

11 MCAR 1

4-1-82

- 1 Department of Public Safety
- 2 Driver and Vehicle Services Division
- 3
- 4 Adopted Rules Governing Requirements for Commercial Driver
- 5 Training Vehicles, Instruction, Instructor and School Licensing
- 6
- 7 Rules as Adopted

8 11 MCAR S 1.4031 Purpose and scope.

9 A. Purpose. The purpose of 11 MCAR SS 1.4031-1.4038 is to
 10 carry out the mandate of the Legislature and to effectuate that
 11 mandate as set forth in Minn. Stat. SS 171.33-171.41 with
 12 respect to the regulation and licensing of commercial driver
 13 training schools and instructors.

14 B. Scope. The scope of 11 MCAR SS 1.4031-1.4038 is intended
 15 to be confined within the framework of and consistent with Minn.
 16 Stat. SS 171.33-171.41.

17 11 MCAR S 1.4032 Definitions. For the purposes of 11 MCAR SS
 18 1.4031-1.4038, the terms "commercial driver training school,"
 19 "instructor," and "commissioner" shall have the same meanings
 20 given them in Minn. Stat. S 171.33. "Motorcycle,"
 21 "truck-tractor," "truck," "school bus," "bus," "trailer,"
 22 "semi-trailer," "driver" and "street or highway" have the
 23 respective meanings given them in Minn. Stat. S 169.01.

24 A. Location. "Location" means a designated site at which
 25 the business of a commercial driver training school is
 26 transacted and its records are kept.

27 B. Lesson. "Lesson" means a continuous period of time
 28 during which instruction is given in the proper operation of a
 29 motor vehicle, whether by lecture, tutoring, practice driving or
 30 otherwise. A one-hour lesson shall mean one hour of actual
 31 instruction.

32 11 MCAR S 1.4033 Driver training vehicle requirements.

33 A. Safety standards and equipment; exemptions. Each vehicle
 34 used for driver training instruction shall comply with all
 35 federal and state motor vehicle safety standards for the model

1 year of the vehicle, and shall have the following equipment:

- 2 1. Dual control brakes.
- 3 2. Dual control clutch pedal, where applicable.
- 4 3. Outside rearview mirror on both sides of the vehicle;
5 in addition a parabolic mirror not less than five inches in
6 diameter on each side of trucks and truck-tractors.
- 7 4. Sunvisors for both the driver and the passenger.
- 8 5. Windshield washers, wipers, and defroster.
- 9 6. Seat belts for each occupant of the vehicle.
- 10 7. Tandem drive axles for all truck-tractors and tandem
11 axles for all semi-trailers.
- 12 8. Because of the nature of the vehicle and because the
13 student driver is already an experienced licensed driver, buses,
14 trucks, and truck-tractors are exempt from the requirement of
15 dual control brakes and clutch pedal. Buses are exempt from the
16 seat belt requirement.

17 B. Vehicle age; exemption. Except as otherwise provided in
18 this paragraph, vehicles used for driver training purposes may
19 not be more than four model years old. Because of the greater
20 cost of the vehicle and the generally accepted procedures for
21 maintenance and reconditioning or rebuilding, buses, trucks and
22 truck-tractors may not be more than ten model years old.
23 Semi-trailers are exempt from the age limitation but must pass
24 the required vehicle inspection.

25 C. Vehicle list. A list of vehicles used for driver
26 training shall be maintained and filed with the commissioner.
27 It shall be the responsibility of the commercial driver training
28 school to keep the vehicle list current at all times by
29 submitting additions, deletions or revisions to the commissioner
30 within ten days from the date such changes occur. Additional or
31 replacement vehicles may be used for driver training purposes
32 only after complying with E.

33 D. Marking. While being used for driving instruction, all
34 vehicles must have signs conspicuously displayed on front and
35 rear, with background and letters of contrasting colors stating
36 "Student Driver." On vehicles used for Class C driver training,

1 the lettering shall be at least two but not more than five
2 inches in height. On vehicles used for Class A and Class B
3 driver training, the lettering shall be at least ten inches in
4 height. No other signs or advertising may be displayed without
5 the approval of the commissioner.

