers' concerns and comments is posted in a conspicuous place.

Curriculum

- ▶ Class A Driver Training School Curriculum Requirements (DTS 30) are on DMV's website, www.dmvNOW.com. Go to Forms and Publications and click on Searchable List.
- ▶ Class B Driver Training Schools should refer to the Curriculum and Administrative Guide for Driver Education in Virginia available at http://www.doe.virginia.gov/instruction/driver_education/curriculum_admin_guide/index.shtml

School requirements

- ▶ Current copy of vehicle insurance policy covering each vehicle available for review
- ▶ Current copy of school contract available for review
- ▶ At least three years of student records
- ▶ Virginia Driver Training School certificates kept in secured place

Each instructor must maintain a file with:

- ▶ Instructor name
- ▶ Current instructor address
- ▶ Copy of valid driver's license
- ▶ Copy of instructor's license
- ▶ Copy of driving record within past 12 months, or out-of-state driver's license
- ▶ Copy of college transcript or valid Virginia teaching certificate

A file should be maintained for each student attending school with:

- ▶ Copy of learner's permit
- ▶ Student contract
- ▶ Proof of classroom completion (DEC 1 or DTS B, or home-school certificate)
- ▶ Student In-Car Instruction/Observation Record (DTS 14)
- ▶ Verify that students' legal names are recorded on the front of the DTS 14 (no nicknames)
- ▶ Verify that the driving time and observation times were recorded
- ▶ Verify that scores for topics covered were recorded
- ▶ Verify that the time the student observed does not conflict with the time that the student actually drove
- ▶ Verify a parent or guardian reviewed and signed the DTS 14 before the issuance of the 180-day temporary license (DTS B)
- ▶ Final Road Skills Test Score Sheet (CSMA 09). Be sure scores are recorded correctly. Mark only those assessments that the applicant was unable to perform. Passing scores reflect 10 or fewer errors.

Vehicle safety inspection requirements

- ▶ Current safety inspection sticker displayed on the windshield
- ▶ Current Federal Highway Administration inspection sticker (Class A schools only)
- ▶ Dual working brake/clutch
- ▶ Dual inside and outside rear view mirrors (vanity mirror not acceptable)
- ▶ Seats and working seat belts for each person

Section 10: Compliance Review Checklist

- ▶ Working front and back turn signals
- ▶ Working parking brakes
- ▶ Working emergency flashers
- ▶ Safe tires
- ▶ Working headlights and brake lights
- ▶ Working horn
- ▶ Working speedometer
- ▶ Rooftop sign, with letters at least 2 and 1/2 inches in height, stating either: Student Driver, Learner, New Driver, Driver Education or Caution-Student. (Class B schools only)
- ▶ Sign affixed to the rear, sides and front of the vehicle(s), with letters not less than 4 inches high, stating either: Student Driver, Learner, New Driver, Driver Education or Caution-Student (Class A schools only)
- ▶ A sign on the outside of the vehicle, placed on the rooftop or door, showing the name of school as indicated on the school's license (Class B schools only)
- ▶ Safety Equipment:
 - ▶ Working reflective triangles/flares
 - ▶ First aid kit
 - ▶ Working flashlight
 - ▶ Working fire extinguisher
 - ▶ Towel
 - ▶ Blanket
 - ▶ Safety vest
 - ▶ Jumper cables or a batter charger



Section 11: DMV Information

DMV's Virginia Highway Safety Office John Saunders, Director

Virginia Department of Motor Vehicles
Commercial Licensing Division
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Richmond, Va. 23269-0001

Commercial Licensing Division Carol C. Waller, Program Manager 804-367-1969 Carol.Waller@DMV.Virginia.gov

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Judy Johnston
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Staunton District
Linda Street
540-631-7676
540-635-5671 (fax)

Section 12: References



Use these resources to obtain more information:

1. Virginia Administrative Code's (VAC) Driver Training School regulations (24 VAC 20-121-220(C). Go to <http://leg1.state.va.us/>, click on Virginia Administrative Code and type "Driver Training School" into the search engine.
2. The Curriculum and Administrative Guide for Driver Education in Virginia. Go to the Virginia Department of Education's website at http://www.doe.virginia.gov/instruction/driver_education/curriculum_admin_guide/index.shtml.
3. The Virginia Criminal and Traffic Law Manual produced by the for-profit company Lexis Nexis. Go to <http://www.lexisnexis.com/>.