

*** DRAFT - NOT YET FILED ***

4501-7-01

Definitions.

- (A) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United State public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
- (B) "Applicant" or "candidate" means any person applying for a license to be an authorizing official for a driver training school, an instructor, an online instructor, or a training manager.
- (C) "Asynchronous" means education not occurring at the same time nor in real time with a live instructor.
- (D) "Authorizing official" or "official" means any person who owns or who maintains responsibility on behalf of an individual, corporation, business trust, estate, trust, partnership, or an association for the facilities, equipment, instructors, managers and other employees of a driver training enterprise or an enterprise providing online driver education.
- (E) "Beginning driver" or "beginning student" means any person being trained to drive a particular class of motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.
- (F) "Behind-the-wheel instruction" means that portion of a driver training course which is devoted to teaching a student driving skill, provided to a student who is operating an approved motor vehicle, and presented by a licensed instructor.
- (G) "Biometric authentication" means the verification of a user's identity by means of a physical trait or behavioral characteristic.
- (H) "Business day" means any day of the week, excluding Saturday, Sunday, and a legal holiday, as defined in section 1.14 of the Revised Code.
- (I) "Certificate of completion" means a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students ~~under age eighteen~~ who have completed the required twenty-four hours of classroom instruction, or equivalent online instruction, and eight hours of behind-the-wheel instruction to the satisfaction of the school's authorizing official or training manager as required by division (C) of section 4508.02 of the Revised Code.

*** DRAFT - NOT YET FILED ***

~~(J)~~ "Certificate of completion of an online driver education program" means a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students ~~under the age of eighteen~~ who have completed the online equivalent of the required twenty-four hours of classroom instruction.

~~(K)~~ "Certified Driver Rehabilitation Specialist" means a person certified through the association of driver rehabilitation specialists (ADED) and who plans, develops, coordinates, and implements driver rehabilitation services for individuals with disabilities.

~~(L)~~ "Chargeable crash" means a conviction of, a guilty plea to, a finding of guilty following a plea of no contest to, or the forfeiture of any bail or collateral deposited to secure an appearance for a moving traffic violation as a result of a motor vehicle crash.

~~(M)~~ "Class D license school" means any school training students in the operation of motor vehicles for class "D" operator's licenses as defined in Chapter 4507. of the Revised Code.

~~(N)~~ Class "D" operators are licensed instructors who teach any part of a curriculum, including classroom, and behind-the-wheel instruction, ~~or who provide curriculum support for an online driver training enterprise~~; for the operation of motor vehicles to persons learning to operate a passenger vehicle.

~~(O)~~ "Classroom" means any room within a driver training school used to teach students driver knowledge.

~~(P)~~ "Classroom instruction" means that portion of a driver training course that is devoted to teaching driver knowledge and provided in a physical classroom location. Classroom instruction does not include the student's operation of a motor vehicle.

~~(Q)~~ "Commercial driver license" or "CDL" means a license issued in accordance with Chapter 4506. of the Revised Code that authorizes an individual to drive a commercial motor vehicle.

~~(R)~~ "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets the qualifications listed in divisions (E) and (D) of section 4506.01 of the Revised Code.

*** DRAFT - NOT YET FILED ***

~~(R)(S)~~ "Current textbook or workbook" means a book published within the past ten years containing information for safe and responsible driver practices and used as part of an approved driver training curriculum.

~~(S)(T)~~ "Department" means the "Ohio Department of Public Safety."

~~(T)(U)~~ "Director" means the director of the "Ohio Department of Public Safety" as set forth in division (G) of section 121.03 of the Revised Code, or the director's designee.

~~(U)(V)~~ "Disqualifying offense" has the same meaning as in section 9.79 of the Revised Code.

~~(V)(W)~~ "Driver education," "theory," or "theory instruction" means that portion of a driver training course that is devoted to teaching driver knowledge and does not include the student's operation of a motor vehicle. See also "classroom instruction," "virtual classroom," and "online driver education program."

~~(W)(X)~~ "Driver training" means that portion of a driver training course which is devoted to teaching a student driving skill, provided to a student who is operating an approved motor vehicle, and presented by a licensed instructor. (Also known as "behind-the-wheel instruction.")

~~(X)(Y)~~ "Driver training course" or "training program" means a course consisting of classroom instruction and behind-the-wheel training or an online driver education program offered by a driver training school, as defined in paragraph ~~(Y)(H)~~ of this rule.

~~(Y)(Z)~~ "Driver license" or "operator license" means a class D license issued to any person to operate a motor vehicle, other than a commercial motor vehicle, including a "probationary license" or a "restricted license" as defined in division (A) of section 4507.01 of the Revised Code.

~~(Z)(AA)~~ "Driver training school" or "school" means each facility where a driver training course is conducted. A driver training school includes:

- (1) A business enterprise conducted by a person for the training of persons to operate motor vehicles that use public streets or highways to provide training and charges a fee for such services,
- (2) A business enterprise that offers the equivalent to classroom instruction via an

*** DRAFT - NOT YET FILED ***

asynchronous online internet education program,

- (3) A lead school district as provided in section 4508.09 of the Revised Code,
- (4) A board of education of a city, exempted village, local, or joint vocational school district or the governing board of an educational service center that offers a driver education course for high school students enrolled in the district or in a district served by the educational service center, or
- (5) A college or university that offers training in licensure classes other than "D."

~~(AA)~~(BB) "Dual control brake" means two devices in a single motor vehicle, either of which will safely stop the motor vehicle. One device shall be a brake operated by the driver of the motor vehicle. The second device shall be a brake that can be operated by the front seat passenger of the motor vehicle.

~~(BB)~~(CC) "Enterprise," "driver training enterprise," or "business enterprise" means a person, as defined in section 1.59 of the Revised Code, who operates a school, as defined in this chapter, for the training of persons in the operation of motor vehicles using public streets or highways or an online driver education program.

~~(EE)~~(DD) "Instructor" means any person, whether acting for self as operator of a driver training school or for such a school, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

~~(DD)~~(EE) "In-person learning" means a form of instructional interaction that occurs in real time between instructors and students. This includes instructional interaction that allows people to interact from different locations at the same time.

~~(EE)~~(FF) "Manager's course" means a course of instruction designated by the director to train driver training school authorizing officials and training managers to instruct a school's instructors and to administer the operations of a school or driver training enterprise.

~~(FF)~~(GG) "Occupational therapist" means a person who is licensed or holds a limited permit to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of services as defined in section 4755.04 of the Revised Code.

*** DRAFT - NOT YET FILED ***

~~(G)~~(HH) "Office" means a room used for conducting school business and storing school records which meets the requirements specified in rule 4501-7-02 of the Administrative Code.

~~(HH)~~(II) "Online driver education program" means a licensed driver training course that is the equivalent to in-person classroom instruction approved by the director and offered by an online provider. An online driver education program shall not be offered by driver training schools providing instruction for obtaining commercial driver's licenses.

~~(II)~~ "Online instructor" means a person who is available for curriculum content support for those students enrolled in an online driver education program. Curriculum content support may be provided through, but is not limited to, open forums, message boards, chat rooms, telephone support, or e-mail correspondences.

(JJ) "Online provider" means a business that provides an asynchronous online program of classroom instruction via the internet for the training of persons to operate Class "D" vehicles, including a driver training school as defined in paragraph (Z)(2) of this rule.

(KK) "Original school application" means an application and all required supporting documents submitted by an enterprise or lead school district for a school that has not previously been licensed to operate a driver training school at that location, or an application for renewal received or postmarked after November thirtieth in a given calendar year for renewal of the school license for the calendar year which begins the following January first.

(LL) "Original instructor or training manager application" means an application and all required documents for a license for an instructor or training manager that is submitted by a person who has not previously been licensed as a driver training instructor or training manager, or an application for renewal of a person's driver training instructor or training manager license that is received by the director after December thirty-first in the calendar year that occurs one year after the date of expiration of the last license issued to that person.

(MM) "Ownership" means the legal right of possession; proprietorship.

(1) A change in ownership of an enterprise or school includes the conveyance by a partner of his interest in the partnership that results in the dissolution of the partnership.

(2) A change in ownership of an enterprise or school does not include the

*** DRAFT - NOT YET FILED ***

conveyance by a partner of his interest to another when such conveyance does not dissolve the partnership.

(NN) "Person" means an individual, corporation, business trust, estate, trust, partnership, or association as defined in section 1.59 of the Revised Code.

(OO) "Person with a disability" or "disabled person" means any person who, in the opinion of the registrar of motor vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. A person with a disability is not a person who is or who has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. A student who is deaf is not a person with a disability for purposes of this chapter.

(PP) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(QQ) "Range" or "driving range" means an off-highway site designed for training motor vehicle drivers that does not permit public traffic to pass through the site, except that ranges for commercial motor vehicles may include only other vehicles being used in training. The range of a CDL driver training school is a closed-course facility that enables drivers to maneuver safely and is free from the interference of other hazards.

(RR) "Residence" means any dwelling used or occupied as living quarters, whether or not on a full-time basis. A residence does not include an unattached structure upon a residential property that has a separate means of ingress and egress.

(SS) "Synchronous" means education occurring at the same time and in real time.

(TT) "Teacher" means the same as defined in section 3319.09 of the Revised Code.

~~(TT)~~(UU) "Training manager" or "manager" means a person designated by an authorizing official of a driver training enterprise to carry out orders, instruct, conduct the business and manage the training program of a school, and assess and supervise current and candidate instructors.

~~(UU)~~(VV) "Teacher's driving institute" means any educational institute operated or

*** DRAFT - NOT YET FILED ***

sponsored by a college or university for the purpose of training instructors in the field of driver education and training which offers credit hours or a certificate for satisfactory completion of a course that is comparable to the training provided by the department.

~~(VV)~~(WW) "Route sheet", as it applies to class "D" instruction, means a map or list of specific roads taken during a given behind-the-wheel lesson.

~~(WW)~~(XX) "Commercial driver license school" or "CDL school" means any school training students to operate a commercial motor vehicle for purposes of obtaining a class "A", "B", or "C" commercial driver licenses as defined in Chapter 4506. of the Revised Code.

~~(XX)~~(YY) "Virtual classroom" means a synchronous online classroom that allows participants to communicate with one another, view presentations and/or videos, interact with other participants and instructor, and engage with resources, and engage in work groups, all in real time.

~~(YY)~~(ZZ) "Private certification" means authorization from a private organization to an individual who meets qualifications determined by the organization related to the performance of a profession, occupation, or occupational activity and by which the individual may hold the individual's self out as certified by the organization.

*** DRAFT - NOT YET FILED ***

4501-7-02

Place of business for a class "D", CDL, and online license school.

(A) Each driver training enterprise shall maintain an established place of business that is owned, leased or rented by that enterprise. A place of business includes, at a minimum, an office, classroom, and a range, whichever is applicable to the training provided.

(1) Each driver training enterprise, that offers in-classroom training, shall maintain at least one fixed geographical classroom location where training is conducted. The enterprise shall also maintain at least one office in a fixed geographic location where records are kept.

(a) Any facility used for a class "D" or CDL driver training school shall be inspected and approved by the director prior to its use as a school. Public schools, educational service centers, and colleges and universities as defined in paragraphs (Z)(3),(4), and (5) of rule 4501-7-01 may be excepted from inspection.

(b) The use of a mobile or modular structure as a driver training school shall be prohibited unless the structure is installed on a permanent foundation.

(c) The place of business shall only be occupied by the driver training school during times of classroom instruction.

(2) Each driver training enterprise providing online driver education shall maintain at least one office at a fixed geographic location where records are kept.

(3) Each driver training enterprise, that is offering virtual instruction shall maintain at least one office, that has been inspected and approved by the director prior to use, at a fixed geographic location where records are kept and the virtual instruction is provided. The place of business shall only be occupied by the driver training school during times of instruction.

(B) Neither driver training school nor its office, nor the office of an enterprise offering only online driver education shall consist of a house, trailer, tent, temporary stand, post office box, rooming house or apartment. Neither a school, nor the office of an enterprise providing online driver education shall be located within a residence or a room in a hotel or motel. No driver training enterprise may share any office or any classroom with any other driver training enterprise unless the same person owns both enterprises.

*** DRAFT - NOT YET FILED ***

- (1) The office of a driver training enterprise shall have access to a computer, printer, e-mail and the internet. It shall have space adequate to maintain those records required to be kept. A driver training enterprise office shall have sufficient space to interview clients and to display the school license.
- (2) The office of a class "D" and CDL driver training school includes:
 - (a) A permanent wall that sufficiently prevents distractions and noise in the classroom. If no permanent wall exists, the office remains closed during classroom instruction.
 - (b) Be located in the same county as, or in a county adjacent to, the school for which students' paper records are being stored.
- (3) The classroom for a class "D" or CDL driver training school includes:
 - (a) Space to comfortably sit at least ten students and an instructor, and contains tables and chairs or desk for all students;
 - (b) Being equipped with a variety of audio and/or visual training aids that support the course curriculum;
 - (c) Being reasonably free of visible and audible distractions and presents an atmosphere adequate for learning;
 - (d) A clean and functional restroom that is available for student use within its facility;
 - (e) Conforming to all federal, state and local fire, building and safety regulations.
- (4) The office of an enterprise providing online driver education shall:
 - (a) Have a person available for technical support during reasonable hours, which must be posted on the online driver education program website;
 - (b) Have ~~an online instructor~~a mechanism for response to students available for curriculum content support during reasonable hours, which must be posted on the online driver education program website.

*** DRAFT - NOT YET FILED ***

(C) The range of a CDL driver training school shall be inspected and approved by the director prior to use.

(1) The range contains exercise dimensions that include, at a minimum, the following:

(a) Straight line backing exercise dimension measuring no less than two hundred forty feet in length by twelve feet width.

(b) Offset backing exercise dimension measuring no less than one hundred eighty feet length by sixty-six feet width for class A vehicles. Class B vehicle offset backing exercise dimension measures no less than one hundred forty feet length and sixty-six feet width.