6 E. Inspections. All vehicles used for driver training
7 purposes must pass a vehicle inspection immediately after
8 installation of dual control devices and every 12 months
9 thereafter at a station designated by the commissioner. No new
10 vehicle may be used for driver training until it passes
11 inspection and a completed copy of the inspection form has been
12 filed with the commissioner by the vehicle owner. Additional
13 inspections may be requested by the commissioner. The
14 inspection form must be filed by the vehicle owner within 30
15 days of the due date or use of the vehicle for driver training
16 discontinued. The license of a commercial driver training
17 school or instructor may be suspended at any time if a vehicle
18 used for driver training purposes is not maintained in a safe
19 operating condition or upon failure to comply with the above
20 inspection requirements.

21 F. Commercial use. No bus, truck, truck-tractor or
22 semi-trailer shall be used for commercial purposes during the
23 training program unless there is incorporated in the approved
24 driver training curriculum that:

25 1. A maximum of 50 percent of the total observation hours
26 are to be devoted to commercial purposes;

27 2. All use for commercial purposes will take place during
28 the last 50 percent of the total training program; and

29 3. Hazardous materials will not be transported. For the
30 purposes of this paragraph hazardous materials include, but are
31 not limited to, compressed gases and liquids, explosives and
32 flammables, nuclear materials and industrial waste products.

33 11 MCAR S 1.4034 Driver training instruction requirements.

34 A. Curriculum. The curriculum of classroom and behind the
35 wheel instruction must be submitted to the commissioner for his
36 approval.

1 1. Schools offering Class A and Class B driver training
2 must have a concurrent program consisting of at least 40 hours
3 of classroom training, 60 hours of behind the wheel training and
4 60 hours of observation time for each student who takes training
5 in a Class A vehicle. In addition, the schools may have a
6 program which provides hourly training to increase the
7 proficiency of persons who already know how to operate a Class A
8 vehicle.

9 2. Bus driver training may not be given in a van or van
10 type vehicle but must be given in a vehicle designed to carry
11 more than 16 passengers and to transport them for compensation.

12 3. Training to operate a Class A type vehicle may not be
13 given in a pick-up and trailer combination type vehicle but must
14 be given in a vehicle which conforms to 11 MCAR S 1.4033 A.7.
15 whose capacity is no less than 10,000 pounds.

16 4. Classroom training may be offered a student no more
17 than three hours a day.

18 5. Behind the wheel training may be offered a student no
19 more than two hours a day.

20 6. Commercial driver training schools are not subject to
21 the above limitations when providing truck driver training but
22 are limited to a total of eight hours training a day.

23 7. Class A driver training may not be offered to any
24 student who is not at least 18 years of age and in possession of
25 at least a Class C license. Class B driver training may not be
26 offered to any student who is not at least 16 years of age and
27 in possession of at least a Class C license.

28 B. Behind the wheel instruction.

29 1. Instruction may be offered on simulators and driving
30 ranges as part of the curriculum for behind the wheel training.
31 The ratio of simulation and range time to on-street time and the
32 minimum on-street driving time provided by multi-phase programs
33 shall be consistent with public and private school programs, but
34 there shall be no less than four hours of simulation to one on
35 the street and no less than two hours of range time to one on
36 the street. Total on-street time provided by a four-phase

1 program may not be less than three hours.

2 2. Instruction shall not be given on actual routes used
3 for state driver license road tests.

4 3. Instructors shall ensure that seat belts are used at
5 all times by all persons while in the vehicle.

6 4. Instructors shall ensure that the student is in
7 possession of a valid instruction permit or driver license from
8 the student's home state or country, applicable to the class of
9 vehicle in which instruction is being given.

10 5. Instructors must accompany applicants appearing for
11 the state driver license road test whenever a driver training
12 vehicle is to be used. The instructor must be employed by the
13 commercial driver training school that owns or leases the
14 vehicle.

15 6. Instruction may be given only by those instructors in
16 possession of a valid and properly endorsed Minnesota driver
17 license and an instructor's license applicable to the type of
18 vehicle for which instruction is being given.

19 7. Instructors or commercial driver training schools
20 shall not discourage students from practicing outside the school
21 instruction course when permissible according to law.

22 8. Except for the training offered in Class A and B
23 vehicles, neither a commercial school nor an instructor may give
24 a student more than ~~20~~ 30 hours of behind the wheel training
25 without the written authorization of the commissioner.

