



*A Public Service Agency*

# **DRIVING SCHOOL PROGRAM HANDBOOK**

# APPLICATION REQUIREMENTS FOR DRIVING SCHOOL

## PURPOSE

The purpose of this pamphlet is to assist the prospective driving school and driving instructor by describing the requirements to obtain a driving school and/or driving instructor license from the Department of Motor Vehicles (DMV).

## WHAT IS . . .

A “**driving school**” is a business which, for compensation, conducts or offers to conduct instruction in the operation of motor vehicles. *CVC Section 310.6*

## A DRIVING SCHOOL IS MADE UP OF..

A **driving school owner** which is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver’s license issued by the department. *CVC Section 311;*

A **driving school operator** which is either a driving school owner who operates his own driving school or an employee of a driving school who is designated by the driving school owner of such school to personally direct and manage the school for the owner. *CVC Section 310.8;* and

At least one **driving instructor** which is an employee of a driving school licensed by the department to instruct others in the operation of motor vehicles. *CVC Section 310.4.*

**or..**

An **independent driving instructor** is licensed to teach driving instruction in a city with a population of less than 50,000, which does not have within it an established licensed driving school. The city must be located in a county with a population of less than 400,000; and the instructor must be employed as an accredited teacher of automobile driver education or automobile driver training under the provisions of the Education Code. *CVC Section 11105.5*

## BACKGROUND INVESTIGATION

A background investigation is conducted on all applicants. Failure to disclose convictions or providing incorrect information requested on the application may result in the refusal or denial of your license. *CVC §11106.* The department may refuse to issue a license to any applicant who has been convicted of a crime or committed any act or engaged in any conduct involving moral turpitude which is substantially related to the qualifications or duties of the licensed activity. A conviction based on plea of nolo contendere is a conviction within the meaning of this section. *CVC §11107, 11110.1, 11110.2, 11110.5, and 1110.7.* Persons previously working under a license issued by DMV, which was revoked or suspended for cause may also be denied a license. In addition, the California Code of Regulations (CCR) and other sections of the California Vehicle Code provides guidelines used by the department in determining whether a license should be issued. *CCR, Title 13, Chapter 1.*

### **Requirements For A Driving School Owner's License**

Every applicant for a driving school owner's license **must**:

- File an application with the department.
- Pay the required fees.
- Have an established place of business open to the public. *CVC §320, 1670 & 1671*
- Have the qualifications to be a licensed "driving school operator" *CVC §310.8 & 11102.5* or have in his employ a "driving school operator."
- Submit a proper certificate of insurance (OL 207). *CVC §11103*
- File a surety bond in the amount of \$10,000. *CVC §11102(a)(3) and 11102.1*
- Be aware of the provisions of the Labor Code §3700 which require every employer to be insured against liability for workmen's compensation and *CVC §11103.2*
- Submit a Safety Inspection Report (OL 221) for each vehicle to be issued in driver training.

The requirements are defined in Vehicle Code §311 and 11102.

### **Requirements For A Driving School Operator's License**

The requirements for a driving school operator can be found in *CVC Section 11100 et seq. and CCR, Title 13, Article 4.6, Sections 340.00 et seq.*

Every applicant for a driving school operator's license **must**:

- File an application with the department. *CVC Sections 11100, 11104.5, 11104.6, and 11105*
- Pay the required fees. *CVC Section 11105.2(b)*
- Be the driving school owner or an employee of the school designated by the owner to operate the school. *CVC Section 11105(a)*
- Be 21 years of age or older. *CVC Section 11102.5(a)(3)*
- Have worked for an established licensed California driving school as a driving instructor for a period of not less than 2,000 hours of actual behind-the-wheel teaching.
- Have satisfactorily completed a course, after July 1, 1973, in the teaching of driver education and driver training acceptable to the department, **OR** be certified by the Department of Education as fully qualified to teach driver education and driver training, and have taught such subjects in the public school system for a period of not less than 1,000 hours. *CVC Section 11102.5(a)(4)*
- Pass the required written examination. *CVC Section 11102.5(a)(1)*

The requirements are defined in Vehicle Code Sections 310.8 & 11102.5.

### **Requirements For A Driving Instructor or Independent Driving Instructor's License**

The requirements for a Driving Instructor's License can be found in *CVC Section 11100 et seq. and CCR, Title 13, Article 4.6, Sections 340.00 et seq.*

Every applicant for a driving instructor or independent driving instructor's license **must**:

- File an application (OL 16) with the department. *CVC Sections 11100, 11104.5, 11104.6 and 11105.1.*
- Pay the required fees. *CVC Section 11105.2*
- Be employed by a licensed driving school **OR** be employed as an accredited driver education or driver training teacher at a public or secondary school at all times. *CCR, Title 13, Section 340.00 (b)*
- Be 21 years of age or older. *CVC Section 11104 (a)(7)*
- Not be on probation to the department as a negligent operator. *CVC Section 11104(a)(5)*
- Have a driving record which does not contain a revoked license, an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine. *CVC Section 11104 (a)(6)*
- Have a high school diploma or its equivalent. *CVC Section 11104 (a)(1)*
- Have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department. *CVC Section 11104 (a)(1)*

- Pass the required written and driving examinations. *CVC Section 11104 (a)(2)*
- Hold a valid California driver's license in a class appropriate for the type of vehicle in which instruction will be given. *CVC Section 11104 (a)(4)*
- Submit a Medical Examination Report (DL 51), signed by a physician.