(c) Parallel parking exercise dimension measuring no less than two hundred twenty-five feet length by twelve feet width for class A vehicles. Class B parallel parking exercise dimensions measures no less than the length of the vehicle plus fifteen feet by twelve feet width.

(d) Ninety degree alley dock exercise dimension measuring no less than one hundred ten feet length by twelve feet width for class A vehicles. Class B vehicle ninety degree alley dock measures no less than ninety feet length by twelve feet width.

(2) Has adequate unobstructed run-off areas;

(3) Has adequate sight lines;

(4) Has reasonably level surfaces that can withstand the weight of a heavy commercial vehicle, are in decent condition and free of potholes, loose materials or other surface defects;

(5) Is well lit during limited lighting conditions;

(6) Provides students with on-site access to bathrooms and a shelter conducive to protecting students from weather conditions;

(7) Does not contain obstacles within the exercise dimensions; and

(8) Prohibits any public traffic or vehicles not being used for training to pass

*** DRAFT - NOT YET FILED ***

through the site.

(D) The driver training enterprise shall operate in compliance with all applicable local, state and federal laws.

*** DRAFT - NOT YET FILED ***

4501-7-03

Character and fitness for class "D," CDL, and online license schools.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Any person connected in any manner with a driver training enterprise, including but not limited to an owner, partner, training manager, instructor, ~~online instructor~~, or authorizing official, shall be of good character and reputation.
- (B) The conviction of any persons of any disqualifying offense shall be grounds to deny issuing or renewing a license or grounds for suspending or revoking a previously issued license.
- (C) Every person connected in any manner with a driver training enterprise, including but not limited to an owner, partner, training manager, office manager, instructor, ~~online instructor~~, or authorizing official, shall comply with all applicable state and federal laws which prohibit discrimination based upon race, color, national origin, sex, age, handicap, disability, ancestry or religion.
- (D) The director may deny the issuance of a license to any person if the person applying for a license has had a driver training school, training manager, ~~online instructor~~, or instructor license revoked or denied within the five years immediately preceding the current filing for an application.

After the five-year revocation period has lapsed, any training manager, ~~online instructor~~, or instructor whose license has been revoked may apply for a license by following the training procedure set forth in rule 4501-7-05 of the Administrative Code. Granting of a license shall be based upon successful completion of the training procedure, including an appropriate course approved by the director, successful completion of the probationary license period, and no further violations of Chapter 4507. or Chapter 4508. of the Revised Code or the rules amplifying those chapters.

- (E) No training manager or authorizing official shall knowingly permit any training manager, ~~online instructor~~, or instructor of the enterprise who is not physically or mentally sound to be in contact with students.
 - (1) Any person who applies for or holds a driver training instructor's, ~~online instructor's~~, authorizing official's school, or training manager's license shall submit to an examination of that person's physical or mental fitness when the director or the school's training manager or enterprise's authorizing official has evidence to believe the instructor, official, or manager may not be mentally or physically fit to instruct students or operate a motor vehicle.

*** DRAFT - NOT YET FILED ***

(2) Any person who applies for or holds a driver training instructor's, ~~online instructor's~~, or training manager's license shall notify the authorizing official of any driver training enterprise with which the person is affiliated of any injury, any physical or mental impairment, or any drug or medicine the person is taking that gives good cause to believe such injury, impairment, drug or medicine may affect that instructor's or manager's ability to drive or to effectively and safely instruct students or manage training.

(F) Class "D" instructors, CDL instructors, and training managers shall provide a completed "Driver Training Personnel Physical Examination" ~~or to the authorizing official of the driver training enterprise every two years. CDL instructors and training managers shall provide~~ a physical exam to the authorizing official that is compliant with paragraph (DE)(9) of rule 4501-7-05 of the Administrative Code every two years.

*** DRAFT - NOT YET FILED ***

4501-7-04

Application for and renewal of driver training school licenses.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) No person shall establish a driver training enterprise or allow such an enterprise to continue unless the authorizing official first applies for and obtains from the director a license for the driver training school. The authorizing official shall ensure the driver training school, its business enterprise, and its instructors and training managers operate in compliance with Chapter 4508. of the Revised Code and Chapter 4501-7 of the Administrative Code, as well as all other applicable local, state, and federal laws. No motorcycle training or motorcycle safety program is administered under this chapter of the Administrative Code.
- (B) Each authorizing official applying for a school license shall submit the "Driver Training Enterprise Application" as prescribed by the director to the department.
- (C) No driver training enterprise established after July 1, 2001, may share the same name as any other driver training enterprise unless the same person owns both.
- (D) A "Driver Training Enterprise Application" may include one or any combination of the following types of driver training school licenses:
 - (1) Class "D" license school, which offers traditional classroom instruction, virtual classroom instruction, and behind-the-wheel training that complies with the requirements of division (C) of section 4508.02 of the Revised Code;
 - (2) Online license school, which offers a course of study via the internet, that is the content equivalent of the classroom instruction offered by a class "D" school.
 - (3) CDL license school, which offers instruction in the operation of commercial motor vehicles, including theory and behind-the-wheel training.
- (E) An online provider may be, but is not required to be, affiliated with a class "D" driver training school. Online providers shall provide a link to the driver training website <https://apps.dps.ohio.gov/DETS/public/schools>, giving the student easy access to the list of approved driver training schools in Ohio.
- (F) Each original "Driver Training Enterprise Application," submitted by the authorizing official, includes:
 - (1) An application fee of two hundred fifty dollars for each school location;

*** DRAFT - NOT YET FILED ***

(2) Criminal background checks regarding the authorizing official and owner, dated no more than ninety days prior to the date the "Driver Training Enterprise Application" is received by the director. The criminal background checks shall include:

(a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the authorizing official and/or owner; and;

(b) Except for a CDL enterprise applicant, a federal level check, provided by a government agency, which includes information from Ohio and all other states.

(3) Proof of legal occupancy for each driver training school that includes the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, term of the agreement, and signatures and dates of both parties. For an enterprise offering virtual classroom, this includes proof of legal occupancy for the office where the virtual classroom is hosted. For an online school, this includes proof of legal occupancy for the enterprise office.

(4) Proof of a fire inspection, dated no more than one year prior to the date of application, for each school or office location, whichever is applicable, that is compliant with all applicable local, state and federal laws. Exceptions may be provided for public schools, educational service centers, and colleges and universities as defined in paragraphs (Z)(3),(4), and (5) of rule 4501-7-01.

(5) A copy of the training manager's certificate of training showing the training manager has completed, within the past ten years, a driver training school manager's course approved by the director or proof of current valid training manager's license issued by the director;

(G) In addition to paragraph (F) of this rule, an original application for an online school license includes:

(1) A fee of six hundred dollars for review of the assessment and online driver education program;

(2) Evidence of expertise in providing driver education and/or driver training which may include, but is not limited to, proof of prior or current driver's education and/or training certification or licensure issued in Ohio or another state. The

*** DRAFT - NOT YET FILED ***

director may consider all evidence provided;

(3) The complete proposed online driver education program in written format and full access to the proposed internet-based website or portal for review;

(4) A completed, ~~signed, and notarized~~ "Online Driver Education Security Assessment."

(H) In addition to paragraph (F) of this rule, an application for a CDL driver training school license includes a copy of the intended layout of the range including dimensions of the run-off areas and dimensions of the specific exercise dimensions.

(I) An original online school license may be issued to the applicant based on all licensing requirements and the online program has met an "Acceptable" rating for all requirements as prescribed by the director and set forth in the "Required Minimum Standards for Online Driver Education."

(J) The authorizing official for an online school shall provide the director with an "Online Driver Education Security Assessment" describing any significant system changes for approval within thirty days of enabling the specific changes.

(K) Each driver training school license expires on December thirty-first of the year it is issued and each license may be renewed.

(L) Each renewal of a driver training school license includes:

(1) An annual application fee of fifty dollars for each school or online school location; and

(2) Either:

(a) Demonstrated compliance with a scheduled program review the same year as the renewal; or

(b) Submission of the "renewal requirements."

(M) Each authorizing official for a school, as specified in paragraph (D) of this rule, shall ensure the department receives the "renewal requirements" by or that it is submitted no later than November thirtieth of the year the license expires.

*** DRAFT - NOT YET FILED ***

- (N) If the "renewal requirements" are not submitted or received by the director by November thirtieth of each year, the authorizing official shall submit a new "Driver Training Enterprise Application" for an original school license in accordance with paragraph (F), (G), or (H) of this rule, whichever is applicable.
- (O) No authorizing official shall change the school's name, ownership, authorizing official, or school location without prior notification to the director.
 - (1) Any person to whom the ownership is conveyed of a driver training enterprise shall submit a new "Driver Training Enterprise Application" in accordance with paragraph (F), (G), or (H) of this rule, whichever is applicable. The application for an original license shall be submitted to and approved by the director prior to the conveyance of ownership.
 - (2) Any person to whom an interest in ownership is conveyed that does not constitute a change of ownership as defined in rule 4501-7-01 of the Administrative Code shall submit a new "Driver Training Enterprise Application" for the conveyance of interest to the director along with the documents required in paragraph (F)(2) of this rule.
 - (3) No fees will be assessed for changing the location of a school or the name of a driver training enterprise.
 - (4) Any person applying to be an authorizing official of an enterprise shall complete and submit a new "Driver Training Enterprise Application" along with the documents required in paragraph (F)(2) of this rule. The application shall be approved by the director.
- (P) All license fees are paid electronically or in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (Q) No person shall submit the "Driver Training Enterprise Application" or "renewal requirements" that are incomplete or incorrect or which contain false or misleading information. An incomplete, incorrect, false, or misleading "Driver Training Enterprise Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.
- (R) If a driver training enterprise or school closes or discontinues business for any reason, the authorizing official shall return the school license to the director immediately.
- (S) All prospective new enterprise owners and authorizing officials shall attend a new

*** DRAFT - NOT YET FILED ***

school orientation provided by the department no more than one year prior to the date the department receives the "Driver Training Enterprise Application."

*** DRAFT - NOT YET FILED ***

4501-7-05

Applications and renewal of licenses for instructors and training managers.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

(A) No person shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of a current and valid instructor's license issued by the director. No authorizing official or training manager shall allow a person to instruct driver training unless the person has applied for and obtained the appropriate instructor's license from the director. Instructors shall maintain a valid driver's license at all times during licensure.

(B) Class "D" instructor licenses are issued by the director in one of three types:

- (1) Class "D" instructors are non-restricted licensed instructors who teach any part of the curriculum, including classroom and behind-the-wheel instruction in the operation of a passenger vehicle.
- (2) Classroom-restricted class "D" instructors are licensed instructors who may only teach driver knowledge in the classroom or via virtual classroom in the operation of a passenger vehicle.
- (3) Behind-the-wheel-restricted class "D" instructors are licensed instructors who may only instruct students behind the wheel of a vehicle in the operation of a passenger vehicle.

(C) CDL instructor licenses are issued by the director in one of three classes:

- (1) Class "A" commercial instructors are licensed instructors who teach any part of a curriculum, including classroom and behind-the-wheel instruction, for the operation of commercial motor vehicles as defined in division (D) of section 4506.01 of the Revised Code.
- (2) Class "B" commercial instructors are licensed instructors who teach any part of the curriculum, including classroom and behind-the-wheel instruction, for the operation of commercial motor vehicles as defined in division (D)(2) of section 4506.01 of the Revised Code.
- (3) Restricted instructors are licensed instructors who may teach driver knowledge in the classroom or via virtual classroom, and who may be permitted to instruct students on the driving range but not behind the wheel of a commercial motor vehicle on the road. Restricted instructors are not required to possess or maintain a commercial driver license. ~~In order to provide~~

*** DRAFT - NOT YET FILED ***

~~instruction to students on the driving range, the~~ The restricted instructor shall have previously held a commercial driver's license in the same classification with the proper endorsements necessary to operate a commercial motor vehicle for which training is provided.

(D) Training managers and probationary training managers shall be licensed instructors and have completed a course approved by the director for driver training school managers.

- (1) Training managers are non-restricted instructors, except for disability instructors as defined in paragraph (G)(2) of this rule and instructors with a valid professional administrator license as defined in paragraph (D) of rule 3301-24-05 of the Administrative Code.
- (2) Training managers for commercial training shall be "class A" licensed instructors properly endorsed to operate all classes of vehicles for which the school offers training.
- (3) Probationary training managers may remain on probation for up to two years or until they meet the three-year requirement as described in paragraphs (H)(2) to (H)(4) of this rule, whichever is applicable. During the time a person holds a probationary training manager endorsement, additional support and program reviews will occur to ensure compliance with the rules in this chapter.

(E) Each person applying for any original driver training instructor license shall submit the "Driver Training Instructor License Application" as prescribed by the director to the department. Original applications for a driver training instructor includes:

- (1) A fee of twenty-five dollars paid electronically or in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (2) Background checks regarding the applicant's criminal record and dated not more than ninetyone hundred eighty days days prior to the date the director receives the "Driver Training Instructor License Application." The background checks includesinclude:
 - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the applicant; and;
 - (b) Except for a CDL instructor applicant, a federal level check, provided by

*** DRAFT - NOT YET FILED ***

a government agency, which includes information from Ohio and all other states.

(c) For teachers as defined in paragraph (SS) of rule 4501-7-01, the criminal records shall be dated no older than twelve months prior to the date the director receives the "Driver Training Instructor License Application."