26 C. Instruction of students under 18 years of age.

27 1. Commercial schools and instructors must provide driver
28 training students under 18 years of age a minimum of 30 hours of
29 approved classroom instruction and a minimum of six hours of
30 behind the wheel instruction.

31 2. Behind the wheel instruction shall not be given until
32 a written statement certifying satisfactory completion of
33 classroom instruction has been provided to the commercial driver
34 training school by the student. An authorized school operator
35 or instructor may then complete a certificate of enrollment
36 indicating when behind the wheel instruction will begin. The

1 student must present this certificate to the Minnesota driver
2 license examiner when applying for an instruction permit, which
3 must be obtained before commencing behind the wheel instruction.

4 3. When behind the wheel instruction has been
5 satisfactorily completed, the authorized school operator or
6 instructor shall furnish the student a certificate of completion.

7 4. If the student is under 16 years of age and fails to
8 continue or successfully complete the driver education course,
9 including behind the wheel instruction, the authorized school
10 operator or instructor shall immediately notify the Minnesota
11 Department of Public Safety, Driver and Vehicle Services
12 Division.

13 11 MCAR S 1.4035 Driver training instructor requirements. An
14 applicant for an instructor license must:

15 A. Be a resident of Minnesota.

16 B. Be at least 21 years of age.

17 C. Have been a licensed driver for three years, have a valid
18 Minnesota driver license and have a satisfactory driving record
19 free from any convictions which could be the basis for the
20 suspension or revocation of an instructor license as set forth
21 in 11 MCAR SS 1.4031-1.4038. The applicant must submit with his
22 application a certified copy of his driving record dated not
23 earlier than 30 days prior to the receipt of the application by
24 the commissioner. The driving record must be free of any
25 suspensions, revocations or cancellations as a result of
26 violations, accidents, failure to show proper insurance or to
27 pay fines or to comply with a department request for the
28 previous five-year period.

29 D. Have a minimum of 50 clock hours of cycle riding
30 experience to be a motorcycle instructor.

31 E. Be in good physical and mental health and submit a
32 complete physical examination report on forms provided by the
33 commissioner at the time of initial application and thereafter
34 when requested by the commissioner. The report must be signed
35 by a doctor of medicine licensed to practice in the State of
36 Minnesota and submitted not later than 30 days following the

1 examination.

2 F. Have normal peripheral vision and visual acuity of not
3 less than 20/40 corrected. Instructors qualifying for classroom
4 instruction are required to meet only those visual requirements
5 necessary to be a licensed driver.

6 G. Shall not have been convicted of a gross misdemeanor or a
7 felony.

8 H. Furnish the commissioner with one photograph and
9 authorize an investigation to determine if the applicant has a
10 criminal record.

11 I. Have a minimum of a high school education or the
12 equivalent, such as passing the Armed Forces or General
13 Education Development tests.

14 J. Have satisfactorily completed an 80 a 40-hour course, ~~or~~
15 ~~40 hours for teachers licensed by the Department of Education,~~
16 ~~of driver and traffic safety education, or pass an equivalency~~
17 ~~test,~~ which is approved or supervised by the Minnesota
18 Department of Public Safety. Teachers licensed by the
19 Department of Education may elect to pass an equivalency test.
20 -----
21 In addition, motorcycle instructors must have had ten hours of
22 approved motorcycle instructor training. Licensed instructors
23 -----
24 shall be required to complete driver and traffic safety
25 education courses periodically when these courses are approved
26 or supervised by the Minnesota Department of Public Safety.
27 Simulator instructors shall have completed a course in
28 simulation approved by the commissioner as having met standards
29 of the Department of Education.

30 K. Pass a written and driver training road test which shall
31 be developed and administered by the commissioner through his
32 authorized representative. Such tests shall include: operation
33 of a motor vehicle, traffic laws, road signs, rules and other
34 material pertaining to and affecting the driver, traffic, motor
35 vehicle and methods of teaching. Applicants who fail the road
36 test portion will be reported to the commissioner and may be
required to pass the regular Minnesota driver license
examination. An applicant who fails on two occasions to pass

1 the driver training instructor examination is not entitled
2 thereafter to take the examination for a period of one year.
3 The commissioner may periodically require licensed instructors
4 to submit to a re-examination, consisting of all, or any part,
5 of the tests specified in this rule, or a review of the
6 instructor's teaching methods and ability while actually giving
7 student instruction.