**Note:** The qualifying requirements in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

Additionally, every applicant for an independent instructor's license **must** meet all requirements of:

- *Vehicle Code Section 11105.5* A license issued under this section permits instruction in any city with a population of less than 50,000, which does not have within it a licensed driving school. It does not permit instruction in counties with a population in excess of 400,000. In addition, an independent instructor must at all times be employed as an accredited teacher of automobile driver education or automobile driver training under the provisions of the Education Code.
- *Vehicle Code Section 11103.* Requires an independent instructor to maintain insurance coverage at all times. Evidence of this coverage shall be submitted to the department with the application package.

**Exemptions to Driving Schools and Driving Instructor Licenses:**

- Public schools or educational institutions in which driving instruction is part of the curriculum
- Nonprofit public service organizations offering instruction without a tuition fee
- Nonprofit organizations engaged exclusively in giving off-the-highway instruction in the operation of motorcycles, if the course of instruction is approved by the National Highway Traffic Safety Administration and is not designed to prepare students for examination by the department for a class 4 drivers license
- Commercial schools giving only off-the-highway instruction in the operation of special construction equipment
- Vehicle dealers or their salesmen giving instruction without charge to purchasers of motor vehicles
- Employers giving instruction to their employees
- Commercial schools engaged exclusively in giving off-the-highway instruction in the operation of racing vehicles or in advanced driving skills to persons holding valid drivers' licenses, except whenever such instruction is given to persons who are being prepared for examination by the department for any class of driver's license. *CVC Section 11101*

## FORMS

### Driving School Owner's License Forms (Initial)

An application for a driving school owner license consists of the following forms:

- **OL 216**, Application for Occupational License
- **OL 29**, Personal History Questionnaire, Part B
- **OL 207**, Driving School Insurance Certificate
- **OL 218**, Surety Bond of Driving School Owner or All Terrain Vehicle Safety Training Organization
- **OL 221**, Safety Inspection Report, **Vehicle** Used for Instruction
- **OL 224**, Driver Education Classroom Inspection Report
- **OL 226**, Application for Occupational License
- **OL 804**, Application For Authorization To Issue Student License
- Live Scan fingerprint receipt
- **OL 15**, Certificate of Corporate Officers and/or Directors in Lieu of Corporate Minutes
- **OL 4002**, Certificate of Compliance, California Labor Code 3700

The following documents are **also** required as part of the application package:

- Certificate of Appointment
- Established Place of Business *CVC Sections 320, 1670, and 1671(b)*

### Driving School Operator's License Forms (Initial)

An application for a driving school operator license consists of the following forms:

- **OL 217**, Application for a Driving School Operator License
- **OL 29**, Personal History Questionnaire, Part B
- Live Scan fingerprint receipt

The following documents are **also** required as part of the application package:

- Driving School Operator Examination
- 1000 Hour Certification

### Driving Instructor's License Forms (Initial)

An application for a driving instructor license consists of the following forms:

- **OL 16**, Application for an Occupational License
- **DL 51**, Medical Exam
- Live Scan fingerprint receipt

The following documents are **also** required as part of the application package for the *driving instructor*:

- Driving School Instructor Written Test
- Driving Test
- Certificate of Course Completion (60 hrs.)
- Proof of High School Graduation or Equivalent

The following documents are **also** required as part of the application package for the *independent driving instructor*:

- Copy of teaching credentials in drivers education
- Letter from district or school confirming employment
- Proof of Insurance
- Instructor written test results
- Instructor driving test
- **OL 221**, Safety Inspection Report Vehicle Used for Instruction

### **Driving School Owner's License Renewal Forms**

An application for renewal of a driving school owners license:

- **OL 45**, Application for Renewal of Driving School License
- **OL 221**, Safety Inspection Report Vehicle Used for Instruction
- **OL 4002**, Certificate of Compliance, California Labor Code 3700

### **Driving School Operator's License Renewal Form**

An application for renewal of a driving school operators license:

- **OL 211**, Application for a Driving School Operator License

### **Driving Instructor and Independent Driving Instructor's License Renewal Form**

An application for renewal of a driving instructors license:

- **OL 16**, Application for an Occupational License

### **Driving School Owner's Modification Forms**

Form(s) to change your existing driving school owner license:

- **OL 15**, Certificate of Corporate Officers and/or Directors in Lieu of Corporate Minutes
- **OL 15A**, Certificate in Lieu of Certificate of Amendment to Articles of Organization, Limited Liability Company
- **OL 29**, Application for Occupational License (Part B), Personal History Questionnaire (Office Change)
- **OL 226**, Application for Occupational License (Duplicate/Name Change/Address Change/Add Branch Location and Change Branch Location)

### **Driving School Operator's Modification Forms**

Form(s) to change your existing driving school operator license:

- **OL 217**, Application for a Driving School Operator License

### **Driving Instructor and Independent Instructor's Modification Forms**

Form(s) to change your existing driving instructor license:

- **OL 205**, Application for Replacement/Transfer/Duplication/Name Change

## **FEES**

### **Driving School Owner's Licensing Fees (Initial)**

The fees to become a driving school owner are:

- \$150 Non-refundable application
- \$ 1 For Family Support Program
- \$ 70 For each branch license or license modification

If you plan to issue student licenses:

- \$ 50 Book of 25 student licenses (\$2.00 each)

An application must be completed *within* one year or a new application with all examinations and fees will be required. The Family Support Program fee is paid on original, renewal, and reinstatement applications.

The license to own a driving school does not include the right to give instruction.

### **Driving School Operator's Licensing Fees (Initial)**

The fees to become a driving school operator are:

- \$100 Non-refundable application fee
- \$ 1 For Family Support Program

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The Family Support Program fee is paid on original, renewal, and reinstatement applications.  
The license to operate a driving school does not include the right to give instruction.

### **Driving Instructor's and Independent Driving Instructor's Licensing Fees (Initial)**

The fees to become a driving instructor are:

- \$30 Non-refundable application fee
- \$ 1 For Family Support Program
- \$30 Additional license
- \$30 Reinstatement license fee
- \$15 Duplicate or replacement license fee
- \$15 Transfer of license fee

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **Driving School Owner's Renewal Fees**

The fees to renew a driving school owner license are:

- \$ 1 For Family Support Program
- \$ 50 Renewal application fee
- \$ 50 Renewal of branch location (each location)

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **Driving School Operator's Renewal Fees**

The fees to renew a driving school operator license are:

- \$ 1 For Family Support Program
- \$100 Renewal application fee

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **Driving Instructor and Independent Driving Instructor Renewal Fees**

The fees to renew a driving instructor license are:

- \$ 1 For Family Support Program
- \$30 Renewal application fee

The Family Support Program fee is paid on original, renewal, and reinstatement applications.

### **Driving School Owner Modification Fees**

The fees to change a driving school owner license are:

- \$ 70 Name change
- \$ 70 Address change
- \$ 70 Add a branch
- \$ 70 Officer Change
- \$ 15 Duplicate or replacement license

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The license to own a driving school does not include the right to give instruction nor to operate the school.

### **Driving School Operator Modification Fees**

The fees to change a driving school operator license are:

- \$ 15 Address change
- \$ 15 Duplicate or replacement license

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The license to operate a driving school does not include the right to give instruction.

### **Driving Instructor and Independent Driving Instructor Modification Fees**

The fees to change a driving instructor's license are:

- \$30 Additional license
- \$15 Duplicate or replacement license
- \$15 Transfer of license

An application must be completed *within* one year or a new application with all examinations and fees will be required.

The license to give instruction at a driving school does not include the right to operate the school.

## **ADDITIONAL REQUIREMENTS**

### **Driving School Operator Examination**

An applicant for a driving school operator license will be given an exam as follows:

A written test that covers:

- Traffic laws
- Safe driving practices
- Operation of motor vehicles
- Knowledge of teaching methods and techniques Regulations pertaining to the teaching of automobile driver education and driver training to minors under 18, pursuant to the *Vehicle Code Section 12814.6 (a)(4)(B)*
- Driving school statutes and regulations, business ethics, office procedures and elementary record keeping

If an applicant is a school owner/operator, a physical examination will be made of the established place of business and the instructional facilities.

The test is required every three years thereafter.

### **Driving Instructor Examination**

A driving instructor license exam contains the following:

A written test covering:

- Traffic laws
- Safe driving practices
- Operation of motor vehicles
- Knowledge of teaching methods and techniques
- Regulations pertaining to the teaching of automobile driver education and driver training to minors under 18, pursuant to *CVC Section 12814.6(a)(4)(B)*

A driving test:

- To determine if the applicant complies with all traffic laws and safe driving practices.
- To test the applicant's ability to give driving instruction.
- Will be conducted in the same class vehicle that will be used during employment as a driving instructor.



## **ADDITIONAL INFORMATION REQUIREMENT FOR AUTHORIZATION TO ISSUE STUDENT LICENSES**

*CCR, Title 13, Section 344.10 through 344.34*

Every applicant applying for authorization to issue student licenses **must**:

- File an **OL 804**, