



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Motor Vehicles
<b>Virginia Administrative Code (VAC) citation</b>	24VAC20-120
<b>Regulation title</b>	Commercial Driver Training School Regulations
<b>Action title</b>	Repeal current regulations and promulgate new regulations to reflect recent statutory changes to the program
<b>Document preparation date</b>	August 12, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

The Department of Motor Vehicles (DMV) is proposing to repeal its existing driver training school regulations and promulgating new regulations (see the submission for proposed regulation number 24 VAC 20-121, entitled "Virginia Driver Training School Regulations" for more details) in order to address the needs of novice drivers and the driving public in general in an ever-changing, increasingly dangerous driver environment. This specific regulatory action proposes to repeal the existing driver training school regulations.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

The statutory authority for repealing the existing driver training school regulations and promulgating new regulations is Va. Code §§ 46.2-203 and 46.2-1703. The scope of the regulatory authority is general in § 46.2-203 and specific in § 46.2-1703. Va. Code § 46.2-203 allows for the Department of Motor Vehicles to “adopt reasonable administrative regulations necessary to carry out the laws” it administers and may designate other agencies of the Commonwealth to enforce them. Va. Code § 46.2-1703 allows the Commissioner to “promulgate regulations necessary to enforce [and carry out] the provisions of [the commercial driver training school statutes and] to provide adequate training for [commercial driver training school] students.... These regulations shall include but need not be limited to curriculum requirements, contractual arrangements with students, obligations to students, facilities and equipment, qualifications of instructors, and financial stability of schools.” In both cases, the rulemaking authority is discretionary. The recent statutory changes expanded this authority to include protections for students and public safety in general as well as specific requirements for instructors, school ownership and surety bonds. See Chapter 587 of the 2004 Virginia Acts of Assembly (Senate Bill 288) for all the recent statutory changes. The Office of the Attorney General has certified that the agency has the statutory authority to repeal the existing regulations and promulgate the proposed regulations and that the proposed regulations comport with applicable state law.

### Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

The repeal of these regulations parallels the promulgation of regulation number 24VAC20-121, entitled “Virginia Driver Training Regulations” (for more details on the new regulations, see the proposed submission). Those new regulations will replace the ones being repealed.

### Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)*

This specific regulatory action proposes to repeal the existing driver training school regulations.

### Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

The repeal of these regulations parallels the promulgation of regulation number 24VAC20-121, entitled “Virginia Driver Training Regulations” (for more details, see the proposed submission for those regulations). Those new regulations will replace the ones being repealed. The primary advantages to the public of repealing the existing regulations and promulgating the new regulations are as follows:

- The creation of tougher, more consistent regulatory standards for school owners and instructors will result in a better quality of instruction and a better, safer training environment for students. It will also provide better oversight of, and remedies for, inappropriate business practices.
- Better driver training and business practices translate into better-trained drivers on the highways of the Commonwealth, resulting in newly licensed drivers who are consistently safer.
- Safer drivers help make the roads of the Commonwealth safer for themselves, the rest of the public using them and the public at large.

Perhaps the only disadvantage of the proposed new regulations would be a possible increase in the cost of doing business, which would then probably be passed on to the students. Should such an impact occur, it is expected to be minimal. There are no disadvantages to the public at large and the Commonwealth.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b></p>	<p>The projected costs to the state for repealing the existing regulations and promulgating the new regulations are not anticipated to be significant.</p>
<p><b>Projected cost of the regulation on localities</b></p>	<p>There are no anticipated costs to localities for repealing the existing regulations and promulgating the new regulations.</p>
<p><b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b></p>	<p>Those most directly affected by repealing the existing regulations and promulgating the new regulations include driver training school owners, managers and instructors, students and potential students at the schools, and parents and guardians of those students under 19 years of age. All drivers in the Commonwealth will be indirectly affected by these regulations and its positive impacts on improving the quality and consistency of driver training in Virginia.</p>