8 L. Comply with insurance and safety requirements as set
9 forth in 11 MCAR S 1.4036 A.1. and 2., if he owns or provides
10 the vehicle to be used for the purposes of commercial driver
11 training instruction. In the event said insurance is cancelled,
12 the instructor license certificate shall terminate automatically
13 and must be surrendered to the commissioner within ten days
14 unless the vehicle is immediately removed from the school's
15 approved list as filed with the commissioner and other training
16 vehicle arrangements are made for the instructor wherein all
17 insurance requirements are satisfied. An instructor license
18 terminated under the provisions of this rule will be reinstated
19 in the event the instructor obtains adequate insurance coverage
20 and notifies the Minnesota Department of Public Safety of that
21 fact or when other training vehicle arrangements are verified by
22 the school.

23 11 MCAR S 1.4036 Commercial driver training school requirements.

24 A. Insurance and safety.

25 1. The licensee shall file with the commissioner evidence
26 of liability insurance obtained from a company authorized to do
27 business in the State of Minnesota in the amounts of at least
28 \$100,000 because of bodily injury to, or death of, any one
29 person in any one accident; at least \$300,000 because of bodily
30 injury to, or death of, two or more persons in any one accident;
31 at least \$50,000 because of damage to, or destruction of,
32 property of others in any one accident; at least \$20,000 for
33 medical expenses; and at least the minimum amount of uninsured
34 motorist coverage.

35 2. The licensee shall furnish evidence of such coverage
36 to the commissioner stipulating that such insurance may not be

1 cancelled or terminated, except upon ten days' prior written
2 notice to the commissioner.

3 3. If the insurance is cancelled, the school license
4 certificate shall terminate automatically. All vehicles used in
5 the operation of the school may not thereafter be used for
6 school purposes unless the school obtains adequate insurance
7 coverage, notifies the commissioner of the coverage and the
8 commissioner notifies the school in writing that the license has
9 been reinstated. When vehicle insurance is provided by the
10 instructor or lessor and it is cancelled the vehicle must
11 immediately be removed from the school's approved list as filed
12 with the commissioner or the school license certificate will
13 terminate automatically. School certificates terminated under
14 provisions of this paragraph must be surrendered to the
15 commissioner within ten days.

16 4. The commercial driver training school owner or
17 operator, ~~except these that provide the training before~~
18 ~~collecting the fee,~~ shall secure and submit with the application
19 a continuous surety company bond in the principal sum of \$10,000
20 for the protection of the contractual rights of students,
21 undertaken by a company authorized to do business in the State
22 of Minnesota. The aggregate liability of the surety for all
23 breaches of the bond shall not exceed the principal sum of
24 \$10,000. The school shall furnish satisfactory evidence of such
25 coverage to the commissioner. The concerned surety company may
26 cancel said bond upon giving 30 days' written notice thereof to
27 the commissioner. The surety company shall be relieved of all
28 liability for any breach of any condition of the bond occurring
29 after the effective date of cancellation.

30 B. Location of business.

31 1. No license shall be issued if the place of business or
32 branch office is within 600 feet of any building where any part
33 of the driver license examination is being administered.
34 However, this requirement shall not apply to compel the
35 discontinuance of an established or previously licensed
36 commercial driver training school operating at the same location

1 where business was being conducted before the driver license
2 examination station was established.

3 2. No license shall be issued for conducting a commercial
4 driver training school where the business is operated from a
5 temporary stand, temporary address, mobile home or travel
6 trailer, a room or rooms in a hotel or through the exclusive
7 facilities of a telephone answering service.

8 3. Commercial driver training schools shall be located in
9 a non-residential building. However, this shall not apply to
10 compel the discontinuance of a licensed commercial school not
11 meeting this requirement as of the date of the adoption of this
12 rule. If the school is moved to a new location or enlarged
13 through the establishment of a branch office or if the
14 commercial school is sold, the provisions of any new license
15 issued shall require the licensee to be in conformance with B.

16 4. Commercial driver training schools offering Class A,
17 Class B, or Class A and Class B training must provide a paved
18 driving range of at least 90,000 square feet. If more than two
19 motor vehicles are to be used on the driving range at any one
20 time for truck driver training, an additional 45,000 square feet
21 of driving range must be provided for each added motor vehicle,
22 but the surface of the additional area need not be paved.

