

7411.0305 STUDENT AGREEMENTS OR CONTRACTS.

Initial and revised contracts and agreements between a program and student must comply with this part.

A. The contract or agreement must be approved by the commissioner before it is used by the program.

B. Each contract or agreement must bear an individual, unique number or identifier.

C. A driver education program must not give a person instruction or other service relating to instruction in motor vehicle operation until a written contract or written agreement has been executed between the program and the person.

D. The contract or agreement must be signed by the program's authorized official designated under part 7411.0250.

E. A program must not represent or agree orally, in writing, or as part of an inducement to sign a contract or agreement for instruction:

(1) to give instruction until a driver's license, permit, or license endorsement is obtained; or

(2) to offer premiums or provide discounts if a driver's license, permit, or license endorsement is not obtained.

F. A contract or agreement for a program providing laboratory instruction to operate a class D motor vehicle must be limited to a maximum of 30 hours of laboratory instruction.

G. The contract or agreement must specify the dates for the start and completion of instruction by the student.

H. If a program wants to exceed the hours specified in item F, the contract or agreement may be renewed only by mutual agreement between the student and program, in writing, and only if approved by the commissioner.

I. When an original contract or agreement and each subsequent contract or agreement for instruction expires, the instructor shall evaluate with the student the progress made and determine how much further instruction, if any, is necessary.

(1) The instructor and authorized official shall then determine if the student can complete the instruction.

(2) If the instructor and authorized official of the program determine that the student cannot complete the instruction, the authorized official shall notify the commissioner in writing.

(3) The program may continue the instruction of that student only if authorized to do so in writing by the commissioner.

J. A contract or agreement to provide instruction to operate a class A, B, or C motor vehicle must:

- (1) specify the hours of instruction to be provided to the student;
- (2) describe the course or individualized instruction provided;
- (3) specify the course fee or hourly rate for individualized instruction;

(4) provide that the authorized program official notify the commissioner in writing if the instructor and official determine that the student cannot complete the instruction; and

(5) specify that the program may continue the instruction of that student only if authorized to do so in writing by the commissioner.

K. Contracts or agreements for which a fee is charged must address the issue of refunds in the event a student or the program is not able to complete instruction.

L. The contract or agreement must specify whether and under what circumstances a person other than the student or instructor will be permitted or required in the motor vehicle during laboratory instruction.

Statutory Authority: *MS s 14.06; 169.26; 169.446; 169.974; 171.02; 171.05; 171.055; 171.0701; 171.33 to 171.41; 299A.01*

History: *28 SR 1167*

Published Electronically: *April 14, 2004*