<p><b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>The following is DMV’s best estimate of the number of entities, including small businesses, affected by the regulations: 156 schools; 448 licensed instructors; 43,915 students; tens of thousands of drivers who travel the roads daily.</p>
<p><b>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</b></p>	<p>Costs to those affected individuals, businesses or other entities that currently comply with the existing regulations are expected to be minimal.</p>

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

DMV has statutory responsibility for oversight of driver training schools. This oversight is accomplished primarily through three mechanisms: regulations governing the operation of driver training schools, a school and instructor licensing process to verify compliance with applicable standards at the time of licensing, and systematic audits of the schools for compliance with statutory provisions and the promulgated regulations. The guiding mechanism for this oversight process is the regulations governing the operation of driver training schools.

DMV believes repealing the existing regulations and promulgating the new regulations is currently the only approach to take in order to maintain the most effective safeguards for the citizens of the Commonwealth and provide for the least intrusive and least burdensome means of achieving this purpose. Making specific, detailed changes in statute are undesirable and unnecessary since DMV’s regulatory authority in this area has already been established. Guidelines would not have the same effect as regulations, and would require legislative changes.

The Joint Legislative Audit and Review Commission (JLARC) issued a report in 1998 pertaining to the oversight of driver training schools. This report included a number of recommendations that support DMV’s proposed regulations.

Perhaps the greatest benefit of repealing the existing regulations and promulgating the new regulations is the public review associated with both processes. DMV developed the proposed regulations with advisory panels composed of owners and operators of both Class A and Class B licensed driver training schools. Additionally, owners of driver training schools, their instructors, their students and other interested parties will have ample time and opportunity to review and comment on the proposed regulations. DMV plans to hold public hearings as well. Should other alternatives become effectively available in the future, DMV will consider them in light of the

proposed regulations to determine the most effective, least intrusive and least burdensome means of achieving its purpose.

### Public comment

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

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DMV received and responded to two written comments during the NOIRA comment period. Both persons operate driver training schools.

One of the persons commenting was concerned he and other driver training school operators like him would not have the ability to discuss the regulations in an open forum. This person wants “workable, reasonable and prudent” regulation of the driver training industry and the “highest level of communication” to go with it. He believed the “only real goal should be working together” to make the roads of the Commonwealth safer.

DMV’s response was to explain the reasons for proposing the regulations and further explain the regulatory process to him. DMV assured him that it would have public hearings, in addition to the written comment periods, to allow for the desired level of discussion of the proposed regulations. DMV also agreed with the need for “workable, reasonable and prudent” regulation of the driver training industry. DMV also explained the need for the highest quality of training and remedies for inappropriate business practices as well. DMV offered to meet with him personally during the summer, at his convenience, to discuss his concerns. There have been no further communications with this individual on this topic.

The other person commenting wanted tougher regulations and provided a list of concerns he wanted addressed by the proposed regulations. DMV contacted this person by telephone, but was not able to speak to the person directly. DMV did leave a message encouraging him to participate in the public hearing process. There have been no further communications with this individual on this topic.

### Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

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This proposed regulatory activity is expected to enhance the institution of the family and generally improve family stability. In general, parents will be able to have a better comfort level about sending their children to safer, more secure and peer-oriented driver training schools. Students should feel better about these enhancements as well. The new proposed regulations will strengthen the authority and rights of parents by improving their means and opportunities to educate their children about safe driving techniques at driver training schools. This safe driver education will, in part, help encourage

economic self-sufficiency and allow for participants in these driver training school programs to assume greater responsibility for themselves, their families and their communities.

Overall, impacts on marital commitment are expected to be minimal. However, under certain circumstances, a strengthening of those commitments could result from the positive impacts of these programs on participants and the parents of minor participants. Maintaining a well trained, safe driving population should decrease automobile accidents, which, in turn, should decrease the overall costs to families and society as a whole that are associated with automobile accidents and injuries. Lower overall costs associated with automobile accidents and injuries should at least be expected to minimally increase disposable family incomes throughout the Commonwealth.