- (3) Although not required, an optional photograph of the applicant may be included in a jpeg format showing neck, shoulders, full face and uncovered head with a plain solid colored background. Photocopies or photographs from other identification badges or cards will not be accepted.
- (4) The applicant's driving record abstract obtained from the records maintained by the bureau of motor vehicles, or a similar agency from another state if the applicant has an out-of-state license. The abstract shall be dated no more than ninetyone hundred eighty days prior to the date the "Driver Training Instructor License Application" is received by the director, and the abstract must show the applicant has a current and valid license to operate a motor vehicle.
- (5) ~~Except for online instructors, certification~~Certification from an Ohio driver examiner that the applicant has passed the required driver training instructor testing. Testing includes:
 - (a) A vision screening.
 - (b) A knowledge test that includes questions testing the applicant's knowledge of Chapter 4501-7 of the Administrative Code, road signs, the care and operation of motor vehicles, and the "Digest of Ohio Motor Vehicle Laws."
 - (c) A skill examination in a motor vehicle, in the correct classification of motor vehicle, and other than a motorcycle.
- (6) Evidence the applicant has completed a basic instructor course provided and approved by the department. The course shall have been completed no more than one year prior to the date the director receives the "Driver Training Instructor License Application."
- (7) Proof the applicant has completed, within the ten years immediately preceding the application for an instructor license, an approved instructor's course in the classification of training for which the applicant is applying for an instructor's

*** DRAFT - NOT YET FILED ***

license and on a form prescribed by the director.

(a) For a class "D" instructor applicant, in accordance to the type of license, an instructor's course in driver training approved by the director or a copy of a valid state of Ohio department of education certificate with a driver training endorsement issued pursuant to the provisions of sections 3319.22 to 3319.31 of the Revised Code. Instructor candidates completing the training requirement may student teach with the training manager supervising from the back seat. The instructor's course in driver training is provided by one of the following:

- (i) College or university,
- (ii) Program approved by the department,
- (iii) Licensed driver training school under the direction of a licensed training manager,

~~(b) For an online instructor license, evidence the applicant has completed an online instructor program approved by the director.~~

~~(e)~~(b) For a CDL instructor applicant, an instructor's course approved by the director in the same classification of commercial motor vehicle as the applicant intends to train and provided by:

- (i) Program approved by the department, or
- (ii) Licensed driver training school under the direction of a licensed training manager.

~~(e)~~(c) Training is not required if applicant meets the requirements for reciprocal licensure found in Chapter 4796. of the Revised Code.

~~(e)~~(d) Training is not required if the applicant provides proof of being previously licensed as a non-probationary instructor, pursuant to paragraph (B) or (C) of this rule, whichever is applicable, within five years immediately preceding the date of application, if:

- (i) The proof of previous licensure is in the same or substantially similar classification of license as the type of license as the application type;

*** DRAFT - NOT YET FILED ***

- (ii) The previous license was left in good standing with the department, and was not surrendered or revoked; and
- (iii) If the applicant has not completed a pre-approved advanced training course in more than three years, the director may issue a license, in accordance with paragraph (F) of this rule, provided the applicant completes a course that complies with paragraph (V) of this rule within one calendar year of the date of issuance.

(8) Each application for an original instructor's license to train behind the wheel of commercial motor vehicles also includes:

- (a) Proof of being licensed as the operator of a commercial motor vehicle for at least three years during the ten-year period preceding the application. For restricted instructors, proof of previously operating on a commercial driver's license, in the same classification or higher with the same endorsements as being taught, for at least two years;
- (b) Except for CDL restricted instructors, proof of a valid commercial driver's license that is legal for the operation of all vehicles in which the instructor trains students.

(9) ~~Except for an online instructor, the~~The "Driver Training Personnel Physical Examination" signed by a physician, nurse practitioner, or physician's assistant acting within their scope of practice declaring that the instructor does not have a medical condition, physical condition, including vision impairment (not corrected), which could interfere with the responsibilities of being an instructor or could jeopardize the health and welfare of students and/or general public. The "Driver Training Personnel Physical Examination" shall be completed no more than one year prior to the date the director receives the "Driver Training Instructor License Application." For a CDL instructor applicant, as an alternative, may submit proof of a current certificate of medical examination issued under "49 C.F.R. 391.43," which shall have been completed no more than one year prior to the date the director receives the application. The director may accept a current certificate of medical examination issued under "49 C.F.R. 391.43" for instructors with a commercial driver's license or the school transportation driver medical form or T8 form required for school bus drivers if the applicant is a school bus driver.

(10) Proof the applicant has taken the department's online "Sexual Harassment Prevention Training."

*** DRAFT - NOT YET FILED ***

(11) The signature of the enterprise's authorizing official.

(F) Except for applicants exempt from training under paragraph (E)(7)(c) and (d) of this rule, upon approval of an initial "Driver Training Instructor License Application" the director issues a probationary instructor license.

(1) The probationary license expires one hundred eighty days from the date of issuance.

(2) The probationary instructor license holder shall successfully pass an assessment, approved by the director, prior to the expiration of the probationary license. The training manager shall be responsible for assessing the instructor and shall provide the director with the assessment at least one month prior to the expiration of the probationary license.

(a) For any class "D" probationary instructor, the assessment encompasses a minimum of one hour classroom or virtual classroom session, or a minimum of one hour behind-the-wheel session, whichever type of training is primarily taught by the probationary instructor license holder.

(b) For a disability instructor of a medically based hospital or rehabilitation clinic, the assessment encompasses a minimum of one hour behind-the-wheel session being taught by the probationary instructor license holder.

~~(c) For an online probationary instructor, the assessment encompasses a one day assessment of the online probationary license holder handling curriculum content inquiries from online students.~~

~~(d)~~(c) Except for CDL restricted instructors, the assessment encompasses a minimum of one hour classroom session, a minimum of one hour range session, or a minimum of one hour behind-the-wheel session, whichever type of training is primarily taught by the probationary license holder.

~~(e)~~(d) For CDL restricted instructors, the assessment encompasses a minimum of one hour classroom session or one complete range session, whichever is applicable.

(3) A probationary license holder may not be associated with more than one driver training enterprise during the probationary term.

*** DRAFT - NOT YET FILED ***

- (4) If a probationary instructor license holder fails to meet expectations as provided by the assessment, the director may extend the probationary term no more than ninety days. The probationary instructor license holder shall successfully pass a second assessment performed by the training manager.
- (5) If during the probationary term, a probationary instructor license holder intends to become associated with another driver training enterprise, the holder of the license shall request approval from the director. The director shall review the request. If the request is approved, the instructor may transfer to the approved driver training enterprise. A transfer may only be approved based upon the demonstration of mitigating circumstances, including but not limited to, a school closing, the probationary instructor license holder moving, or inability to teach due to low student enrollment.

(G) The director issues certification for training persons with a disability in one of two categories:

- (1) As a disability endorsement for an instructor of a class 'D' driver training course providing classroom, virtual classroom, and behind-the-wheel instruction.
 - (a) An instructor applying for the disability endorsement shall file a "Driver Training Instructor License Application" in accordance with paragraph (E) of this rule and include a certificate of successful completion of a course approved by the director for training drivers with a disability.
 - (b) In order to maintain current certification, an instructor shall take a continuing education course in training drivers with a disability, as approved by the director, every three years.
- (2) A license for an instructor at a rehabilitation clinic or medically based hospital that offers driver training for beginning drivers with a disability.
 - (a) An instructor applying for a license, who will provide driver training in persons with a disability for a rehabilitation clinic or medically based hospital, shall file a "Driver Training Instructor License Application" in accordance with paragraph (E) of this rule and include one of the following:
 - (i) Proof of certification as an occupational therapist;
 - (ii) Proof of certification as a certified driver rehabilitation specialist in

*** DRAFT - NOT YET FILED ***

lieu of the training required in paragraph (E)(7) of this rule.

- (iii) Proof of a valid driver rehabilitation professional microcredential issued by the association for driver rehabilitation specialists.
- (b) In order to maintain current certification, an instructor shall show proof of continuing education every three years. The continuing education shall include topics on medical conditions or disabilities and how they relate to driving.

(H) Every training manager applicant shall submit the "Driver Training Instructor License Application." The application includes:

- (1) Proof the manager applicant has completed a course for driver training school managers that has been approved by the director.
- (2) For a class "D" instructor, proof the applicant has held a valid class "D" driver instructor license, or the equivalent in another state, for at least three years. In lieu of the three years' of licenses, proof of a valid professional administrator license pursuant to paragraph (D) of rule 3301-24-05 of the Administrative Code, if the applicant holds such license.
- (3) If the applicant for a training manager license is a current certified driver rehabilitation specialist, and provides proof of current certification, the three years of holding a valid class "D" driver instructor license may be waived by the director.
- (4) For a CDL instructor, proof the applicant has held a valid commercial instructor license for at least three years.
- (5) A person may apply for a probationary training manager endorsement if the applicant provides the following:
 - (a) Proof of being licensed as an instructor for at least one year;
 - (b) Proof of completing a course for driver training school managers that has been approved by the director; and
 - (c) Evidence of expertise or experience in education, previous management position or a training instructor in the transportation industry or a

*** DRAFT - NOT YET FILED ***

related field, or previous proof of expertise in training employees or other professionals. The director may consider all evidence provided.

- (I) All instructor, ~~online instructor~~, disability instructor, CDL instructor, and training manager non-probationary licenses expire on December thirty-first of the year the license is issued, and may be renewed annually upon completion of the "renewal requirements."
- (J) All instructor, ~~online instructor~~, disability instructor, CDL instructor, and training manager license "renewal requirements" may be filed without penalty if filed within one year from the date of expiration of the last license issued, but such license will be effective no sooner than the date it is approved by the director.
- (K) Any application for an instructor's, ~~online instructor's~~, or manager's license received by the director more than one year after the last license expired shall be submitted as an original application.
- (L) Each applicant seeking renewal shall submit the "renewal requirements" as prescribed by the director. "Renewal requirements" includes:
 - (1) At a minimum, payment of the annual fee of ten dollars paid electronically or in the form of a check or money order made payable to the treasurer of the state of Ohio.
 - (2) Biennially after initial licensure, the applicant's driving record abstract obtained from the records maintained by the bureau of motor vehicles, or a similar agency from another state if the applicant has an out-of-state license. The abstract shall be dated no more than ninety days prior to the date the "renewal requirements" are received by the director, and show the applicant has a current and valid license to operate a motor vehicle.
 - (3) Although not required, an optional photograph of the applicant may be included in .jpeg format showing neck, shoulders, full face and uncovered head with a plain solid colored background. Photocopies or photographs from other identification badges or cards will not be accepted.
- (M) Each applicant for a driver training instructor's, ~~online instructor's~~, disability instructor, CDL instructor, or training manager's license shall:
 - (1) Certify the applicant has been licensed as the operator of a motor vehicle for at least five years.

*** DRAFT - NOT YET FILED ***

- (2) Possess a valid driver's license.
- (3) Certify that the applicant is in sound physical and mental health, that the applicant does not have any injury or physical or mental impairment, and that the applicant is not under the influence of or addicted to any drug or medicine which may affect that applicant's ability to drive or to effectively and safely instruct students or manage training.
- (4) Have a record free of a conviction of a disqualifying offense.
- (5) Have a driving record free of any of the following:
 - (a) Three or more chargeable crashes within the three years preceding the date of application;
 - (b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or an equivalent conviction from another jurisdiction, within the three years preceding the date of application;
 - (c) An accumulation of six points or more under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the preceding three years;
 - (d) A twelve-point administrative suspension under section 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application.
- (N) If an instructor or training manager failed to renew because of service in the armed forces, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or training manager shall submit the "renewal requirements" as set forth in paragraph (L) of this rule.
- (O) If an instructor or training manager failed to renew because the certificate holder's spouse served in the armed forces and the service resulted in the holder's absence from this state, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or training manager shall submit the "renewal requirements" as set forth in paragraph (L) of this rule.
- (P) A renewal shall not be granted unless the holder or the holder's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty

*** DRAFT - NOT YET FILED ***

or national guard duty within six months after the discharge or release.

(Q) An instructor, ~~online instructor~~, or training manager shall notify the enterprise's authorizing official in writing within ten days if any of the following occur:

- (1) The instructor, ~~online instructor~~, or training manager is convicted of or pleads guilty to a moving traffic violation conviction;
- (2) The instructor, ~~online instructor~~, or training manager is involved in a chargeable crash;
- (3) The instructor, ~~online instructor~~, or training manager is convicted of a charge that assesses points against the applicant's license;
- (4) The instructor, ~~online instructor~~, or training manager receives any driver license suspension, cancellation, or revocation;
- (5) The instructor, ~~online instructor~~, or training manager is convicted of or pleads guilty to any disqualifying offense listed in rule 4501-7-37 of the Administrative Code.

