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Final Regulation Agency Background Document

Agency name	Department of Motor Vehicles
Virginia Administrative Code (VAC) citation	24VAC20-120
Regulation title	Commercial Driver Training School Regulations
Action title	Repeal current regulations and promulgate new regulations to reflect recent statutory changes to the program
Date this document prepared	April 13, 2007

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

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Department of Motor Vehicles (DMV) is repealing its existing driver training school regulations and promulgating new regulations (for more details, see the submission for the final regulation number 24 VAC 20-121, entitled "Virginia Driver Training School Regulations" set forth below) 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 repeals the existing driver training school regulations.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On April 13, 2007, the Department of Motor Vehicles repealed the Commercial Driver Training School Regulations.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 numbers, if applicable, and (2) promulgating entity, i.e., 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. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss 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 final submission set forth below). The new regulations replace the one being repealed.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

This final regulatory action repeals 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 there are no disadvantages to the public or the Commonwealth, please indicate.*

The repeal of these regulations parallels the promulgation of regulation number 24VAC20-121, entitled "Virginia Driver Training Regulations" (for more details, see the final submission for those regulations set forth below). The new regulations replace the existing regulations 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.

The primary advantage of these regulations to DMV and the Commonwealth is that the agency will be better able to maintain higher driver training standards once the regulations are in place.

Perhaps the only disadvantage of the proposed 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.

It is worth noting that DMV developed these regulations utilizing advisory groups made up of Class A and Class B school and instructor licensees. Their consensus input and support has been invaluable during the promulgation process associated with these regulations and is vital to the success of the driver training program.

There are no disadvantages to the public at large and the Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

This final regulatory action repeals the existing driver training school regulations.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

See the Public Comment section for regulation number 24VAC20-121, entitled “Virginia Driver Training Regulations” set forth below.

All changes made in this regulatory action

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

This final regulatory action repeals the existing driver training school regulations.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The repeal of these regulations parallels the promulgation of regulation number 24VAC20-121, entitled “Virginia Driver Training Regulations” (for more details, see the final submission for those regulations set forth below). The new regulations replace the existing regulations being repealed.

Prior to and during the development of the proposed regulations, DMV engaged the driver training schools it regulates in a dialog to determine better business practices from DMV’s and the schools’ standpoint. From DMV’s standpoint, the focus has been on maintaining appropriate levels of oversight to ensure the public safety aspects of the training are being met. From the school’s standpoint, the focus has been on consistent and expeditious processes and procedures to keep their bottom lines from sinking.

These dialogs and the promulgation process associated with these regulations have allowed DMV to develop compliance and reporting requirements that meet its needs and the needs of the schools. In addition, DMV has built-in less stringent deadlines for its license application and renewal processes that provide more advanced notice to the schools. Suggestions about consolidating or simplifying compliance and reporting requirements during the statewide public hearings are being adopted and will help DMV ensure that once the new regulations are in place, reporting requirements are consistent and in sync with the schools’ expressed needs.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and

one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The repeal of these regulations parallels the promulgation of regulation number 24VAC20-121, entitled "Virginia Driver Training Regulations" (for more details, see the final submission for those regulations set forth below). The new regulations replace the existing regulations being repealed.

This final regulatory action 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 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, thereby increasing overall disposable family income.



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The Department of Motor Vehicles is repealing its existing driver training school regulations and promulgating new regulations to address the needs of novice drivers of passenger and commercial motor vehicles, and the driving public in general.

The final regulations set forth licensing requirements for general driving instructors, and Class A (commercial motor vehicle training) and Class B (passenger vehicle training) driver training schools; establish business office and classroom requirements and business practices; specify recordkeeping requirements, including availability of records, and inspection and compliance reviews; establish school licensing requirements, including school license renewal and transfer provisions; set forth school contract requirements; establish a driver training school fee schedule; and provide for sanctions for violations of statutes or regulations. Notable changes to the existing regulations include requiring national criminal records checks and mandatory continuing education for driving instructors.

Changes made to the proposed regulations include:

- Requiring schools to provide written agreements associated with the use of classrooms, driving simulators and other facilities they utilize;
- Allowing DMV to prescribe the manner in which completion certificates may be provided to students by the schools;
- Requiring schools that have filed for bankruptcy to notify DMV within 15 days of the filing, and to provide, among other things, information about the financial status of the company and how the filing might affect past, present and future students;
- Requiring each school owner to be responsible for the acts of any instructor performing within the scope of his duties as an instructor;
- Requiring Class A schools to provide written agreements associated with the use driving ranges; and
- Allowing DMV, pursuant to § 46.2-1702, to establish curriculum requirements other than the current Department of Education curriculum for Class B courses.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On April 13, 2007, the Department of Motor Vehicles adopted the final Virginia 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 numbers, if applicable, and (2) promulgating entity, i.e., 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. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss 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.

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 157 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.

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 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 DMV-licensed driver training schools.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

Section number	Requirement at proposed stage	What has changed	Rationale for change
20 A	Provide, in writing, addresses and physical locations of classrooms, driving ranges, driving simulators and other	Removes driving ranges from these general requirements and includes them under specific Class A requirements; adds a requirement to provide written	Driving ranges are utilized by Class A schools only; based on a suggestion made during the public hearings that use

	facilities utilized by schools	agreements associated with the use of classrooms, driving simulators and other facilities utilized by schools	agreements be included to ensure schools have authority to use driving ranges or other facilities
30 E	Requires schools to provide students with certificates within five days of successfully completing the program requirements, except when tuition is not paid	Allows for DMV to prescribe the manner in which the certificates may be provided	Will allow DMV to permit the use of a variety of methods by which these certifications may be provided by the school, including by electronic means
130 D	Not a previous requirement	Requires schools that have filed for bankruptcy to notify DMV within 15 days of the filing, and to provide, among other things, information about the financial status of the company and how the filing might affect past, present and future students	Helps alert DMV about the financial instability of a school; based on a suggestion made during the public hearings
160 B	<p>Allows for DMV to sanction a school licensee that is an association, partnership, corporation or other business entity if any officer, director, instructor, employee, or any trustee or member of a partnership or corporation commits any act or omits any duty which would be cause for suspending, canceling, revoking, or refusing to renew a license issued to him as an individual under the laws and regulations pertaining to driver training schools.</p> <p>In addition, this section requires each school owner to be responsible for the acts of any instructor while acting as the owner's agent when (i) the owner approved of those acts, or had knowledge of those acts or other similar acts, and (ii) after such knowledge retained the benefit, proceeds, profits or advantages accruing</p>	<p>Removes school instructors and employees from the list of people whose acts could result in sanctions.</p> <p>Changes member of a partnership or corporation to partner or majority or controlling shareholder of a partnership or corporation, or member of an association or controlling person in any other business entity.</p> <p>Requires each school owner to be responsible for the acts of any instructor performing within the scope of his duties as an instructor.</p>	<p>Narrows the scope of the sanctioning authority by eliminating school instructors and employees from the list of people whose acts could result in sanctions.</p> <p>Clarifies that the sanctioning authority applies to a partner or majority or controlling shareholder of a partnership or corporation, or member of an association or controlling person in any other business entity.</p> <p>Broadens the scope of the sanctioning authority by eliminating the conditions under which responsibility for an instructor's acts would apply to the school owner.</p>

	from those acts or otherwise ratified those acts.		
190 D	Not a previous requirement under this section	Requires schools to provide written agreements associated with the use driving ranges. Also requires approval from DMV prior to use of a driving range.	Driving ranges are utilized by Class A schools only; based on a suggestion made during the public hearings that use agreements be included to ensure schools have authority to use driving ranges
200 A & C	Requires use of current Department of Education curriculum for Class B programs	Allows for DMV, pursuant to § 46.2-1702, to establish curriculum requirements other than the current Department of Education curriculum for Class B programs	Provides more program flexibility by allowing for the use of comparable curricula; based on a suggestion made during the public hearings

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 there are no disadvantages to the public or the Commonwealth, please 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. The regulations 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.

The primary advantage of these regulations to DMV and the Commonwealth is that the agency will be better able to maintain higher driver training standards once the regulations are in place.

Perhaps the only disadvantage of the proposed 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.

It is worth noting that DMV developed these regulations utilizing advisory groups made up of Class A and Class B school and instructor licensees. Their consensus input and support has been invaluable during the promulgation process associated with these regulations and is vital to the success of the driver training program.

There are no disadvantages to the public at large and the Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
20 A *	<p>1. Provide, in writing, addresses and physical locations of classrooms, driving ranges, driving simulators and other facilities utilized by schools</p> <p>2. Allows for a school owner’s residence to, in part, be used as the licensed location of a school if it qualifies for a federal tax deduction of expenses related to the business use of part of the residence and meets the established place of business requirements set forth in the regulations</p>	<p>1. Removes driving ranges from these general requirements and includes them under specific Class A requirements; adds a requirement to provide written agreements associated with the use of classrooms, driving simulators and other facilities utilized by schools</p> <p>2. Removed the “in part” qualifier, so it allows for a school owner’s residence to be used as the licensed location of a school if it qualifies for a federal tax deduction of expenses related to the business use of part of the residence and meets the established place of business requirements set forth in the regulations</p>	<p>1. Driving ranges are utilized by Class A schools only; based on a suggestion made during the public hearings that use agreements be included to ensure schools have authority to use driving ranges or other facilities</p> <p>2. Clarifies the purpose of the provision; based on questions raised during the public hearings</p>
20 B (3)	Requires schools to provide classrooms that include, among other things, driver education reference books, including student work books	Modifies requirement to reflect these reference books should be provided by schools, when applicable	Clarifies that schools do not have to supplement reference materials already part of the curriculum being used; based on a suggestion made during the public hearings
20 C	Requires posting of office and instruction hours of school	No significant change to the requirements	Better clarifies office hours requirements
30 D (11)	Prohibits schools and their employees from having, using, keeping or being under the influence of drugs or other substances that would affect a person’s ability to drive while on the premises of the school or in vehicles used by the school	No significant change to the requirements	Better clarifies the requirements

Section number	Requirement at proposed stage	What has changed	Rationale for change
30 E *	Requires schools to provide students with certificates within five days of successfully completing the program requirements, except when tuition is not paid	Allows for DMV to prescribe the manner in which the certificates may be provided	Will allow DMV to permit the use of a variety of methods by which these certifications may be provided by the school, including by electronic means
30 G	Prohibits schools from providing training on DMV property or over its test routes	Allows for training over DMV test routes	Prohibition was unnecessary and unenforceable; based on a suggestion made during the public hearings
60 E	Requires minimum insurance coverage for a school's training vehicles	No significant change to the requirements	Better clarifies the requirements
90 D	Allows for licensed driver training schools to conduct training courses at private schools pursuant to written contract	Allows for licensed driver training schools to conduct training courses at public or private schools	Clarifies the intention of the subsection; based on a suggestion made during the public hearings
100 I	Allows for DMV, as it deems necessary, to charge instructors attending mandatory training sessions for any materials provided by DMV during the training session	This provision has been removed	Since it is very unlikely that DMV will ever charge for materials it provides at these training sessions, the provision was taken out
130 D *	Not a previous requirement	Requires schools that have filed for bankruptcy to notify DMV within 15 days of the filing, and to provide, among other things, information about the financial status of the company and how the filing might affect past, present and future students	Helps alert DMV about the financial instability of a school; based on a suggestion made during the public hearings
140	Sets fees for (i) the upgrade of a school license during licensure period in order to teach students under age 19 and (ii) transferring an instructor's license from one school to another (both \$25 fees)	These provisions have been removed	Since these fees have been made redundant by the new regulations, they have been taken out
150 A	Was not a general requirement in the proposed regulations; only applied to Class B vehicles	Requires motor vehicles used for driver education to be owned or leased in the name of the licensed school or the school owner as indicated on the application for the school license.	This general requirement is in the current regulations and was inadvertently left out of the general requirements in the proposed regulations

Section number	Requirement at proposed stage	What has changed	Rationale for change
150 B	Requires schools to have minimum safety equipment in training vehicles	No significant change to the requirements	Better clarifies the requirements; based on a suggestion made during the public hearings
160 B *	<p>Allows for DMV to sanction a school licensee that is an association, partnership, corporation or other business entity if any officer, director, instructor, employee, or any trustee or member of a partnership or corporation commits any act or omits any duty which would be cause for suspending, canceling, revoking, or refusing to renew a license issued to him as an individual under the laws and regulations pertaining to driver training schools.</p> <p>In addition, this section requires each school owner to be responsible for the acts of any instructor while acting as the owner's agent when (i) the owner approved of those acts, or had knowledge of those acts or other similar acts, and (ii) after such knowledge retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts.</p>	<p>1. Removes school instructors and employees from the list of people whose acts could result in sanctions.</p> <p>2. Changes member of a partnership or corporation to partner or majority or controlling shareholder of a partnership or corporation, or member of an association or controlling person in any other business entity.</p> <p>3. Requires each school owner to be responsible for the acts of any instructor performing within the scope of his duties as an instructor.</p>	<p>1. Narrows the scope of the sanctioning authority by eliminating school instructors and employees from the list of people whose acts could result in sanctions.</p> <p>2. Clarifies that the sanctioning authority applies to a partner or majority or controlling shareholder of a partnership or corporation, or member of an association or controlling person in any other business entity.</p> <p>3. Broadens the scope of the sanctioning authority by eliminating the conditions under which responsibility for an instructor's acts would apply to the school owner.</p>
180 A	Requires applicants for a Class A instructor's license who hold a valid commercial driver's license from a state other than Virginia at the time of licensing to maintain its validity throughout the entire licensure period; also	No significant change to the requirements	Better clarifies the requirements

Section number	Requirement at proposed stage	What has changed	Rationale for change
	requires these applicants to provide DMV a copy of their driving record from that other state upon application and, if licensed as a Class A instructor by DMV, on a quarterly basis thereafter.		
190 B	Not a requirement in the proposed regulations	Requires that no more than four students and one instructor occupy the cab of a vehicle used by a Class A school for driver education or testing purposes during periods of instruction	This is a requirement under the current regulations that was inadvertently left out of the proposed regulations; also based on a suggestion made during the public hearings
190 C	Not requirements in the proposed regulations	In addition to other equipment required by law, requires each vehicle used for Class A driver education to have dual braking capability.	This requirement is in the current regulations and was inadvertently left out of the proposed regulations
190 D *	Not a previous requirement under this section	Requires schools to provide written agreements associated with the use driving ranges. Also requires approval from DMV prior to use of a driving range.	Driving ranges are utilized by Class A schools only; based on a suggestion made during the public hearings that use agreements be included to ensure schools have authority to use driving ranges
200 A & C *	Requires use of current Department of Education curriculum for Class B programs	Allows for DMV, pursuant to § 46.2-1702, to establish curriculum requirements other than the current Department of Education curriculum for Class B programs	Provides more program flexibility by allowing for the use of comparable curricula; based on a suggestion made during the public hearings
200 D, E & F	Outlines requirements for one-on-one driver training instruction	Specifies that students 18 years of age or older may have one-on-one driver training; clarifies and corrects certain references to subsection D	Better clarifies the requirements and references to them
220 D	Except for those vehicles used to train disabled students, requires motor vehicles used for Class B driver education to be owned or leased in the name of the licensed school or the school owner as	The requirement has not changed, but was removed from this section and added to the general equipment requirements (section 150 A)	This general requirement is in the current regulations and was inadvertently left out of the general requirements in the proposed regulations

Section number	Requirement at proposed stage	What has changed	Rationale for change
	indicated on the application for the school license.		

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

The following are summaries of the six statewide public hearings held during the 60-day public comment period:

Proposed Driver Training Schools Regulations Public Hearing Summary Bristol DMV District

Date: Wednesday, August 30, 2006

Location: Washington County Public Library
205 Oak Hill Street
Abingdon, VA 24210

Attendees:

Jack Hoback – Alliance Corporation II
Robert Albin – Alliance Corporation II
Carter McGlothlin – Tri-County Driving Academy
Keith Vance – Professional Driver Educators of Virginia
Bob Albert – Keith’s Consolidated Driver Education

DMV Representatives:

James Junius – Deputy Director, Driver Services Administration
Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services
Donnie Moorehead – Driver Licensing Quality Assurance Supervisor
Steve Ayres – Driver Licensing Quality Assurance Specialist
Teresa Hurley – Driver Licensing Quality Assurance Specialist
Vicky Percy – Driver Licensing Quality Assurance Specialist

Summary of Meeting:

Introductions and General Comments

Mr. Junius convened the public hearing at 11:00 AM. Because of the small size of the group, he had everyone introduce themselves.

After introductions, Mr. Junius turned the proceedings over to Mr. Copeland, who explained the reason for the public hearing and provided information on the regulatory process in general. He told the group that the hearing would start with general comments, then continue with a section-by-section review of the proposed regulations.

Mr. McGlothlin (introduced by Mr. Copeland as a panel member who served on the Class A Advisory Board) observed that the time spent on commercial vehicle training in backing techniques should be reduced to allow for more forward-motion training time. He noted that very few people are going to be injured or killed backing up. He said that he thought Virginia would improve the quality of its student’s driving by adding to their driving up and down the highway and in towns and on two lane roads.

There were no other general comments.

Section-by-Section Review

The section-by-section review began at Part I (General Provisions) of the regulations. No questions or comments were received from Section 10 through Section 80 of the proposed regulations.

At Section 90, School contract, Mr. Moorehead asked what it meant to have a standard format for the contract, as approved by the department. He wondered if every school contract would be worded the same.

Ms. Waller explained that DMV would require standard elements of the contract, such as the name of the school at the top, where the toll-free number is displayed and other elements that must be included in the contract. Mr. Copeland added that it would not control what was set forth in the contract, but that it would just make certain elements consistent.

No questions or comments were received from Section 100 through Section 160 of the proposed regulations. That completed Part I of the proposed regulations.

The section-by-section review continued at Part II (Specific Requirements Related to Class A Licensure) of the regulations, beginning with Section 170, Curriculum requirements for Class A licensed schools.

After receiving no questions or comments, Mr. Copeland explained that DMV had met with its Class A Advisory Panel members (which included Mr. McGlothlin) several weeks ago and developed the curriculum elements prescribed by Section 170. He noted that copies of the curriculum requirements were available at the front to the hearing room. He added that, for the most part, the requirements are the same as what is required by the current regulations with a few additions relating to minimum hours for overall course work, skills training and classroom training, and a minimum overall number of miles driven as part of the curriculum. He further explained that there are also property-carrying and passenger-carrying vehicle training requirements not included in the current regulations.

Ms. Waller added that the requirements are intended to be in a separate document from the regulations so when we require that a school add information or elements to its curriculum, DMV will not have to go through a regulatory process to update them. She pointed out that Mr. McGlothlin had earlier mentioned concerns about the time spent on backing maneuvers. She explained that although that instructional component is required, DMV does not specify how much time has to be spent on the backing maneuvers as long as the training is provided.