### Detail of changes

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

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This specific regulatory action proposes to repeal the existing driver training school regulations.



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## Proposed Regulation Agency Background Document

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### Brief summary

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The Department of Motor Vehicles (DMV) is proposing to repeal its existing driver training school regulations and promulgating new regulations in order to address the needs of novice drivers of passenger vehicles and commercial motor vehicles, and the driving public in general, in an ever-changing, increasingly dangerous driver environment.

The driving environment in Virginia and the rest of the nation has changed substantially over recent years: more vehicular traffic, more drivers, an increase in the number of larger, heavier weight vehicles (both private and commercial), an increase in the number and type of in-car distractions that confront the driver and an increase in the incidence of road rage.

DMV licenses Class A (commercial motor vehicle training) and Class B (passenger vehicle training) driver training schools. Instruction and curriculum standards and practices as well as overall business practices at driver training schools for commercial and passenger vehicle drivers must effectively respond to these changes in order to provide thorough, up-to-date driver education

and maintain the safest driving environment possible. Without proper, reasonable oversight, driver training schools could very well produce inadequately trained commercial and passenger vehicle drivers. These inadequately trained drivers could then end up operating vehicles throughout the Commonwealth, posing a significant health and safety threat to themselves and other drivers.

Through recent statutory changes (Chapter 587 of the 2004 Virginia Acts of Assembly) and these proposed regulatory changes, DMV's oversight activities are intended to ensure that graduates of these schools are adequately prepared to safely and independently operate motor vehicles on the public roadways. The overall regulatory goals are to:

- Strengthen DMV training school standards and develop additional standards to ensure that the instruction provided is uniform and meets all established requirements;
- Strengthen DMV's oversight process to ensure that reviews of training documentation are consistent, evaluation of school curriculums is expanded, and school audits are more comprehensive and less burdensome on driver training course providers; and
- Implement additional changes intended to ensure that consistently high quality instruction is provided across the driver training school system and that the learning environment for younger students is safe, secure and peer-oriented.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

The statutory authority for repealing the existing driver training school regulations and promulgating new regulations is Va. Code §§ 46.2-203 and 46.2-1703. The scope of the regulatory authority is general in § 46.2-203 and specific in § 46.2-1703. Va. Code § 46.2-203 allows for the Department of Motor Vehicles to “adopt reasonable administrative regulations necessary to carry out the laws” it administers and may designate other agencies of the Commonwealth to enforce them. Va. Code § 46.2-1703 allows the Commissioner to “promulgate regulations necessary to enforce [and carry out] the provisions of [the commercial driver training school statutes and] to provide adequate training for [commercial driver training school] students.... These regulations shall include but need not be limited to curriculum requirements, contractual arrangements with students, obligations to students, facilities and equipment, qualifications of instructors, and financial stability of schools.” In both cases, the rulemaking authority is discretionary. The recent statutory changes expanded this authority to include protections for students and public safety in general as well as specific requirements for instructors, school ownership and surety bonds. See Chapter 587 of the 2004 Virginia Acts of Assembly (Senate Bill 288) for all the recent statutory changes. The Office of the Attorney General has certified that the agency has the statutory authority to repeal the



existing regulations and promulgate the proposed regulations and that the proposed regulations comport with applicable state law.

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

The driving environment in Virginia and the rest of the nation has changed substantially over recent years: more vehicular traffic, more drivers, an increase in the number of larger, heavier weight vehicles (both private and commercial), an increase in the number and type of in-car distractions that confront the driver and an increase in the incidence of road rage. Instruction and curriculum standards and practices as well as overall business practices at driver training schools must effectively respond to these changes in order to provide thorough, up-to-date driver education and maintain the safest driving environment possible.