(R) The authorizing official or training manager shall notify the director in writing within ten days of the official's or manager's receipt of notice ~~that any of the following has occurred: that the instructor or training manager received a conviction or violation specified in paragraph (Q) of this rule.~~

- ~~(1) An instructor, online instructor, or training manager is convicted of or pleads guilty to a moving traffic violation conviction;~~
- ~~(2) An instructor, online instructor, or training manager is involved in a chargeable crash;~~
- ~~(3) An instructor, online instructor, or training manager is convicted of a charge that assesses points against the applicant's license;~~
- ~~(4) An instructor, online instructor, or training manager receives any driver license suspension, disqualification, cancellation, or revocation;~~
- ~~(5) An instructor, online instructor, or training manager is convicted of or pleads guilty to any disqualifying offense listed in rule 4501-7-37 of the Administrative Code.~~

*** DRAFT - NOT YET FILED ***

- (S) The director may refuse to issue or renew, or may suspend, revoke, or place on probation the probationary or non-probationary license of any instructor, ~~online instructor~~, or training manager upon notice of that person's conviction for any offense for which that person may be disqualified under this rule.
- (T) The director may refuse to issue or renew, or may suspend, revoke, or place on probation a probationary or non-probationary license upon notice of an offense determined by the director to be of a nature or severity inconsistent with the standards expected of an instructor, ~~online instructor~~, or training manager which is committed beyond the periods provided herein.
- (U) No person shall submit a "Driver Training Instructor License Application" or "renewal requirements" that are incomplete, incorrect or which contains false or misleading information. An incomplete or incorrect, false, or misleading "Driver Training Instructor License Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.
- (V) Every training manager, ~~and~~ instructor, ~~and~~ ~~online instructor~~ shall complete a pre-approved advanced training course once every three years and, upon request from the director, provide proof of the satisfactory completion of such training.
 - (1) The course shall be one approved by the director or one of continued education in driver training or training management conducted by a college, university, or a national driver training organization.
 - (2) The proof of satisfactory completion shall be in a manner prescribed by the director.
 - (3) The director may pre-approve, on an individual basis, additional conferences, workshops, or seminars, including a driving dynamics or defensive driving course, in satisfaction of this requirement.
- (W) Every training manager, instructor, disability instructor, ~~and~~ CDL instructor, ~~and~~ ~~online instructor~~ shall complete the department's online "Sexual Harassment Prevention Training" annually.
- (X) ~~The director may amend the "Driver Training Instructor License Application" form at any time.~~

*** DRAFT - NOT YET FILED ***

4501-7-06

Qualifications for instructing persons with a disability for class "D" license schools.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) No school shall offer behind-the-wheel training programs for persons with a disability unless that school employs a driver training instructor who is certified by the director to provide training for persons with a disability. No instructor shall provide behind-the-wheel training to a student with a disability unless that instructor has been certified by the director to train persons with a disability.
- (B) A medically based hospital or rehabilitation facility that offers instruction for beginning drivers with a disability shall appoint an authorizing official who applies for a driver training school license for each driver training facility or school it operates. The school may offer only behind-the-wheel driver training and may refer students ~~under the age of eighteen~~ to another licensed driver training school for the required theory instruction. The school shall also employ instructors certified to provide driver training instruction for beginning drivers with a disability, and only certified instructors may provide driver training.
 - (1) The authorizing official or training manager of the driver training school at a hospital or rehabilitation facility shall maintain complete records of each student's training at that school. For a hospital or rehabilitation facility that does not supply the required classroom training, the authorizing official or training manager copies all records produced at that school for students ~~under the age of eighteen~~ taking behind-the-wheel training and forward those records to the driver training school that will complete each student's classroom instruction required by division (C) of section 4508.02 of the Revised Code. The authorizing official or training manager of the driver training school in which a student ~~under eighteen~~ completed classroom training, upon the official's or manager's determination of the student's successful completion, issues the student a "Certificate of Completion." Each school's authorizing official or training manager maintains complete driver training records applicable to this student, including copies of those completed by another school for the same student.
 - (2) For those students who have completed driver education as required by division (C) of section 4508.02 of the Revised Code in an online driver education program, the hospital or rehabilitation facility that provides the behind-the-wheel instruction supplies a "Certificate of Completion" compliant with rule 4501-7-11 of the Administrative Code.
 - (3) The medically based hospital or rehabilitation facility shall have sufficient space for storing files. If classroom driver training is not being provided at the

*** DRAFT - NOT YET FILED ***

medically based hospital or rehabilitation facility, the requirement for a classroom is waived for this type of facility. The facility shall comply with all other requirements of a driver training school under Chapter 4501-7 of the Administrative Code.

*** DRAFT - NOT YET FILED ***

4501-7-08

Insurance and bonding.

(A) Except for a driver training school providing only online instruction, the authorizing official shall maintain financial responsibility for the operation of all motor vehicles used for instruction as specified in Chapter 4509. of the Revised Code. Such insurance coverage shall be acquired from a company licensed to do business in this state and be maintained as long as the driver training enterprise is operating a driver training school. Proof of the insurance coverage required by this rule shall be maintained with all motor vehicles used for instruction.

(B) For a class "D" driver training school, insurance coverage shall be maintained in the following minimum limits as provided in either paragraph (B)(1) or (B)(2) of this rule:

(1)

- (a) One hundred thousand dollars for bodily injury to or death of one person in any one crash;
- (b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one crash;
- (c) Twenty-five thousand dollars for injury to property of others in any one crash;
- (d) Five thousand dollars medical payments for each occupant;
- (e) Uninsured motorist coverage at least equal to the bodily injury coverage required in paragraphs (B)(1)(a) and (B)(1)(b) of this rule.

(2)

- (a) Four hundred thousand dollars combined single limit liability coverage;
- (b) Twenty-five thousand dollars for injury to property of others in any one crash;
- (c) Five thousand dollars medical payments for each occupant;
- (d) Uninsured motorist coverage at least equal to the bodily injury coverage required in paragraph (B)(2)(a) of this rule.

*** DRAFT - NOT YET FILED ***

(C) For a CDL driver training school, insurance coverage shall be maintained in the following minimum limits:

- (1) One million dollars combined single limit liability coverage;
- (2) Twenty-five thousand dollars for injury to property of others in any one crash;
- (3) Five thousand dollars medical payments for each occupant;
- (4) Uninsured motorist coverage at least equal to the bodily injury coverage required in paragraph (C)(1) of this rule.

(D) Except for a driver training school providing only online instruction, failure to maintain the required insurance, including the record of current coverage as required by this rule, may result in the suspension or revocation of an authorizing official's driver training school license.

(E) Students with a disability providing motor vehicles for their own instruction shall, before such motor vehicle is used for any behind-the-wheel instruction, provide proof of insurance or other financial responsibility that indicates compliance with Chapter 4509. of the Revised Code.

(F) NoExcept for those driver training schools who do not charge a consideration or tuition for training, no driver training school license will be issued or renewed until the authorizing official certifies that the enterprise maintains a continuous performance bond for each of its schools in an amount sufficient to cover the cost of reimbursing students for training not supplied. In lieu of a performance bond, an enterprise may maintain an escrow account sufficient to cover the cost of reimbursing students for instruction and/or services not supplied. The amount for such bond or escrow account shall be based on the number of students trained by the enterprise or number of students anticipated to be trained by the enterprise. The performance bond or escrow account shall continue in force as long as the enterprise operates a school or as long as the enterprise has students to whom it is contractually obligated. Such bond or escrow account shall be obtained by the enterprise from a company authorized to do business in this state specifying that such enterprise shall not practice any fraud or make any fraudulent representation which may cause a monetary loss to a person taking instruction from the enterprise.

- (1) Except for a CDL driver training enterprise, such bond or escrow shall be no less than ten thousand dollars for the first school licensed by the enterprise and an additional two thousand dollars for each additional school licensed by the same enterprise.

*** DRAFT - NOT YET FILED ***

- (2) For a CDL driver training enterprise, such bond or escrow account shall be no less than fifty thousand dollars for each school licensed by the enterprise.
- (3) The bond or escrow account shall include the enterprise name, the amount of the bond or escrow account, the effective date, and the period of coverage.
- (4) The bond or escrow account shall name the department of public safety and the state of Ohio as obligees and shall stipulate that the director shall be notified ten days before the bond or escrow account terminates due to its expiration or cancellation for any reason or before the bond or escrow account is reduced in value.
- (5) The bond or escrow account is required of each licensed school but does not apply to a driver training school operated under the authority of the state of Ohio or any political subdivision approved by the director.
- (6) Failure to maintain such performance bond or escrow account, including the record of bond or escrow account required by this rule, during any portion of the licensure period may result in suspension or revocation of an authorizing official's driver training school license.

*** DRAFT - NOT YET FILED ***

4501-7-09

Driver education.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

Driver education courses for beginning drivers, ~~who are between fifteen years and five months of age and eighteen years of age~~, may be delivered in a classroom, via virtual instruction, or an online program to satisfy the requirements as provided for in division (C) of section 4508.02 of the Revised Code.

(A) The following requirements are the responsibility of all driver education schools, instructors, and training managers, as applicable, who provide instruction to beginning drivers ~~who are between the ages of fifteen years and five months and eighteen years of age~~.

- (1) No student will be accepted for driver education before attaining the age of fifteen years and five months without approval from the director;
- (2) The program shall be based on the principles of and cover, at a minimum, the body of knowledge contained in the "Ohio Driver Training Curriculum." The program includes no less than twenty-four hours of driver education;
- (3) The instruction consists of no less than sixty minutes of instruction for each hour credited toward completion of the required training;
- (4) The instruction includes dissemination of materials regarding anatomical gifts and anatomical gift procedures as specified in section 4508.021 of the Revised Code that are created or approved by the second chance trust fund advisory committee created under section 2108.17 of the Revised Code;
- (5) The instruction includes the dangers of driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication;
- (6) It shall be the responsibility of the driver training enterprise offering the driver education instruction to determine each student's successful completion by means of a comprehensive final examination, as prescribed by the director, measuring driver knowledge.
 - (a) No student being tested shall be permitted to refer to any materials that may contain answers to the questions thereon;
 - (b) The student shall answer seventy-five per cent or more of the questions comprising the final examination correctly in order to constitute a

*** DRAFT - NOT YET FILED ***

successful completion of the driver education course. If a student fails the exam, the student may be offered no more than two additional opportunities to pass without further education. Students may not be provided a final examination less than twenty-four hours from the last attempt;

- (7) Not more than nine hours nor fewer than three hours of driver education shall be devoted to showing educational videos, slides or films that relate to driver training. No videos, slides or films, or activities unrelated to safe driving practices, driver knowledge, or driver skill shall be used;
- (8) All training as required in this rule and rule 4501-7-10 of the Administrative Code, as applicable, and provided by the enterprise shall be made available to, and completed by, the student within ~~six months of the first date of training~~ the contracted timeframe as provided in rule 4501-7-12, unless mitigating circumstances occur. Mitigating circumstances include health and family issues that disrupt the student's ability to receive training. Mitigating circumstances do not include the inability to schedule training due to parent or student elective or extra-curricular activities, such as sports and school clubs. Mitigating circumstances shall be documented in the student's record. Requests for special circumstances not listed to be considered as "mitigating" shall be requested through the department. If no mitigating circumstances are approved, training will be voided and the student shall re-take the training.

(B) In addition to the requirements listed in paragraph (A) of this rule, for class "D" licensed schools, providing instruction in the classroom or via virtual classroom courses for beginning drivers, shall also meet the following requirements:

- (1) Students shall be taught and supervised by a licensed instructor. Licensed instructors instruct students only under the authority and guidance of a licensed driver training school;
- (2) The classroom environments shall be maintained in a manner that is conducive to learning. In maintaining an environment that is conducive to learning, consideration is given to the appropriate class size, appropriate methods of maintaining discipline, and any other relevant factors;
- (3) For instruction provided via a virtual classroom environment, the instructor shall periodically ensure the students are present and actively engaged with the course content. This may be accomplished through quizzes, worksheets, group activities, or other educational activities related to the content being taught.

*** DRAFT - NOT YET FILED ***

- (4) The total training a student, between the ages of fifteen and a half years and seventeen years of age, receives shall not exceed four hours in one day. Students, age of eighteen years and older, may receive no more than eight hours of education in one day. Students receiving more than two continuous hours of training shall be permitted a break at the approximate mid-point of the lesson;
- (5) Current textbooks or workbooks, as defined in paragraph (R) of rule 4501-7-01 of the Administrative Code, or other materials used for classroom instruction shall be available to every student taking that instruction. Instructional materials referenced during classroom instruction shall be provided for each student;
- (6) A student absent from a training session shall make up the segment of the training that was missed prior to receiving a certificate of completion;
- (7) In addition to requirements in paragraph (A)(6) of this rule, it shall be the responsibility of the training manager and the instructor to provide each student with a final examination at the completion of classroom instruction.
 - (a) The final examination shall be administered and graded in-person by a licensed instructor. Only examinations provided by the director may be used. Accommodations shall be made for the final examination to assist students with confirmed learning difficulties.
 - (b) The student may not re-take an exam that the student had previously taken and failed.
 - (c) The record of all final examinations given shall include the date the test was given, the student's score, the name and signature of the instructor who administered and graded the test, and the student's name and signature.

(C) In addition to the requirements listed in paragraph (A) of this rule, online driver education courses for beginning drivers, ~~who are between fifteen years and five months of age and eighteen years of age~~, shall meet the following requirements:

- (1) Students shall have a mechanism to have curriculum and content based questions and/or comments ~~shall~~ be responded to by an online ~~instructor, provider through, but not limited to, . This includes, but is not limited to, responses to~~ message boards, chat rooms, e-mails and or telephone calls;

*** DRAFT - NOT YET FILED ***

- (2) Any reference material required for the student to complete the online instruction is provided to the student prior to the start of the online instruction;
- (3) Each student successfully enrolled in an online driver education course shall be provided with a username and password. This username and password shall be required for each time the student logs into the program;
- (4) All instruction provided by the online provider must have measures in place that prevent a student from completing more than four hours of instruction in a calendar day;
- (5) No student, under the age of eighteen years, shall be given more than four hours of training in an online driver education program within a calendar day. Students, aged eighteen years and older, may receive no more than eight hours of education in one day. Students shall be provided with a break in instruction after two consecutive hours of training. The break shall be documented and recorded;
- (6) Personal validation questions appears periodically throughout the entire course and at a minimum appear once during the final examination. The student shall answer correctly the personal validation question within sixty seconds for the questions presented over the internet. The student shall have no more than one additional opportunity to answer another validation question if the student fails to answer correctly the first question. Failure to answer both validation questions correctly locks the student out of the program for twenty-four hours.
- (7) The online driver education program shall provide a final examination at the completion of the program during the online provider's operation hours. ~~An online instructor shall be available during this time.~~ In addition to the requirements in paragraph (A)(6) of this rule, final examinations shall:
 - (a) Include fifty questions that have been randomly drawn from the "Examination Questions Test Bank." No question shall appear more than once per final examination;
 - (b) Not identify the correct answer of a final examination question to the student until the entire test has been completed and submitted;
- (8) Any modifications made to the online instruction, including but not limited to, design, quizzes, activities, modules, content, law updates or resources must

*** DRAFT - NOT YET FILED ***

be approved by the director prior to being placed into production.

