

Order to Adopt

Title 13, Division 1, Chapter 1

Article 4.7. Schools for Traffic Violators

§ 345.02. Traffic Violator School Owner.

[Subsections (a) through (c) are unchanged]

(d) Any individual, partnership, corporation, public school, limited liability company, association, or other public agency may apply to the department to be licensed as a traffic violator school by submitting a completed application to the department. A completed Application for Traffic Violator School (TVS) Owner License, form OL 713 (Rev. 3/2011), which is hereby incorporated by reference, shall be submitted to the headquarters office of the department with payment of the application fee, as specified in Section 345.00 of this Article. Additional documentation required to complete the application process shall include the following:

(1) A school name that has been approved by the department through the department's internet portal available through the department's website. A traffic violator school shall not use a name that includes punctuation marks, symbols, or letters which are not used in accordance with standard English practices. A completed Request for DMV Approval of a Traffic Violator School Name, form OL 612 (REV 7/2011), which is hereby incorporated by reference.

~~(A) The department shall not approve a name that exceeds 35 characters including spaces. The name may contain one or more "doing business as" names, but the total spaces for the combined name shall not exceed 35 characters.~~

~~(B) The department shall not approve a proposed name that:~~

- ~~1. includes punctuation marks, symbols or letters which are not used in accordance with standard English practices,~~
- ~~2. are so similar to an existing school name so as to cause confusion to the public, courts or the department,~~
- ~~3. is misleading to the public, or~~
- ~~4. implies that the school offers inducements or premiums which derogate or distort the instruction intent of the traffic violator school program.~~

~~(C) The department shall notify the applicant of the approval or disapproval of the proposed name.~~

~~(D) An applicant may submit the form OL 612 prior to submission of the complete application. When the department approves a name prior to submission~~

~~of the complete application, the name shall be reserved for the applicant for six months from the date of the name approval. If a completed application is not submitted within six months, the name will be available for use by another school.~~

[Subsections (d)(2) through (d)(11) are unchanged]

[Subsections (e) through (h) are unchanged]

NOTE: Authority cited: Sections 1651, 1665, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 626, 626.2, 626.4, 626.6, 626.8, 1668(b), 1671, 11200, 11202, 11202.5, 11204, 11206, 11208, 11210 and 11211, Vehicle Code.

§ 345.06. Traffic Violator School Instructor.

[Subsections (a) through (d) are unchanged]

(e) Any individual who qualifies as an instructor pursuant to Vehicle Code section 11206 may apply to be licensed by the department as an instructor by filing a completed application with the department at any field office of the department. A list of offices can be obtained on the department's website at www.dmv.ca.gov. A completed application shall contain:

- (1) The application fee;
- (2) An Application for Traffic Violator School Operator and Instructor License, form OL 710 (Rev. 3/2011),
- (3) A Personal History Questionnaire completed by the applicant pursuant to Section 345.68 of this Article;
- (4) One fingerprint card completed by the applicant pursuant to Section 345.72 and payment of a fingerprint-processing fee, as described in Vehicle Code Section 1668(b), for each applicant; and
- (5) Evidence of successful completion of the ~~written~~ examination required in Section 345.07 of this Article.

[Subsections (f) through (i) are unchanged]

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code; and Section 17520, Family Code. Reference: Sections 626.4, 1652, 11200, 11206, 11206.5, 11207, 11208, 11210 and 11211, Vehicle Code; Section 17520, Family Code; and Section 2015.5, Code of Civil Procedure.

§ 345.07. Traffic Violator School Instructor Examination Requirements.

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

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

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

~~(d) The traffic violator school owner or operator shall retain the examination taken by the student for three years.~~

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

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

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

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

§ 345.13. Additional Instructor License.

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

[Subsection (a) is unchanged]

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

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

§ 345.18. Changes to Owner License.

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

~~(1) Submit, to the headquarters office of the department, a written request for name approval. Obtain an approved school name as specified in A business name is subject to department approval pursuant to Section 345.02(d)(1)(B) of this Article.~~

~~(2) The department shall notify the school of approval or disapproval of the proposed name. The department shall reserve the proposed name as approved for the school for a period of six months from the date of request for approval.~~

~~(3)~~(2) After receipt of department approval of the proposed name, the traffic violator school shall submit, to the headquarters office of the department, the following:

(A) An Application for Modifications to a Traffic Violator School License, form OL 736 (Rev 2/2011), which is ~~herby~~hereby incorporated by reference.

