TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULE:
Subchapter I  Driver Education Instruction
595:40-1-2   Definitions [Amended]
595:40-1-3   Driver education instructor permit/license [Amended]
595:40-1-4   Qualifications for instructors [Amended]
595:40-1-6   Review of permit and school [Amended]
595:40-1-9   Prescribed course of study [Amended]
595:40-1-13  Reports [Amended]
595:40-1-15  Requirements for all commercial driver education schools and classrooms [Amended]
595:40-1-16  Prohibited acts; conduct [Amended]

SUMMARY:
595:40-1-2 – This amendment will clarify the meaning and interpretation of driver education.
595:40-1-3 – This amendment will change the language for the instructor renewal application as prescribed in 47 O.S. § 69-805.
595:40-1-4 – This amendment clarifies the requirements for instructors of driver education.
595:40-1-6 – This amendment clarifies and cleans up the language set forth in this subsection.
595:40-1-9 – This amends the requirement that DPS must approve a student roster list and instead only require that the roster be on maintained at the commercial school location.
595:40-1-13 – The amendment provides clean up language and allows for electronic record keeping.
595:40-1-15 – This amendment provides clean up language and allows for electronic record keeping.
595:40-1-16 – Amends rule to emphasize 47 O.S. §804.

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 1-101, et seq.

COMMENT PERIOD:
Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up t the close of the public hearing.

PUBLIC HEARING:
A public hearing regarding these proposed rules will be held at 9:30 A.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:35 A.M.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with theses proposed rules.
COPIES OF PROPOSED RULES:
A copy of the proposed rules may be obtained from the Department’s website, http://www.dps.state.ok.us/rules/ or from the contact person.

RULE IMPACT STATEMENT:
A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at www.dps.state.ok.us/rules or may be obtained from the contact person.

CONTACT PERSON:
Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: kdammen@dps.state.ok.us

SUBCHAPTER 1. DRIVER EDUCATION INSTRUCTION

595:40-1-2. Definitions
The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Career and Technology Education" means any school that is governed by the Oklahoma Department of Career and Technology Education.

"Credential" means endorsements, major and/or minor teaching areas, licenses, as well as professional, standard, provisional, temporary, and emergency certificates.

"Commercial driver education course" means a course of study including highway signs, signals, markings and design, rules of the road, state laws, local ordinances, basic driving maneuvers, and safe operation of motor vehicles on streets and highways.

"Commercial driver education school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of fifteen year old high school sophomores and fifteen and a half year old or older students for a class D driver license and charging a consideration or tuition for such services.

"Commercial motorcycle driver training instructor" means a qualified instructor of Motorcycle Safety Foundation curriculum and certified by the Department of Public Safety as adopted by OAC 595:40-5-1.

"Commercial motorcycle driver training schools" means a business enterprise conducted by an individual, partnership, or corporation for the education and training of motorcycle drivers.

"Commercial School" means a "Commercial driver education school" or "Commercial motorcycle driver training school."

"Commercial Instructor" means a qualified Driver Education Instructor or a qualified Commercial motorcycle driver training instructor.

"Driver Education Instructor" means a qualified instructor who instructs students seeking a driver license according to the rules set forth in this chapter.

"Endorsements" means credentials placed on valid licenses/certificates to indicate that the holder is eligible to teach specific subjects. An endorsement qualifies the holder to teach a full day in the subject of the endorsement.

"High School or Secondary School" means a school offering continuous programs of general education for regularly enrolled full-time students including grades nine through twelve.
"Private, parochial and non-public high school" means any high school or secondary school which is not a public school supported with public funds and/or does not meet the definition of a Commercial School under Title 47, Chapter 69.

595:40-1-3. Driver education instructor permit/license
(a) Requirement of Driver Education Instructor Permit/license. A Driver Education Instructor Permit/license is required for instructors who teach Driver Education as prescribed under 47 O.S. §6-105 (D) and 47 O.S. § 801, who offer behind the wheel instruction to students who do not possess a valid Oklahoma driver license.
(b) Application for Driver Education Instructor permit/license.
   (1) Public schools. The State Department of Education, Comprehensive Health/Driver and Traffic Safety Section, shall provide an application for Driver Education instructor permits/licenses and renewal permit/licenses for public schools upon request.
      (A) The instructor shall make application to the State Department of Education by mail to: State Department of Education, Comprehensive Health/Driver Education, Room 314, 2500 Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.
      (B) The State Department of Education shall review the application as to teacher qualification and prescribed course of study and forward the application to the Department of Public Safety.
      (C) Driving privileges of the applicant shall not be under suspension, revocation, denial, or cancellation at the time of original or renewal application.
(2) Commercial schools - original application.
   (A) All applications for an original school license shall be made on a form provided by the Department. The term of each original school license shall be for a period of one (1) year. Each place of business and/or location shall be considered a separate school and require a separate license.
   (B) Each application for an original school license shall be accompanied by:
      (i) a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check,
      (ii) a class curriculum, and
      (iii) an e-mail address.
   (C) Each applicant shall maintain at the school and have available for audit and inspection by the Department:
      (i) certificates of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage, as required by OAC 595:40-1-12,
      (ii) the make, model, vehicle identification number, and registration number of each vehicle used for training purposes, except motorcycles used for motorcycle training, and
      (iii) school brochures, contracts of all agreements, and a schedule of fees and charges.
   (D) No license fee shall be refunded in the event the license is rejected, suspended or revoked by the Commissioner of Public Safety.
   (E) All applications must be approved by the Department before a school will be permitted to open for business.
(F) Every operator of a Commercial Driver Education school shall be required to have a Commercial Driver Education Instructor License.

(G) Application for Driver Education Instructor license for non-public schools may be obtained from the Department of Public Safety, at: Driver License Examining Division, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, or on the website of the Department, [www.dps.state.ok.us](http://www.dps.state.ok.us).

(H) All schools shall meet the requirements of OAC 595:40-1-15.

3) **Commercial schools - renewal application.**

(A) All applications for a renewal school driver education license shall be made on a form provided by the Department of Public Safety. The term of each renewal school driver education license shall be for a period of one (1) year. Each place of business and/or location shall be considered a separate driver education school and require a separate driver education license.

(B) Each application for a renewal school driver education license shall be accompanied by:
   1. a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check,
   2. a schedule of fees and charges, if any changes have been made since the last license issuance, and
   3. an e-mail address.

(C) All application forms for renewal licenses shall be mailed by the Department to the school no later than October 1 of the expiration year. Each school desiring to renew shall deliver a DPS approved application to each licensee at the school and shall remit all fees and submit all applications to the Department no later than November 15 of the year of expiration. If application for renewal is not received by the required date and the Department is unable to process and approve the application by December 31 of the year of expiration, the commercial school shall cease operation on January 1 of the year following the year of expiration and shall not resume operation until the application for renewal is processed and approved by the Department.

4) **Commercial instructors - original applications.**

(A) All applications for an original driver education instructor license shall be made on a form provided by the Department. The term of each original driver education instructor license shall be for a period of no more than one (1) year. An instructor shall make application for each Commercial School location where he or she is employed and will be instructing. An instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an instructor accepts employment with another school or schools of a different owner, the driver education instructor license is not transferrable, and the driver education instructor shall apply for an original license as a new employee of the other school.

(B) Each application for an original driver education instructor license shall be accompanied by:
   1. documentation required by OAC 595:40-1-4, and
   2. a fee of Five Dollars ($5.00) [47 O.S. § 805], which shall be paid to the Department by money order, cashier's check, or business/personal check.

5) **Commercial instructors - renewal applications.**
(A) All applications for a renewal driver education instructor license shall be made on a form provided by the Department. The term of each renewal driver education instructor license shall be for a period of one (1) year. An driver education instructor shall make application for each Commercial School location where he or she will be instructing. An driver education instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an driver education instructor accepts employment with another school or schools of a different owner, the driver education instructor license is not transferrable, and the driver education instructor shall apply for an original license as a new employee of the other school.

(B) Each application for a renewal driver education instructor license shall be accompanied by:

(i) a certified criminal history report background investigation from the Oklahoma State Bureau of Investigation certified within the immediately preceding thirty (30) days, and

(ii) a fee of Five Dollars ($5.00) [47 O.S. § 805], which shall be paid to the commercial school which employs the driver education instructor and the school shall remit the Five Dollar ($5.00) fee to the Department by money order, cashier's check, or business/personal check. If the instructor is licensed at multiple schools with the same owner, only one fee of Five Dollars ($5.00) shall be paid. If the driver education instructor is licensed at multiple schools with different owners, a fee of Five Dollars ($5.00) shall be paid for each school with a different owner.

(C) Each applicant for a renewal instructor license shall take the vision examination given by the Department for the purposes of driver licensing.

595:40-1-4. Qualifications for instructors

(a) All driver education instructors. Instructors of public, private, commercial driver education schools and other non-public schools shall submit to the Department of Public Safety, upon application, proof of the following:

(1) current employment by a school which offers a prescribed course of study;

(2) a valid and unexpired Oklahoma driver license which is not suspended, revoked, denied or cancelled at the time of original or renewal application;

(3) at least twenty-one (21) years of age;

(4) never been convicted of a felony, have any pending court action that could result in a felony conviction, or any conviction, whether within Oklahoma or in another state, that would result in the applicant having to register according to the Sex Offenders Registration Act, as evidenced by an Oklahoma State Bureau of Investigation criminal history background check investigation conducted within the immediately preceding thirty (30) days, or, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of residence for the immediately preceding five (5) years;

(A) Once the Department has received the state criminal history background investigation, showing no adverse action, pending or otherwise, the Department will issue a ninety (90) day temporary driver education instructor license to the applicant and the applicant shall be directed to have a national criminal history background investigation conducted by the Federal Bureau of Investigations.
(B) The commercial school shall submit the necessary national criminal history background investigation request within ten (10) business days of the issuance of the temporary driver education instructor license and submit proof of the request to the Driver License Examining Division within five (5) business days thereafter. If the national criminal history background investigation is not completed within ninety (90) days of the request for the national criminal history background investigation, the temporary driver education instructor license may be revoked.

(C) If either the state or national criminal history background investigation is returned with:

(i) no adverse action, the Department will issue the temporary or permanent driver education instructor license; or

(ii) adverse action is found on the applicant's criminal history background investigation, the Department will not issue or revoke the temporary driver education instructor permit and will not issue another temporary or permanent driver license instructor license to the applicant as long as the adverse action remains on the applicants criminal history; or

(iii) if the applicant has pending court proceedings that could result in a felony conviction, the temporary or permanent driver education instructor license shall not be issued until the pending action has been dispensed.

(5) if applicable, have driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired. If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;

(6) not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;

(7) not more than five (5) point violations on the driving record;

(8) no administrative action pending pursuant to 47 O.S. §§ 753, 754, or 754.1;

(9) a high school diploma or general education diploma; and

(10) a motorcycle instructor shall have a valid Motorcycle Safety Foundation instructor's certificate.

(b) All commercial school driver education instructors. At the time of original application, all commercial school driver education instructors shall take the vision, skills, and written examinations given by the Department for the purposes of driver licensing and, for licensing as a commercial school driver education instructor, Commercial motorcycle driver training instructors will not be required to take the basic Class D written exam and skills test but instead will take the motorcycle written exam and skills test. The skills test will be performed on a motorcycle. All driver education instructors shall be required:

(1) to receive a score of at least eighty percent (80%) on driver license written examination. Should the applicant fail to achieve the required score after three (3) attempts, the applicant shall be denied certification and may reapply after one (1) year;

(2) to pass the standard Class D driver license or motorcycle road test with a passing score of at least eighty percent (80%). Should the applicant fail to achieve the required passing score after (three) attempts, the applicant shall be denied certification and may reapply after one (1) year.
(c) Public school driver education instructors only. Qualifications for public driver education instructors are set out in the rules for Oklahoma High School Driver and Traffic Safety Education by the Oklahoma State Board of Education.

(d) Non-public school driver education instructors. Instructors of driver education for non-public schools, except commercial driver education schools, shall submit to the Department of Public Safety proof of the following:
   (1) a valid Oklahoma secondary, elementary-secondary, library media specialist, speech-language pathology or technology center school license/certificate,
   (2) credentials in Driver and Traffic Safety Education or five (5) years consecutive experience in driver safety training, and
   (3) a valid and unexpired Oklahoma driver license.

(c) Commercial school driver education instructors other than motorcycle training instructors. Commercial driver education school instructors, other than motorcycle training instructors, shall submit to the Department of Public Safety proof of the following:
   (1) a minimum of six (6) semester hours of Driver Education I and Driver Education II, and a minimum of three (3) semester hours of General Safety Education from an accredited college or university; or
   (2) a course equivalent to that described in paragraph (1) offered by a nationally recognized commercial driver instructor course approved by the Department of Public Safety; or
   (3) certification by the State Department of Education as a driver education instructor, which certification shall be for at least five (5) years immediately preceding application and approval as a commercial driver education school instructor in conjunction with having taught driver education for at least five (5) years in public, private, or parochial school; or
   (4) five (5) years consecutive experience in driver safety training.