Without proper, reasonable oversight, driver training schools could very well produce a host of inadequately trained drivers. These inadequately trained drivers could then end up operating vehicles throughout the Commonwealth, posing a significant health and safety threat to themselves and other drivers.

The purpose of the proposed regulations is to provide appropriate oversight over the driver training schools licensed by DMV. This oversight is statutorily mandated, and as explained above, the need for oversight is more critical now than ever before.

Driver education is required for driver's license applicants in Virginia under 19 years of age as well as for many older adult applicants. Some individuals receive the required driver training in local high schools. However, many also receive all or a portion of their required driver education through licensed driver training schools.

The role of Class B passenger vehicle driver training schools in training people to safely operate a motor vehicle has been steadily increasing. At the present time, there are 150 Class B schools licensed by DMV. This is an increase of more than 100 percent since 1982, when there were 68 Class B licensed schools. These schools currently employ more than 400 licensed instructors.

Through these regulations, DMV's oversight activities are intended to ensure that graduates of these schools are adequately prepared to safely and independently operate vehicles on the public roadways.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)*

The proposed regulations will establish and maintain an oversight process that ensures services provided by driver training schools are uniform and of high quality. These oversight activities are intended to ensure that graduates of these schools are adequately prepared to safely and independently operate an automobile on the public roadways after obtaining a driver's license. DMV's oversight activities also will help provide for a safer, more secure and peer-oriented learning environment for those younger students attending these schools.

Perhaps the most important element to preparing students to drive safely is the in-car training they receive. To enable DMV to properly verify that the required types and amount of in-car training are being provided to students, the standard for training documentation should require information on the type of training provided and the skills covered during the session. Training also should be with other students in the same age group.

Instructor requirements also should be expanded to help ensure safe, qualified instruction. DMV currently has a number of requirements that instructors must meet in order to be licensed to teach in a driver training school. DMV has identified ways to enhance the current requirements to provide additional safeguards for students. These enhancements include: (1) requiring a national criminal background check instead of a state or local police department criminal background check, (2) increasing the scope of the criminal convictions that could enable DMV to refuse to approve a license, and (3) revising the restrictions related to instructors who receive demerit points for traffic infractions.

Insight into the operations and instructional practices of driver training schools statewide is provided primarily through the oversight activities of DMV. Areas that DMV believes need regulatory enhancements include the review of the schools' classroom and in-car instructional programs, vehicle inspections, and the use of monitoring visits between annual audits for selected schools.

Part of these enhancements will improve the way audits and reviews are conducted. These enhancements include utilizing an integrated data gathering process incorporating complimentary forms developed to help both the driver training schools and DMV capture the information needed to ensure appropriate and adequate training is taking place.

Poorly trained drivers only add to the increasing number of possible safety concerns faced by drivers when they take to the highways. In today's burgeoning transportation system, the safer each driver operates their vehicle, the safer the roads are for everyone. Since a significantly larger group of people is receiving driver training from driver training schools, the regulation of these schools is essential to protect the public's health, safety and welfare.

## Issues

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- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
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3) other pertinent matters of interest to the regulated community, government officials, and the public.

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The primary advantages of these regulations to the public are as follows:

- The creation of tougher, more consistent regulatory standards for school owners and instructors will result in a better quality of instruction and a better, safer training environment for students. It will also provide better oversight of, and remedies for, inappropriate business practices.
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**Economic impact**

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<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	The projected costs of the regulations to the state are not anticipated to be significant.
<b>Projected cost of the regulation on localities</b>	There are no anticipated costs of the regulations to localities.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	Those most directly affected by the regulations include driver training school owners, managers and instructors, students and potential students at the schools, and parents and guardians of those students under 19 years of age. All drivers in the Commonwealth will be indirectly affected by these regulations and its positive impacts on improving the quality and consistency of driver training in Virginia.
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Perhaps the greatest benefit of the proposed regulations is the review process associated with its promulgation. DMV developed the proposed regulations with advisory panels composed of owners and operators of both Class A and Class B licensed driver training schools. Additionally, owners of driver training schools, their instructors, their students and other interested parties will have ample time and opportunity to review and comment on the proposed regulations. DMV plans to hold public hearings as well. Should other alternatives become effectively available in the future, DMV will consider them in light of the proposed regulations to determine the most effective, least intrusive and least burdensome means of achieving its purpose.