23 5. A commercial driver training school may not change its
24 location without prior approval of the commissioner.

25 6. The location must be identified by a permanent,
26 legible sign with the complete name of the commercial driver
27 training school upon it.

28 7. The location of the school's principal place of
29 business and branch office must have adequate office facilities,
30 equipment and available classrooms of at least 300 square feet
31 to meet the approval of the commissioner.

32 C. Business records. The following business records must be
33 maintained:

34 1. Instruction record. A permanently bound book with
35 consecutively numbered pages to record, in ink, for every person
36 given lessons of any kind or any other services relating to

1 classroom or behind the wheel instruction in the operation of a
2 motor vehicle, name, address, date of birth, contract number,
3 and date of first lesson and type of lessons and their
4 completion dates.

5 2. Contract file. A file containing the original and
6 subsequent contracts or renewal agreements entered into between
7 the school and every person receiving lessons, instruction or
8 other services relating to the operation of a motor vehicle.

9 3. Vehicle file. A current list of all vehicles used by
10 the school for driver training purposes showing date and
11 location of the most recent inspection.

12 4. The records described in 1., 2. and 3. shall be
13 maintained in a business-like manner. Corrections shall be made
14 by drawing or striking a single line through the error and
15 making a new entry. Only standard abbreviations are to be
16 used. The records shall be retained for a period of three years
17 after termination of instruction to the student by the school
18 during which period they shall be subject to the inspection of
19 the commissioner, or his authorized representative, at any time
20 during reasonable business hours. The loss, mutilation or
21 destruction of records which the school is herein required to
22 maintain must be reported immediately to the commissioner by
23 affidavit, stating the date such records were lost, destroyed or
24 mutilated; the circumstances involving such loss, destruction or
25 mutilation; the names of the law enforcement officer or fire
26 department official to whom such loss was reported; and the date
27 of such report.

28 D. Advertising. Commercial driver training schools shall
29 not:

30 1. Publish, advertise or intimate that a driver license
31 is guaranteed or assured, nor shall free lessons be advertised.

32 2. Duplicate or reproduce in whole or in part, for use in
33 advertising or instruction, forms used by the Minnesota
34 Department of Public Safety, Driver and Vehicle Services
35 Division. Licensed commercial driver training schools may use
36 in their advertising or on forms, contracts, and other

1 materials, the phrase "This school is licensed by the State of
2 Minnesota."

3 3. Use the word "state" in any sign or other medium of
4 advertising, except as permitted in 2.

5 4. Advertise or intimate that an instructor or commercial
6 driver training school license encompasses licensing by the
7 Minnesota Department of Education.

8 5. Advertise the address of any location other than the
9 licensed principal place of business or a licensed branch office.

10 6. Distribute any advertising material within 600 feet of
11 any public or private high school or driver license examination
12 station. This restriction shall not be construed to prohibit
13 commercial driver training school instructors from appearing at
14 driver test locations operated by the Department of Public
15 Safety, Driver and Vehicle Services Division, with students who
16 are scheduled for an examination, in vehicles of the commercial
17 driver training school upon which appear signs or identification
18 which may be required or are authorized in accordance with 11
19 MCAR SS 1.4031-1.4038.

20 E. Agreements and contracts.

21 1. All contracts between schools and students shall be on
22 a form approved by the commissioner.

23 2. A person shall not be given lessons or any other
24 service relating to instruction in motor vehicle operation
25 unless and until a written contract has been executed between
26 the school and the student.

27 3. Each school must file and maintain with the
28 commissioner a list of those persons authorized on behalf of the
29 school to execute contracts or renewal agreements, certificates
30 of enrollment and completion. A complete signature record form
31 must be filed with the commissioner for each person authorized
32 to sign the above listed documents for the school.

33 4. No school shall represent or agree orally, in writing,
34 or as part of an inducement to sign a contract or enroll for
35 lessons to give instruction until a driver license is obtained,
36 to offer premiums or provide discounts if a driver license is

1 not obtained.

2 5. A contract shall be limited to a maximum of ten hours
3 of behind the wheel instruction, except for Class A or Class B
4 truck driver training courses which are provided for in 6. A
5 contract shall be renewable only by mutual agreement in writing
6 in a manner and form approved by the commissioner. At the
7 expiration of the original contract and each subsequent contract
8 or renewal agreement for behind the wheel instruction the
9 instructor shall evaluate with the student the progress made and
10 determine how much further training, if any, is necessary.