(f) Commercial motorcycle training school instructor qualifications. Commercial motorcycle training school instructors shall submit to the Department of Public Safety proof of the following:
   (1) a high school diploma, or equivalent, and
   (2) an instructor's certificate issued by the Motorcycle Safety Foundation.

(g) MSF Basic Rider Coach training. A participant in the MSF Basic Rider Coach training will be exempt from the Oklahoma certification requirement while acting as an instructor under the supervision of a MSF certified Rider Coach Trainer during the Basic Rider Coach training. MSF certification must be signed by the MSF and Oklahoma Certified Rider Coach Trainer.

595:40-1-6. Review of permit license and school
(a) Periodic review of all driver education schools and Driver Education Instructor Permits Licenses will be conducted by the Department of Public Safety to determine whether both the driver education instructor and the school remain in compliance with the rules of this Chapter. Failure to remain in compliance will may result in cancellation, suspension or revocation of instructor's their license permit.
(b) When an a driver education instructor's driving record reflects four (4) points, he or she may be issued a warning letter and instructed that additional entries may result in cancellation of his or her driver education instructor's license.
595:40-1-9. Prescribed course of study
(a) A prescribed course of study of Driver Education shall be designed to develop knowledge of those provisions of the Oklahoma Vehicle Code and other laws of this state relating to the operation of motor vehicles, acceptance of personal responsibility in traffic, appreciation of the causes, seriousness, and consequences of traffic collisions, and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.
(b) Public Schools must be in compliance with Oklahoma State Board of Education rules and regulations. Non public/Commercial schools must meet the following requirements:
(1) Students must be at least fifteen (15) years of age and regularly enrolled and certified by the instructor as taking a prescribed driver education course, certified by the Department of Public Safety.
(2) Private and Parochial students shall receive a minimum of thirty (30) hours of classroom instruction and a minimum of six (6) hours of actual driving in the Driver Education vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor.
(3) Each commercial student, except for commercial motorcycle students, shall receive a minimum of ten (10) hours of classroom instruction and a minimum of six (6) hours of actually driving the Driver Education vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor.
(4) Instruction shall include, but not be limited to, the following:
   (A) Signs, signals, highway markings and highway design.
   (B) Rules of the road, state laws, and local ordinances.
   (C) Driving attitude toward motorcyclists, bicyclists, and pedestrians.
   (D) Basic driving maneuvers.
   (E) Operation of motor vehicle on streets and highways.
   (F) Familiarity with the Oklahoma Driver's Manual, distributed by the Department of Public Safety. Copies of this manual are available at motor license agencies or online at www.dps.state.ok.us/dls/.
   (G) Insurance laws of the State.
   (H) Financial responsibility.
   (I) Seat belt use and laws.
   (J) Effects of natural laws on driving.
   (K) Alcohol and drug substance abuse and the effect on driving.
   (L) Basic vehicle maintenance including fluid levels, tire pressure and lighting systems.
   (M) Skills:
      (i) Starting.
      (ii) Backing.
      (iii) Parallel parking.
      (iv) Hill parking.
      (v) Starting on hill.
      (vi) Intersection movement and observance.
      (vii) Lane observance and changing.
      (viii) Left and right turns.
      (ix) Pedestrian and vehicle right-of-way.
(x) Proper use of automatic and/or standard transmission.
(xi) Use of brake and accelerator.
(xii) Traffic lights or signals.

5. All passengers, students and instructors in the driver education vehicle shall comply with the Oklahoma Mandatory Seat Belt Use Act, 47 O.S. §§ 12-416 through 12-420, whenever the vehicle is in operation.

6. A student roster list must be filed on forms provided for this purpose and approved by the Department of Public Safety before behind the wheel instruction begins. Maintain a student roster list (paper or electronic) of students that is receiving or will be receiving behind-the-wheel instruction.

7. Driving instruction shall not be conducted within a one mile radius of the Department of Public Safety or any district office thereof.

(c) The Motorcycle Safety Foundation Curriculum is hereby adopted by reference which shall be the only course of instruction used by motorcycle education instructors certified by the Department of Public Safety.

1. A copy of the curriculum is available at the Department of Public Safety Driver License Examining Division.

2. Every school shall develop written and driving examinations to determine the students' knowledge and performance in accordance with the prescribed curriculum.

595:40-1-13. Reports
(a) The Comprehensive Health/Driver and Traffic Safety Education section of the State Department of Education will furnish all forms for the required reports for public schools. These reports are addressed in the rules of the State Department of Education. For private, parochial, Commercial, and other non-public schools, the Department of Public Safety, Driver Examining Division, will provide the following report forms which must be completed and filed with the Department of Public Safety:

1. A current list of all students enrolled in Driver Education shall be maintained in a file (paper or electronic) at the offices of the Commercial Driver Education school. submitted to the Department of Public Safety prior to the beginning of the wheel instruction. These files shall listing the complete legal name, and date of birth and grade of those students who will be or are currently receiving instruction.

2. A copy of the forms prescribed in (a) of this Section, must be on file in the office of the school.

32. While conducting instruction of the students one of the following must be in the vehicle:

(A) A readable approved copy of the roster (paper or electronic), or
(B) A daily paper or electronic copy of the student roster and schedule (form provided by DPS), which includes a list of students being instructed on a given day and must have the instructors' signature that will be in the vehicle, or
(C) Students receiving instruction must carry the original or a copy of the school contract.

43. At the discretion of the Commissioner of Public Safety, an affidavit may be required from the principal of the school, or one of equivalent authority verifying that the curriculum offered the Driver Education student meets the requirements of these rules.

54. Other reports that may be requested by the Department of Public Safety.
(b) Driver Education schools must furnish the Department of Public Safety, Driver License Examining Division, with a copy of an official collision report on any driver education vehicle which is involved in an accident while used for training purposes. This is in addition to the collision report required by law.

595:40-1-15. Requirements for all commercial driver education schools and classrooms

(a) Location and classroom facility of commercial driver education schools. An application for a Commercial Driver Training School license shall not be approved if the school is located or driving instruction is conducted within one (1) mile, using the most direct driving route, of the Department of Public Safety or any district office thereof. The school shall:

   (1) have at least one (1) permanent classroom. Each classroom shall be used exclusively for classroom driver education instruction during the time of such instruction. A classroom shall not be located in:

       (A) a residence or residential facility or complex,
       (B) a motor vehicle, or converted motor vehicle,
       (C) a hotel or motel, or
       (D) any other facility which has a bar, lounge, or other business which sells alcohol for public consumption on the premises;

   (2) display its current and valid Commercial Driver Training License in the licensee's principal place of business at all times when classes are in session. The school's and/or driver education instructor's license or a copy of the license shall also be made available for inspection to students, or prospective students and their parents;

   (3) comply with local municipal ordinances regarding lighting, heating, ventilation, and restroom facilities. Separate restroom facilities shall be provided for males and females, shall be fully plumbed with at least one toilet and one sink in each restroom, and shall be located in the same building as the classroom. The requirement for separate restroom facilities may be waived if a single restroom facility is provided that has a door which is capable of being locked from the inside;

   (4) have adequate room for equipment such as chalkboard, projector, tables and chairs for the number of students enrolled in the class being taught at the time;

   (5) when moving locations the school shall be responsible for notifying the Department of Public Safety Driver License Examining Division in writing no later than two (2) weeks prior to the relocation. The Division shall schedule with the school an appointment for inspection of the new location. Use of the new facility will not be allowed until the inspection is complete; and

   (6) if the commercial driver education school is located in a public school, the commercial driver education school shall present to the Department upon application and upon every renewal a current contract with the school district signed by the superintendent of the district. The contract shall stipulate that:

       (A) the presence of the commercial driver education school on the public school property is in compliance with state law and specifically in compliance with 70 O.S., Section § 5-130, and

       (B) any public school in the school district, including the public school where the commercial driver education school named in the contract is located, is available on an equal and non-discriminatory basis to any other commercial driver education school desiring to conduct business on public school property in the school district on the same
terms and at the same time as the commercial driver education school named in the contract as required by *Hennessey v. ISD No. 4*, 552 P.2d 1141 (Okla. 1976), and (C) should the school district refuse to allow another commercial driver education school to conduct business on public school property within the school district, whether at the same public school as the commercial driver education school named in the contract or any other school in the district, the contract shall be null and void upon the date of the refusal, and the school district and the commercial driver education school named in the contract shall both agree to notify the Department of Public Safety of the voiding of the contract.

(b) **Advertising.**

(1) No Commercial Driver Training Education School shall use or conduct any business under any name other than its fully licensed name.

(2) A sign reading "This school is licensed by the Department of Public Safety, State of Oklahoma" or similar language may be displayed on the school premises.

(3) The school may place language such as "This school is licensed by the Department of Public Safety, State of Oklahoma" in any advertisements and publications of the school. However, a school may not use advertisement or publicity that states or implies that the school is specifically or uniquely recognized, recommended, or endorsed, or directly supervised by the Department of Public Safety.

(4) No fraudulent or deceptive statements shall be used on any sign or in advertisement, whether written or oral. If a promotion or fee incentive is used for an applicant, the school shall attach a copy of the promotion or fee incentive to the contract.

(5) No school shall advertise, by any means, or otherwise state or imply that a driver license or permit is guaranteed or assured to any student or individual who will take or complete any instruction offered by the school.

(c) **Agreements and schedule of fees.**

(1) A sample copy of all contracts or agreements with students must be submitted to the Department with the application for licensing.

(2) Prior to enrollment or payment of fee all prospective students shall be provided the following information, in writing:

   (A) the type of instruction offered, whether classroom or behind the wheel;
   
   (B) length of each lesson;
   
   (C) rate per lesson;
   
   (D) rate for use of school vehicle for road test, if extra charge is made;
   
   (E) terms of payment and disclosure of any interest charged;
   
   (F) a statement indicating the specific date and time when instruction is to start.

(3) The schedule of fees shall be posted in easy view of students and prospective students.

(4) If any school fails to comply with the provisions, the school shall refund, on a prorated basis, all monies collected from the student.

(d) **Records to be maintained.**

(1) Each school shall maintain a permanently bound book with pages consecutively numbered or a computer spreadsheet/database, setting forth the name of the school; the name of the student; the contract or agreement number; the type and date of instruction given, whether classroom or behind-the-wheel. If information is kept in a bound book, all entries shall be made in ink.
(2) All student instruction records, including a duplicate copy of each contract or agreement entered into between the school and the student (the original must be given to the student) must be kept on file in the office of each school or at the primary office of multiple site schools owned by one individual for a period of (1) calendar year after the student has concluded instruction at or with the school. Each school shall furnish the student, if requested, a duplicate of his/her instruction record when all of the contracted courses are completed or the student otherwise ceases taking instruction at or with the school.

(3) The student instruction record shall contain a copy of a receipt for any monies paid to the school by the student. The receipt, in a format prescribed by the Department, shall contain:

(A) The name of the school.
(B) The name of the student.
(C) The date of payment.
(D) The amount of payment.
(E) The signature of the person receiving the payment.

(4) The student instruction record file maintained by the school shall be available at all times for inspection or copying by an authorized representative of the Department of Public Safety.

(5) **Completion certificates.** A completion certificate, in a preprinted format prescribed by the Department, shall be provided and issued by the Commercial School to each student upon the successful completion of course work (both classroom and behind the wheel). The certificate shall contain the following:

1. Name of the provider;
2. Full legal name of student;
3. Number of total hours of instruction (optional)
4. Date of completion;
5. Signature of administrator (a stamped signature is acceptable).

595:40-1-16. **Prohibited acts; conduct**

(a) No school owner, agent, instructor or employee shall:

1. solicit any individual for the purpose of enrolling the person in any driver training education program within fifteen hundred (1,500) feet of any premises owned, leased, rented, or used by the Department of Public Safety;
2. instruct on or near the driver testing route used by the Department of Public Safety;
3. distribute or use, for any purpose, any test or examination designed or used by the Department;
4. use, or permit to be used, any form of alcoholic beverage or drugs in or about the premises of the school or a motor vehicle being used for driver education;
5. engage in any conduct involving moral turpitude; or
6. commit or omit any act which constitutes a violation of any of the rules of this subchapter or the laws of this state governing designated examiner certification; or
7. charge a fee to conduct driver education unless they are a certified driver education instructor.

(b) Instructors shall at all times be cognizant of their primary obligation to render impartial, efficient, and effective service to the public in the discharge of their duties and to always regard their position as a public trust.