Mr. McGlothlin asked if people who hold their learner's permit for 30 days would be able to obtain A CDL without having to complete a Class A course.

Mr. Copeland responded that even if someone holds their learners for 30 days, they would still have to come in to take and pass the knowledge and skills test before they get their CDL.

Mr. McGlothlin replied that those individuals who do not take the Class A course would not have the same background and knowledge as those who take the course.

Mr. Junius said that was an issue that has been discussed at DMV for a long time, especially with all the requirements for persons who do choose training over holding the learner's permit for a 30 day period. He explained that there is an initiative under consideration that could require all adults to take driver training before they are eligible to take DMV tests for a driver's license. He further explained that there is also another initiative to require adults who fail the DMV driving test two or three times would be required to take a driver education course before attempting the test again. Mr. Junius noted that it seems like everyone is going in the right direction, however he didn't think that commercial drivers are included in either one of those initiatives.

Ms. Waller confirmed that they were not included at this point, but that it her understanding that it remained a possibility.

Mr. Copeland added that there are members of the General Assembly that are paying attention to the issue, and that he suspected that some kind of proposal would be offered, but that it obviously is not up to DMV to decide what will be in the final bill. He said DMV can certainly make some recommendations and can pass along the concerns heard in this hearing.

Mr. Albin asked how it was determined that both classroom and in-vehicle instruction for Class A schools would be limited to a total of 8 hours daily. He explained that his school has been operating for 25 years and has been operating on a 10-hour day since it began operations. He wanted to know if there would be a waiver to allow for his school to continue to operate on a 10-hour day.

Mr. Copeland answered that the eight-hour limit came from the Class A Advisory Group.

Mr. Albin said that his company Alliance has been in business for 25 years and had never been invited to any meetings. He said the only thing Alliance had received was the original proposal back in March. He reiterated that Alliance had never been invited to attend any advisory group meetings.

Mr. Copeland explained that the advisory group of about 15 schools and other organizations was developed randomly from a variety of school sizes, and that the size of the advisory groups was limited because DMV wanted them to be manageable. He added that there was no intent to exclude anyone.

Mr. Albin asked how many different companies were represented on the advisory panel.

Mr. Copeland explained again that a random selection process was used by DMV, attempting to provide a representative sample of the various schools licensed by DMV. A specific number of schools was not readily available, but Ms. Waller thought there were 12 schools represented.

Mr. Albin again asked about the eight-hour training limit, explaining that his company would have to change from a 4-week program to a 5-week program.

Mr. Junius told him that the discussion with the Class A Advisory Group concluded that more than 8 hours is too much time for the driver.

Mr. Albin said that it might be fine for other companies, adding that Mr. Kovak could explain how well the 10-hour schedule worked for Alliance for 25 years and that the DMV examiners could comment on what they've observed by coming to our facility over those years.

Mr. Copeland told Mr. Albin that the purpose of the meeting was to review the proposed regulations and obtain comments and that none of what was proposed was set in stone.

Mr. Albin said that was good, and that that was the first time anyone has said that and he guessed that was what he wanted to hear from DMV.

Mr. Copeland apologized, explaining to Mr. Albin that the proposed regulations are an unfinalized draft that is being reviewed with the public and businesses that are impacted to get their feedback on it.

Mr. Albin said Alliance wouldn't be opposed to allowing for an exemption from the eight hour training limit or having DMV come down and look at the operations in order to allow Alliance to continue doing what it has been doing for 25 years.

Mr. Copeland said that was an excellent point and that it was appreciated.

Mr. Junius also added that Mr. Albin made a good point and that DMV would take a look at and consider it.

No questions or comments were received for Section 180 and Section 190 of the proposed regulations. That completed Part II of the proposed regulations.

The section-by-section review continued at Part III (Specific Requirements Related to Class B Licensure) of the regulations, beginning with Section 200, Curriculum requirements for Class B licensed schools.

Mr. Vance said he was pretty happy with the adjustments made by DMV and that he appreciated the consideration that has been taken by the DMV especially for the one student in the car. He said he was not really excited about the three students in the car and that there should be a little consideration to that also since the Board of Education made the excuse to change it because there are only two seat belts in the back. He explained that most of the cars now come with harnesses. Mr. Vance further explained that his instructors didn't have students meeting them at a certain place; they have to pick up and drop off. He said no one wanted to ride with three people in the back seat because it is not good for the car and it is not good for gas mileage. He said it is crowded and an instructor can't deal with four people. Mr. Vance continued to say that if an instructor is running late, and they are going by a student's house that they have to pick up in 30 minutes, and they know they can't get back to it for an hour, they should be able to pick them up assuming they have enough seating equipped with safety belts. He said he did not think instructors should be allowed to ride around with four students in the car. It would be hard to deal with them for the required training and observation periods. He said those were the only things that he had some objection to.

Mr. Junius said that he wanted to make sure that he understood what Mr. Vance said. He asked that for the purposes of instruction, did Mr. Vance agree with limiting the number of students in the vehicle to three students?

Mr. Vance said absolutely.

Mr. Junius continued the clarification by saying that for the purposes of picking up and dropping off students, Mr. Vance would like to have the ability to have four students in the vehicle.

Mr. Vance said if necessary, and that he just did not want the ability to have to ride around with four students in the car.

Mr. Junius asked when the four students are in the car, would an instructor be giving instructions?

Mr. Vance said no, it would happen when an instructor was picking them up early so that they are not late picking them up. He added that as far as them being in the car a little longer, an instructor can only accredit 50 minutes of driving and 50 minutes of observation in a day, so students are not going to get credit for two hours of driving and two hours of observation, that is illegal to do that so they wouldn't be getting that. He said that there are no restrictions as to how long you can keep that person in the car so he did not think there should be.

Mr. Junius thanked him.

Mr. Copeland explained that DMV is considering adding to this section an adult certificate course curriculum requirement. He said the curriculum requirements are focused on juvenile training, and that adults are not allowed to get a certificate to exempt them from the skills test at DMV. He went on to say that DMV would like to add into this section the ability for driver training schools to offer an adult certificate course which will be the same as the curriculum for the juvenile course with the following exceptions: (1) instead of 7 periods of skills and 7 periods of observation, it will be at 14 periods of skills just for adults; (2) there will be extended time in the vehicle, beyond the 50 minutes; and (3) there will extended classroom time beyond the 50 minutes that the juveniles take. Mr. Copeland said he hoped

those kinds of classes would be of value to the Class B schools. He said DMV thought it would be of value, particularly if an adult whose has no driving training will be able to get this kind of training. He added that DMV was scheduling a meeting at the end of the month during the 60 day comment period with the Class B advisory group to discuss the course requirements. He said DMV did want to raise this in the public hearing setting so that everyone attending heard about it and could react to it.

Mr. Vance indicated he had been working on requiring driver training prior to licensure for adults and juveniles for many years. He spoke of the public safety aspects of driver training and how important it was. He cited various statistical data from unknown sources and other unreferenced information about other states' approaches to driver training.

Mr. Albert asked if the initiatives DMV had mentioned were just for applying for a driver's license or for seniors having trouble in their golden years. He said his grandfather was 90 years old and has been driving for 10 years with a vision problem and he keeps getting a license.

Mr. Junius said that the initiatives that were discussed earlier were for people applying for a driver's license for the first time. He said that Mr. Albert's situation would come under medical review if it's brought to DMV's attention. He explained that someone must notify DMV of the situation and that physicians are reluctant to initiate and respond to the request that they do. Mr. Junius said that Mr. Albert, as a family member could bring the request to DMV's attention and then DMV can require certain procedures, such as a medical assessment.

Mr. Copeland clarified that the discussions were about an addition to the proposed regulations to have an adult certificate course.

Mr. Vance said that he knew that a member of the General Assembly was looking at licensure of senior citizens and age issues and that there may be a bill coming up in the 2007 session.

The section by section review continued. No questions or comments were received for Section 210 and Section 220 of the proposed regulations. That completed Part III, the last part of the proposed regulations.

Mr. Copeland asked if any one had any final comments to make.

Mr. McGlothlin suggested that it might be a good idea to require a drug test before obtaining a driver's license, just like a CDL. He thought it would really raise the bar in Virginia.

Mr. Junius thanked everyone for attending the public hearing, saying DMV received some exceptional feedback and was grateful for it.

Mr. Vance rose and said he wanted to go back to the audit process. He said the audit is an insult and a waste of time. He said he was audited for four days at his school going through 1,900 files and the auditor told him he was missing a lot of files. He said those files are with the 17 instructors he employs and not in the office where the auditor can find them, so naturally he is going to be missing a lot of files. He also wondered why DMV had to go through 1,900 files. He said if someone has no reason to be doubted, why demoralize and demean and come in and waste taxpayers time and DMV auditor's time. He said there are some things in the audit that should be changed to make it friendlier towards the schools.

Ms. Waller thanked Mr. Vance noting that he has addressed those concerns in the past. She went on to explain that the purpose of the audit is for accountability and to address parental complaints and concerns about the training. She said DMV's intent was not to demean a school or implicate that it isn't doing what it is suppose to do. She told him DMV has to ensure that the students are receiving the proper amount of instructions according to the regulations and that the schools are meeting the licensing requirements. She continued to explain that the auditor is not working against the school, but trying to

help it maintained better records. She said the regulations require that a school keep its records in the place of business so that DMV can retrieve them easily and look at the files, adding that some schools, like Mr. Vance's, are larger than others and will take more time to review files. She went on to say that while DMV can and does sometimes remove files from a school for a period of time to make photocopies, the auditors do call in advance of an audit, and will provide a school with a needed file if the school contacts them. Ms. Waller told him that DMV was looking at its forms and has made some recommended changes to the forms that instructors fill out everyday to record the student's performance. She said these changes and the accompanying audits help parents, students, schools, instructors and DMV.

Mr. Albert stated that as he understood it, removing the files from the office, according to regulations, is only going to be done if we are unable to make duplicates at the time.

Ms. Waller said that was correct, only if a school doesn't have a copier.

Mr. Junius responded to Mr. Vance, telling him DMV is trying to be friendlier. He said that unfortunately, from time to time, individuals are found to not quite be doing what they are required to do. He said DMV does respond to the comments that it receives from the schools in how we do business, and hopefully, by analyzing those interactions and responding where we can, DMV and the schools will have a better relationship, working as one, with a focus on highway safety, which is what DMV is all about.

Mr. Junius asked if there were any other comments or questions, and not hearing any, thanked everyone for attending.

Mr. Copeland explained the regulatory process in terms of where the proposed regulations were in the process and what was coming next. He noted that the comment period ends October 6th and that there will still be opportunity to make comments during the final adoption period.

Mr. Junius then adjourned the meeting.

**Proposed Driver Training Schools Regulations Public Hearings Summary
Roanoke DMV District**

Date: Thursday, August 31, 2006

Location: Roanoke County Administration Center
5204 Bernard Drive
Roanoke, VA 24218

Attendees: Karen McWhorter – Alert Driver Training, Vinton
Steve Roberson – Learn Right Driving School
Keith Vance – Professional Drivers Education of Virginia
Bob Albert – Keiths Consolidated Driver Education
Harry Seay, Jr. – Road Pro Commercial Truck Training
Lynn Zimmerman – Alert Driver Training
Steve Parker – Advantage Driver Training
Vicki Osborne – Driving for All Ages, Inc.
Nancy Childress – Roanoke Valley Driver Training School
Sherri Blevins – New River Valley Driving School

DMV Representatives: James Junius – Deputy Director, Driver Services Administration
Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services
Judy Johnston - Driver Licensing Quality Assurance Supervisor

Summary of Meeting:

Introductions and General Comments

Mr. Junius convened the public hearing at 11:00 a.m.

After introductions, Mr. Junius turned the proceedings over to Mr. Copeland, who explained the reason for the public hearing and provided information on the regulatory process in general. He told the group that the hearing would start with general comments, then continued with a section-by-section review of the proposed regulations.

Ms. Blevins wanted to know if the attendees would be able to go back and ask questions after a section had been reviewed.

Mr. Copeland responded that the DMV hearing panel would go back to a previous by reviewed section to answer any questions.

There were no other general comments.

Section-by-Section Review

The section-by-section review began at Part I (General Provisions) of the regulations. No questions or comments were received from Section 10 through Section 160 of the proposed regulations. That completed Part I of the proposed regulations.

The section-by-section review continued at Part II (Specific Requirements Related to Class A Licensure) of the regulations, beginning with Section 170, Curriculum requirements for Class A licensed schools.

After receiving no questions or comments, Mr. Copeland explained that DMV had met with its Class A Advisory Panel and developed the curriculum elements prescribed by Section 170. He noted that copies

of the curriculum requirements were available at the front of the hearing room. He added that, for the most part, the requirements are the same as those required by the current regulations with a few additions relating to minimum hours for overall course work, skills training and classroom training, and a minimum overall number of miles driven as part of the curriculum. He further explained that there are also property-carrying and passenger-carrying vehicle training requirements not included in the current regulations. Mr. Copeland stated that in a previous public hearing in Abingdon VA, a Class A school thought that the minimum 8 hours should be extended to 10. He stated that while consideration would be given to all comments received, we would be receiving more input as we conduct hearings throughout the state.

After receiving no comments, the section-by-section review continued with Section 180 and Section 190. No comments were made for either section. That completed Part II of the proposed regulations.

The section-by-section review continued at Part III (Specific Requirements Related to Class B Licensure) of the regulations, beginning with Section 200, Curriculum requirements for Class B licensed schools.

After reviewing no questions or comments, Mr. Copeland introduced the concept of an adult certificate course. The adult training curriculum is still the same as the juvenile training curriculum, however, training would consist of 14 hours of skills training, extended classroom and vehicle instructional hours for adults with the driver training school conducting the skills examination. Mr. Copeland added that we will be conducting a meeting with the Class B Advisory Board Panel members during the 60-day comment period to discuss this matter further. Mr. Copeland further explained that if an adult completed the proposed course, they would be exempt from taking the skills test at DMV when applying for a driver's license.

James Junius stated that the agency has not outlined the specifics, however, the adults who complete the training would be exempt from being tested by DMV when they apply for a license. He mentioned that this was an opportunity for the Class B schools to conduct adult training, but that juvenile training would remain the same.

Ms. Blevins asked, for clarification, if the proposed adult course would be for students 19 years of age and older and that in-vehicle training would consist of 14 periods. She also asked if they would be required to complete classroom training in extended hours.

Mr. Junius explained that it would be the same as juvenile training with the exception that there would be no observation requirement for adults. He explained that adults would have to complete 14 periods of in-car instruction and the sessions would be more than the 50-minute sessions required for juveniles. Mr. Junius added that specifics have not been finalized.

Ms. Waller added that juveniles can only receive two 50-minute sessions in 24 hours, but that the adult training hours would be extended. Ms. Waller added that recommendations would be welcomed.

Ms. Blevins stated that she did not feel that the adults would be willing to pay for the training, if it is not a state requirement, when they could just hold their learner's permit for 30 days and take a road skills test at DMV. Although adult training would be good, she said she would have to increase her fees to accommodate the one-on-one adult training. She currently charges by the hour. Ms. Blevins stated that some adults are harder to train than juveniles. She thought it would be feasible for her and her customers. She had no problem with the driver training school conducting the skills exam for the adults.

Mr. Junius explained that schools might not receive many requests for the adult training and that the schools are not obligated to provide the training. He stated that DMV discovered that the code states if an adult completes a requirement of training, the skills test would be exempted. However, it would not be a requirement for the adult to take the course.

Ms. Blevins further explained that sometimes she does get requests for training from college students that already hold driver licenses. They need documentation that they completed some training for insurance purposes and sometimes a letter from her will not satisfy the request from the insurance company.

Ms. Waller said that if the student provides evidence, such as a certificate, that he or she completed classroom and in-vehicle from another state and Ms. Blevins conducts the in-vehicle training, the certificate provided by DMV can be issued. She noted that the certificate does not constitute a driver's license when accompanied by a learner's permit for students 19 and over, it is not presented to DMV, and there is no need for DMV to conduct a road test.

Mr. Copeland said that a number of legislators are looking at requiring driver's education for customers who fail the skills test at DMV a certain number of times. He stated that there is also a legislative proposal that might require driver education for a variety of different licenses including regular driver's license, motorcycle endorsements and CDL.

Ms. Osborne commented that she conducts a lot of adult and juvenile training. She stated that she is concerned if the customers fail the DMV test they will have to provide training to non-English speaking adults. She is concerned that they can get a learner's permit at the DMV but can't read English. She said she would like to see the learner's test offered in several different languages. She also stated that although the adult training would be good, in the Roanoke area, there is diversity of non-English speaking adults. She is concerned that she does not have the skills to understand the different languages and if there's no interpreter, she will not be able to provide the training. Ms. Osborne also stated that she has taught both juveniles and adults in the same class. She said she has not had any problems as they have an opportunity to learn from each other. She also said it is cost effective.

Mr. Copeland asked Ms. Osborne if there was a predominant group of non-English speaking students with which she worked.

Ms. Osborne stated that she has students from Bosnia, Somalia, Iraq, Iran as well as Asians, mostly assigned through the refugee office in Richmond. She said to place them behind a 3,000 pound vehicle can be very scary. She stated that she is not sure if the student passed the test or the interpreter passed the test at DMV, and she urged that the test at the DMV should be in different languages. She stated some of the adults might not be able to afford the cost for classroom and in-vehicle training. She does not feel that the adult classroom course should be the 36 period requirement as the juveniles.

Mr. Copeland, for clarification, stated that if the students and adults are in the classroom together, it would be more cost effective and feasible than to establish separate classes for adults and juveniles. Ms. Osborne said yes in agreement with Mr. Copeland's statement and added that the fees would be the same.

Mr. Junius stated that the course would be strictly voluntary for adults who would take the class in lieu of holding the learner's permit for a specific time before applying for a license at DMV. He also said that if a person failing the test or obtaining an original license is required to take the course, then that person would have to pay the required fee.

Ms. Zimmerman was concerned that adults might require more training, particularly the non-English speaking adults. If the training is required, she suggested more than 14 hours in-vehicle training. She stated that at least juveniles have had some training with parents completing the 40 hours.

Mr. Copeland stated that the 14 hours would only be the minimum requirement.

Mr. Roberson stated that he provides training to many college students and language is a barrier. Most speak English, however, mostly broken English, and it is extremely difficult to communicate with them in the classroom. He said he has had better success with in-vehicle training. Mr. Roberson added that the concept is good to require adult training, however, he feels that 36 periods of classroom is too much time

for working adults and non-English speaking students. He stated that they would get more experience with hands-on, in-vehicle instruction. Also, it will take more than 14 lessons to make someone proficient at driving. Mr. Roberson stated that he is in favor of the driver training schools conducting the final skills test, which is what they do for the juveniles. He stated that when they are tested at the DMV, the test is only ten minutes, which he thought was not appropriate and not really testing their skills.

Mr. Copeland and Mr. Junius expressed their thanks for their input on the issues. They both stated the information will be taken back to DMV. In addition, their comments will help a lot of proposed legislative issues and concepts.