11 6. A contract for a review course in a Class A or Class B
12 vehicle shall be limited to 20 hours of behind the wheel
13 instruction. Contracts for complete training courses in Class A
14 vehicles shall state that at least 40 hours of classroom
15 training, 60 hours of behind the wheel training and 60 hours of
16 observation time will be provided for each student. The
17 supervisor and the instructor shall evaluate the progress made
18 with each student enrolled in a Class A training course after 40
19 hours of training, and shall then determine if the student can
20 successfully complete the course. If a determination is made
21 that the student cannot successfully complete the course, the
22 school shall notify the commissioner in writing and may continue
23 training that student only if authorized to do so in writing.

24 7. Contracts shall not contain the term "No Refund."

25 F. Conduct with employees of the Minnesota Department of
26 Public Safety. The owner, operator, partner, officer or
27 authorized representative of a commercial driver training
28 school, or any employee of any licensee, shall not influence, or
29 attempt to influence, any decision of any employee of the
30 Minnesota Department of Public Safety with respect to the
31 licensing of any student of the school, or any other person; nor
32 imply to his students or any other person, for any purpose, that
33 he can influence, in any way, driver license examiners, or other
34 employees of the Minnesota Department of Public Safety.

35 11 MCAR S 1.4037 Licensing provisions.

36 A. Legal requirements. The issuance of all licenses will be

1 subject to the applicant's conformance with Minn. Stat. SS
2 171.33-171.41 and all provisions of 11 MCAR SS 1.4031-1.4038.

3 B. Training school application; duplicate license.
4 Application for a commercial driver training school or
5 instructor license must be made on forms prescribed by the
6 commissioner. All owners, partners, corporate directors or
7 officers shall be named, with their titles, on each school
8 application, which shall be signed by one of the corporate
9 officers. Commercial driver training school applications must
10 be accompanied by a schedule of maximum fees and charges. The
11 schedules of fees and charges may be amended at any time by a
12 licensee, provided that such changes in the fee schedules are
13 filed with the commissioner at least ten days before they become
14 effective. If the school changes location or the license is
15 lost within the licensing year, a duplicate school license may
16 be issued by the commissioner. The fee for issuance of each
17 duplicate school license is \$25.

18 C. Instructor application; duplicate license. The
19 application for an instructor license must be signed by the
20 commercial driver training school licensee, when applicable, by
21 whom he is employed or to be employed. The license shall be
22 valid only while the instructor is in the employment of such
23 licensee. When the employment of an instructor is terminated
24 with such licensee, the license of the instructor shall be
25 deemed invalid and must be surrendered to the commissioner
26 within ten days. The school shall notify the commissioner in
27 writing within five days of such termination. A duplicate
28 license shall be issued by the commissioner for employment at
29 another licensed school provided the applicant continues to be
30 qualified hereunder. The fee for the issuance of a duplicate
31 instructor license will be \$5.

32 D. License not transferable. The license of a commercial
33 driver training school shall not be transferable. In the event
34 of a change of ownership, application for a new license shall be
35 required in the same manner as required for original license.

36 E. Display of license.

1 1. The license to operate a commercial driver training
2 school shall be displayed in a conspicuous location in the
3 licensee's principal place of business and each branch office.

4 2. An instructor shall display the instructor's license
5 in the vehicle in which the instructor is instructing while
6 giving instructions and shall produce this license upon request
7 by a peace officer, an authorized representative of the
8 Department of Public Safety or by an officer authorized to
9 enforce the laws relating to the operation of motor vehicles on
10 public streets and highways.

11 F. Replacement of license. If the instructor license is
12 lost, mutilated or destroyed a duplicate will be issued upon
13 proof of the facts and payment of a \$5 fee and, in the case of
14 mutilation, upon surrender of such mutilated license. Proof
15 that a license has been lost or destroyed shall be submitted in
16 the form of an affidavit stating the date the license was lost
17 or destroyed and the circumstances involving the loss or
18 destruction of the license.

19 G. Renewal of license. Applications for renewal of licenses
20 must be submitted to the commissioner at least ten days prior to
21 expiration but will not be accepted more than 30 days prior to
22 the expiration date.