- (9) In order to meet the standards set forth in division (A)(2)(a) of section 4508.02 of the Revised Code, an online provider must implement and maintain all security controls included in the "Online Driver Education Security Assessment."

*** DRAFT - NOT YET FILED ***

4501-7-10

Driver training in the operation of Class "D" motor vehicles.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

(A) All driver training courses for beginning drivers, ~~who are between the ages of fifteen years and six months of age and eighteen years of age~~, must meet the following requirements:

- (1) Except as provided in rule 4501-7-06 of the Administrative Code for a medically based hospital or rehabilitation facility that offers instruction for persons with a disability and online providers, enterprises that provide driver training shall provide both the classroom or virtual instruction and behind-the-wheel instruction;
- (2) No behind-the-wheel instruction shall be given to a student who does not hold and carry a valid temporary permit or operator's license. No driver shall be given behind-the-wheel instruction using a permit or license which has expired or which has been suspended or revoked
- (3) Students shall be taught and supervised by a licensed instructor. Licensed instructors instruct only under the authority of a licensed driver training school.
- (4) When a student operates a motor vehicle on the public highways, a licensed instructor shall be in the vehicle seated beside the driver. The instructor shall carry with them proper identification to prove valid licensure and provide such proof upon request. Proper identification includes:
 - (a) The instructor's current and valid driver's license and the department issued instructor license if the department issued license does not have the instructor's photo printed on it; or
 - (b) The instructor's current and valid department issued instructor license if the department issued license contains the instructor's photo printed on it.
- (5) The driver training course shall be based on the principals of and cover, at a minimum, the in-car lessons contained in the "Ohio Driver Training Curriculum." The program includes no less than eight hours of driver training for each student;
- (6) Behind-the-wheel instruction consists of no less than sixty minutes of instruction for each hour credited toward completion of the required training.

*** DRAFT - NOT YET FILED ***

Time taken for breaks in instruction shall not be included when calculating completion of the required instruction;

- (7) No instructor shall give a beginning driver behind-the-wheel instruction before the student has completed the classroom or virtual classroom instruction. No instructor shall give a student who is enrolled in an online program, behind-the-wheel instruction without receiving a "Certificate of Completion of an Online Driver Education Program" issued by the online provider;
- (8) Class "D" instructors shall take a ten minute break after every four consecutive hours of instruction;
- (9) A student's good-faith effort made during the full eight hours of skills training constitutes successful completion of the behind-the-wheel training;
- (10) All training as required in this rule and rule 4501-7-09 of the Administrative Code, as applicable, and provided by the enterprise shall be made available to, and completed by, the student within ~~six months of the first date of training~~ the contracted timeframe as provided in rule 4501-7-12, unless mitigating circumstances occur. Mitigating circumstances include health and family issues that disrupt the student's ability to receive training. Mitigating circumstances do not include the inability to schedule training due to parent or student elective or extra-curricular activities, such as sports and school clubs. Mitigating circumstances shall be documented in the student's record. Requests for special circumstances not listed to be considered "mitigating" are requested through the department. If no mitigating circumstances are approved, training will be voided and the student re-takes the training.

(B) In addition to the requirements for class "D" licensed schools listed in paragraph (A) of this rule, driver training courses and instructors shall maintain an environment that is conducive to learning.

- (1) If a student is operating a motor vehicle on a range, an instructor may leave the motor vehicle, but remain standing outside the vehicle in a position where the instructor can continue to directly observe the operation of the motor vehicle, and maintain a position where both the student and the instructor can hear each other and be heard by each other;
- (2) During times of behind-the-wheel instruction, use of any items or behavior that causes or can cause unreasonable distraction is prohibited. No eating or drinking by students is permitted in the vehicle during times of instruction or while the vehicle is in motion;

*** DRAFT - NOT YET FILED ***

- (3) No student shall be given more than three hours of behind-the-wheel instruction in one day. The total training a student receives shall not exceed four hours in one day. Students receiving more than two continuous hours of training shall be provided a ten-minute break at the approximate mid-point of the lesson;
- (4) Instructors shall ensure that a beginning driver's first hour of behind-the-wheel training occurs in an area that is reasonably free from pedestrian and vehicular traffic, and that the first hour does not include operation of a vehicle on primary traffic arteries, main highway routes, and other thoroughfares that carry a large amount of traffic;
- (5) No instructor shall permit a beginning driver to operate a motor vehicle on an expressway before the beginning driver has received at least two hours of behind-the-wheel instruction on a roadway that is not an expressway;
- (6) No more than two students may be in a vehicle while behind-the-wheel instruction is being given. No credit for the hours of required behind-the-wheel instruction shall be given to a student who is not driving;

(C) Instructor candidates who have completed at least thirty-two hours of training can teach up to two hours of behind-the-wheel instruction for one student with the training manager supervising from the back seat. A lesson plan and route sheet provided by the training manager will be used during the lesson.

*** DRAFT - NOT YET FILED ***

4501-7-11

Certificates.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

(A) The director shall supply and maintain record of the certificates as required by division (E)(2) of section 4508.02 and division (A) of section 4508.10 of the Revised Code. This record will include the name of the enterprise and the date the certificates were supplied. The certificates will be supplied to a licensed enterprise. Certificates are non-transferrable to any other enterprise. No authorizing official or training manager shall issue a certificate before the student had completed all required training.

(1) Online enterprises shall issue a "Certificate of Completion of an Online Driver Education Program" for a student who has successfully completed the online driver education program within five business days of the date of completion. Successful completion includes the student completing every module and passing the final examination of the online driver education program.

(2) Except for CDL and online enterprises, driver training enterprises shall issue a "Certificate of Completion" to a beginning driver ~~who is under the age of eighteen and~~ who has successfully completed the classroom, or equivalent program of instruction with an online provider and the behind-the-wheel training required by division (C) of section 4508.02 of the Revised Code within five business days of the date of completion.

(3) For a CDL enterprise, certificate information shall be logged via the enterprise through an ~~on-line~~online system managed by the department. ~~The authorizing official or training manager issues a "Certificate of Completion" to each out-of-state student completing the program as prescribed in paragraphs (L) and/or (M) of rule 4501-7-28 of the Administrative Code.~~ The "Certificate of Completion" shall be logged ~~and printed~~ by the enterprise through an on-line system managed by the department.

(B) When the authorizing official or training manager determines that a certificate must be voided, the box for "void" shall be marked on the online system.

(C) In the event a certificate is lost or stolen after being issued to a student, the student may obtain a new certificate from the driver training enterprise that issued it. The student and parent or legal guardian shall first complete and sign the "Request for Duplicate Certificate" and explain the theft or loss. The "Request for Duplicate Certificate" shall be retained by the enterprise and maintained in the school files. The training manager or authorizing official, or a designee, marks the box for "duplicate" and issues the new certificate via the online system. No driver training school may charge a fee for a replacement certificate that exceeds fifteen dollars.

*** DRAFT - NOT YET FILED ***

- (D) An authorizing official or training manager of the school who issues the certificate shall sign each certificate. If an authorizing official or manager permits the use of a stamped or electronically produced signature, that official, or manager is responsible for securing the stamp or electronic means, and that official, or manager is responsible for any document on which that official's, or manager's signature is produced.
- (E) All unused certificates will be made inaccessible by the director when a driver training enterprise closes for any reason, including a license suspension or revocation.

*** DRAFT - NOT YET FILED ***

4501-7-12

Class "D" and online license school training agreements.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

(A) A signed written agreement shall be established between the student and the student's parent or legal guardian, if the student is under the age of eighteen, and the driver training enterprise prior to the start of any training. Verbal agreements are prohibited.

(B) All written agreements contain the following:

- (1) The type of training the enterprise will provide;
- (2) The full address where the classroom instruction will be given, if applicable. Online providers shall use the office address of the company and its website address;
- (3) The student's date of birth ~~if the student is a beginning driver under the age of eighteen~~.
- (4) All charges for the training course stated clearly.
- (5) Except for a driver training school providing only online instruction, a statement whether the use of an enterprise-owned vehicle for the license examination is included in the charges, and if not included, any additional charge for this service.
- (6) The number of classroom or online driver education hours to be provided. If the student entering the agreement is a beginning driver ~~and less than eighteen years old~~, the enterprise agrees to provide at least twenty-four hours of classroom instruction based on the "Ohio Driver Training Curriculum."
- (7) The number of behind-the-wheel instruction hours to be provided by an enterprise other than an online driver education program. If the student entering the agreement is a beginning driver ~~less than eighteen years old~~, the enterprise agrees to provide at least eight hours of behind-the-wheel instruction based on the "Ohio Driver Training Curriculum."
- (8) The signature of an authorizing official, training manager, or instructor and the date such signature was made.
- (9) The signature of the student and for a student under eighteen years old, the

*** DRAFT - NOT YET FILED ***

signature of the student's parent or legal guardian, and the date each signature was obtained.

- (10) A declaration of the date by which the complete program of training will be made available to and completed by the student. ~~This date shall be no more than six months from the date the driver training begins. For schools providing both classroom or virtual training and behind-the-wheel training, a date by which the classroom or virtual training needs to be completed for the behind-the-wheel training to be offered and completed within the six months. The date for classroom or virtual training completion shall be of such length to allow the student to actually complete both portions of the training program within the six months.~~
 - (a) For an enterprise offering either only online driver education or only behind-the-wheel training to student, this date shall be no more than six months from the date the training agreement is fully signed.
 - (b) For an enterprise that is licensed for and providing both theory (classroom, virtual training, or online driver education) and behind-the-wheel training, this date shall be no more than nine months from the date the training begins, and includes a date by which the theory needs to be completed for the behind-the-wheel training to be offered and completed within the nine months. The date for the theory training completion shall be of such length to allow the student to actually complete both portions of the training program within the nine months.
- (11) The statement, "Driver training schools are licensed by the Department of Public Safety through the Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."
- (12) A declaration of the conditions under which refunds may be made. If refunds are not made, the agreement clearly states that the enterprise makes no refunds.
- (13) A statement that a certificate of completion will be issued to the student within five business days of completing the training.
- (C) A declaration of conditions under which a student may be denied training may be included in the training agreement.
- (D) A signed copy of the agreement shall be given to the student, or to a parent or legal guardian, if the student is under the age of eighteen, on the day that it is executed.

*** DRAFT - NOT YET FILED ***

- (E) For a student ~~enrolled in completing~~ an online driver education program, an agreement must be established between the student, and if the student is under the age of eighteen the parent or guardian, and an enterprise offering the behind-the-wheel training. Verbal agreements are prohibited. Except for paragraph (B)(7) of this rule, all other requirements in this chapter apply to the agreement.
- (F) Driver training enterprises shall use reasonable controls to verify the student's identity or if the student is under the age of eighteen years, the parent or legal guardian's identification, when enrolling in the program. For a Class "D" driving school using a web-based enrollment process, secure and reasonable controls to authenticate the student's identity or if the student is under the age of eighteen years, the parent or guardian's identity, are used. An online enterprise shall develop and maintain the means to reasonably authenticate the student or parent's identity, whichever is applicable. This may be accomplished by a combination of the following:
 - (1) Third-party database authentication;
 - (2) Biometric authentication;
 - (3) Other secure means that are based on emerging technologies and allow for reasonable assurance that the parent's identity is authenticated; or
 - (4) A signed and notarized affidavit. The affidavit includes certification that the student, parent or guardian for a student under the age of eighteen years, submitted official documents to verify ~~the parent's or guardian's~~their identity. The affidavit shall be received by the online enterprise before training may begin.

*** DRAFT - NOT YET FILED ***

4501-7-13

Records maintained by a licensed driver training enterprise.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Each licensed school shall maintain student records for three years from the date the record was finalized, regardless of whether the student has completed all training.
- (B) For a class "D" and CDL licensed school, a distinct record shall be kept for classroom instruction, and a distinct record shall be kept for behind-the-wheel training. These records include:
 - (1) A record of the material taught for each student in each training session, which includes:
 - (a) The student classroom and behind-the-wheel records shall include the student's name and address; contact information, driver license or permit number and, if applicable, its issuance date; the date of each training session; and the actual starting time, break time, and the actual ending time for each session the student completed;
 - (b) Each behind-the-wheel session notation signed or initialed by the student and instructor, who provided the training, after completion of the training. The record also includes the instructor's license number for each session;
 - (c) The signature of the training manager or instructor on the final record confirming all training has been successfully completed;
 - (d) A record of each training session administered by the school including the date, time, break time, topic of instruction, instructor of record, and complete roster of the students attending such session. In addition, for virtual classroom, a copy of the student roster footprint showing each student's log in and log out times;
 - (e) A copy of the student's final examination;
 - (f) For a class "D" student, a record of every student's proof of completion for instruction obtained through an online provider in a manner prescribed by the director.
 - (2) For a class "D" training course, a copy of the completed and signed final record for each student ~~who is less than eighteen years of age, if applicable to the~~

*** DRAFT - NOT YET FILED ***

student, includes the following notations:

- (a) That the student received all classroom instruction or the equivalent online instruction as required by this chapter and division (C) of section 4508.02 of the Revised Code;
- (b) That the student has satisfactorily completed the behind-the-wheel instruction required by this chapter and division (C) of section 4508.02 of the Revised Code;
- (c) The student's score on any examination of knowledge required by rule 4501-7-09 of the Administrative Code;
- (d) A record of the "Certificate of Completion" issued including its number and the date of issue.

(3) For each student in a training course for the operation of commercial motor vehicles, the records include the following notations:

- (a) That the student received all classroom and behind-the-wheel instruction required by rule 4501-7-28 of the Administrative Code.
- (b) The student's final test score.

(4) A record of every driver training certificate of completion issued by the enterprise to students ~~under eighteen years of age~~ in the format prescribed by the director.

(5) A copy of the fully executed training agreement between the enterprise and each student trained.

(C) For an online licensed school, the records include, at a minimum;

- (1) The student's name and address;
- (2) The date the student started and date the student completed the program;
- (3) Each start time, each end time, and total cumulative time spent in of each module of the online program;

*** DRAFT - NOT YET FILED ***

- (4) The agreement between the enterprise and each student trained;
- (5) A record of the "Certificate of Completion of an Online Driver Education Program" issued by the online provider to students ~~under eighteen years of age~~, in a format prescribed by the director;
- (6) The records for each examination provided to each student, which includes:[all of the final exam questions presented and the student's responses](#).
 - (a) ~~All of the questions asked and the student's responses;~~
 - (b) ~~The name or identity of the online instructor entering comments or responding to questions during each final examination.~~

(D) All driver training enterprises and schools shall maintain an instructor file for all instructors currently employed and maintain the records for at least three years following the termination of an instructor's employment. The records include:

- (1) A copy of each instructor's current license. The instructor's license, or a photocopy of the license, shall also be maintained by the instructor, and by each enterprise for which the instructor trains. The license, or a photocopy thereof, is kept in the instructor's possession at any time the instructor is training students.
- (2) The enterprise or organization that completed the training is responsible for maintaining the records of the instructors. This includes the dates, times, location of training and curriculum used.
- (3) For instructors with the training manager endorsement or disability endorsement, proof of completion of the training provided to obtain such endorsement.
- (4) An annual assessment for all instructors performed by the training manager, or a certified driver rehabilitation specialist for a disability instructor, that are in a written format pre-approved by the director.
- (5) Proof of the annual "Sexual Harassment Prevention Training" course completion.
- (6) Proof of satisfactory completion of a pre-approved advanced training course as set forth in paragraphs (G) and/or (V) of rule 4501-7-05 of the Administrative

*** DRAFT - NOT YET FILED ***

Code, whichever is applicable.

- (7) The "Driver Training Personnel Physical Examination" as set forth in paragraph (F) of rule 4501-7-03 of the Administrative Code.
- (8) For a class "D" school records include a record of the schedule or log for behind-the-wheel instruction for each instructor that includes the date, start and ending time, and student name for each lesson.
- (9) Records for a training manager and/or instructor's behavioral problem(s) that give good cause for the belief that the instructor and/or training manager could be physically or mentally unfit to perform their duties. The records also include disciplinary actions taken to correct such behavior in the instructor's file.

(E) Driver training enterprises and schools shall also maintain a file for business records. Business records include:

- (1) The current school license. A copy shall be made available to any person upon request. Except for an online driver training program, the original school license is posted in the school in a conspicuous location where any person who enters the school can see it. If a license cannot be posted at the school, the license, or a copy thereof, is carried to each training session provided in that school.
- (2) A copy of the deed, lease, or rental agreement for the property used as the established place of business;
- (3) Proof of valid insurance coverage as set forth in paragraph (B) or (C) in rule 4501-7-08 of the Administrative Code, whichever is applicable;
- (4) Proof of a valid and continuous bond or escrow account covering the enterprise's obligations to provide student instruction as set forth in paragraph (F) in rule 4501-7-08 of the Administrative Code;
- (5) For a CDL enterprise, a copy of the range layout including dimensions of the run-off areas and dimensions of the specific exercise dimensions as set forth in paragraph (H) of rule 4501-7-04 of the Administrative Code.
- (6) The ~~annual~~ "Motor Vehicle Inspection List" or for a CDL enterprise, the report compliant with Title 49 of the Code of Federal Regulations Part 396.9 and

*** DRAFT - NOT YET FILED ***

used for road vehicles;

- (7) A complete copy of the required curriculum and lesson plans used by the school and any supporting textbooks, articles, or other sources of driver training information used for the classroom, online equivalent or behind-the-wheel instruction.
- (F) If an instructor, authorizing official, or manager permits the use of a stamped or electronically produced signature, that instructor, official, or manager is responsible for securing the stamp or electronic means, and that instructor, official, or manager is responsible for any document on which that instructor's, official's, or manager's signature is produced.
- (G) All records required to be maintained by an enterprise under the rules of this chapter, that are stored in a file in the office, shall be kept accurately and in an office of the school that conforms to the standards in this chapter. Finalized records may be stored at the enterprise's main office. Active student records shall be stored on site in the classroom or in an office located in the same county as or in a county adjacent to where the training takes place. The authorizing official or training manager shall make all records available for inspection by the director. The authorizing official or training manager shall make all applicable records available for inspection by a student and/or the student's parent or legal guardian at any and all reasonable times. These documents shall be furnished upon request to the director.
- (H) If a school closes or an enterprise discontinues business for any reason, the authorizing official or training manager shall complete and submit the "Enterprise Closing Procedure" to the director at least thirty days prior to closing.
- (I) No person shall falsify, alter, or in any manner tamper with any records required to be kept in this chapter.
- (J) All records required to be maintained by an enterprise under the rules of this chapter, that are stored electronically, shall be stored either in a secured computer at the office for the enterprise or at a secure off-site data center within the United States. The authorizing official or training manager shall make all records available for inspection by the director. The authorizing official or training manager shall make all applicable records available for inspection by a student and/or the student's parent or legal guardian at any and all reasonable times. Any records required to be maintained which are in a computer database shall be accessible and capable of being distinguished from non-related records.

*** DRAFT - NOT YET FILED ***

4501-7-14

Vehicles used to train the operation of motor vehicles other than commercial motor vehicles.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Every driver training enterprise that provides students with behind-the-wheel instruction in the operation of motor vehicles shall supply all equipment necessary to give the required instruction for operating motor vehicles, except that a student with a disability may provide a motor vehicle that is specially equipped for that student's disability.
- (B) Every motor vehicle used to provide behind-the-wheel instruction shall be maintained in safe mechanical condition and shall be in compliance with all applicable provisions of Chapter 4513. of the Revised Code.
- (C) Safety belts that meet the standards set forth in section 4513.262 of the Revised Code shall be provided for all occupants of motor vehicles used for driver training. Such belts shall be in use by all occupants of a driver training vehicle at all times.
- (D) All motor vehicles used for behind-the-wheel training shall be equipped with dual controls as defined in this chapter of the Administrative Code. The auxiliary control device shall be securely fastened and easily accessible to the person seated in the front seat on the right side of the vehicle.
- (E) All motor vehicles used for behind-the-wheel instruction shall be equipped with inside rearview mirrors for both the driver and instructor and outside rearview mirrors on the driver's and passenger's side of the vehicle. A visor mirror shall not be used as an inside rear view mirror.
- (F) All motor vehicles used for training shall be equipped with a sign on the front of the vehicle and a sign on the rear of the vehicle containing the words, "student driver." The words of both signs shall be visible and legible outside of the motor vehicle from both the front and the rear. Such words shall be a minimum of three inches high, contrast the color of the vehicle and use material that reflects light at night. Any other words on such signs shall be no more than two inches high. Additional signs on the front, rear, or doors that indicate the vehicle is being used as a driver-training vehicle are permitted.
- (G) Every motor vehicle shall carry a current financial responsibility identification card or insurance identification card that complies with rule 4501:1-2-02 of the Administrative Code.
- (H) The authorizing official or training manager of the school shall make all motor

*** DRAFT - NOT YET FILED ***

vehicles used by the school available for inspection by the director at any and all reasonable times.

- (1) Every motor vehicle used by the school shall be inspected annually. No motor vehicle shall be used for driver training unless it is inspected and received an inspection number by the director within the last twelve months.
- (2) When a driver training enterprise obtains vehicles to add to its fleet for instructional purposes, ~~after the annual inspection~~, the authorizing official or training manager notifies the department for a motor vehicle inspection. The department will schedule a motor vehicle inspection in response to such a request from a driver training school official, manager, or instructor.
 - (a) Prior to first using a vehicle for training, the authorizing official or training manager shall:
 - (i) Inspect the vehicle for compliance ~~to provisions in paragraphs (A), (B), (C), (D), (E), (F) and (G) of this rule completing a form prescribed by the director and complete the "Driver Training Vehicle Inspection";~~
 - (ii) Add the vehicle information to the fleet list for the online school function; and
 - (iii) Schedule the vehicle for inspection by the department.
 - (b) If the motor vehicle acquired by the enterprise meets the provisions of this rule as determined by the authorizing official or training manager but does not receive the inspection number required by this rule, the motor vehicle may be used for a period not to exceed thirty days from the date the vehicle was acquired by the driver training enterprise.
- (I) A person who has a disability may provide and receive instruction in a motor vehicle that has been altered for the purpose of providing the person with special equipment. Any vehicle provided for this purpose shall be in a safe operating condition as determined by the licensed driver training instructor, training manager or authorizing official, and the vehicle shall be insured as provided in paragraph (E) of rule 4501-7-08 of the Administrative Code.

*** DRAFT - NOT YET FILED ***

4501-7-16

Safe operation of vehicles.

To assure the safety and welfare of students and instructors when providing behind-the-wheel instruction, the driver training enterprise's authorizing officials, managers, and instructors shall assess all factors that affect driving conditions and shall take corrective action to ensure the continued safe operation of driver training vehicles. Officials, managers, and instructors shall evaluate road conditions, the environment, vehicle condition, road construction, traffic, weather, and any other factors that may affect the safe operation of a motor vehicle before and during any behind-the-wheel instruction.

*** DRAFT - NOT YET FILED ***

4501-7-17

Use of driver examination test routes prohibited.

- (A) No authorizing official or training manager of a driver training enterprise or school shall use, or permit the school's instructors to use, any driver test routes or sites of a driver license examination station for instruction during the hours the examining station is open for business.
- (B) No driver training instructor shall use any driver test routes or sites of a driver license examination station for instruction during the hours that the examining station is open for business.

*** DRAFT - NOT YET FILED ***

4501-7-18

Advertising and soliciting business.

- (A) A driver training enterprise shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a driver training enterprise advertise or imply it is supervised, recommended, or endorsed by the director, the department, or the state highway patrol.
- (B) A driver training enterprise shall not advertise or imply that it is endorsed or sanctioned by any organization unless such endorsement or sanction is maintained on file in written form at the school office and can be produced upon demand of any person.
- (C) No person shall advertise in any manner a driver training instruction course prior to being licensed as a driver training school.
- (D) Advertisements shall not list program information or offer discounts that are inaccurate or not available during the time that the advertisement is valid.
- (E) Advertisements shall not include any erroneous, misleading, or false information.
- (F) Advertisements posted in classified sections of any published media shall not state that a position of employment shall result from the training received. This rule shall not limit the ability of a driver training enterprise to solicit employees for the driver training enterprise itself.
- (G) No driver training enterprise shall solicit or advertise for business at or in the immediate area used by patrons of any office used for conducting driver license examinations. The use of an enterprise's licensed name on its motor vehicles or place of business shall not be construed as advertising or soliciting under this rule.
- (H) No driver training enterprise shall solicit or advertise for business without supplying its name and the location where training is conducted.

*** DRAFT - NOT YET FILED ***

4501-7-19

Prohibition of guarantees by a licensed school.

No person associated with a driver training enterprise shall assert or imply that the person or the enterprise will guarantee a license to operate a motor vehicle or commercial motor vehicle, whichever is applicable, as a result of the training received. No person associated with a driver training enterprise shall assert or imply that the enterprise will guarantee employment in the operation of a motor vehicle upon completion of the course, nor shall any person associated with the enterprise assert that the enterprise will guarantee that the student will pass the state examinations in the operation of motor vehicles.

*** DRAFT - NOT YET FILED ***

4501-7-20

Inspections and investigations of licensed driver training schools.

(A) Every place used as an office, range, or classroom by a driver training enterprise, except as provided in paragraph (B) of this rule, shall be subject to inspection and/or investigation by the director during reasonable hours. Inspections and investigations may include, but are not limited to, any and all records, facilities, classroom instruction, virtual classroom instruction, behind-the-wheel instruction, and vehicles used for behind-the-wheel instruction. The enterprise's authorizing official or the school's training manager shall make school records, student records, vehicles, and facilities required by this chapter available to the director for inspection. The training manager or authorizing official shall, upon the director's request, produce records for copying. Such records shall be promptly returned to the school.

(B) An online enterprise shall be subject to inspections and/or investigations by the director during reasonable hours. Inspections and investigations may include, but are not limited to, all student records, training modules, information technology infrastructure, security measures and other aspects of the online driver education program. The director may inspect and/or investigate supporting documentation to include access to computer logs related to the inspection and/or investigation. If the technical support, application server host, or data storage facilities are located outside the state of Ohio, the authorizing official shall submit, upon request of the director, a report encompassing the rules of this chapter to meet the requirements in lieu of a state-conducted inspection and/or investigation of technical support, application server host, or data storage facilities. The authorizing official shall make school and student records required by this chapter available to the director online, in a password-protected environment, upon request.

*** DRAFT - NOT YET FILED ***

4501-7-21

The director may take action against a license of a class "D" or online school, training manager, online instructor or instructor.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) The director may reject any application or the "renewal requirements" for license when the director determines the applicant may have violated any of the provisions of Chapter 4501-7 of the Administrative Code or Chapter 4508. of the Revised Code.
- (B) When the director has rejected an application or the "renewal requirements" for a license, or when the director determines that a licensee may have violated any of the provisions of Chapter 4501-7 of the Administrative Code or Chapter 4508. of the Revised Code, the applicant shall be afforded an opportunity for a hearing in accordance with sections 119.01 to 119.13 of the Revised Code.
- (C) The director may reprimand, deny, suspend, revoke, or place on probationary status the license of any driver training school, training manager, or instructor when the director determines that the applicant or licensee has violated any of the provisions of Chapter 4501-7 of the Administrative Code or Chapter 4508. of the Revised Code.
- (D) The director may reprimand, deny, suspend, revoke, or place on probationary status the license of any driver training enterprise if the enterprise fails to pay for the fees and fines owed to the department, as set forth in Chapter 4501-7 of the Administrative Code and Chapter 4508. of the Revised Code.
- (E) The director may immediately suspend a driver training instructor or training manager license without a prior hearing if the director believes there exists clear and convincing evidence of any conduct, as specified in division (B) of section 4508.06 of the Revised Code, committed by the instructor or training manager.
- (F) The director may immediately suspend a driver training school license without a prior hearing if the director believes there exists clear and convincing evidence of any conduct or risk as specified in division (C) of section 4508.06 of the Revised Code.
- (G) The director, in accordance with section 119.07 of the Revised Code, shall issue a written order of suspension and provide the opportunity for a hearing for a driver training instructor, training manager, or driver training school.

*** DRAFT - NOT YET FILED ***

4501-7-28

Training required for the operation of commercial motor vehicles.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Enterprises training drivers in the operation of commercial motor vehicles shall provide theory instruction and behind-the-wheel instruction in the operation of commercial motor vehicles. A CDL licensed school may offer instruction in class "A" instruction, class "B" instruction, or both.
- (B) Students shall be taught and supervised by a licensed instructor. Instructors shall act only under the authority and guidance of a licensed driver training enterprise. Instructors shall carry on them proper identification to prove valid licensure and provide such proof upon request. Proper identification includes:
 - (1) The instructor's current and valid driver's license and the department issued instructor license if the department issued license does not have the instructor's photo printed on it; or
 - (2) The instructor's current and valid department issued instructor license if the department issued license contains the instructor's photo printed on it.
- (C) If a student completed the classroom or virtual classroom training through another enterprise, no behind-the-wheel instruction is provided until proof of completion of the classroom or virtual classroom is provided.
- (D) The training environment shall be maintained in a manner that is conducive to learning. Maintaining an environment that is conducive to learning includes consideration to the appropriate class size, providing appropriate shelter in inclement weather on the range, ensuring the safety of students in and around vehicles on the range, and any other relevant factors.
- (E) The authorizing official and/or training manager of the enterprise shall ensure that each student completes all required classroom hours and/or behind-the-wheel training hours, whichever is applicable, within two hundred seventy days after the first lesson unless mitigating circumstances occur which is documented by the school in the student's record. Mitigating circumstances include health and family issues that disrupt the student's ability to receive training.
- (F) No student is provided more than ten hours of training by an enterprise in one calendar day.
- (G) Theory instruction and behind-the-wheel instruction consists of no less than sixty

*** DRAFT - NOT YET FILED ***

minutes for each hour credited toward completion of the required instruction. Time taken for breaks or observation is not included when calculating completion of the required instruction.

- (H) No more than forty per cent of the total theory instruction hours is devoted to showing educational videos, slides or films that relate to commercial driver training. No videos, films, or activities unrelated to safe commercial driving practices, commercial driver knowledge, or commercial driver skill shall be used.
- (I) All behind-the-wheel instruction on streets and highways shall be under the direct supervision of a licensed instructor who is in the vehicle and seated in the front seat next to the driver.
- (J) If a student is observing behind-the-wheel instruction of another student and not actually driving, such time is not be credited to the student for behind-the-wheel training completed. Each student driver, with the assistance of the instructor, shall do at least one pre-trip inspection during each day of on-the-road training.
- (K) During the training of one or more motor vehicles on the range, an instructor, who is not restricted to the classroom only, is required to remain on the range to actively instruct and monitor students. The following limits exist:
 - (1) During the operation of a vehicle on the range:
 - (a) One instructor may oversee no more than eight students;
 - (b) One instructor may oversee no more than four vehicles; and
 - (c) No more than two students may be working with one vehicle at one time.
 - (2) During pre-trip inspection training, one instructor may oversee no more than eight students.
- (L) Theory instruction.
 - (1) Theory instruction for class "A" commercial motor vehicle training totals at least forty hours. The curriculum shall, at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix A to Part 380" and the "Commercial Driver's License Curriculum Guideline."

*** DRAFT - NOT YET FILED ***

- (2) Theory instruction for class "B" commercial motor vehicle training totals at least twelve hours. The curriculum shall, at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix B to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (3) Theory instruction for a passenger endorsement totals at least eight hours. The curriculum shall at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix C to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (4) School bus endorsement training curriculum. Theory instruction for a school bus endorsement totals at least eight hours and shall, at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix D to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (5) Final examination. It shall be the responsibility of the commercial driver training enterprise offering the theory instruction to determine each student's successful completion by means of a comprehensive final examination measuring driver knowledge. The final examination is provided at the completion of the theory training.
 - (a) No student being tested shall be permitted to refer to any materials that may contain answers to the questions thereon.
 - (b) Student knowledge measured by the final examination shall be representative of the entire scope of knowledge of the curriculums as set forth in paragraph (L) of this rule. The number of questions shall be based on the following:
 - (i) The final examination for class "A" commercial motor vehicle training as set forth in paragraph (L)(1) of this rule includes one hundred content-based test questions.
 - (ii) The final examination for class "B" commercial motor vehicle training as set forth in paragraph (L)(2) of this rule includes fifty content-based test questions.
 - (iii) The final examination for training provided as set forth in paragraphs (L)(3) and (L)(4) of this rule includes twenty-five content-based questions.

*** DRAFT - NOT YET FILED ***

- (c) Each student shall answer eighty per cent or more of the questions comprising the final examination correctly in order to constitute successful completion. If a student fails the exam, the student may be offered no more than two additional opportunities to pass without further education. The student may not re-take the same exam the student had previously taken and failed. Students may not be provided a final examination less than a calendar day from the last attempt.
- (d) The final examination shall be administered and graded under the supervision of a licensed instructor. Accommodations shall be made for the final examination to assist students with confirmed learning difficulties.
- (e) The record of all final examinations given shall include the date the test was given, the student's score, the name and signature of the instructor who administered and graded the test, and the student's name and signature.

(M) Behind-the-wheel training. Instructors providing behind-the-wheel training shall be actively instructing during all public road training sessions.

- (1) Behind-the-wheel instruction for class "A" commercial motor vehicle training shall be provided in a class "A" vehicle and total at least forty hours. No less than ten hours of behind-the-wheel instruction shall be given on off-highway ranges. No less than ten hours of behind-the-wheel instruction shall be given on streets and highways with normal traffic. Twenty hours of behind-the-wheel instruction may be used either for on-highway or off-highway training. The authorizing official, instructor or training manager shall determine which behind-the-wheel instruction would be most beneficial to the student. No student shall be taken on the road for training prior to receiving a minimum of five hours of range training. The five hours of time credited does not include observation time. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix A to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (2) Behind-the-wheel instruction for class "B" commercial motor vehicle training shall be provided in a class "B" vehicle and total at least twenty-eight hours. No less than eight hours of behind-the-wheel instruction shall be given on ranges. No less than eight hours of behind-the-wheel instruction shall be given on streets and highways with normal traffic. Twelve hours of behind-the-wheel instruction may be used either for on-highway or off-highway training. The authorizing official, instructor or training manager

*** DRAFT - NOT YET FILED ***

shall determine which behind-the-wheel instruction would be most beneficial to the student. No student shall be taken on the road for training prior to receiving a minimum of four hours of range training. The four hours of time credited shall not include observation time. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix B to Part 380" and the "Commercial Driver's License Curriculum Guideline."

- (3) Passenger endorsement behind-the-wheel curriculum. The driver training school may include the passenger endorsement training curriculum in the Class B curriculum. For those students seeking to obtain the passenger endorsement on a current commercial driver's license, the driver training school may offer the passenger endorsement curriculum as separate behind-the-wheel instruction. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix C to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (4) School bus endorsement training curriculum. The driver training school may include the school bus endorsement training curriculum in the Class B curriculum. For those students seeking to obtain the school bus endorsement on a current commercial driver's license, the driver training school may offer the school bus endorsement curriculum as separate behind-the-wheel instruction. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix D to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (5) Proficiency. It shall be the responsibility of the commercial driver training enterprise offering the behind-the-wheel instruction to determine each student's successful completion of all range and road activities. Successful completion shall be based upon the student's ability to demonstrate proficiency in proper techniques for the range and road skills.
 - (a) The instructor shall determine and document that the student has demonstrated proficiency in all topics of behind-the-wheel instruction topics.
 - (b) The proficiency demonstration shall occur at the end of the student's training. The demonstration shall be, at a minimum, two hours in length with thirty minutes for pre-trip.

*** DRAFT - NOT YET FILED ***

4501-7-29

CDL school training agreements.

- (A) A written agreement shall be established between the student and the driver training enterprise prior to the start of any training. Verbal agreements are prohibited.
- (B) An enterprise may contract with a student to provide the theory portion of training, behind-the-wheel training, or both. The student shall complete the hours of training per the contract with the enterprise and may not complete partial at another school unless mitigating circumstances occur. To contract for the behind-the-wheel training, the student provides the enterprise with proof of theory completion.
- (C) All written agreements contain the following:
 - (1) The full address where the instruction will be given. For virtual classroom, this includes the website and requirements to access the course.
 - (2) Classification of vehicle and type of training being provided.
 - (3) All charges for the training course stated clearly.
 - (4) A statement as to whether the use of an enterprise-owned vehicle for the license examination is included in the charges, and if not included, any additional charge for this service.
 - (5) The number of classroom instruction hours to be provided, if applicable.
 - (6) The number of behind-the-wheel instruction hours to be provided, if applicable.
 - (7) The signature of an authorizing official, training manager, or instructor and the date such signature was made.
 - (8) The signature of the student and the date each signature was made.
 - (9) A declaration of the date by which the complete program of training will be made available to the student. This date is no more ~~that~~ than two hundred seventy days from the date the driver training begins.
 - (10) The statement, "Driver training schools are licensed by the Department of Public Safety through the Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."
 - (11) A declaration of the conditions under which refunds may be made. If refunds

*** DRAFT - NOT YET FILED ***

are not made, the agreement shall clearly state that the enterprise makes no refunds.

- (D) A declaration of conditions under which a student may be denied training may be included in the training agreement.
- (E) A signed copy of the agreement shall be given to the student on the day it is executed.

*** DRAFT - NOT YET FILED ***

4501-7-31

Vehicles used to train in the operation of commercial motor vehicles.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Every driver training enterprise that provides students with behind-the-wheel instruction in commercial motor vehicles shall supply all the equipment necessary to give the required instruction for operating commercial motor vehicles.
- (B) Every licensed commercial motor vehicle used to provide behind-the-wheel instruction shall meet all applicable regulations of the public utilities commission of Ohio and federal motor carrier safety regulations. Every commercial motor vehicle used to provide behind-the-wheel instruction shall be in compliance with all applicable provisions of Chapters 4513. and 5577. of the Revised Code.
- (C) Safety belts that meet the standards set forth in section 4513.262 of the Revised Code shall be provided for all occupants of vehicles used for driver training. Such belts shall be in use by all occupants of a driver training vehicle at all times.
- (D) Except for school buses, as defined in division (F) of section 4511.01 of the Revised Code and that comply with provisions set forth in section 4511.77 of the Revised Code, all commercial vehicles used on streets and highways to provide behind-the-wheel instruction shall be equipped with a securely fastened dual control brake that is easily accessible to the person seated in the front seat on the right side of the vehicle. In the absence of a dual control brake, the vehicle shall have a hand brake that is readily accessible to the instructor. The brake shall operate the vehicle's service brakes and shall permit the driver training instructor to bring the vehicle to a safe stop while the instructor is seated in the right front seat of the vehicle with the safety belt fastened. Such dual control or hand brake is not required on training vehicles used by driver training enterprises for commercial motor vehicles that are operated exclusively on off-highway driving ranges with no traffic other than the commercial motor vehicles used in training.
- (E) All commercial motor vehicles used to provide behind-the-wheel instruction shall be equipped with outside driver and passenger-side mirrors to enable both the student and the instructor to see to the rear.
- (F) Except for school buses as defined in paragraph (F) of section 4511.01 of the Revised Code and that comply with provisions set forth in section 4511.77 of the Revised Code, all commercial motor vehicles used on streets and highways to provide behind-the-wheel instruction by a driver training enterprise shall be equipped with a sign on the front and a sign on the rear of the vehicle containing the words, "Student Driver." The words of both signs shall be visible on both the front and rear of the vehicle, or combination of vehicles and shall clearly contrast any other

*** DRAFT - NOT YET FILED ***

lettering or art present. The words shall be a minimum of three inches high and shall reflect light at night. Any other wording on such signs shall not be more than two inches high. Any additional signs on the front, rear or doors that indicate that the vehicle is being used for a driver-training vehicle are permissible.

- (G) Every motor vehicle used in the school's operations shall carry a current financial responsibility identification card or insurance identification card that complies with rule 4501:1-2-02 of the Administrative Code.
- (H) The authorizing official or training manager of the school shall make all motor vehicles used by the school available for inspection by the director at any and all reasonable times.
 - (1) Every motor vehicle, with a license plate, used by the school shall be inspected annually by the Ohio state highway patrol. No motor vehicle shall be used for driver training unless it has been entered into the fleet list for the online school function.
 - (2) All range-only vehicles, without a license plate, used by the enterprise shall be inspected before being placed into service and annually thereafter by the department for compliance with Chapter 4513. of the Revised Code using a form prescribed by the director.
 - (3) Buses, as defined by sections 4513.50 to 4513.53 of the Revised Code, shall be inspected pursuant to Chapter 4501-52 of the Administrative Code.
 - (4) School buses, as defined in division (F) of section 4511.01 of the Revised Code and that comply with provisions set forth in section 4511.77 of the Revised Code, shall be inspected pursuant to section 4511.761 of the Revised Code.

*** DRAFT - NOT YET FILED ***

4501-7-37

Disqualifying offenses.

(A) "Disqualifying offense" means a conviction, judicial finding of guilt, or plea of guilty to a criminal offense that has is directly related to the duties and responsibilities related to the operation of a driver training school, the operation as an instructor or training manager, or both. A conviction of attempt, conspiracy, or complicity to any section or offense listed in paragraph (C) of this rule is considered a disqualifying offense.