**Public comment**

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**Detail of changes**

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<b>DETAIL OF PROPOSED DRIVER TRAINING SCHOOL REGULATIONS</b>	
<b>PART I. GENERAL PROVISIONS</b>	
<b>SECTION 10 - Definitions</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
No subsections/ Pages 1 - 3	Adds/revises definitions for “Class A license,” “Class B license,” “In-vehicle instruction,” “Instructor,” “National criminal records check,” “Normal business hours,” “Owner,” “Period of instruction,” “Revoke or revocation,” “Safe mechanical condition,” and “Suspend or suspension.”
<b>SECTION 20 - Business office and classroom requirements</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 3-4	Outlines place of business, zoning, office space, record-keeping and other federal, health and safety code requirements for schools filing for a license.
Subsection B/ Pages 4-5	Outlines classroom requirements, including size, furniture, equipment, restroom facility and driving range requirements.
Subsection C/ Page 5	Requires office hours to be posted in a conspicuous location outside the licensed location that is easily accessible to the public.
Subsection D/ Page 5	Requires restrictive/informative notices issued by DMV to be posted in prominent locations in the licensed location, classroom and any other business office. Also requires a copy of the license and any restrictive notices to be posted in classrooms and any other business office maintained by the school.
Subsection E/ Page 6	Outlines change of address notification requirements.
Subsection F/ Page 6	Outlines location requirements for a school’s licensed location, driving range, classroom and any other business office
<b>SECTION 30 – Business practices</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Pages 6-7	Outlines school naming requirements.
Subsection B/ Page 7	Outlines specific advertising requirements.
Subsection C/ Page 7	Prohibits schools from using false or misleading information.

<b>DETAIL OF PROPOSED DRIVER TRAINING SCHOOL REGULATIONS</b>	
Subsection D/ Pages 7-10	Lists various restricted actions and behaviors for schools, instructors owners and business managers.
Subsection E/ Page 10	Requires schools to provide original certificate of completion to students except when full tuition has not been paid by student. Requires no fee for original certificates.
Subsection F/ Page 10	Requires schools to keep and maintain driver training school manuals with materials provided and updated by DMV.
Subsection G/ Page 10	Outlines school location requirements. Prohibits parking of school vehicles on DMV property except for the purposes of conducting official business during normal business hours.
<b>SECTION 40 – Records to be maintained</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
No subsections/ Pages 10-11	Outlines school record keeping requirements.
<b>SECTION 50 – Availability of records; inspections and compliance reviews</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Pages 11-12	Outlines requirements and restrictions related to the inspection of records by DMV.
Subsection B/ Page 12	Outlines requirements and restrictions related to the inspection and compliance review of general business and school operations by DMV.
Subsection C/ Page 12	Outlines requirements and restrictions related to the inspection and review of records by DMV.
Subsection D/ Page 13	Outlines when compliance reviews may occur and written reporting requirements.
Subsection E/ Page 13	Outlines conduct requirements for school owners and personnel employed by the school when meeting with DMV personnel.
Subsection F/ Pages 13-14	Outlines requirements and restrictions related to the inspection of student records by students.
<b>SECTION 60 – School licensing requirements</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 14	Outlines general license application requirements.
Subsection B/ Pages 14-15	Lists what must accompany a school license application.
Subsection C/ Page 15	Outlines application submission requirements and approval/denial period.
Subsection D/ Page 15	Establishes the validity period for a school license at 12 months, and expiration of school licenses as the last day of the last valid month of the license period.
Subsection E/ Pages 15-16	Outlines insurance requirements specifically related to motor vehicles owned by schools.
Subsection F/ Pages 16-17	Outlines surety bond requirements.
Subsection G/ Pages 17-18	Outlines various reasons for denying an applicant a license.

<b>DETAIL OF PROPOSED DRIVER TRAINING SCHOOL REGULATIONS</b>	
Subsection H/ Page 18	Restricts CDL third-party testers from being licensed as Class A schools.
Subsection I/ Page 18	Outlines name/address or school license change requirements.
<b>SECTION 70 – School license renewal required</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Pages 18-19	Outlines renewal application requirements.
Subsection B/ Page 19	Outlines when DMV will provide license renewal notice.
<b>SECTION 80 – Transferability of school licenses</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 19	Outlines change of school ownership requirements.
Subsection B/ Page 19	Restricts school licenses from being sold, loaned, bartered or given by licensee or his agent to another school, individual, corporation, etc.
<b>SECTION 90 – School contracts</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 20	Outlines how basic contract requirements will be provided by DMV; what communications between schools and students related to course work or their contract with the school should include; and that contracts cannot place financial responsibility for accidents in school-owned vehicles on students or their parents.
Subsection B/ Page 21	Requires contractual elements related to employment agreements between schools and their independent contractors to be provided by DMV as part of the school application package.
Subsection C/ Page 21	Requires addenda to school contracts between schools and their independent contractors and between schools and students be approved by DMV.
Subsection D/ Page 21	Outlines certain contract and other requirements for driver training schools that conduct courses at private school facilities.
<b>SECTION 100 – General instructor licensing requirements</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 21	Outlines instructor application submission requirements.
Subsection B/ Page 22	Outlines instructor applicant requirements.
Subsection C/ Page 22	Outlines instructor employment requirements.
Subsection D/ Page 22	Outlines instructor’s ability-to-communicate requirements.
Subsection E/ Pages 22-23	Outlines in-vehicle instructor requirements.
Subsection F/ Pages 23-24	Outlines licensed instructor driving record requirements.



<b>DETAIL OF PROPOSED DRIVER TRAINING SCHOOL REGULATIONS</b>	
Subsection G/ Pages 24-25	Outlines additional application submission requirements, reasons for denying an application and reasons for suspending or revoking previously issued instructor licenses if licensee is convicted of any offense outlined in this section.
Subsection H/ Pages 25-26	Outlines certain convictions that allow for denial of instructor license applications.
Subsection I/ Page 26	Establishes minimum education requirements for an instructor license.
Subsection J/ Page 26	Establishes minimum training requirements for an instructor.
Subsection K/ Page 26	Allows for DMV to set and prorate fees for instructor licensure and requires instructor’s license period to run concurrent with school licensure period.
Subsection L/ Page 26	Requires instructor applications be submitted to DMV by schools employing instructors and requires DMV to approve or deny the applications within 10 business days.
Subsection M/ Page 26	Requires instructors to have license on their person at all times while providing school instruction.
Subsection N/ Page 26	Outlines change of address notification requirements for licensed instructors.
Subsection O/ Page 27	Outlines change-of-address requirements for licensed schools.
<b>SECTION 110 – Instructor license renewal</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 27	Outlines instructor license renewal application requirements.
Subsection B/ Page 28	Prohibits instructors from providing training upon expiration of their license. Also prohibits renewal of an instructor’s license if the employing school’s license is not renewed.
Subsection C/ Page 28	Outlines instructor license renewal notice requirements for DMV and instructors.
<b>SECTION 120 – Change in instructor employment</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
No subsections/ Page 28	Outlines restrictions on instructor licensure when changing jobs from one driver training school to another.
<b>SECTION 130 – Notice required to the department</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 28	Outlines notice requirements for schools when an instructor no longer works at school.
Subsection B/ Pages 28-29	Outlines notice requirements for schools when they go out of business.
Subsection C/ Page 29	Outlines notice requirements for schools that change their facilities.
<b>SECTION 140 - Fees</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
No subsections/ Page 29	Outlines how various fees are established.