23 H. Suspension and revocation of license. The license of a
24 commercial driver training school or instructor may be revoked,
25 suspended or a renewal refused under any of the following
26 conditions:

27 1. Whenever the licensee permitted fraud or engaged in
28 fraudulent practices with reference to his license application
29 or in the operation of the school or the conduct of his
30 employment.

31 2. Whenever the commercial driver training school or
32 instructor induces or countenances fraud or fraudulent practices
33 on the part of any applicant for a driver license or instruction
34 permit.

35 3. Whenever a commercial driver training school or an
36 instructor advertises or implies that a driver license or

1 instruction permit is guaranteed upon completion of the course
2 of instruction.

3 4. Whenever the licensee is convicted of a crime, or of
4 an offense which would be grounds for the revocation, suspension
5 or cancellation of his driver license. Every instructor
6 licensed to teach driver training must maintain a good driving
7 record. Any licensed school operator or instructor who is
8 convicted of a traffic violation or involved in a motor vehicle
9 accident may be required to appear before the commissioner or
10 his designated agent and show cause why such license should not
11 be suspended or revoked. It shall be the duty of the instructor
12 and the owner of the commercial driving school to notify the
13 commissioner and the office of driver clinics and training of
14 all such circumstances. After a hearing the commissioner shall
15 ~~---~~ notify the licensee of his decision within 30 days. If the
16 license is suspended or revoked the licensee shall surrender his
17 license to the commissioner ~~with~~ within ten days. Failure to
18 ~~-----~~ notify the commissioner of an accident or of a conviction for a
19 traffic violation shall result in the suspension or revocation
20 of the school's or the instructor's license, or both licenses if
21 applicable and renewal of a license may be denied.

22 5. Whenever instruction is given to a person who does not
23 have a valid instruction permit or driver license in his or her
24 possession.

25 6. Whenever a certificate of enrollment or completion is
26 signed by an authorized school operator or instructor and
27 information on the certificate is false.

28 7. Whenever there is evidence that intoxicating beverages
29 were present or consumed on the school premises or in its
30 training vehicles.

31 8. Whenever a student is overcharged, or the student is
32 encouraged to continue indefinite instructions beyond the point
33 the student is capable of passing the driver license examination
34 or it can easily be determined that the student, for one reason
35 or another, could never pass the examination. Any question
36 about the competency of the student or the number of hours of

1 instruction shall be referred in writing to the commissioner or
2 his agent for clarification.

3 9. Whenever the commercial driver training school or
4 instructor fails to comply with any of the rules established for
5 the operation of commercial driver training schools and the
6 training of students.

7 10. Whenever the instructor, the school or both fail to
8 keep or are late for appointments repeatedly or without good
9 reason.

10 11. Whenever the school, the instructor or both delay the
11 start or completion of training.

12 12. Whenever the school, the instructor or both absent a
13 student from school for training during school hours without
14 school approval.

15 13. Whenever a school or instructor conducts business in
16 a way that substantially departs from commonly accepted
17 practices as used by other driver training schools and
18 instructors.

19 I. Fees payable to commissioner. All fees for original,
20 renewal, duplicate and replacement licenses shall be made
21 payable to the Commissioner of Public Safety.

22 11 MCAR S 1.4038 Exemption.

23 A. Conditions for limited operations. An applicant for a
24 license to operate a commercial driver training school for
25 behind the wheel instruction only will not be required to
26 conduct classroom instruction or furnish office space, providing
27 the following conditions are met:

28 1. The commercial driver training school must have been
29 in operation on the effective date of 11 MCAR SS 1.4031-1.4038,
30 but not providing classroom instruction.

31 2. The applicant complies with all other requirements of
32 11 MCAR SS 1.4031-1.4038 as they apply to persons engaged in
33 operation of a school conducting driver training instruction for
34 a fee, or instructing for a fee.

35 B. New license required. On and after the effective date of
36 11 MCAR SS 1.4031-1.4038, a licensee exempt under A. from

1 providing classroom instruction and office space may not enlarge
2 the school operations, employ additional instructors, relocate,
3 sell, or make any corporate, business or other operational
4 changes without obtaining a new license and complying with the
5 provisions of 11 MCAR SS 1.4031-1.4038.