(B) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, any other state or the United States that is substantially equivalent to any section or offense listed in paragraph (C) of this rule.

(C) For any license issued by the department pursuant to Chapter 4508., with the exception of section 4508.08, of the Revised Code and the related rules adopted by the director, the following offenses are disqualifying offenses:

- (1) Violent offenses: section 2903.01 (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.041 (reckless homicide), 2903.05 (negligent homicide), 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13 (assault), 2903.21 (aggravated menacing), 2903.211 (menacing by stalking), or 2909.24 (terrorism) of the Revised Code;
- (2) Sexually-oriented offenses: section 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (gross sexual imposition), 2907.07 (importuning), 2907.08 (voyeurism), 2907.09 (public indecency), 2907.19 (commercial sexual exploitation of a minor), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23 (enticement or solicitation to patronize a prostitute; procurement of a prostitute for another), 2907.231 (pandering obscenity involving minor or impaired person), 2907.31 (disseminating matter harmful to juveniles), 2907.311 (Displaying matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving minor or impaired person), 2907.322 (pandering sexually oriented matter involving a minor or impaired person), or 2907.323 (illegal use of a minor or impaired person in nudity-oriented material or performance) of the Revised Code or a violation of former section 2907.12 (felonious sexual penetration) of the Revised Code;
- (3) Child-related violent offenses: section 2903.15 (permitting child abuse), 2905.05 (criminal child enticement); 2919.22 (endangering children), 2919.24 (contributing to the unruliness or delinquency of a child) of the Revised Code;

*** DRAFT - NOT YET FILED ***

- (4) Arson offenses: section 2909.02 (aggravated arson), and 2909.03 (arson) of the Revised Code;
- (5) Vandalism and related offenses: section 2909.05 (vandalism), 2909.06 (criminal damaging or endangering), 2909.09 (vehicular vandalism) of the Revised Code;
- (6) Major motor vehicle offenses: section 4511.19 (operating a motor vehicle under the influence), section 4511.194 (having physical control of vehicle while under the influence), 2903.06 (aggravated vehicular homicide, vehicular homicide, vehicular manslaughter), 2903.08 (aggravated vehicular assault, vehicular assault) of the Revised Code;
- (7) Terrorism-related offenses: section 2909.22 (soliciting or providing support for act of terrorism), 2909.23 (making a terroristic threat), 2909.24 (terrorism), 2909.26 (criminal possession of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (criminal use of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons), and 2909.29 (money laundering) of the Revised Code;
- (8) Theft and fraud-related offenses: section 2911.01 (aggravated robbery); 2911.02 (robbery); 2911.11 (aggravated burglary); 2911.12 (burglary); 2911.13 (breaking and entering); 2913.02 (theft); 2913.11 (passing bad checks); 2913.30 (counterfeiting); 2913.31 (forgery - forging identification cards or selling or distributing forged identification cards); 2913.49 (identity fraud); 2913.51 (receiving stolen property); 2921.13 (falsification- in theft offense - to purchase firearm); 2921.41 (theft in office); of the Revised Code;
- (9) Weapons-related offenses: section 2923.12 (carrying concealed weapons); 2923.122 (illegal conveyance of deadly weapon or dangerous ordinance or of object indistinguishable from firearm in school safety zone); 2923.1211 (falsification of concealed handgun license - possessing a revoked or suspended concealed handgun license); 2923.13 (having weapons while under disability) of the Revised Code;
- (10) Drug-related offenses: section 2925.03 (trafficking, aggravated trafficking in drugs); 2925.04 (illegal manufacture of drugs - illegal cultivation of marihuana - methamphetamine offenses); 2925.041 (illegal assembly or possession of chemicals for manufacture of drugs); 2925.11 (possession of controlled substances); 2925.12 (possessing drug abuse instruments); 2925.13 (permitting drug abuse); 2925.14 (illegal use or possession of drug

*** DRAFT - NOT YET FILED ***

paraphernalia); 2925.22 (deception to obtain a dangerous drug); 2925.23 (illegal processing of drug documents); 2925.24 (tampering with drugs) of the Revised Code;

- (11) Failing to provide for a functionally impaired person as set forth in section 2903.16 of the Revised Code;
- (12) Menacing by stalking as set forth in section 2903.211 of the Revised Code;
- (13) Patient abuse or neglect as set forth in section 2903.34 of the Revised Code;
- (14) Patient endangerment as set forth in section 2903.341 of the Revised Code;
- (15) Kidnapping as set forth in section 2905.01 of the Revised Code;
- (16) Abduction as set forth in section 2905.02 of the Revised Code;
- (17) Extortion as set forth in section 2905.11 of the Revised Code;
- (18) Coercion as set forth in section 2905.12 of the Revised Code;
- (19) Trafficking in persons as set forth in section 2905.32 of the Revised Code;
- (20) Disrupting public services as set forth in section 2909.04 of the Revised Code;
- (21) Aggravated trespass as set forth in section 2911.211 of the Revised Code;
- (22) Safecracking as set forth in section 2911.31 of the Revised Code;
- (23) Tampering with coin machines as set forth in section 2911.32 of the Revised Code;
- (24) Operating a gambling house as set forth in section 2915.03 of the Revised Code;
- (25) Inciting to violence as set forth in section 2917.01 of the Revised Code;
- (26) Riot as set forth in section 2917.03 of the Revised Code;

*** DRAFT - NOT YET FILED ***

- (27) Telecommunications harassment as set forth in section 2917.21 of the Revised Code;
- (28) Inducing panic as set forth in section 2917.31 of the Revised Code;
- (29) Making false alarms as set forth in section 2917.32 of the Revised Code;
- (30) Unlawful possession or use of a hoax weapon of mass destruction as set forth in section 2917.33 of the Revised Code;
- (31) Improperly handling infectious agents as set forth in section 2917.47 of the Revised Code;
- (32) Unlawful abortion upon a minor as set forth in section 2919.121 of the Revised Code;
- (33) Unlawful distribution of an abortion-inducing drug as set forth in section 2919.123 of the Revised Code;
- (34) Abortion manslaughter as set forth in section 2919.13 of the Revised Code;
- (35) Abortion trafficking as set forth in section 2919.14 of the Revised Code;
- (36) Dismemberment abortion as set forth in section 2919.15 of the Revised Code;
- (37) Partial birth feticide as set forth in section 2919.151 of the Revised Code;
- (38) Terminating or attempting to terminate human pregnancy after viability as set forth in section 2919.17 of the Revised Code;
- (39) Abortion after gestational age of twenty weeks as set forth in section 2919.201 of the Revised Code;
- (40) Domestic violence as set forth in section 2919.25 of the Revised Code;
- (41) Violating protection order as set forth in section 2919.27 of the Revised Code;
- (42) Bribery as set forth in section 2921.02 of the Revised Code;

*** DRAFT - NOT YET FILED ***

- (43) Intimidation as set forth in section 2921.03 of the Revised Code;
- (44) Intimidation of attorney, victim or witness in criminal case of delinquent child action proceeding as set forth in section 2921.04 of the Revised Code;
- (45) Retaliation as set forth in section 2921.05 of the Revised Code;
- (46) Perjury as set forth in section 2921.11 of the Revised Code;
- (47) Tampering with evidence as set forth in section 2921.12 of the Revised Code;
- (48) Making or causing false report of child abuse or neglect as set forth in section 2921.14 of the Revised Code;
- (49) Making false allegation of peace officer misconduct as set forth in section 2921.15 of the Revised Code;
- (50) Compounding a crime as set forth in section 2921.21 of the Revised Code;
- (51) Obstructing official business as set forth in section 2921.31 of the Revised Code;
- (52) Obstructing justice as set forth in section 2921.32 of the Revised Code;
- (53) Failure to comply with order or signal of police officer as set forth in section 2921.331 of the Revised Code;
- (54) Aiding escape or resistance to lawful authority as set forth in section 2921.35 of the Revised Code;
- (55) Illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution as set forth in section 2921.36 of the Revised Code;
- (56) Dereliction of duty as set forth in section 2921.44 of the Revised Code;
- (57) Impersonation of peace officer or private police officer as set forth in section 2921.51 of the Revised Code.

*** DRAFT - NOT YET FILED ***

4501-7-38

Process for armed forces applications.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (SS) of rule 4501-7-01 of the Administrative Code.]

- (A) The driver training program office tracks and monitors "Driver Training Instructor Applications" and "renewal requirements" that have been received from veterans or members of the armed forces and/or spouses or surviving spouses of veterans or members of the armed forces.
- (B) The department prioritizes and expedites completed "Driver Training Instructor Applications" and "renewal requirements" for veterans and members of the armed forces, and spouses or surviving spouses of veterans or members of the armed forces within two business days of the receipt of a completed "Driver Training Instructor Application" or "renewal requirements." An application is considered complete only when all requirements as set forth in rule 4501-7-05 of the Administrative Code, are met and the documentation as required in paragraph (C) of this rule has been provided to the department.
- (C) Satisfactory evidence that the applicant or applicant's spouse is a veteran or member of the armed forces includes the applicant's official military identification card, official DD-214 separation document, or other official military documentation approved by the director of the department. A marriage certificate may be required, in addition to evidence of status as a veteran or member of the armed forces, if the applicant is the spouse of a veteran or member of the armed forces.
- (D) In order to expedite the processing of applications and renewals, especially for individuals facing imminent deployment, the department shall accept necessary information in support of the applications by electronic and other appropriate means.

*** DRAFT - NOT YET FILED ***

4501-7-39

Incorporated by reference.

(A) Incorporated by reference. This chapter includes material that has been incorporated by reference. If the material is subject to change, only the specific version listed in this rule is incorporated. Any revision to the referenced material is not incorporated unless and until this rule has been amended to specify the new date.

- (1) "Title 49 of the Code of Federal Regulations, Appendix A to Part 380" (March, 2019) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.
- (2) "Title 49 of the Code of Federal Regulations, Appendix B to Part 380" (May, 2018) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.
- (3) "Title 49 of the Code of Federal Regulations, Appendix C to Part 380" (December, 2016) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.
- (4) "Title 49 of the Code of Federal Regulations, Appendix D to Part 380" (December, 2016) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.
- (5) "Certificate of Completion" is made available to licensed driver training enterprises, except for online driver training enterprises, and may be accessed via the driver training program office on-line application database at <https://apps.dps.ohio.gov/DETS>.
- (6) "Certificate of Completion of an Online Driver Education Program" is made available to licensed online driver training enterprises and may be accessed via the driver training program office on-line application database at <https://apps.dps.ohio.gov/DETS>.
- (7) "Commercial Driver's License Curriculum Guideline" or form "DTO 0232 " (January, 2022) may be accessed via the driver training program office website at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/form>
- (8) "Digest of Motor Vehicle Laws" or ["Ohio Driver Manual"](#) or "HSY 7607"

*** DRAFT - NOT YET FILED ***

~~April, 2023~~October, 2024) may be accessed via the bureau of motor vehicles' website at <https://www.bmv.ohio.gov/forms-general.aspx>.

- (9) "Driver Training Enterprise Application" or form "DTO 0116" (~~July, 2014~~December, 2025) may be accessed via the driver training program office website at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications> or electronically through the "Driver Education and Training System" at <https://apps.dps.ohio.gov/DETS>.
- (10) "Driver Training Instructor License Application" or form ""DTO 0115" (~~July, 2014~~December, 2025) may be accessed via the Ohio driver training program website at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications> or electronically through the "Driver Education and Training System" at <https://apps.dps.ohio.gov/DETS>.
- (11) "Driver Training Personnel Physical Examination" or "DTO 0117" (~~May, 2021~~June, 2025) may be accessed via the driver training program office website at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications>
- (12) "Driver Training Vehicle Inspection" or "DTO 0150" (June, 2025) may be accessed via the driver training program office website at <https://otso.ohio.gov/programs/ohio-driver-training/for-schools/forms-and-applications>.
- (12)(13) "Enterprise Closing Procedure Form" or form "DTO 0158" (July, ~~2014~~2025) may be accessed via the driver training program office website at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications>
- (13)(14) "Examination Questions Test Bank" (January, 2022) is made available to licensed online driver training enterprises upon written request submitted to "Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."
- (14)(15) "Motor Vehicle Inspection List" or form "DTO 0142" (~~March, 2021~~June, 2025) may be accessed via the driver training program website at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications> or electronically through the "Driver Education and Training System" at <https://apps.dps.ohio.gov/DETS> or electronically through the "Driver Education and Training System" at <https://apps.dps.ohio.gov/DETS>.
- (15)(16) "Ohio Driver Training Curriculum" or "DTO 0108" (January, 2024) and

*** DRAFT - NOT YET FILED ***

available through the driver training program office, 1970 West Broad street, Columbus, Ohio 43223 and may be accessed via the driver training program office website at

~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/schools>~~

~~(16)~~(17) "Online Driver Education Security Assessment" or "DTO 0201" (January, 2022) may be accessed via the driver training program office website at ~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-or-through-an-internet-technology-tool-as-provided-by-the-director>~~

~~(17)~~(18) "Renewal requirements" are available through the driver training program's on-line application database at <https://apps.dps.ohio.gov/DETS>.

~~(18)~~(19) "Request for Duplicate Certificate" or form "DTO 0120" (July, ~~2014~~2025) may be accessed via the driver training program office website at ~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms>~~

~~(19)~~(20) "Required Minimum Standards for Online Driver Education" or form "DTO 0051" (~~August, 2020~~November, 2025) may be accessed via the Ohio driver training program website at ~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms>~~

~~(20)~~(21) "Sexual Harassment Prevention Training" or "WBT650-DriversTraining" (January, 2023) may be accessed via the "Public Safety Training Campus" at <https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-instructors/courses>

(B) Materials incorporated by reference are also available by writing to the "Ohio Department of Public Safety, Driver Training Program, 1970 West Broad Street, Columbus, Ohio 43223."