Ms. Zimmerman stated that she is in favor of the driver training schools testing the adults.

With no additional comments, Mr. Copeland continued with Section 210 of the proposed regulations.

Ms. Blevins asked to go back to Section 200 (F). Ms. Blevins wanted clarification that if students receives one-on-one training with their parent's permission, they would have to still complete the observation requirement and with another student.

Ms. Waller responded that was correct.

Ms. Blevins expressed her concern with the one-on-one training. She stated that she always has two students in the vehicle to ensure that there is no concern for inappropriate behavior with a juvenile and an adult. She stated that she does not pick up students for lessons. She pointed out that the proposed regulation is stating that the schools can go pick the students, however, the time cannot be counted toward the training.

Ms. Waller explained that the current regulations do not have provisions to allow one-on-one training. She said DMV had received requests to consider allowing one-on-one instructions from other driver training schools because they were having problems with students missing appointments, causing lesson cancellations for the students who kept their appointment. Ms. Waller stated that parents also requested the one-on-one training. She added that students are still required to meet their observation requirements before receiving their driver licenses.

Ms. Blevins commented that her students must pay a fee for their missed appointments and she very rarely has that problem; the missed appointment fee is stated in their contracts.

Mr. Copeland stated for clarification that the one-on-one instruction is only conducted with parental consent, in advance, or if the student is emancipated.

Mr. Vance stated that in his area, Northern Virginia, if a student misses an appointment, he would receive complaints from the parent of the other student if they cancel the lessons. In addition, he said DMV would receive complaints from the parents of those students that his school was not meeting its obligations. He also said to canceled the lesson for the student that showed up would be an added cost to the school. He is in favor of the parental permission for the one-on-one training.

Ms. Blevins further explained that her contract states that if the other student does not show up for the appointment the lessons for the day is cancel. She said the parent is called to pick up the child and the lesson is re-scheduled at their convenience.

Mr. Roberson stated for clarification that if a student has driven and could not complete the observation on the same day he would be able to complete the observation on another day. Mr. Junius and Ms. Waller both stated that that was correct.

Ms. Childress said that with the proposed regulations and the parental permission for one-on-one training, they would be able to count the pick-up time as driving time. She is in favor of the proposal.

Mr. Copeland commented that once the proposed regulations have been finalized that would be allowed.

Ms. Osborne stated that they would like to have input on the design of the forms to record the student's performances. She feels that some of the information recorded on the form is repetitious and should be more user friendly.

Ms. Waller stated the form, DTS-14, student performance record is being revised. Ms. Waller stated that when the panel meets again, they would be able to review the form for comments and recommendations. In addition, she said DMV will again conduct the statewide training sessions to ensure that the form is completed properly.

Ms. Blevins questioned having three students in the car because she thought that the students could only be in the vehicle for two periods.

Mr. Junius clarified that with three students in the vehicle, each student in the vehicle will, during the rotation, be the student not receiving instructions. Therefore, there is no need to record any instructional information. The students will, however, be in the vehicle more than the instructional time until each student has completed their session.

Ms. Waller provided further clarification that the curriculum guide states that the student can only receive two periods of training in 24 hours. The only exceptions are holidays and weekend. She said when there are three students in the vehicle and students are rotating driving and observing time, the students will be in the vehicle more than the two periods but the instructor is only recording the instructional time of 50-minute per session. She said instructors do not have to put the student out of the car once they have completed the two 50-minute sessions.

Ms. Childress stated that she did not know that schools could have three students in the vehicle and asked rhetorically why a student would want to be in the vehicle for an extra hour and not receive credit for the training.

Mr. Junius explained that it depends on the part of the state that you are in as to whether three students in the vehicle would work for your school. He said some schools find it easier to pickup three at a time and rotate the students. He added that it does take patience from the other students to wait until everyone has completed their training before returning to the pick-up or drop-off point.

Mr. Parker added that he does it for convenience and it works for him particularly when there is a 40 minute drive to pick up the next student.

Ms. Waller commented that other schools have stated that it helps them in the situation where two students are scheduled and only one student keeps the appointment. .

The section by section review continued. No questions or comments were received for Section 210 and Section 220 of the proposed regulations. That completed Part III, the last part of the proposed regulations.

That concluded the review of the proposed regulations.

Mr. Copeland again explained the purpose of the public hearing process and asked for any general comments.

With no additional comments, Mr. Copeland turn the proceedings over to Mr. Junius. Mr. Junius again asked for any additional comments.

Ms. Blevins had questions concerning VADETS (Virginia Association for Driver Education and Traffic Safety). Ms. Blevins wanted to know if the VADETS on-line course is a state course and who gets the money. Ms. Blevins stated that she is a member of VADETS and she wanted to know if it is a state agency association

Ms. Waller responded that VADETS is not a state agency association, and that it collects the money for students who complete the course. She added that the Department of Education approves all on-line courses, and that DMV provides a list those courses approved for use by home-schooled students on their web-site.

Ms. Blevins questioned who gets the money. Ms. Blevins stated that the VADETS association is taking money out of her pocket by allowing students to take the on-line classroom component of driver education. She said that if the students can take the course on-line that keeps them from coming to her school and to hold 36 periods of classroom instruction for three students is not cost effective for her school. She said it appears that VADETS is state supported and is taking money out of her pocket. Ms. Blevins stated that she believes that VADETS is a private company that receives state backing. She added that she thinks that it is unfair to the private schools.

Mr. Vance commented that he agrees with Ms. Blevins that the VADETS organization is taking money out of the pockets of the driver training schools. He stated that they are receiving grant money from the state and using the Department of Education certificates.

Ms. Waller explained that the VADETS on-line course is approved through the Department of Education. In addition, they are responsible for the approval of all curriculums, and that all of the curriculum vendors provide their own certificate of completion. In addition, she said the association consists of public school driver educators, and that there are driver training schools that are members of VADETS.

Ms. Osborne stated that she taught in the school system for eight years and expressed concerns that home-schooled students are receiving in-car instruction from their parents who do not have any training in the field. She stated that she agrees that the VADETS on-line course is taking money out of her pocket. She also stated that she understands if the course is not available in the area, but if it is available they should not be allowed to take the on-line course. Ms. Osborne also stated that the 50-minute period has been in practice for a long time. She stated that students in the public school might not be getting the 50-minutes by the time they get to the class and get in the car. Ms. Osborne added that the Department of Education should only be responsible for writing the curriculum and the Department of Motor Vehicle should be responsible for regulating the entire program.

Mr. Parker stated that there is no way to determine if the student actually took the course or if someone else took the course for them. He said that DMV requires them to document the students' arrival time and the time they left the class each day, and if a student presents the on-line certificate, he does not know that the student took the course. He said he does not think that is fair.

Mr. Vance commended the DMV panel.

Mr. Junius commented that DMV is aware of the concerns with the VADETS association. DMV will work to help resolve the issues. However, the purpose of the hearings is to review regulations that govern the oversight of the driver training schools. He also stated that the only thing the DMV has in common with the Department of Education is the curriculum. He said DMV has nothing to do with how the Department of Education oversees their program. He stated that with the help of our driver training schools, the driver training school program could be the best at what it does. Mr. Junius thanked everyone for attending.

Mr. Junius closed the public hearing.

**Proposed Driver Training Schools Regulations Public Hearing Summary
Portsmouth DMV District**

Date: Tuesday September 12, 2006

Location: Virginia Beach Library, Central
4100 Virginia Beach Boulevard
Virginia Beach, VA 23452

Attendees:

Judy Dorn – A-1 Drivers Ed
Ken Hill – Atlantic Driving School
Roy Lopez – Old Dominion Driving Schools
Keith Vance – Professional Driver Educators of Virginia
Bob Albert – Keith’s Consolidated Driver Education
Marty Weast – Advanced Technology Institute
Harold Mainor – Mainor’s Driving School
Robert Smith – R. S. Smith Driving School
Mark Moody – Turner Driver Training School
H. B. Parker – Hampton Roads Driving School
John Sturm – Sturm’s Driving School
Jacqueline Lewis – Lewis Driving School
Charlie Lewis - Lewis Driving School
Karl Hoffman – Riverside Rehabilitation
Bill Tomlin – Advanced Technology Institute
William Carter - Peninsula Enterprise
Terry Hancock – Hancock & Sons Privilege Driving School
Suzanne Ellyson – Virginia Association of Chiefs of Police
A. E. Holloway. – Bre-Ton Driver Training, Inc.
V. Beverly – Beverly Driving School

DMV Representatives:

James Junius – Deputy Director, Driver Services Administration
Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services

Summary of Meeting:

Introductions and General Comments

Mr. Junius convened the public hearing at 11:00 AM. Because of the small size of the group, he had everyone introduce themselves.

After introductions, Mr. Junius turned the proceedings over to Mr. Copeland, who explained the reason for the public hearing and provided information on the regulatory process in general. He told the group that the hearing would start with general comments, then continue with a section-by-section review of the proposed regulations.

There were no general comments.

Section-by-Section Review

The section-by-section review began at Part I (General Provisions) of the regulations.

Regarding Section 20, Business office and classroom requirements, Mr. Sturm asked if the business office could be located in the driver training schools owner’s residence.

Mr. Junius responded that the DMV is reviewing this section about the business office location. He said that consideration will be given for approval depending on whether or not the office will receive the public or if it just being used for record keeping.

Mr. Sturm also asked about the use of driving ranges, whether or not he has to document the usage various locations. Ms. Waller responded, yes, saying that the school is required to notify DMV about proposed usage and facilities for DMV to inspect the site for appropriateness and the school must provide DMV with a written agreement for usage from the property owner.

Mr. Lopez asked to go back to the first Section 10, Definitions "Normal business hours". He wanted to know if his business hours could be 6:00 to 9:00 PM rather than 8:00 AM to 5:00 PM because he is not available to train at those hours. Mr. Copeland explained to Mr. Lopez that the normal hours are the hours that DMV expects his office to be open for at least a few hours for audits. Mr. Lopez followed in saying, like the way it is now. Ms. Waller and Mr. Copeland confirmed that there are no changes in this section.

Mr. Hoffman, asked for clarification of a statement in Section 30, Business practices as it relates that a school shall not refer to any other State agency or board in any documentation or advertisement. He wanted to know if it is permissible to advertise his credentials to teach disabled drivers along with the "licensed by DMV statement". Ms. Waller and Mr. Copeland assured him that is permissible.

Also at Section 30, Business practices, Mr. Lopez asked could a fee be charged for a student requesting a replacement of the original certificate of completion. Ms. Waller affirmed that a fee is permissible for that.

No questions or comments were received for Section 40 through Section 90 of the proposed regulations.

Mr. Sturm asked for clarification about the mandatory annual training session stated in Section 100, General instructor licensing requirements. Mr. Junius responded that the training sessions maybe nothing more than the training session the schools were required to attend about a year or so ago. He explained that the session might contain specific information beneficial to the business of driver training or it maybe DMV providing information and updates pertaining administrative and operation procedures.

No questions or comments were received for Section 110 through Section 140 of the proposed regulations.

Mr. Hancock asked questions about Section 150, General equipment requirements. He asked for DMV to review the terminology "secured fire extinguisher" explaining that the meaning could mean that the extinguisher must be secured on the vehicle rather than in his case where his extinguishers are secured within a box in his vehicle. Ms. Waller responded that is acceptable.

Mr. Smith asked when is the required safety vest used. Ms. Waller responded whenever an activity is occurring when visibility and the safety of the user maybe a concern. Mr. Smith replied, not inside the car. Ms. Waller confirmed that was correct.

Ms. Dorn asked about specific licensing requirements for instructors that were not stated in Section 100. Ms. Waller and Mr. Copeland assured her that they were listed in Part II, Section 170 for Class-A licensure and in Part III, Section 200, for Class-B licensure.

After receiving no further comments, that completed Part I, at Section 160, of General Provisions.

The section-by-section review continued at Part II (Specific Requirements Related to Class A Licensure) of the regulations, beginning with Section 170.

Mr. Copeland explained that DMV had met with its Class A Advisory Board Panel Group and developed the curriculum elements prescribed by Section 170. He added that, for the most part, the requirements are the same as to what is required by the current regulations with a few additions relating to minimum hours for overall course work, skills training and classroom training and a minimum overall number of miles driven as part of the curriculum. He further explained that there are also property-carrying and passenger-carrying vehicle training requirements not included in the current regulations.

No questions or comments were received for Section 180 through Section 190 of the proposed regulations. That completed Part II of the proposed regulations.

The section-by-section review continued at Part III (Specific Requirements Related to Class B Licensure) of the regulations, beginning with Section 200.

Mr. Sturm asked for clarification about the exception to the two-student minimum for in-vehicle training. Ms. Waller explained that with the parent's written permission, this provision allows for one-on-one training for a student; however, the student is still required to complete the observation training at some other time.

Mr. Weast asked to go back to Section 30, Business practices, to address his question concerning translation services for any individual taking the DMV driver's license knowledge examination. He wanted clarification. Ms. Waller indicated that no translation is permitted during the knowledge test.

Mr. Copeland introduced the concept of an adult certificate course. He said the adult training curriculum is still the same as the juvenile training curriculum, however, training would consist of 14 hours of skills training, extended classroom and vehicle instructional hours for adults with driver training school conducting the skills examination. Mr. Copeland further stated that there are initiatives to require driver training for the adult such as the adult who fails the skills test two or three times. He also said that there has also been discussion about requiring adult driver training for driver licensing, motorcycle licensing and commercial driver licensing.

Mr. Vance commented that adult driver training should be mandated.

Mr. Copeland replied that the adult certificate course initiative is only an option for those Class B schools that want to teach it and for those adults who wish to receive a certificate of completion and be exempt from the DMV skills test, similar to juveniles. Mr. Copeland also advised that a meeting will be held with the Class B Advisory Board to discuss and develop the specific requirements.

Mr. Hancock stated that if DMV required more than just driving around block at DMV for the skills examination, DMV would probably have more failures than it has now.

Mr. Mainor commented that most people over the age of 19 do not have professional training; but these people get a driver's license and create havoc on the roads.

No questions or comments were received for Section 210 of the proposed regulations.

Mr. Lopez asked, regarding Section 220, Equipment requirements for Class B licensed schools, that consideration should be given to require permanent signs or lettering on vehicles used for in-car instructions. He said that use of magnetic signs should be discontinued. He said he believed permanent signage would discontinue the use of personal cars not equipped for driver training, and that he thought vehicles would be recognized easier with permanent lettering on the doors or bumpers. He said that currently some cars cannot be recognized as driver training because inadequate signage

Mr. Carter countered by saying that many instructors use their own car and permanent lettering would not suit them.

Mr. Hancock likes the magnetic signs as long as all the information is displayed. He would have trouble with the city if too many business vehicles were parked in his driveway. With magnetic signs, he said he could remove them if they are not needed. When business is slow, he said he does not use the car for driver's education; his kids or wife may use the vehicle. If his kid is driving it, he said he would rather not have his name all over it. A problem that he sees is that all required information often times is not displayed on signs.

Mr. Beverly is for magnetic signs because it makes it easier to sell the vehicle than one with permanent lettering.

Ms. Dorn said that she has seen cars used by the public schools system in her area with the wedge on the roof of the car but the name of the school is not shown on the vehicle anywhere. She said she would think the public schools system should be going by the same rules as commercial schools. Ms. Dorn concluded her statements saying that we do not know who they are.

Mr. Copeland replied that DMV could not respond to her statement and that these regulations that we are working on will not impact the public school system educators; the Department of Education covers them.

Mr. Vance said Senator O'Brien sponsored a bill in 1997 that stated public schools should follow the same regulations as professional schools, but the public schools don't do it; they don't want to do it. He said some of them don't want you to know who they are. He offered a copy of an article about what is going to happen to public schools to anyone who wanted it after the meeting.

With no more questions or comments Section 220, Mr. Copeland concluded presentation of the regulations at Section 220, the last section of the regulations. He then asked again for any general questions and comments.

Mr. Tomlin asked a question relating back to Section 100, General instructor licensing requirements. He asked can a person appeal a denial of license for something revealed on the applicant's criminal report. Ms. Waller responded, yes, and explained the administrative hearing process.

Mr. Vance commented that he was glad to see the attendees and that this was the largest attendance at the hearings so far and the interest and comments were good. He asked for a show of hands of those who want adult driver training to be mandated. Fourteen out of twenty people raised their hands. Mr. Vance declared that majority rule.

Mr. Copeland thanked the attendees for their participation, acknowledging their wonderful interaction and questions. He hoped that their questions were answered and that they have a better understanding of the regulations.

Several unidentified attendees said they believe there is too much paper work required by DMV.

Mr. Junius asked if there were any other comments or questions, and not hearing any, thanked everyone for attending.

Mr. Copeland explained the regulatory process in terms of where the proposed regulations were in the process and what was coming next. He noted that the comment period ends October 6th and that there will still be opportunity to make comments during the final adoption period.

Mr. Junius then adjourned the meeting.

**Proposed Driver Training Schools Regulations Public Hearings Summary
Richmond DMV District**

Date: Thursday, September 14, 2006

Location: DMV Headquarters
2300 W. Broad Street
Richmond, VA 23220

Attendees: D. Bryce Warren- Friendly's Driving School
Calvin Good – Friendly's Driving School
Jim Dorn – A-1 Drivers Educaion
Duncan Quicke – Southside VCC/TDTS
Jill Balleh – CDS Tractor Trailer Training
Karin Gest – GEST
Russell Gray – Always First Driving Academy
Jim McLane – Always First Driving Academy
Mike O'Connell – Commercial Vehicle Training Association
Ruth Janiszewskia – Swift Driving Academy
Tim McLain – Swift Driving Academy
Chris Nolen – Representing Keith's Consolidated & VA Professional Drivers Association
Keith Vance – VA Professional Drivers Association
Bob Albert – Keith's Consolidated Drivers Educators
Joe Rogers – Keith's Consolidated Drivers Educators
Kenneth Chatham – Driver Education School of VA
Richard Fuller – Easy Method Driving School
Nancy Rodrigues – VADETS/Goldman & Associates

DMV Representatives: James Junius – Deputy Director, Driver Services Administration
Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services
Millicent Ford, Director, Driver Services
Audra Bing - Driver Licensing Quality Assurance
Peggy Gulbranson – Driver Licensing Quality Assurance

Summary of Meeting:

Introductions and General Comments

Mr. Junius convened the public hearing at 11:00 a.m.

After introductions, Mr. Junius turned the proceedings over to Mr. Copeland, who explained the reason for the public hearing and provided information on the regulatory process in general. He told the group that the hearing would start with general comments, then continued with a section-by-section review of the proposed regulations. He also mentioned that there were two sections that DMV would like to offer comments for the group's consideration.

Mr. Copeland had everyone to introduce themselves and requested that Advisory Board members identify themselves. Mr. Copeland then asked for general comments.

Ms. Balleh expressed concerns that Class A schools have to meet a lot of requirements as far as training students and yet someone can come into the DMV and be tested and receive a CDL license without formal training and accountability. She feels that it is not fair to the school and that if anyone is going to get a Class A license they should have some training, which should make our highways safer.

Mr. Warren stated that he has been an instructor for 17 years and he feels that DMV has gotten out of line with the amount of paperwork that they are required to complete. He did not feel that DMV has a clear understanding of what they do as driver training schools, and did not understand why all the paperwork is necessary when it was not necessary 15 years ago. Mr. Warne stated that the paperwork is not designed to reflect what they do and is cumbersome.

Mr. O'Connell said his association supports the regulation of the schools; however, he said he also supports the comments made by Ms. Balleh. He said his organization is working at the Federal level pushing for regulations that would require mandatory training for persons applying for a CDL. He mentioned that California allows another CDL driver, for agriculture vehicles, to vouch for another driver in order for that driver to get a CDL license, which he said represented inadequate training. He added that the training requirement should be mandatory across the board as an entry into the profession.

Mr. T. McLain stated that he is glad to see that the DMV has taken positive steps in the regulations. Mr. McLain said that his fear is that DMV may implement some practices that might encourage the wrong behavior; for example, the number of miles a student drives and the hours of classroom training are not quality indicators as to whether for not a student can drive. He said that students would be driving up and down the highway to get the required miles and hours behind the wheel. He stated that it should be outcome-based. He also stated that DMV is trying to create a one fit mold for all and that's not saying a person is getting quality training. He said that the hours that his schools set compliment their training program. Mr. McLain complimented DMV on their efforts in promoting safety, but said he was strongly against requiring a specific number of miles and hours in a training program.

Mr. Junius asked Mr. T. McLain for some suggestions.

Mr. T. McLain essentially reiterated his previous position, emphasizing the need for an outcome-based approach versus course minimums.

Mr. O'Connell commented that he agreed with Mr. T. McLain. He said that when drivers complete their training, they are placed with a mentor or trainer for 4 to 8 weeks, on average, and they will log 7,000 to 8,000 miles with the trainer in the truck observing and teaching them the skills. He stated that insurance companies would not insure truck companies that take drivers straight out of training to drive long distance. Their national association requires their members to teach courses that are similar to what DMV is proposing. He said that logging the miles does not necessarily mean that a person can drive that vehicle.

Mr. J. McLane stated that Class B schools students must also meet the hours and miles requirements like Class A schools. However, he stated that the requirement that's set by DMV is only the minimum, meaning that you can surely exceed the minimum, if necessary. Mr. J. McLane wanted to know if that was DMV's intent.

Mr. Gray said that he was commenting on the remarks that were made by Friendly's Driving School (Mr. Warren). He stated that he has taught for 38 years and he feels that they have done well without all the paperwork. He said that it was hard to try to keep us with the miles and the required signing. He added that he understood the need for some administrative paperwork but asked if DMV could reduce the amount.

Mr. Chatham first thanked Ms. Waller's office for being so helpful whenever he calls. He said he was glad to see that the agency is trying to help them. He said he also agrees with Mr. Gray that the form that they use requires students to sign several times. He stated that the form looks beautiful and good administratively for someone sitting behind the desk but he feels that does not work for them. He said he hoped DMV would look into revising the form. Mr. Chatham also said that every piece of legislation that has ever been passed has been trying to get everyone on the same page by having the commercial schools be equivalent to the high school program. He added that the commercial schools want everyone on the same page. He also said that he has students that have said that they completed the high school

program with only a few days of classroom and behind the wheel. He said that when he talked with people at the Department of Education, they said that they were not aware that any of their schools performed in that manner. Mr. Chatham said that the Department of Education has few people overseeing that program and the only time they investigate a situation is when a complaint has been filed. He stated that the response that he received from the Department of Education was if their public schools had to go through an audit like the commercial schools, the high school program would be out of business. He further said that he could not find in the regulations where the Department of Education has been given the authority to license drivers. He stated that DMV should do it all or none, that DMV should have control over the public schools as well as the commercial schools so that everyone is on the same page. He finished by saying that he did not think that anyone is opposed to accountability, but that all driver education programs should be consistent.

Mr. Good said that driver training instructors are good at their jobs and they care about their students. He said he believed that the paperwork can be made simpler, and the forms should be more user friendly. He asked DMV to trust the instructors to do their job. He added that a school might have perfect paperwork, but that does not make the students better drivers.

Mr. Junius said DMV is aware of many of the issues mentioned in the comments and thanked everyone for them.

There were no other general comments.

Section-by-Section Review

The section-by-section review began at Part I (General Provisions) of the regulations. No questions or comments were received for Section 10 of the proposed regulations.

For Section 20, Business office and classroom requirements, Ms. Balleh said that there were no specifics concerning driving ranges. She stated that the school should have specific requirements such as written permission to use other sites facilities, and specific requirements to set-up range training.

An unidentified person expressed concerns about the posting of definite office hours. He also wanted to know why the posting of the hours. He does not want to have to hire some one to be in the office just to answer the telephone during the day. He said he feels that if the person contacts them by phone, a face to face meeting can be arranged later. He wanted to know the reason for the office hour requirements.

Mr. Copeland responded that the intent was to let the general public know when you are open for business and it allows the department to know when you are open to have access to the school.

Mr. Chatham questioned how someone who is a high school teacher teaching driver's education who leaves school at 4:00 p.m. could meet the office hour requirements and still teach their students.

Ms. Waller said that some schools do have office personnel to answer the telephones and assist walk-in customers.

Ms. Gest expressed concerns that parents might have to make arrangements to get off from work to come in to sign the contracts. She stated that she had to hire two people to answer the telephone. She said that it is an expense for her school, and she wanted to know why the office hours could not be in the evening.

Carol Waller explained that the DMV often receives complaints from parents that they can not reach the driving school by visiting the office or by calling. She also explained that that was the purpose of requiring schools to establish minimum office hours. The eight hours might be split-up from Monday through Friday or all in one day.

Mr. Gray questioned if the hours could be during the night.

Mr. Copeland stated that was correct.

Mr. Junius responded that DMV might have to review the business hours requirements again for clarification.

There were no further comments for Section 20. No questions or comments were received from Section 30 through Section 80.

For Section 90, School contracts, Mr. Chatham wanted to know if driver training schools can contract with public schools to provide in-vehicle instructions. He also mentioned that students who take the VADETS on-line course have a difficult time finding a school in the area to conduct the in-vehicle training. He also wanted to know if the form to record in-car performance would be revised.

Ms. Waller responded that there are no current provisions that would prevent a driver training school from contracting with a public school; however, driver training schools must have written consent authorizing them to conduct classroom or in-vehicle instruction at the public or private school. She added that a copy of the authorization must be on file with DMV since DMV will conduct an inspection of the location because it would be listed as an additional site for the driver training school.

Mr. Junius said that this issue would be clarified in the regulations and that the in-car performance form will be reviewed for possible revision.

Mr. O'Connell asked if the regulations apply to both the public and private schools.

Ms. Waller responded that the regulations only apply to schools licensed by the Department of Motor Vehicles.

Mr. O'Connell asked if there were regulations regarding community colleges and public schools.

Ms. Waller responded that there are some community colleges that are licensed as a Class A school.

Ms. Balleh asked if community colleges are required to be licensed by DMV. She was concerned that if they are not licensed by DMV, they would not be required to follow the regulations.

Ms. Waller responded that Class A courses offered through a community college are not licensed by DMV.

Ms. Balleh expressed concerns that a student could go through the community college that is not licensed by DMV and DMV will test them and give them a CDL license without the student having to meet the same requirements that a student that has attended the Class A school licensed by DMV.

Mr. O'Connell questioned the rationale of not licensing a Class A school as a third party tester.

Ms. Waller explained that the Virginia third-party testers are only allowed for companies to test their own employees.

Mr. O'Connell wanted to reserve the right to submit additional comments in writing.

Mr. Copeland responded that he would be able to do that.

Mr. Nolen questioned if page 18, subdivision 9 (in Section 60, School licensing requirements), gives DMV flexibility to use its discretion to deny a school's application; likewise an instructor's application. He wanted to know how the public would know of the other reasons an applicant would be denied. He asked

if there some way to have a list so that an applicant would not waste their time applying if they could know in advance what may prohibit them from being a driver training school or instructor.

Ms. Waller stated that the proposed regulation does list the criteria that would be the basis to deny the application, and that the portion Mr. Nolen referenced also gives the Department the discretion to consider other violations that are not covered under the regulations. Historically, if the violation is not included on the list, the agency reviews the record to consider the severity and frequency of the violation. She added that the applicant does have the right to request an administrative hearing based on the denial of the application, and that the Commissioner makes the final decision to approve or deny the application.

Mr. Nolen expressed concerns that he would not be able to advise his client properly if other reasons for denying an application were listed.

Mr. Junius stated that it would be reviewed.

Ms. Balleh stated that she would think that DMV would also be interested in knowing if the school has filed bankruptcy so that students would not be at risk. She stated that although the school has a bond, she thinks that DMV should require the school to notify them if they have filed bankruptcy.

Mr. Chatham stated that there was no mentioned in the propose regulations of the qualifications that an instructor must have such as Driver Task Analysis and Principles of Driver Education. He stated that the proposed regulations only made reference to having a valid teacher's license. He wanted to know if those requirements no longer needed.

Mr. Copeland and Ms. Waller advised Mr. Chatham that those issues were covered in a later section of the proposed regulations, and asked him to hold his question until the review reached that section in order to continue the section-by-section review and avoid jumping from section to section.

Mr. Copeland referred back to Mr. Nolen's question, stating that if an instructor's application is denied, the applicant could contact DMV and be told why the application was denied. Mr. Copeland did not feel that there would be any problems in communicating the generic information Mr. Nolen was requesting.

Mr. Warren expressed concerns that 18 year olds are waiting until they turn 19 and have held their learners permit for 30 days to then go to DMV instead of taking the classroom and behind the wheel course. He said that he feels that the course would be valuable to them. He stated that he does not get a lot of 18 year olds in for training and wanted to know if that could be changed. He thought that if they were required to hold the learner's permit longer that would help.

Mr. Junius stated that lawmakers are looking at a few initiatives concerning adult training. He also stated that another initiative deals with failing the skills tests. He explained that if an applicant fails the skills test more than once they might be required to take in-vehicle instruction. He also stated that another initiative would require any adult being licensed for the first time might be required to complete classroom and in-vehicle instruction. Mr. Junius stated that a similar program is being considered for motorcycle licensing.

Mr. Chatham asked again about the minimum requirements for instructors in Class B schools.

Ms. Waller responded that the course requirements are still the same. However, instead of listing the requirements in the regulation, the regulation refers to the Curriculum Guide for Driver Education in Virginia for the specific courses.

Mr. Copeland reiterated that the instructor requirements for Class B licensees could be found in Part III of the proposed regulation.

In the next section (Section 100, General instructor licensing requirements), Mr. J. McLane asked about the one day training sessions to be held in each region by DMV outlined on page 26 in subsection I.

Ms. Waller responded that the section was new and that it was added as a result of the one-day mandatory training sessions that were held in 2005 in each DMV District. The 2005 training sessions covered information such as new forms and regulations and provided an opportunity for driver training schools to ask questions concerning the operation of their schools.

Mr. J. McLane asked if the training would be mandatory.

Ms. Waller responded that they would be mandatory.

There were no comments on Sections 110 and 120 of the proposed regulations.

In Section 130, Notice required to the department, Mr. O'Connell suggested that schools should be required to notify DMV of the filing of voluntary or involuntary bankruptcy. He stated that a school could be operating while in bankruptcy and taking a lot of students' money.

No comments were received for Sections 140 through 160, completing Part I of the proposed regulations.

The section-by-section review continued at Part II (Specific Requirements Related to Class B Licensure) of the regulations, beginning with Section 170.

Mr. Copeland explained that the proposed regulation states that the Department would provide Class A curriculum requirements, and that a draft copy of these proposed requirements, developed with the Class A Advisory Group, is available at the back table.

Ms. Balleh commented about the draft curriculum requirements relating to the Americans with Disabilities Act. She stated that the federal Department of Transportation requires that anyone operating a commercial vehicle must have a DOT physical. She feels the federal requirements supersede the proposed DMV requirements.

Mr. Copeland stated that the Department would review those requirements.

Ms. Balleh commented on the minimum hours and the minimum miles. She stated that she does not set minimum miles unless she has someone who is hard to teach. She said that requiring a minimum number of miles does not mean that the student is skilled in their driving. She also said that it is hard to set miles for individuals as a way to measure their ability to drive a vehicle. She stated that setting minimum miles could be a huge cost for someone in the private sector. She also pointed out that "refresher training" was not mentioned.

Mr. Copeland indicated that the issue of refresher training was discussed in the advisory group meeting and the curriculum requirements would not impact any refresher training course.

Ms. Balleh stated that she did not want a person who has experience driving a commercial vehicle to have to meet the hours and miles requirements when he may need a refresher course. She stated that the numbers are not good measurements; rather, it is a student's performance that counts.

Mr. J. McLane said that Ms. Balleh's comments apply to his students who are accomplished drivers. He thinks that 7 hours of driving is babysitting. He feels that realistic minimums should be set.

Mr. O'Connell asked how was the 500 miles established.

Mr. Copeland stated that it was derived from input provided by the Class A advisory board; it was not a number that was pulled out of thin air.

Mr. O'Connell stated that he has never seen where the number of miles driven contributed to safety on the road.

Mr. Copeland indicated that the Department would review it again.

Mr. O'Connell stated that his association requires at least 40 hours of behind the wheel. He stated that they do not advocate it as a regulation, and that no company is going to put a driver behind the wheel, solo, until he completes their program. He also said that putting a minimum number on certain training requirements serves no real purpose. He suggested that the Department look at competency and how to establish a level of competency. He said he would be glad to send the Department a copy of their association guidelines.

Ms. Balleh stated that she did recall that the advisory board agreed on the 160 hours of classroom but was not sure that they agreed on the 500 miles.

Mr. Junius stated that other states require 1000 miles.

Ms. Waller stated that based on the curriculums presented to the Department for evaluation, some of the schools average around 500 miles.

Mr. J. McLane said that a lot of their students are looking for jobs to support their families. He said that he appreciates the department's intent, but it is going in the wrong direction in setting standards because it takes the quality out of the program. He feels that DMV should only be concerned with holding the schools accountable for what they say they are going to do regarding training.

Ms. Balleh commented on the requirement to review state motor vehicle laws and taxes. She said that she did not feel that students need to know that information, as they were not going out to open a school.

Ms. Waller responded that the students should be aware of the laws and taxes for information purposes.

Ms. Balleh commented on the number of students in the vehicle. She said that she thought that there was suppose to be a limit, then wondered if it was based on the number of seat belts. She suggested that a limit be set.

Mr. Copeland asked her for suggestions.

Ms. Balleh responded that as a rule, no more than three and the instructor, with seat belts.

Mr. O'Connell also suggested that a set number be established.

Mr. Vance indicated he had to leave, invited everyone to Northern Virginia and asked for a copy of the attendance roster for the Richmond session.

Mr. Copeland stated that he would be able to get a copy.

There were no further comments on Section 170.

For Section 180, Class A instructor license requirements, Ms. Balleh indicated that she disagreed with the 3 years of driving experience requirement. She stated that 1 year of driving experience is sufficient. She said that many of those with one year's experience have already logged over 100,000 miles of driving.

Mr. O'Connell agreed. He stated that the Federal level recognizes 1 year of driving experience for entry level.

Mr. Copeland asked for clarification purposes if a person with one year's experience was considered an experienced driver.

Mr. O'Connell responded yes.

There were no comments received for Section 190, which completed Part II of the proposed regulations.

The section-by-section review continued at Part III (Specific Requirements Related to Class B licensure) of the regulations, beginning with Section 200, Curriculum requirements for Class B licensed schools.

Mr. Warren commented on the curriculum, stating that it suggest things to be taught and let the instructor decide whether or not what is suggested is good enough. He said that his students don't learn anything from the current curriculum, and that it has been used by the public school for many years. He said it is not a good program and that the curriculum needs some work. He stated that although DMV said that they have to use the curriculum, his school provides a lot more than what is covered by it.

Ms. Waller explained that the approved curriculum guide was revised in 2001 and is very comprehensive. She indicated that all driver training schools should have a copy of the latest curriculum guide.

Mr. Warren stated that the curriculum guide is still so vague that you could do what you wanted to with it. He stated that the guide needs a lot of work.

Mr. Copeland asked Mr. Warren if he had any specific areas he wanted to address in the guide, such as what modules needed more work. Mr. Copeland also asked Mr. Warren if he could send him the areas of concern because that would be helpful.

Mr. Warren said that if you just did an outline to help the instructor as opposed to dictating what should be covered.

Mr. Good said that they use the curriculum guide and try to make it practical. He also said that the public schools use simulators and students are not prepared when it comes to driving in a vehicle. He added that some things are not fair when it comes to the public school system.

Ms. Gest stated that she has concerns with the curriculum guide. She stated that some of the overheads are ridiculous. She stated that the curriculum should be written so that you would have to teach certain topics and not give them 10 to 12 reference points on a vehicle. She stated that she has had some students from the public schools who do not know how to make a proper turn, and that parents have paid her to teach their child what was not covered in the public school. She said that there are other courses available besides what they are forced to use.

Mr. Warren said that DMV should not let the public school system influence them.

Mr. Gray commented on one-on-one driving with parent permission, saying that you should have two or three students in the car, but he does like the option to use the one-on-one training with parent permission if another student cancels.

Ms. Gest agreed that one-on-one training should be allowed.

Mr. Warren said that when one student does not show up, that cancels the lesson for the other student, and under those circumstances, he was told by DMV that he had to drive the student back to their destination.

Mr. Copeland asked was he in support of the section relating to one-on-one training.

Mr. Warren responded with a yes.

Mr. Good was concerned about providing training to students with a disability requiring the use of a steering knob. He wanted to know if the student would have to be sent to DMV to be tested using the knob when he completed the training at his school.

Ms. Ford responded that if he was going to use the knob for driving that he would have to be road tested by DMV and a restriction added to his driver's license. She added that the steering knob is legal.

Mr. Gray stated that he had to leave and that the meeting was very productive and he appreciated the opportunity to be a part of the process.

Mr. Copeland thanked Mr. Gray and told him that if he had any additional comments he could submit them in writing by October 6, 2006.

Mr. Chatham stated that everyone (DMV licensed driver training schools and the public schools) should be on the same page in terms of oversight and regulation. He added that he was not satisfied with the level of oversight at the Department of Education. He feels that DMV should be responsible for issuing licenses. He stated that a lot of students are using the computer programs instead of going to classrooms. He said that DMV should set the standards and everyone else should follow.

Ms. Gest expressed concerns as to who regulates the driver training schools and wanted to know who is responsible for regulating the Department of Education. She said that DMV has no authority to say what is being taught in the public school system although it is the same program. She added that the DMV-licensed driver training schools have to justify to both departments what they are teaching. She said that sometimes she goes back and forth on some issues with the Department of Education and Department of Motor Vehicles and occasionally she does not get an answer from either one. She asked DMV to take a look at this issue. She added that DMV should be responsible for licensing all driver training schools and the Department of Education should only assist in wording the curriculum for Class B licensees.

Mr. J. McLane stated that he would like to see the increase from 8 hours a day of instruction for Class A schools to 10 hours a day, which would allow for the students to prepare for the hours they would be working on their job.

Mr. Copeland responded that that was mentioned in a previous hearing and would be taken under consideration.

Mr. Copeland then introduced the concept for Class B schools to be able to offer, not required to offer, an adult certificate course that upon completion, they would be exempt for the DMV road skills test just as juveniles are today. It would be based on the current juvenile curriculum and focus on a minimum of 14 hours of in-car instruction, with no observation requirement. He also said that the hours of classroom and in-car instruction would be extended beyond the required 50-minute sessions for juveniles. He added that DMV would be meeting with the Class B Advisory Group the end of the month (September 27th) to discuss the specifics, and that other Class B schools could attend or submit their comments on the concept.

Mr. Warren questioned whether adults and juveniles would remain separate.

Mr. Copeland responded yes.

There were no comments for Section 210 through Section 220, completing Part III and the section-by-section review of the proposed regulations.

Mr. Copeland explained what remained of the regulatory process, again noting that written comments must be received by October 6, 2006, the end of the 60-day comment period. He thanked everyone for their input.

Ms. Balleh asked if everyone would get to see the final copy.

Mr. Copeland explained that everyone would be able to see and comment on the final draft before the regulations become effective. He said that DMV would alert every one of any substantial changes prior to publication.

Mr. Good wanted to know if the people who make the regulations had experience in the training they were regulating.

Ms. Waller responded that some of the regulations that are proposed are derived from concerns from the general public, parents, students and legislators that have expressed an interest in the oversight process.

Someone asked who started and finally approves the regulations.

Mr. Copeland responded that the people who are actually doing the training and are going to be regulated have provided DMV with the input and feedback used to develop the proposed regulations. In addition, Marc stated that the current regulations needed to be updated. He reiterated the regulatory review and approval process.

Mr. Warren restated his concerns about the required paperwork.

Ms. Balleh said that she would like to see DMV suspend a person's CDL license if they default on a loan with a Class A driving school. She wants to get paid for the training she provides, but is losing money on defaulted loans made to former students.

Mr. Junius thanked everyone for coming and closed hearing.

**Proposed Driver Training Schools Regulations Public Hearings Summary
Harrisonburg, VA**

Date: Tuesday, September 19, 2006

Location: VDOT
3536 North Valley Pike
Harrisonburg, VA

Attendees: Diane Horst – Shenandoah Valley Driving School, Inc.
Faith B. McDowell – Shenandoah Valley Driving School, Inc.
Gabe E. Saker – Saker’s Driving School
Eddie Carter - Woodrow Wilson Rehabilitation Center
Gary Hutson – Blue Ridge Driving School
Jerry Eggleston – Road Pro Commercial Truck Training

DMV Representatives: James Junius – Deputy Director, Driver Services Administration
Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services
Linda Street - Driver Licensing Quality Assurance Supervisor
Pat Rollins – Driver Licensing Quality Assurance Supervisor

Summary of Meeting:

Introductions and General Comments

Mr. Junius convened the public hearing at 11:00 a.m.

After introductions, Mr. Junius turned the proceedings over to Mr. Copeland, who explained the reason for the public hearing and provided information on the regulatory process in general. He told the group that the hearing would start with general comments, then continued with a section-by-section review of the proposed regulations.

Mr. Copeland explained that there were two processes going on at the same time. He stated that DMV is repealing the current regulations and promulgating the proposed regulations. He asked if anyone had any general comments before he began with the section by section-by-section review.

There were no other general comments.

Section-by-Section Review

The section-by-section review began at Part I (General Provisions) of the regulations. No questions or comments were received from Section 10 through Section 20 of the proposed regulations.

Mr. Hutson wanted to know why the regulations require that you have to have a textbook when the current curriculum guide does not require a textbook.

Mr. Copeland stated that you are not required to purchase a textbook but in the event where appropriate, each student should have a textbook.

Ms. Horst asked if DMV could develop a textbook to go with the curriculum.

Mr. Saker stated that he has been teaching for 23 years. He said that he uses the AAA material that has a textbook and it found it easy to follow and very informative.

Mr. Carter wanted to know how his program at Woodrow Wilson Rehabilitation Center fit into the driver training program. He stated that they did not provide classroom instruction. He said that they very rarely have students under 19.

Ms. Waller explained that if your facility provides classroom instruction, you must conduct 36 50-minute periods. Ms. Waller said that his facility is not required to provide classroom instruction. She stated that he could continue to be licensed as a facility that provides in-car instruction.

Mr. Saker and Mr. Eggleston asked if they would be required to get a national background check instead of the state background check.

Ms. Waller responded yes. She also stated that the national background check could be obtained through the state police. Ms. Waller stated that the DMV would provide further information for obtaining the national background check. She stated that the schools should continue to submit the state background check until the proposed regulations become effective.

Mr. Hutson asked if he would be required to get a letter or contract each year if he contracts with a public school prior to conducting the class.

Ms. Waller responded yes.

Mr. Hutson asked if teachers that work for the public schools could teach in the private schools.

Ms. Waller responded yes.

After receiving no further comments, that completed Part I, at Section 160, of the proposed regulations.

The section-by-section review continued at Part II (Specific Requirements Related to Class A License) of the regulations, beginning with Section 170

Mr. Copeland presented the curriculum requirements for Class A schools as stated in the proposed regulations. The enhancements included minimum hours of classroom and miles driven and property and passenger carrying vehicles.

Mr. Eggleston asked if classroom hours could be reduced.

After receiving no further comments, that completed Part II, at Section 190, of the proposed regulations.

The section-by-section review continued at Part III (Specific Requirements Related to Class B Licensure) of the regulations, beginning with Section 200.

After reviewing, there were no questions or comments, Mr. Copeland introduced the concept of an adult certificate course. The adult training curriculum is still the same as the juvenile training curriculum; however, training would consist of 14 hours of skills training, no observation, extended classroom and vehicle instructional hours for adults with the driver training school conducting the skills examination. The juvenile training curriculum consists of 7-50 minutes periods of skill and 7-50 minute periods of observation. Mr. Copeland added that we will be conducting a meeting with the Class B Advisory Board Panel members during the 60-day comment period to discuss this matter further. Mr. Copeland further explained that if an adult completed the course they would be exempt them from taking the skills test at DMV when applying for a driver's license.

Mr. Hutson commented that he was in favor of adult driver education.

Mr. Copeland explained that there are initiatives that would require mandatory adult training and training if a person fails the skills test twice. He stated that the proposed adult training is not mandatory.

After receiving no further comments, that completed Part III, and the section-by-section review of the proposed regulations,

Mr. Copeland asked for general comments.

Mr. Hutson expressed concerns that public schools are not required to follow the regulations concerning the use of old cars, they are not required to be licensed by DMV, being allowed to issue licenses and no audit process. He just wants the same requirements for both. He asked if the students could complete another session of in-vehicle training every 12 hours instead of 24 hours.

Ms. Waller explained that the length of daily instructions is outlined by the state approved curriculum guide. She stated that any changes to the curriculum guide would have to be initiated by the Department of Education.

Mr. Hutson expressed concerns that the VADETS on-line classroom course cuts into his business. Students can complete the course in a shorter time period than coming to his classroom. He would like to see fair competition and regulations guiding the on-line course.

Mr. Eggleston asked if all Class A schools are going to be licensed and regulated by DMV. He stated that it is not fair the he has to comply with regulations if he is licensed and he has to compete with schools that are not licensed that train students and send them to DMV to be licensed.

Mr. Junius responded that all schools, Class A, must be licensed by the Commonwealth if the student is presenting a certificate of completion in lieu of holding the instruction permit for 30 days.

Mr. Hutson and Ms. Horst asked for clarification for one-on-one training and when a student has to sit in the back seat.

Ms. Waller explained that if one student is in the vehicle and receiving instruction, the school must have written consent from the parent. She said if the student is in the vehicle and is not receiving instruction and riding to pick-up another student, the student riding alone must sit in the back seat when the instructor is driving

Mr. Saker asked who is initiating the adult certificate course. Mr. Saker stated that his concern was he did not feel that a person would pay for 14 lessons if they are charged by the hour. He said that it would be costly. He suggested that the lessons requirement be reduced.

Mr. Hutson suggested that the course be at least 5-7 hours. He stated that it would be appropriate and affordable for the adults. Mr. Hutson also suggested that the insurance companies might give a discount to adults who complete the adult training course.

Mr. Eggleston asked if DMV would continue to allow companies to be third party testers.

Ms. Waller responded yes.

Mr. Eggleston asked that DMV cancel the CDL licenses of people who have not fulfilled their financial obligation to the school.

Mr. Copeland stated that Mr. Eggleston would have to contact his area senate or delegate to ask for a statutory change.

Mr. Hutson commented, according to the proposed regulations, he could have his office in his home if it meets IRS qualification.

Ms. Waller and Mr. Junius responded yes.

Mr. Saker asked if the form, DTS-14, would be revised so that two students could observe one student.

Ms. Waller responded yes.

Mr. Copeland stated that the public comment period would end on October 6. Comments should be sent to him at DMV. The Secretary of Transportation and the Governor's Office will have to review the proposed regulations. He explained that there is a 30-day review period after the regulations have been finalized. DMV will notify everyone when the regulations would become effective.

After receiving no comments, that completed the review of proposed regulations.

**Proposed Driver Training Schools Regulations Public Hearings Summary
Fairfax DMV District**

Date: Tuesday, September 21, 2006

Location: West Springfield Government Center
6140 Rolling Road
Springfield, VA 22152

Attendees:

Brad Lampshire – Lampshire Driving School
Jack Wintersteen – Keith’s Consolidated Driver Education, Inc.
Jeff Custer – JC’s Driving School
Doug Isaac – Commonwealth Driving School
Richard Frye – ACME
James Thornhill – Mt. Vernon Driving School
Craig Schmoltdt – Easy Method Driving School
Janet Maxino – Easy Method Driving School
M. A. Shah – AA United Driving School
Tim Davis – Instructor’s Choice Driving School
Ali Shafai – Delta Driving School
Ligia Pola – Pola Driving School
Ernest Quansah– Keith’s Consolidated Driver Education, Inc.
Samuel Aayain – Keith’s Consolidated Driver Education, Inc.
Titus Nmashie– Keith’s Consolidated Driver Education, Inc.
W. Somarriba – Walter’s Driving School
Mark Glago – Keith’s Consolidated Driver Education, Inc
David Williams– Keith’s Consolidated Driver Education, Inc.
Syed Ahmad – D Driving School
Larry Blake – Northern Virginia Driving School
Muhammad Jan – Instructor’s Choice Driving School
Kwasi A. Mensah – Instructor’s Choice Driving School
Keith Vance – Professional Driver Educators of Virginia
Bob Albert– Keith’s Consolidated Driver Education, Inc.
Kalim Janjua - Advance Driving School
Luis Portocarrero – Driving Academy
Rita Portocarrero – Driving Academy
Arlie Brook – Keith’s Consolidated Driving Education, Inc.
Louis Joseph - Lim’s Driving School
Manuela Constantinesul – General Public
Audrey Arnold – Arnold’s Driving School
Joe Rogers – Keith’s Consolidated Driver Education, Inc.
Amanda Purvis – Keith’s Consolidated Driver Education, Inc.
Syed Naqvi – Eagle Driving School
Zahid Malik – Falls Church Driving School
Michael Zollner – All Star Driving School
William Louch – Keith’s Consolidated Driver Education, Inc.
Abu Sharifa – T & S Driving School
Senator Jay O’Brien
Syeda Mirza – Keith’s Consolidated Driver Education, Inc.
Charles Bushrod – Mr. B’s Driving School

DMV Representatives:

James Junius – Deputy Director, Driver Services Administration
Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services

Summary of Meeting:Introductions and General Comments

Mr. Junius convened the public hearing at 11:00 a.m.

After introductions, Mr. Junius turned the proceedings over to Mr. Copeland, who explained the reason for the public hearing and provided information on the regulatory process in general. He told the group that the hearing would start with general comments, then continued with a section-by-section review of the proposed regulations.

Mr. Copeland explained that there were two processes going on at the same time. He stated that DMV is repealing the current regulations and promulgating the proposed regulations. He asked if anyone had any general comments before he began with the section by section-by-section review. Mr. Copeland stated that DMV has several concepts that they would like to introduce to be incorporated in the regulations.

Mr. Blake said that DMV should conduct the road tests not the schools.

Mr. Vance stated he has objected to the regulations since the beginning. He said that DMV has taken away his rights to speak. He stated that the industry does not need to be regulated, that the schools should be able to regulate themselves. He stated that they should be able to pick their own advisory board.

Mr. Portocarrero said that he has no objection to schools conducting the road test. He said that they, the schools, work with the students longer than the DMV so the schools should conduct the road test. He added that the forms are too complicated to complete and should be revised.

Mr. Lampshire said that the schools should get organized so that they will have more input in the decision making process. He stated that the schools should be able to test students. DMV testers do not test his students properly. He suggested that all persons should be required to take driver education.

Mr. Davis said that the meeting is about new requirements and new forms. He said he thinks that the forms are a distraction, that the forms do not solve any problems, they only create them. He said that he spends too much time completing forms. He stated that DMV is trying to micro-manage them.

Senator O'Brien said that he has worked on bills with DMV and Keith Vance over the years. He emphasized that the laws apply to the state, and that while they may seem unnecessary in Northern Virginia, they are necessary in other areas of the state. He expressed concerns in the difference in the commercial driving schools and the school-based program and plans to look at and compare the programs. He said that he is very interested in teen drivers and their safety. Senator O'Brien added that regulation is the only way to deal with complaints from the public and to force compliance. He encouraged the driver training schools to work with DMV to have a good statewide program. He also encouraged them to organize as a group, and to meet with their state representatives if they think laws need to be changed. He said that the proposed regulations were important, and that the state has a reason to get involved, as it is an industry that needs to be regulated. He compared driver training schools with tow truck operators when encouraging them to organize as a group to present their collective concerns to DMV and lawmakers, as the tow truck operators did.

Mr. Custer said that he would rather have a copy of the 40 hour log instead of the copy of the learner's permit. He also thought that the student record forms should be revised as it is repetitious. He stated that he did not let his daughter take in-vehicle at the public schools, as students drive around a range that does not present a real driving experience. He added that DMV is doing a great job.

Mr. Glago said that it is a conflict of interest for the schools to conduct the final skills test and issue the license. He believes that the schools should train and DMV should test. He stated that there are not enough testers at DMV. He asked if DMV saved any money by not testing the teens.

Mr. Copeland said that he did not have statistics on cost savings, however, he stated that the Va. Code allows DMV to waive the DMV skills test with appropriate training.

Ms. Pola thought that 36 periods of classroom instruction was too much. She believes that more time should be spent on driving. She also thought that the student forms should be revised. She stated the time for picking up another student with one student in the car should be counted. She added that the driver training schools are regulated more than the public schools and home-schooled students.

Mr. Bushrod said that he has taught for public and private schools, and that he is in favor of more training in the vehicles and a decrease in paper work.

There were no further general comments.

Section-by-Section Review

The section-by-section review began at Part III (Specific Requirements Related to Class B Licensure) of the regulations, beginning with Section 200 and ending at Section 220.

After reviewing there were no questions or comments. Mr. Copeland introduced the concept of an adult certificate course. He explained that the adult training curriculum is still the same as the juvenile training curriculum; however, training would consist of 14 hours of skills training, no observation, extended classroom and vehicle instructional hours for adults with the driver training school conducting the skills examination; the juvenile training curriculum consists of 7-50 minutes periods of skill and 7-50 minute periods of observation. Mr. Copeland added that we will be conducting a meeting with the Class B Advisory Board Panel members during the 60-day comment period to discuss this matter further. Mr. Copeland further explained that if an adult completed the course they will be exempt them from taking the skills test at DMV when applying for a driver's license.

Ms. Constantinesul stated that she is in favor of adult training. She would like to see sufficient driver training time for adults. She stated that tests should be in English not in a foreign language.

Mr. Naqvi stated that he is in favor of adult training, however, DMV should test.

Mr. Glago stated that he is in favor of adult training, however, the 14 hours might be too long and DMV should test.

Mr. Junius stated that DMV would establish the minimum hours of training. He said that if the instructor decides the adult needs more training that would be left up to the instructor before testing. He went on further to say that the contract should be specific, and if the person passes the test at the school, he would be exempt from the DMV road test. He added that if the person does not present a certificate as proof of training, then DMV would test the person.

Mr. Lampshire said that he is in favor of adult training, however, DMV should test. He also stated that 10 hours of training is enough.

Mr. Bushrod said that he is in favor of adult training.

Mr. Shafai said that he is in favor of adult training. He also stated that he would like to see the driver training schools and DMV working together.

Mr. Louch said that he is in favor of adult training, however, it should have the same hours or more than juveniles.

Ms. Pola said that if the adult training is going to be optional, adults will not pay to take the course; it should be mandatory adult training. She stated DMV should test the adults.

Mr. Copeland asked Ms. Pola if she had any concerns with the driver training schools testing the juveniles.

Ms. Pola said that sometimes she does. She stated that some times the student needs more practice even after passing the final skills test.

Mr. Shah said that minimum standard for testing should be raised. He also said that the driving schools should train and let some one else test the students.

Ms. Pola wanted clarification that schools could drive with one student in the vehicle.

Ms. Waller said they could, with parental consent. She added that the student would still be required to complete observation.

Mr. Isaac asked how the driver training would work with one student in the vehicle.

Ms. Waller explained that if two students are scheduled and one student fails to show up, the other student would be able to continue with the driving session. She said that the instructor would not have to cancel the lesson for the student that kept the appointment; however, the student will have to observe another student on another day.

Mr. Vance asked if DMV would obtain professional assistance in the design of the forms.

Ms. Waller stated that the forms would be revised and DMV welcomed input from the schools. In addition, she said a sample copy would be sent out for evaluation prior to usage.

Mr. Lampshire stated that he conducts training for handicapped students. He wanted to know if he would still be able to use his car to conduct training for handicapped students.

Ms. Waller said yes, that the regulation allows the student to use their personal vehicle or the instructor's vehicle.

Mr. Shah asked if a vehicle could be exempt from having to be replaced if older nine model years.

Ms. Waller explained that vehicles used to conduct training for disabled students are the only type of vehicles that could be exempt from being replaced after nine years due to the cost to replace the specially equipped vehicle.

Mr. Naqvi asked if instructions could be given without an observer when picking up and dropping off students.