<b>DETAIL OF PROPOSED DRIVER TRAINING SCHOOL REGULATIONS</b>	
<b>SECTION 150 – General equipment requirements</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 30	Outlines basic overall equipment responsibilities of schools.
Subsection B/ Page 30	Outlines minimum vehicle safety equipment.
<b>SECTION 160 – Sanctions for violations of statutes and regulations</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 30	Outlines DMV’s general sanctioning authority for statutory and regulatory violations. Also set out under what circumstances DMV may taken action without first offering the opportunity for a hearing.
Subsection B/ Page 31	Outlines when DMV may suspend, revoke or refuse to license a school. Specifies when a school owner is responsible for the acts of his instructors.
Subsection C/ Page 31	Outlines license, form, document and record return requirements for a school in the event DMV revokes or refuses to renew its license.
<b>PART II. SPECIFIC REQUIREMENTS RELATED TO CLASS A LICENSURE</b>	
<b>SECTION 170 – Curriculum requirements for Class A licensed schools</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
No subsections/ Pages 31-32	Outlines general course curricula requirements for Class A licensed schools.
<b>SECTION 180 – Class A instructor license requirements</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Pages 32-33	Outlines specific Class A instructor applicant qualifications and requirements.
Subsection B/ Pages 33-34	Outlines in-service instructor training requirements.
<b>SECTION 190 – Equipment requirements for Class A licensed schools</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 34	Outlines signage requirements for vehicles used by Class A licensed schools.
Subsection B/ Page 34	Specifies safety belt requirements for vehicles used by Class A licensed schools.
Subsection C/ Page 34	Requires valid inspection stickers for vehicles used by Class A licensed schools.
<b>PART III. SPECIFIC REQUIREMENTS RELATED TO CLASS B LICENSURE</b>	
<b>SECTION 200 - Curriculum requirements for Class B licensed schools</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 35	Requires course instruction to comply with the current “Curriculum and Administrative Guide for Driver Education in Virginia” and the regulations.
Subsection B/ Page 35	Outlines when and how DMV will provide and update course curriculum requirements.
Subsection C/ Page 35	Requires the length of daily instruction to comply with the current “Curriculum and Administrative Guide for Driver Education in Virginia” and the regulations.

<b>DETAIL OF PROPOSED DRIVER TRAINING SCHOOL REGULATIONS</b>	
Subsection D/ Pages 35-36	Outlines the student occupancy requirements for in-vehicle instruction. Also provides for one-on-one training with a written release from the student’s parents or legal guardian when student is not married or emancipated.
Subsection E/ Page 36	Except for one-on-one training, requires a student under 19 years of age to ride in the back of the vehicle until another student is present in the vehicle.
Subsection F/ Page 36	Outlines what does not constitute observation time.
Subsection G/ Page 36	Requires students under 19 years of age to receive in-vehicle instruction with other students under 19 years of age.
<b>SECTION 210 - Class B instructor requirements</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
No subsections/ Pages 36-37	Outlines requirements for applicants for Class B instructor licenses relying upon valid Virginia teaching license with driver’s education endorsement.
<b>SECTION 220 - Equipment requirements for Class B licensed schools</b>	
<b>Subsection/Page(s)</b>	<b>Brief Summary of Change</b>
Subsection A/ Page 37	Outlines signage requirements for vehicles used by Class B licensed schools.
Subsection B/ Page 37	Outlines safety requirements for vehicles used by Class B licensed schools.
Subsection C/ Pages 37-38	Outlines school vehicle exemption for disabled students.
Subsection D/ Page 38	Except as otherwise provided by the regulations, requires vehicles used by Class B licensed schools to be owned and leased by the schools.
Subsection E/ Pages 38-39	Outlines inspection and registration requirements for vehicles used by Class B licensed schools.