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

(C) The application fee, as specified in Section 345.00 of this Article.

[Subsection (a)(3) through (a)(6) are unchanged]

[Subsections (b) through (d) are unchanged]

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

§ 345.30. Curriculum Content.

[Subsections (a) through (c) are unchanged]

(d) The curriculum of a traffic violator school shall include a description, specific to the modality, of the methods and processes used to determine that the person completing the course is the traffic violator. A curriculum for all modalities shall include the following:

[Subsection (d)(1) is unchanged]

[Subsections (d)(1)(A) through (d)(1)(J) are unchanged]

[Subsection (d)(2) is unchanged]

(3) A Traffic Violator Course Evaluation, form OL 767 (New 9/2011), which is hereby incorporated by reference, shall be provided to each participant as a course completion requirement.

(A) Students not wishing to complete the evaluation shall satisfy the requirement by printing their name on the form and turning it in.

(B) A traffic violator school instructor, operator, or owner shall not alter, discourage a student from answering, or withhold from the department a student evaluation.

(C) All completed student evaluation forms shall be ~~sent to the department on a quarterly basis by the 30th calendar day of the month following the quarter in which the classes were conducted~~ retained by the traffic violator school for three years from the day the course was completed and provided to the department upon request.

(D) The evaluation forms for each classroom course shall be bundled together and have a copy of the class roster sheet pursuant to Section 345.36(b)(14) of this Article attached as a cover sheet.

(E) The evaluation forms for home study or internet shall be separated by modality type and include a cover sheet for each modality that includes the school name and license number, operator name and license number, modality of instruction, which quarter the evaluations cover, a list of students by name who completed the course, and the following certification signed by the operator under penalty of perjury:

“I (operator name and number) certify under penalty of perjury that the students listed on this roster completed a TVS course in compliance with Article 4.7.”

(4) The traffic violator school shall ~~provide~~ maintain quarterly statistical information ~~quarterly to the department by the 30th calendar day of the month following the quarter in which the classes were conducted~~ using the Traffic Violator School Quarterly Report, form OL 850 (Rev. 2/2011), which is hereby incorporated by reference, as required by Section 345.56(b).

[Subsection (d)(5) is unchanged]

[Subsection (d)(6) is unchanged]

[Subsections (d)(5)(A) through (d)(5)(D) are unchanged]

[Subsection (d)(7) is unchanged]

[Subsection (e) is unchanged]

(f) The curriculum of a traffic violator school for a home study or internet course shall also include:

[Subsection (f)(1) is unchanged]

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

[Subsections (f)(2)(A) and (f)(2)(B) are unchanged]

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

- ~~(1)~~(i) The driver has already attended a traffic violator course within 18 months of the conviction.
- ~~(2)~~(ii) The driver holds a commercial license as defined in Vehicle Code section 15210.
- ~~(3)~~(iii) The driver holds a commercial driver license from out of state.
- ~~(4)~~(iv) The violation occurred in a commercial motor vehicle as defined in Vehicle Code section 15210.
- ~~(5)~~(v) The violator has not paid a deposit of fees or bail, and has not pleaded guilty, no contest, or been convicted by the court of jurisdiction.
- ~~(6)~~(vi) The conviction would result in a violation point count of more than one point pursuant to Vehicle Code section 12810. A list of Vehicle Code two point violations may be found on the Department of Motor Vehicles web site, www.dmv.ca.gov.

[Subsection (f)(2)(D) is unchanged]

[Subsections (f)(3) through (f)(7) are unchanged]

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

~~§ 345.42. Quarterly Reporting of Traffic Violator School Activity.~~

- ~~(a) A traffic violator school shall report on all traffic violator school activity by modality using the Traffic Violator School Quarterly Report, form OL 850 (Rev 2/2011).~~
- ~~(b) Reports shall be for each preceding calendar quarter or portion of the calendar quarter, if the school was not licensed for the full quarter.~~
- ~~(c) Completed forms are to be received in the department's headquarters office on or before the 30th calendar day of the month following the quarter in which the classes were conducted.~~

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

§ 345.56. Business Records.

[Subsection (a) is unchanged]

[Subsections (a)(1) through (a)(4) are unchanged]

(b) The TVS shall maintain a copy of each quarterly report required pursuant to Section ~~345.42~~ 345.30(d)(4) of this Article for a minimum of three years.

[Subsections (c) through (h) are unchanged]

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