Mr. Junius response was yes, with parental consent. He added that if the student is not receiving instruction, the student must be in the back seat.

After receiving no comments that completed, Part III, at Section 220, of the proposed regulations.

The section-by-section review continued at Part I (General Provisions) of the regulations, Sections 10 through 160.

Ms. Maxino wanted to know how the business office requirement would affect her school. She stated that her school was currently grandfathered and allowed to have a business office in Maryland.

Mr. Copeland and Ms. Waller stated that the grandfathered provision would no longer be recognized and it will be necessary that her school have a business office in Virginia because the proposed regulations did away with the grandfathering clause.

Mr. Isaac asked if he could say that his school is licensed by DMV in his advertisements.

Ms. Waller said yes, he could.

Mr. Glago questioned if there was a difference in taking the practice test on DMV's web site and driving around DMV's road test route.

Mr. Junius stated that it would be reviewed.

No questions or comments were received from Section 30 through Section 160, completing Part I of the proposed regulations

The section-by-section review continued at Part II (Specific Requirements Related to Class A License) of the regulations, beginning with Section 170.

Mr. Copeland introduced the curriculum requirements for Class A schools. The enhancements were minimum hours of classroom and in-vehicle instruction and minimum miles driven, as well as several property- and passenger-carrying vehicle requirements.

Mr. Louch asked if 15 years of driving a commercial truck would be enough to qualify him to be licensed as a Class A instructor.

Mr. Copeland said yes.

After receiving no comments that completed Part II, at Section 190, of the proposed regulations.

Mr. Copeland explained that this session was the last public hearing; however, any questions or comments would be received until the end of the 60-day comment period, October 6. He said a Class B advisory group meeting would be held on September 27, 2006 at DMV Headquarters to discuss the concept of the adult certificate program, and that a notice has been mailed to all Class B schools. He said any changes made to the proposed regulations would be outlined and summarized. He added that the regulations could be reviewed for public comments for 30 days after they are finalized, and that DMV would notify the schools when the regulations would become effective.

After receiving no more section-specific comments, that completed the review of proposed regulations.

Mr. Lampshire asked about the safety equipment, flares and reflectors. He suggested "or" instead of "and". He also said that out of state vehicles should be allowed to be used in Va.

Ms. Constantinesul asked how many driving schools in Virginia teach the manual shift.

Ms. Waller responded that any school instructor could teach the manual shift as long as the school has that type of vehicle in it's fleet.

Mr. Somarriba asked DMV to allow for an exemption on a vehicle that is over the nine model years if it is in good and safe mechanical condition.

After receiving no further comments, that completed the public hearing.

Class B Advisory Meeting Summary – Adult Certificate Program Comments

Date: Wednesday, September 27, 2006

Location: DMV Headquarters
2300 West Broad Street
Richmond, VA 23269

Attendees: Luis Portocarrero – Driving Academy
Jim Dorn – A1 Drivers Ed
Bob Chambers – Southwest Virginia Community College
Ligia Pola – Pola Driving School
Karin Gest – Gest Education Service and Training
Jerry Fawley – Shenandoah Valley Driving School
Laurie Taylor – A Safe Driver
Doug Isaac – Commonwealth D. S.
Zahrd Malik – Falls Church D. S.
Syed Naoui – Eagle Driving School
Muhammad Jan – Instructor’s Choice Driving Academy
Calvin F. M. McAlexander – Always First Driving Academy
Bob Wall – Va. Assoc. of Chiefs of Police
William Carter – Peninsula Enterprise
Dewayne Freeman - Peninsula Enterprise
John Vaughter – Dept. of Veterans Affairs Med. Center
Vanessa Wigand – Va. Dept. of Education
Joe Rocas – Keith’s Driving School
Keith Vance – PDSV

DMV Representatives: Carol Waller – Program Manager, Commercial Licensing Division
Marc Copeland – Sr. Policy Analyst, Legislative Services
James Junius – Deputy Director, Driver Services Administration

During each of the six public hearings, DMV asked for feedback on its idea to allow for Class B licensees to teach an adult certificate curriculum, similar to what is currently taught to juveniles. DMV scheduled a separate meeting during the 60-day comment period with its Class B advisory group and other interested parties to obtain input as to what would constitute the best adult certificate curriculum. Three specific items were the topics of discussion:

- 1) Determine minimum hours for in-vehicle instruction;
- 2) Expand instruction periods; and
- 3) Expand classroom time.

The following is a summary of the comments received on these topics.

Attendee	Comments	Agency Response
Ms. Pola	Recommended 12 to 15 minimum classroom hours and a 10 hour minimum for in-car training. Also stressed that the school and student, together, should have discretion to determine necessary hours and training in excess of minimum requirements. Foresees having problems with students who think they are ready to take the skills test before they are ready. For those students, recommended that they take the test at DMV rather than at the school.	No specific response

Attendee	Comments	Agency Response
Mr. Portocarrero	Recommended having classroom training and at least 6 hours in-car.	No specific response
Ms. Taylor	Recommended the driver improvement class be expanded to 12 hours, four hours minimum in-car, with the instructor determining if additional time is needed. Also, DMV should conduct the test rather than the school because of the possibility of misconduct by the school (checks and balances). Skills test should not be waived by DMV. Believed all adults should receive driver training because many do not know driving laws and the consequences of violations and convictions, which are possible vehicle crashes and incarceration for convictions (particularly true for immigrant population).	No specific response
Mr. Wall	<p>Agreed that adult driver education is needed for the average driver. For example and justification, law enforcement officers are required to have 40 hours of in-service training every two years and driver training is required when an officer is involved in an accident.</p> <p>Wanted to know why DMV was looking at adult education.</p> <p>Wanted to know if the adult training would be competency-based or hourly-based. Thought adult driver training was punitive because adults will have to take off from work to attend the training and they would have to pay a fee as well.</p> <p>Suggested there should be a pilot program before implementing a statewide program.</p>	<p>Explained that the adult driver training requirement will be included in the driver training regulation being proposed for promulgation.</p> <p>Also explained that the purpose of the meeting was to obtain input to determine if adult driver training is viable and if so, what participants thought the curriculum should be.</p> <p>DMV wants to explore the opportunity for adults to successfully complete an adult training course and driver skills examination at a driver training school and possibly be exempt from the skills examination at the DMV office.</p> <p>Mentioned that there was general discussion about (i) a future possibility that adults failing the skills exam 2 or 3 times will be required to complete driver training before becoming eligible to test again; (ii) driving training being mandated for all adults seeking an original driver license; and (iii) increasing the 30-day learner's permit holding period.</p>

Attendee	Comments	Agency Response
Mr. Dorn	Recommended 7 hours of driving and 8 hours of classroom. Said that driving schools must remember that the adult student is a volunteer. Therefore, they need an incentive to attend the schools. The incentive would be getting tested by the school, rather than by DMV, and that they would receive excellent driver training as well.	No specific response
Mr. Fawley	Recommended 10 hours of driving and 15 hours of classroom. Said classroom should consist of laws, driving regulations and skills; other information such as the history of the car, systems and mechanics of the car could be skipped for the adults.	No specific response
Ms. Gest	Recommended classroom instruction be somewhere between 12 and 16 hours, in the evening and/or Saturdays; two-hour periods and six one-hour periods of driving, spread over several weeks. Driver training and the 30-day holding of the learner's permit would be compatible this way. DMV should have option to spot check schools for possible testing irregularity.	No specific response
Mr. McAlexander	Thought many people would not have the money to pay for 14 hours of driving instruction. Recommended evaluating the driver and stating the training option to the driver because of the varying needs of drivers. Also suggested at least 10 students in the classroom to make business profitable; some people may have to wait to get into a class. He believed voluntary adult driver education would be a tough sell because of the expense and the time needed to complete the training.	No specific response
Mr. Haoui	Recommended classroom instruction should be a minimum of 24 hours with three eight-hour periods. Ten to twelve hours is not sufficient. Believed that immigrants need much more practice driving than American teens. Thought that a minimum of 10 to 14 hours of driving time would be necessary for those students.	No specific response
Mr. Vance	Recommended a pilot program be initiated for 2 or 3 years to survey the effectiveness of adult driver training and DTS testing.	No specific response
Mr. Carter	Indicated he has a 6-hour standard driving course but will extend the hours for as long as the student needs or requests. Suggested training be done in increments and training should vary, depending on the student's needs.	No specific response

* * * * *

DMV also received an email from Mr. David Wright with Wright Way Driving School in Blacksburg, VA. He asked if DMV would consider allowing for training vehicles to be used longer than nine years (current regulations limit the age of the training vehicle to eight years) and if four-door pick-up trucks could be used as training vehicles. DMV responded that the proposed nine-year vehicle age limit was expected to remain in order to balance the need for affordable training equipment with the safety and educational benefits of later model training vehicles. DMV also indicated that the four-door pick-up truck is acceptable if it has a full size rear seat with appropriate legroom for passengers.

No other substantive comments were received during the 60-day public comment period.

All changes made in this regulatory action

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

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
24VAC20-120-10	24VAC20-121-10	Definitions section	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." These changes reflect statutory changes made in 2004 and mesh with the overall regulatory enhancements of the final regulations.
Part of 24VAC20-120-20 & all of 24VAC20-120-30	24VAC20-121-20	<p><u>From Section 20 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires the location of a school's place of business or classroom and practice driver training area to be a distance of at least 1500 feet from any property owned, leased or maintained by DMV for examining motor vehicle operators. <p><u>Section 30 of the current regulations:</u></p> <ul style="list-style-type: none"> • Prohibits school licensure to schools with an established 	Eliminates grandfathering of out-of-state businesses licensed prior to January 1, 1993 in order to ensure all licensees are located in the Commonwealth and compliant with the final regulations. The rest of the changes are nonsubstantive, mainly reformatting of the current regulatory requirements.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>place of business maintained in the Commonwealth which (i) is owned or leased by a principal, where a substantial portion of the business is routinely conducted; (ii) satisfies all local business licensing and zoning regulations; (iii) has office space devoted exclusively to the commercial driver training school; (iv) houses all records that are required under the provisions of this chapter; (v) is equipped with a desk, chairs, filing space, a working telephone listed in the name of the school and working utilities; (vi) has restroom facilities; and (vii) complies with federal, state and local health, fire and building code requirements.</p> <ul style="list-style-type: none"> • Requires schools to provide the street address or physical address of the established place of business in the event that a post office box number is used for postal delivery. • Requires each school that engages in classroom instruction to maintain, in addition to space for business operations, a classroom that provides a minimum of 10 square feet per student. • Requires classrooms to be equipped as follows: <ol style="list-style-type: none"> 1. Seating 	

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>arrangements and writing surfaces for each student; 2. Writing surfaces which shall be visible from all seating positions; 3. A library of driver education reference books, including appropriate text books for each student; 4. Appropriate audio/video equipment and screen; 5. Restroom facilities; and 6. Compliance with federal, state and local health, fire and building code requirements.</p> <ul style="list-style-type: none"> • Requires all addresses or physical locations of classrooms, driving range facilities or any other facility used by the school to be provided to DMV in writing. • Requires each school business office to be open to the general public a minimum of eight hours per week, with office hours posted in a conspicuous location at the place of business. Also requires the school license and its current schedule of fees and charges to be prominently posted at the established place of business. • Requires each licensed school to notify DMV, in writing, 30 days prior to a change of address, and to return the current license to DMV so that a revised license may be issued. • Grandfathers any 	

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>commercial driver training school licensed at their current site on or before January 1, 1993, by allowing them to be considered to be in compliance with these regulatory provisions.</p>	
<p>Part of 24VAC20-120-20 and 24VAC20-120-40 and all of 24VAC20-120-120</p>	<p>24VAC20-121-30</p>	<p><u>From Section 20 of the current regulations:</u></p> <ul style="list-style-type: none"> Prohibits any school, instructor or representative of a school from knowingly using, or permitting its instructors to use, any DMV driving test routes or sites for driver licensing skills examinations for the purpose of instructions or practice during the normal business hours of the DMV branch office. Also prohibits a school, instructor or representative of a school from parking any school vehicle on DMV owned, leased or maintained property after regular business hours without written approval from the branch office manager. <p><u>From Section 40 of the current regulations:</u></p> <ul style="list-style-type: none"> Requires schools to issue within five working days of the final lesson any documentation needed to obtain a driver's license, verification for insurance companies or for employment purposes to any student upon 	<p>The final regulations add restrictions related to alcohol and drug use and conduct in order to allow DMV to limit such behaviors. They also allow DMV to prescribe the manner in which the certificate of completion is provided to provide more flexibility and convenience for DMV, the schools and their students. Unlike the summarized portion of section 20 of the current regulations, the final regulations do not prohibit the use of DMV driving test routes, but they do prohibit school vehicles from being parked on DMV owned, leased or maintained property except for the purposes of conducting official business with DMV during normal business hours, and strictly prohibit a school from providing training to a student on DMV owned, leased or maintained property.</p> <p>Otherwise, this section of the final regulations mainly reformats the current regulatory requirements.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>successful completion of the instruction requirements, except when full tuition has not been satisfied.</p> <p><u>Section 120 of the current regulations:</u></p> <ul style="list-style-type: none"> • Prohibits schools from using any name other than that shown on its license. • Requires schools that utilizes "Department of Motor Vehicles" or "DMV" in any form of advertising to use only the words "Licensed by the Department of Motor Vehicles (or DMV) of the Commonwealth of Virginia." • Prohibits schools from using false, deceptive or misleading information in any advertisement. • Prohibits a school, instructor or representative of a school from (i) asserting or implying that it will guarantee that any student will pass the state license examination or that the student can secure a license, or that the student will be guaranteed employment upon completion of any course of instruction; (ii) transacting or soliciting driver training school business on property owned, rented or maintained by DMV; and (iii) providing 	

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		translation services for the purposes of any individual who is taking the DMV written examination.	
Part of 24VAC20-120-40 and 24VAC20-120-70	24VAC20-121-40	<p><u>Section 40 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires schools to maintain a record of each student showing name, address, telephone number, driver's or permit license number, dates of instruction, fees paid, name of the instructor providing instruction, testing materials or records, a copy of the Commercial Driver Education Certificate and, if applicable, a copy of the contract. • Requires the records for students under 19 years of age to distinguish the number of periods of classroom instruction, the number of periods of behind-the-wheel driving and the number of periods of behind-the-wheel observation. Also requires that these records indicate the names of any other student or students in the vehicle completing the required observation instruction. • Requires schools to be responsible for determining the successful completion of any student under 19 years of age in the theoretical and practical driving instruction by means of established, 	The changes are nonsubstantive, essentially a reformatting of the current regulatory requirements.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>written performance measurements of the student's theoretical and practical skills knowledge, and to maintain the results with each student's record.</p> <ul style="list-style-type: none"> • Allows schools teaching students under 19 years of age to provide additional instruction to students in order to bring their skills up to a passing level. • Requires schools to maintain copies of all insurance policies, surety bonds, local business license, any necessary zoning documentation, and a personnel file on each instructor, including the instructor's name, address, driver's license number, commercial driver training school instructor number and a copy of their college transcript or a valid Virginia teaching license. <p><u>From Section 70 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires schools to keep all records at the established place of business for a period of at least three years. 	
Part of 24VAC20-120-70	24VAC20-121-50	<p><u>From Section 70 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires all school records to be open and available for inspection by any officer or employee of DMV or any law-enforcement officer during normal 	Summarized as follows, this section of the final regulations expands upon the current requirements by spelling out how the records review process will work, including unannounced inspections and the establishment of compliance reviews, (i) to ensure the schools meet the licensing requirements; (ii) to build in adequate protections for DMV employees and

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>business hours. In the event that copies of such records are not readily available, allows DMV to secure and remove, for a period of three business days, these records for the purpose of photocopying.</p>	<p>students; and (iii) to provide appropriate sanctioning authority to DMV:</p> <ul style="list-style-type: none"> • Requires schools to have all records open and available for inspection by any employee of DMV during normal business hours or at a reasonable time agreeable to the DMV employee. Also requires schools to have someone, who is employed by or otherwise associated with the school and who can access all records, available to assist the DMV employee, as necessary. • Allows the DMV employee to secure and remove records in order to review, photocopy them or use them in a hearing if copies of the records are not readily available. Requires DMV to return the records it removes after the review or photocopying is completed, or at the conclusion of the hearing process, including any related court action, when used for that purpose. • Requires applicants for licensing as a driver training school to permit the department to inspect its operations, facilities and records as they relate to its driver training program for the purpose of determining whether the applicant is qualified for licensing. Requires DMV to perform these inspections during normal business hours and allows the inspections to occur with or without prior notice to the schools. • Requires DMV to prepare a written report on the results of each inspection, and provide a copy of the report to and review it with the applicant. At the conclusion of the review of the report, the applicant is required to provide signed written documentation to the DMV representative conducting the inspection that indicates the school has received and reviewed the report. • Requires each licensed school to permit DMV, from time to time, to inspect and conduct a general compliance review of its business offices, classrooms, vehicles and any other records or properties associated with the operation of the school to determine whether the school

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<p>remains in compliance with licensing requirements.</p> <ul style="list-style-type: none"> • Requires DMV to perform these inspections and general compliance reviews during normal business hours and allows the inspections to occur with or without prior notice to the schools. • Requires DMV to prepare a written report on the results of each inspection and general compliance review, and provide a copy of the report to and review it with the owner or business manager of the school. At the conclusion of the review of the report, the owner or business manager of the school is required to provide signed written documentation to the DMV representative conducting the inspection or general compliance review that indicates the school has received and reviewed the report. • Requires any school owner, employee or instructor who meets with DMV employees for the purposes of inspecting or otherwise obtaining records to be subject to the conduct requirements set forth in the final regulations. Any school owner, employee or instructor who violates the conduct requirements set forth in the final regulations during the meetings is subject to the sanctions set forth in the final regulations. • Requires each student's record to be open and available for inspection by the respective current or former student 18 years of age or older and by the parents and legal guardians of current or former students under 18 years of age during normal business hours or at a reasonable time agreeable to both the school and the student or parents or legal guardians of students under 18 years of age. • Prohibits school owners, employees or instructors to meet, for the purposes of inspecting records, or for any other purpose, with current or former students under 18 years of age at the time of the meeting without a parent or legal guardian being present unless the student is married or emancipated.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			<ul style="list-style-type: none"> Requires any school owner, employee or instructor who meets with students, parents or legal guardians for the purposes of inspecting records to be subject to the conduct requirements set forth in the final regulations. Any school owner, employee or instructor who violates the conduct requirements set forth in the final regulations during the meetings with students, parents or legal guardians shall be subject to the sanctions set forth in the final regulations.
<p>Part of 24VAC20-120-20 and part of 24VAC20-120-150</p>	<p>24VAC20-121-60</p>	<p><u>From Section 20 of the current regulations:</u></p> <ul style="list-style-type: none"> Requires schools seeking a license to file with DMV a completed copy of an application for a commercial driver training school license. Also requires the evidence of insurance coverage, including uninsured motorist coverage, to be on a Certificate of Insurance or similar form to be filed upon application and at other times of the licensure period as requested by DMV. Requires that the evidence of insurance certificate stipulate the specific motor vehicles covered and that DMV will be notified by the insurance carrier 10 days before the policy expires or if the policy is canceled or not maintained in full force. Requires each school to provide written notice to DMV in the event that any motor vehicle is added or deleted from the insurance policy during the 	<p>Most of the changes are nonsubstantive, essentially a reformatting of the current regulatory requirements.</p> <p>The final regulations additionally require submission of national criminal background checks, rather than the current statewide criminal background checks, for each individual providing instruction or otherwise employed by or managing a school. The final regulations also expand upon the types of convictions for which an application may be denied and expressly allows DMV to suspend or revoke a school license if a conviction occurs during any licensure period.</p> <p>These enhancements help provide adequate safety protections for students and other employees, and provide appropriate sanctioning authority for DMV.</p> <p>The final regulations also detail the process that schools must use to request name or address changes, or adding to or eliminating licensed locations or other facilities associated with the business or school instruction. This detail helps current and future licensees better understand these aspects of the licensing process, and in turn, helps ensure more expeditious processing of such requests.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>coverage period. Requires that the notice include the make, model, year, vehicle identification number and the license plate number, and that it be received by DMV prior to using the vehicles for driver education instruction.</p> <ul style="list-style-type: none"> • Requires the owner or manager of a commercial driver training school to submit with their application a criminal background check provided by their local law enforcement agency. Allows DMV to refuse to approve any application in which the owner or manager has been convicted of a felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other state or under the laws of the United States of America or a conviction of any offense included in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of any similar laws of any other state or of the United States. • Prohibits DMV from approving any Class A school license applicant that is certified by DMV as a Third Party Tester for commercial driver's 	

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>license (CDL) skills testing.</p> <ul style="list-style-type: none"> • Requires all licensed schools to file with DMV a surety bond, payable to the Commonwealth of Virginia, issued by a corporation licensed to transact surety business in the Commonwealth, with each application, and that the surety bond provide coverage for the entire licensure period. • Requires that the application fee, certificate of insurance, the surety bond and background check or checks must accompany the license application. Also requires DMV to either approve or deny the license applications within 30 days of receipt. <p><u>From Section 150 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires simultaneous filing of school and instructor license applications. 	
24VAC20-120-130	24VAC20-121-70	<ul style="list-style-type: none"> • States that DMV will make every effort to mail a renewal notice to the licensee outlining the procedures for renewal at least 45 days prior to the expiration of their license. Also states that failure to receive this notice will not relieve the licensee of the obligation to renew. • Requires each licensed school applying for 	<p>For purposes of clarification to the schools and to ensure effective and timely renewal application processing, the final regulations spell out in a little more detail the components of the renewal application.</p> <p>In order to provide more advanced notice to schools renewing their licenses and to ensure effective and timely renewal application processing, the final regulations provide for a renewal notice to be sent to a school 90 days in advance of the license expiration date, with a reminder notice to follow 45 days in advance of that date.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>license renewal to return the renewal application, certificate of insurance, surety bond, background checks and associated fees to DMV on or before the 15th day of the month in which the current license expires.</p> <ul style="list-style-type: none"> Prohibits a school from continuing operation upon the expiration of its license. 	
24VAC20-120-50	24VAC20-121-90	<ul style="list-style-type: none"> Requires that all written contracts or agreements between any Class B school and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction, or the preparation of an applicant for an examination given by the DMV for a driver's license or instruction permit must contain the following: <ol style="list-style-type: none"> Any school certified to teach students under 19 years of age must include a statement indicating the minimum number of periods of classroom instruction that is required for any student under 19 years; Any school certified to teach students under 19 years of age must include a statement indicating the minimum number of periods of behind-the-wheel instruction that is required for any student under 18 years of age; 	<p>In order to provide appropriate guidance as to contractual content, ensure consistency and facilitate the compliance review process, the final regulations outline the following school contract requirements:</p> <ul style="list-style-type: none"> Requires all contracts between any school and any individual or group attending the school to be in a standard format approved by DMV, and prohibits a school from making any changes to the format without review and approval by DMV. Requires a copy of the signed contract be provided (i) to each student who signs the contract for those students 18 years of age or older and for those students under 18 years of age who are either married or emancipated, or (ii) to the parents or legal guardians who sign the contract for students under 18 years of age who are not married or emancipated. Excluding transcripts and certificates of completion, requires all written correspondence from schools to current or former students and their parents or legal guardians related in any way to course work or the contract between the school and the student to include standard information about the department's toll-free telephone hotline. Also states that DMV will specify to the schools, as part of the school license application package, the content and the font requirements for this hotline information. Prohibits schools from including any

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>3. A statement indicating the contract price per period, lesson, or as a package, and the terms of the payment;</p> <p>4. A statement disclosing if there is an additional charge for the use of the school vehicle in taking a driving test to obtain a driver's license from DMV;</p> <p>5. A statement indicating the specific date and time when instruction is to begin for students taking classroom instruction;</p> <p>6. Licensees shall include a statement that the attendance at a commercial driver training school is not required for students over 19 years of age in order to secure a driver's license;</p> <p>7. The name and address of the school and the name and address of the student; and</p> <p>8. All contracts shall be signed by a school representative and the student. In addition, any contract between a Class B commercial driver training school with a student under 18 years of age shall be signed by a parent or legal guardian.</p> <ul style="list-style-type: none"> • Requires all contracts for services offered by a Class A commercial driver training school to be in writing and include provisions 3, 4, 5, 7 and 8 as set forth above. 	<p>statements in their contracts that place the financial responsibility for accidents occurring in school-owned vehicles during periods of instruction on the student or on the parents or legal guardians of students operating the vehicles.</p> <ul style="list-style-type: none"> • Requires DMV to provide the required elements for all contracts between schools and their independent contractors as part of the school license application package. • Requires addenda to any contracts between a school and its students or a school and its independent contractors to be approved by DMV. • Allows licensed driver training schools to conduct training courses at public or private schools, subject to existing statutory and regulatory requirements, and requires schools offering such training to provide DMV with a copy of the written contract between the driver training school and the public or private school along with written confirmation as to which portion of the training, if any, is being conducted at the public or private school.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<ul style="list-style-type: none"> • Notwithstanding the language of the contract, requires a refund of any fees or tuition or any part of fees or tuition be provided upon request unless the school is capable or willing to perform its part of the contract within a reasonable time period. • Requires all written contracts to state that the instruction provided does not guarantee that any student will pass the state license examination or that the student can secure a license, or that the student will be guaranteed employment upon completion of any course instruction. • If there is no written contract by a Class B school, requires the school (i) to provide the student or his legal guardian a written notice containing information regarding provisions 1 through 6 set forth above and (ii) to file with DMV a notarized, written statement indicating that the school is providing such notice and that all of the school's oral contracts and agreements have complied, and will comply, with the these provisions. Further requires that this statement be filed at the time of initial 	

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		application and with subsequent renewal applications.	
Part of 24VAC20-120-150	24VAC20-121-100	<p>From Section 150 of the current regulations:</p> <ul style="list-style-type: none"> • Requires instructors seeking a license to be employed by no more than one licensed school, unless the same person owns the schools. Also requires instructors employed by more than one school to submit an application and appropriate fees for each school. Grandfathers any instructor licensed on or before January 1, 1993, at more than one school not owned by the same person. • Requires instructors seeking a license to have at least five years driving experience, with at least two years of the five years in the United States or one of its territories. In the event that an applicant uses documents from a foreign country to substantiate five years of driving experience, requires the records to exhibit the individual's name, the license number, the date of issue, the date of expiration and notation of any violations. • Requires instructors seeking a license to teach passenger vehicle instruction to hold a valid driver's license from their state of domicile at the time 	<p>The final regulations eliminate the grandfathering of any instructor licensed on or before January 1, 1993, at more than one school not owned by the same person in order to ensure all licensees are compliant with the final regulations.</p> <p>The final regulations additionally require submission of national criminal background checks, rather than the current statewide criminal background checks, for each individual providing instruction. The final regulations also expand upon the types of convictions for which an application may be denied and expressly allows DMV to suspend or revoke an instructor license if a conviction occurs during any licensure period.</p> <p>The final regulations also add the following enhancements and clarifications to the instructor application requirements:</p> <ul style="list-style-type: none"> • Requires applicants to be able to document with driving records at least five years of licensed driving experience, two years of which are experience in the United States or a territory thereof. Requires the driving records to exhibit the applicant's name, the driver's license number, the date of issue, the issuing jurisdiction, the date of expiration and notations of any convictions, license withdrawals, suspensions, revocations, cancellations, disqualifications or restrictions. In the event an applicant uses driving records from a foreign country to substantiate licensed driving experience, requires that the records be translated into English by an appropriate authority, as approved by DMV, at the applicant's expense. • Requires individuals licensed as instructors or seeking an instructor's license to be able to effectively communicate in English in an easily understood and comprehensible manner to their students and DMV, as

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>of licensing and throughout the entire licensure period.</p> <ul style="list-style-type: none"> • Requires instructors seeking a license to teach at a Class A licensed school to hold a valid commercial driver's license (CDL) from their state of domicile at the time of licensing and throughout the licensure period. If the CDL is from another state, requires the licensee to provide a copy of their driving record from that jurisdiction upon application and on a quarterly basis. • Requires instructors seeking a license to teach at a Class A or Class B licensed school to maintain a driving record not exceeding six demerit points once licensed by DMV and throughout the licensure period. States that in the event the driving record is from another state or foreign country, DMV will apply Virginia's equivalent demerit points. Requires instructors seeking a license to teach at a Class A licensed school shall upon licensing and throughout the licensure period maintain a driving record with no more than one serious traffic violation as defined in §46.2-341.20 of the 	<p>determined by DMV.</p> <ul style="list-style-type: none"> • Requires all applicants for a license to teach in-vehicle instruction and those persons who are currently licensed to teach in-vehicle instruction to provide written notice to DMV of any traffic accidents, convictions of traffic infractions, misdemeanors, or felonies, as well as any administrative actions relating to driving or any driver's license revocation, suspension, cancellation, disqualification or other loss of driving privileges within 15 calendar days of the conviction or administrative action, or within 15 calendar days of the imposition of the revocation, suspension, cancellation, disqualification or other loss of driving privileges. • Prohibits DMV from approving applicants for a license to teach in-vehicle instruction if their current driving privileges are expired, suspended, revoked, cancelled or disqualified. • Allows DMV to deny persons required to submit to periodic medical reviews an in-vehicle instructor's license if, as determined by DMV, their conditions are considered to pose a threat to the safety, health or welfare of driver training students or the public while these persons operate a motor vehicle. • Clarifies that individuals who obtain an instructor's license must have a driving record with no more than six demerit points at the time of licensing, and after licensing, must maintain a driving record with no more than six demerit points. • Requires DMV to suspend an instructor's license and to notify the instructor and the driver training school where the instructor is employed of the suspension if during the licensure period the driving record of such individual accumulates more than six demerit points based on violations occurring in a 12 month period. • Prohibits the use of safe driving points to reduce the accumulated demerit points. Also requires DMV to apply Virginia's equivalent demerit points to convictions noted on the instructor's driving record in

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>Code of Virginia during the preceding three-year period.</p> <ul style="list-style-type: none"> Requires instructors seeking a license to submit with their application a criminal background check provided by their local law-enforcement agency. Allows DMV to refuse to approve any application in which the instructor has been convicted of a felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other state or under the laws of the United States of America or a conviction of any offense included in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of any similar laws of any other state or of the United States. Prohibits DMV from issuing a license to applicants if they have a conviction of driving under the influence (DUI), reckless driving, refusal to submit to a breath or blood test under §18.2-268 of the Code of Virginia or vehicular homicide or of any similar ordinances of any county, city or town or of any other state within 18 months of the date of receipt of the application. 	<p>the event it is from another state.</p> <ul style="list-style-type: none"> Requires DMV to suspend a person’s instructor license and to notify them and the school where they are employed of the suspension whenever the person’s driver’s license is suspended or revoked, or the person is convicted in any court of reckless driving, driving under the influence or driving while intoxicated. Extends from 18 months to five years the period prior to the date of application within which convictions of driving under the influence, reckless driving, refusal to submit to a breath or blood test under §18.2-268.2 of the Code of Virginia, or vehicular or involuntary manslaughter, or of any similar offense from any other jurisdiction prohibit DMV from issuing applicants an instructor’s license. Requires that the five-year period be measured from the license restoration date rather than the conviction date if the applicant’s driving privileges were revoked for any such conviction. Requires DMV to revoke a person’s instructor license if such a conviction occurs during a licensure period. Requires licensed instructors to attend annual one-day training sessions, provided by DMV in each of DMV’s regional districts, which will include, as appropriate and necessary, updates on DMV forms, audit processes, other procedural changes, new legislation that has implications for driver training and discussions about any issues or concerns raised by either the department or the licensees. Requires all instructors to complete training on the current curriculum and other course work, as required and approved by DMV, prior to instructing students. Requires evidence of such training to be maintained by the school employing the instructor and provided to DMV upon request.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<ul style="list-style-type: none"> • Requires any appropriate documentation for teaching students to be submitted with the original application. Requires instructors relying on a Virginia teaching license to submit a valid copy of such license upon original application and upon renewal of the license. States that DMV will either approve or deny applications within 30 days of receipt. • Requires all licensed instructors to have their instructor's license in their possession at all times while providing driver training instruction. • Requires each licensed instructor to notify DMV, in writing, within 30 days of moving to a new residential address. • Requires instructors to return their current license to DMV so that a revised license may be issued in the event that the licensed school that employs them changes its address,. • Requires instructors to maintain their current residential address on their driver's license. 	
24VAC20-120-160	24VAC20-121-110	<ul style="list-style-type: none"> • States that DMV will make every effort to mail a renewal notice to the licensee outlining the procedures for renewal at least 45 days prior to the 	For purposes of clarification to the schools and instructors, and to ensure effective and timely renewal application processing, the final regulations spell out in a little more detail the components of the renewal application.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>expiration of their license. Also states that failure to receive this notice will not relieve the licensee of the obligation to renew.</p> <ul style="list-style-type: none"> • Requires each licensed instructor applying for license renewal to return the renewal application, background checks and associated fees to DMV on or before the 15th day of the month in which the current license expires. Requires instructor licenses to expire on or before the expiration date of the respective school's license. • Prohibits an instructor from continuing to instruct students upon the expiration of their license. Prohibits DMV from issuing a renewal instructor license if the school license is not renewed. 	<p>In order to provide more advanced notice to instructors renewing their licenses and to ensure effective and timely renewal application processing, the final regulations provide for a renewal notice to be sent to an instructor 90 days in advance of the license expiration date, with a reminder notice to follow 45 days in advance of that date.</p>
24VAC20-120-60	24VAC20-121-130	<ul style="list-style-type: none"> • Requires each school to notify DMV in writing no later than the 15th of the month, following the month of termination of employment of any licensed instructor and to make every reasonable attempt to return to DMV the terminated instructor's license. • Requires schools to submit to DMV, within 15 days of cessation of business, a written statement explaining the reason for closing, the school license, all instructors' licenses 	<p>The final regulations better clarify the notice requirements and add several other requirements that offer more compliance flexibility to schools while providing appropriate protections for students and the Commonwealth, as follows:</p> <ul style="list-style-type: none"> • Requires written statements (i) indicating if and when the business is closing within 15 calendar of cessation of business, and (ii) explaining the reason for closing, the school license, all instructors' licenses and all students' records be forwarded to DMV within 30 days of cessation of business. • Requires schools to notify DMV of any proposed structural or other modifications to an existing school, classroom or driving range 30 days prior to initiating such modifications. • Requires schools to submit to DMV,

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		and the past six months of students' records.	within 15 calendar days of filing for bankruptcy and in a manner prescribed by DMV, a written statement indicating among other things (i) the financial status of the business, and (ii) the anticipated impact of the bankruptcy on the Commonwealth and the school's former, current and future students, if any.
Parts of various sections	24VAC20-121-140	Fees, including those for applications, license upgrades, address changes and penalties, are outlined in parts of various sections.	For convenience and ease of formatting, the final regulations set forth the same fees as outlined in the current regulations in this one section rather than multiple sections.
Part of 24VAC20-120-110	24VAC20-121-150	<p><u>From Section 110 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires every school to provide all necessary equipment and materials required for classroom and behind-the-wheel instruction, including motor vehicles that are in safe mechanical condition. • Prohibits motor vehicles from being used for driver education purposes unless they are owned or leased in the name of a school licensed by DMV or the school owner, as indicated on the application for the school license. 	For the safety of the instructors and students, the final regulations additionally require vehicles owned by both types of schools to carry minimum safety equipment, as determined by DMV, while they are used for training students. Such equipment shall be readily available and maintained in a safe, workable and organized manner, and include, but not be limited to: reflective triangles, flares, first aid kit, flashlight, fire extinguisher, jumper cables or a battery charger, towel, blanket, and a safety vest.
24VAC20-120-180	24VAC20-121-160	<ul style="list-style-type: none"> • Sets forth a limited number of specific reasons or circumstances when DMV may (i) refuse to license a school or instructor, (ii) cancel, suspend, revoke or refuse to renew a license, and (iii) impose a civil penalty for any licensee. • Allows DMV to immediately suspend, revoke or refuse to 	<p>In order to enhance DMV's ability to enforce statutory and regulatory requirements, and thereby better protect students and the general public, the final regulations specify the following sanctions:</p> <ul style="list-style-type: none"> • Allows DMV to cancel, suspend, revoke or deny renewal for any license issued pursuant to these regulations, refuse to license a school or instructor or limit the type of driver training instruction provided and impose a civil penalty up to \$1,000, as outlined in Chapter 17 (§ 46.2-1700 et seq.) of Title 46.2, for any licensee who violates any statutory or regulatory provisions.

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		<p>renew a license based upon a finding that the instructor's driver's license or commercial driver's license has been suspended, revoked, or disqualified, or upon receiving a record of a conviction of serious motor vehicle related offenses punishable as a misdemeanor or felony including driving under the influence or reckless driving.</p> <ul style="list-style-type: none"> • Allows DMV to immediately suspend, revoke or refuse to renew license of an instructor based upon a finding of a conviction of Chapter 4 (§18.2-30 et seq.) of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or any similar laws of any other state or of the United States. • Allows DMV to assess a civil penalty not to exceed \$1,000 for each violation or any provision of the laws or regulations related to driver training schools. • If a school licensee is an individual, association, partnership or corporation, allows DMV to cancel, suspend, revoke or refuse to renew a school license when any officer, director, instructor, employee, or any trustee or member of a partnership or corporation has committed any act or 	<ul style="list-style-type: none"> • Allows DMV to cancel, suspend, revoke or deny renewal for any license without first offering the licensee the opportunity for a hearing if the Commissioner has made a determination pursuant to § 46.2-1705 (E) or (G) of the Code of Virginia that the violation poses a danger to the safety of students or to public safety or indicates that an instructor is no longer qualified to act as an instructor. • Allows DMV to limit the privileges of a school or an instructor pursuant to § 46.2-1705 (F) of the Code of Virginia. • Clarifies that if a school licensee is an association, partnership, corporation or other business entity, DMV may suspend, cancel, revoke or refuse to renew a school license in the event that any officer, director, or any trustee, partner or majority or controlling shareholder of a partnership or corporation, or member of an association or controlling person in any other business entity has committed any act or omitted any duty which would be cause for suspending, canceling, revoking, or refusing to renew a license issued to him as an individual under the laws and regulations pertaining to driver training schools. • Requires each school owner to be responsible for the acts of any instructor or employee while acting within the scope of his duties as an instructor or employee. • Requires that upon revocation or refusal to renew a school license, all school and instructor licenses, forms, documents and all records relating to the school operation, including all student records, and any materials furnished to the school by the department be forwarded to DMV by the school within 30 calendar days of the action.

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		<p>omitted any duty which would be cause for canceling, suspending, revoking, or refusing to renew a license issued to him as an individual under the laws and regulations pertaining to driver training schools.</p> <ul style="list-style-type: none"> Assigns responsibility for the acts of any instructor or employee while acting as an agent to each school licensee owner or manager if the licensee approved of those acts or had knowledge of those acts or other similar acts and after such knowledge retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts. 	
Part of 24VAC20-120-100	24VAC20-121-170	<ul style="list-style-type: none"> Requires all schools issued a Class A license to provide theoretical and practical instruction in the operation of tractor-trailers or motor vehicles in excess of 20,000 pounds, exclusive of any load. Requires the theoretical instruction to include specific topic areas. 	<p>The final regulations are reformatted to outline specific requirements related to Class A licensure. Included in this section are curriculum requirements designed to provide more flexibility to the Class A licensed schools in curriculum development and implementation while maintaining appropriate input and oversight by DMV. These requirements include:</p> <ul style="list-style-type: none"> States that course curriculum requirements will be established and made available by DMV to Class A licensed schools, Class A license applicants and the public. Requires that a course curriculum meeting the established requirements be submitted to the department at the time of Class A license application or renewal application, and that it be approved by DMV prior to the beginning of course instruction. Requires DMV to provide and update the

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			<p>list of course curriculum requirements from time to time, as deemed appropriate and necessary by DMV, in consultation with all affected schools that are licensed by the department at the time of the update and other interested parties as identified by DMV.</p> <ul style="list-style-type: none"> Requires DMV to notify the affected schools when and if new relevant topics are added to the course curriculum. Requires schools to update their course curriculum and to certify to the department in writing that the school has added the new topics to the course curriculum within 45 calendar days after the notice is issued.
Not applicable	24VAC20-121-180	Not specifically applicable; see 24VAC20-120-150, as summarized above, for current instructor requirements	<p>The final regulations are reformatted to outline specific requirements related to Class A licensure. Included in this section are instructor requirements, which expand upon the general requirements set forth in section 100 of the final regulations designed to provide more consistency and flexibility to the Class A licensed schools in instructor hiring and retention while maintaining appropriate input and oversight by DMV. These requirements include:</p> <ul style="list-style-type: none"> Requires that applicants for a Class A instructor’s license possess a valid Virginia nonrestricted interstate commercial driver’s license, with the appropriate vehicle classes and endorsements for the type of instruction they intend to provide, which has been held by the applicant for at least 3 years. Allows applicants for a Class A instructor’s license who do not have a high school diploma to be licensed if they provide written evidence that they (i) have at least one year of previous Class A instructing experience or (ii) have successfully completed a Class A driver training course and a minimum of 160 hours of Class A instructor training provided by the hiring school. Requires applicants for a Class A instructor’s license to provide with their applications certifications that they meet the physical requirements, and any alcohol and drug screening requirements

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			<p>for commercial drivers as specified in the federal motor carrier safety regulations. Requires the school employing the instructor to keep a copy of the certification in the instructor's file.</p> <ul style="list-style-type: none"> • If applicants for a Class A instructor's license hold a valid commercial driver's license from a state other than Virginia at the time of licensing, requires that they maintain its validity throughout the entire licensure period and provide to DMV a copy of their driving record from that other state upon application and, if licensed as a Class A instructor by DMV, on a quarterly basis thereafter. • Requires both applicants for and holders of a Class A instructor's license to also provide written notice to DMV of any conviction of traffic infractions, misdemeanors, or felonies, any administrative actions relating to driving or any driver's license revocation, suspension, cancellation, disqualification or other loss of driving privilege within 15 calendar days of the conviction or administrative action, or within 15 calendar days of the imposition of the revocation, suspension, cancellation, disqualification or other loss of driving privilege. • Requires Class A instructors to complete in-service instructor training provided by the school prior to offering student instruction. Requires DMV to establish and make available the requirements of the in-service instructor training to licensed Class A schools and to include, but not be limited to, the following topic areas: <ol style="list-style-type: none"> 1. Basic instructional skills; 2. Student teaching with a mentor; 3. Background in federal, state and local laws and ordinances; 4. Basic skills for operating commercial motor vehicles; 5. Safe operating practices; 6. Maintenance of commercial motor vehicles; and 7. Safe trip planning.

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Part of 24VAC20-120-100 and 24VAC20-120-110	24VAC20-121-190	<p><u>From Section 100 of the current regulations:</u></p> <ul style="list-style-type: none"> Limits the number of persons involved in behind-the-wheel instruction by a Class A licensee to no more than five persons, including the driver and instructor in the passenger portion of the vehicle. <p><u>From Section 110 of the current regulations:</u></p> <ul style="list-style-type: none"> Requires, in addition to equipment required by the Motor Carrier Safety rules and regulations, that each vehicle used for driver education in a school with a Class A license have dual braking capability, and that the cab of the vehicle be designed to have safety belts for each individual in the tractor-trailer. Requires all vehicles used for driver instruction in a school with a Class A license have be marked by a rooftop sign in bold letters not less than four inches in height affixed to the rear, sides and front of the vehicle, clearly visible 100 feet from both the front and rear, stating "Student Driver," "Learner," "New Driver," "Driver Education" or "Caution-Student" when engaged in driver education or when the vehicle is being used 	<p>The final regulations are reformatted to outline specific requirements related to Class A licensure. Included in this section are equipment requirements, which expand upon the general requirements set forth in section 150 of the final regulations. In addition to the current requirements, this section of the final regulations includes the following requirements:</p> <ul style="list-style-type: none"> Limits number of individuals occupying the cab during periods of instruction to no more than four students and one instructor. Requires that any and all agreements associated with driving ranges used by the Class A licensed school be provided to DMV in writing. Prohibits schools from using driving ranges prior to receiving approval for their use from DMV. <p>The final regulations do not restate the statutory requirement for all schools that rent their motor vehicles to individuals that are not bona fide students for purposes of taking the driving examination at DMV to comply with the rentor's certificate of registration as set out in §58.1-2400 et seq. of the Code of Virginia.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>for testing purposes.</p> <ul style="list-style-type: none"> • Requires all vehicles used in a school with a Class A license to display the name of the school as shown on the license on the outside of the vehicle when engaged in driver education or when the vehicle is being used for testing purposes. • Prohibits motor vehicles being used for driver education unless it displays a current and valid Virginia safety inspection sticker or, in the case of vehicles over 20,000 pounds, has a valid Federal Highway Administration inspection. • Requires all schools that rent their motor vehicles to individuals that are not bona fide students for purposes of taking the driving examination at DMV to comply with the rentor's certificate of registration as set out in §58.1-2400 et seq. of the Code of Virginia. 	
<p>Part of 24VAC20-120-80 and part of 24VAC20-120-90</p>	<p>24VAC20-121-200</p>	<p><u>From Section 80 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires all schools teaching students under 19 years of age for purposes of securing a driver's license or instruction permit under the provisions of §§ 46.2-323, 46.2-334 and 46.2-335 of the Code of Virginia to offer a course that is of comparable content 	<p>The final regulations are reformatted to outline specific requirements related to Class B licensure. Included in this section are curriculum requirements designed to provide more flexibility to the Class B licensed schools in curriculum development and implementation. This section of the final regulations also provides a more secure training environment for students and instructors alike by maintaining effective input and oversight by DMV and providing DMV with appropriate enforcement authority. In addition to the current requirements, this section of the final regulations includes the following requirements:</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		<p>and quality to that offered in the public schools. Requires schools certified by DMV to teach students under 19 years of age to comply with the classroom and behind-the-wheel instructional standards established by the Department of Education through the Curriculum Guide for Driver Education in Virginia.</p> <p><u>From Section 90 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires that the minimum hours of instruction for students under 19 years of age comply with the provisions of the Curriculum Guide for Driver Education in Virginia. • Requires the course to include specific information regarding the influence of alcohol and drugs as they relate to driving a motor vehicle and to pay specific attention to the laws of the Commonwealth regarding safety belt use, including information on basic safety belt use, passive restraint systems, automatic shoulder harness systems with manual lap belts and child safety seats. • For purposes of teaching behind-the-wheel instruction to students under 19 	<ul style="list-style-type: none"> • Allows DMV to establish course curriculum requirements other than those set forth in the current "Curriculum and Administrative Guide for Driver Education in Virginia" in accordance with Va. Code §46.2-1702. Once established, requires DMV to make these requirements available to Class B licensed schools, Class B license applicants and the public. If and when these course curriculum requirements have been established, requires that course curricula meeting the established requirements be submitted to DMV at the time of Class B license application or renewal application, and that they be approved by DMV prior to the beginning of course instruction. • Requires DMV to provide and update the list of course curriculum requirements from time to time, as deemed appropriate and necessary by DMV, in consultation with all affected schools that are licensed by DMV at the time of the update and other interested parties as identified by DMV. • Requires DMV to notify the affected schools when and if new relevant topics are added to the course curriculum. Requires schools to update their course curriculum 45 calendar days after such notice is issued and to certify to DMV in writing that the school has added the new topics to the course curriculum. • Requires that the number of students in a driver training vehicle during in-vehicle instruction be no more than three and no less than two students. Provides an exception to the two-student minimum by allowing the student's parents or legal guardians for students under 18 years of age who are not married or emancipated to sign a written release, an original to be maintained with the student's record, allowing for one-on-one driver training with an instructor. • Except when one-on-one driver training is being provided with the consent of the student's parents or legal guardians, requires a student under 19 years of age

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		<p>years of age, limits the number of persons in a vehicle during behind-the-wheel instruction to no more than four, including the driver and the instructor, or the maximum passenger capacity of the vehicle (i.e., the number of safety belts), whichever is smaller.</p>	<p>riding alone with the instructor to ride in the back seat of the driver training vehicle until other students are present in the vehicle.</p> <ul style="list-style-type: none"> • Except when a student is driving the vehicle, prohibits the time during which a student is being transported in a driver training vehicle for the purposes of picking up a student or other students prior to the beginning of a period of instruction or dropping that student or other students off after the end of a period of instruction from counting as observation time. Requires any student involved in one-on-one training with an instructor to meet the observation requirements with at least one other student in the vehicle during in-vehicle training. • Requires students under 19 years of age to only receive in-vehicle instruction with other students under 19 years of age.
<p>Part of 24VAC20-120-80 and part of 24VAC20-120-150</p>	<p>24VAC20-121-210</p>	<p><u>From Section 80 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires all schools certified to teach students under 19 years of age to employ at least one instructor who is certified under the requirements set out in 24VAC20-120-150 H of the current regulations (see below). <p><u>From Section 150 of the current regulations:</u></p> <ul style="list-style-type: none"> • In addition to other requirements, subsection H requires an instructor seeking certification to teach students under 19 years of age to: <ol style="list-style-type: none"> 1. Have at least a high school diploma or equivalent. 2. Submit, with the application, a certified copy of a transcript or 	<p>The final regulations are reformatted to outline specific requirements related to Class B licensure. Included in this section are instructor requirements, which expand upon the general requirements set forth in section 100 of the final regulations. This section includes the following requirements that clarify how those with a valid Virginia teaching license with a driver's education endorsement submit and have returned to them qualifying information:</p> <ul style="list-style-type: none"> • Requires any instructor relying on a valid Virginia teaching license with a driver's education endorsement to submit either the original license or a certified copy of the original license and an unexpired endorsement upon original application and renewal of the license. If submitted, requires DMV to return the original license to the instructor after review. • Eliminates the grandfathering of any instructor licensed to teach students over 19 years of age on or before January 1, 1993, regarding course completion requirements. <p>Other certification requirements in the current regulations are not specifically included in the</p>

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		<p>transcripts from an accredited college or university showing successful completion of three semester hours of "Introduction to Driver Education: Driver Task Analysis" and three semester hours of "Instructional Principles of Teaching Driver Education" or similar such courses as approved by the Virginia Department of Education. In lieu of college transcripts, submission of a valid Virginia teaching license with a driver education endorsement may be acceptable.</p> <ul style="list-style-type: none"> • Allows any instructor who has been certified as a paraprofessional by the Department of Education in the public school system to be certified to provide instruction to students under 19 years of age for behind-the-wheel instruction only. Requires these applicants to submit with the license application appropriate verification from the Virginia Department of Education. • In addition to other requirements, subsection I allows requires an instructor seeking certification to teach students over 19 years of age in Class B schools to submit, with the license application, a copy of a transcript 	<p>final regulations because they are set forth in the current "Curriculum and Administrative Guide for Driver Education in Virginia," which is incorporated by reference and mandatory for the schools to follow.</p>

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		<p>from an accredited college or university showing successful completion of three semester hours of "Introduction to Driver Education: Driver Task Analysis."</p>	
<p>Part of 24VAC20-120-110</p>	<p>24VAC20-121-220</p>	<p><u>From Section 110 of the current regulations:</u></p> <ul style="list-style-type: none"> • Requires each vehicle used for driver education in a Class B licensed school to have dual controls consisting of dual brakes, dual inside rearview mirror, dual clutch (if it has standard transmission) and right-hand and left-hand outside mirrors. Prohibits training vehicles used for Class B license instruction from being more than eight model years old. • Requires all passenger vehicles to be marked by a rooftop sign in bold letters not less than two and one-half inches in height, clearly visible 100 feet from both the front and rear, stating "Student Driver," "Learner," "New Driver," "Driver Education" or "Caution-Student" when engaged in driver education or when the vehicle is being used for testing purposes. • Allows DMV to exempt any school teaching disabled individuals from the requirement to provide motor vehicles, on a case-by-case basis. Allows schools to 	<p>The final regulations are reformatted to outline specific requirements related to Class B licensure. Included in this section are equipment requirements, which expand upon the general requirements set forth in section 150 of the final regulations. The additional requirements provide for a safer training environment and appropriate oversight and enforcement authority for DMV. In addition to the current requirements, this section of the final regulations includes the following requirements:</p> <ul style="list-style-type: none"> • Requires motor vehicles used for driver education to be in safe mechanical condition as defined in these final regulations. "Safe mechanical condition" is defined as meaning "the continual compliance with safety requirements of vehicles which are used to train school students, and have passed either a Virginia state safety inspection or a Federal Motor Carrier Safety Administration inspection, and for vehicles used to train the disabled, be certified by the National Mobility Equipment Vendors Association, whichever is applicable based on the type of training provided by the school." • Except for vehicles used to train disabled students, prohibits training vehicles used for instruction from being more than nine model years old instead of the eight model year threshold in the current regulations. Allows DMV to waive or alter this requirement on a case-by-case basis for vehicles specially equipped to accommodate disabled individuals. • Requires that the driver training vehicle be equipped with a minimum of four safety belts. • Requires any school that uses a disabled student's motor vehicle to ensure that the

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		<p>use the student's vehicle for their behind-the-wheel instruction in the event that it is cost prohibitive for the school to maintain certain specialized equipment or if such equipment is not readily installed and removed or if it provides necessary practical experience for the student in their own vehicle. When using a student's vehicle, requires the school to photocopy the current insurance policy covering such vehicle and maintain it with the student's file. Also requires the school to send a written notice to DMV stipulating the reasons for using the student's vehicle and the anticipated dates of instruction as well as a copy of the insurance policy prior to beginning instruction.</p> <ul style="list-style-type: none"> • Requires any school that uses a disabled student's motor vehicle to ensure that the vehicle is equipped with a dual brake and to utilize a rooftop sign as specified. • Requires all passenger vehicles to display the name of the school, as shown on the school license, on the outside of the vehicle when engaged in driver education or when the vehicle is being used for testing purposes. 	<p>vehicle is in safe mechanical condition, as defined in these regulations, and displays signage as specified under the final regulations.</p> <ul style="list-style-type: none"> • Requires all motor vehicles used by a licensed school for in-vehicle instruction to be inspected and approved DMV based on the criteria outlined in these regulations before being used for student instruction. • Requires all motor vehicles used by a licensed school for the purpose of taking the driving examination to have a valid registration in the vehicle and be in safe mechanical condition, as defined in these final regulations. <p>The requirement that prohibits motor vehicles from being used for driver education purposes unless they are owned or leased in the name of a school licensed by DMV or the school owner, as indicated on the application for the school license was deleted in this section and included in section 150 of the final regulations because of its general applicability to all license types.</p> <p>The final regulations do not restate the statutory requirement for all schools that rent their motor vehicles to individuals that are not bona fide students for purposes of taking the driving examination at DMV to comply with the rentor's certificate of registration as set out in §58.1-2400 et seq. of the Code of Virginia.</p>

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		<p>Requires the name of the school to be included on the rooftop sign or allows it to be affixed to both sides of the vehicle.</p> <ul style="list-style-type: none"> • Except for disabled student training, prohibits motor vehicles from being used for driver education purposes unless they are owned or leased in the name of a school licensed by DMV or the school owner, as indicated on the application for the school license. • Requires all schools that rent their motor vehicles to individuals that are not bona fide students for purposes of taking the driving examination at DMV to comply with the rentor's certificate of registration as set out in §58.1-2400 et seq. of the Code of Virginia. 	

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Prior to and during the development of the proposed regulations, DMV engaged the driver training schools it regulates in a dialog to determine better business practices from DMV's and the schools' standpoint. From DMV's standpoint, the focus has been on maintaining appropriate levels of oversight to ensure the public safety aspects of the training are being met. From the school's standpoint, the focus

has been on consistent and expeditious processes and procedures to keep their bottom lines from sinking.

These dialogs and the promulgation process associated with these regulations have allowed DMV to develop compliance and reporting requirements that meet its needs and the needs of the schools. In addition, DMV has built-in less stringent deadlines for its license application and renewal processes that provide more advanced notice to the schools. Suggestions about consolidating or simplifying compliance and reporting requirements during the statewide public hearings are being adopted and will help DMV ensure that once the new regulations are in place, reporting requirements are consistent and in sync with the schools' expressed needs.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This final regulatory action 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 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, thereby increasing overall disposable family income.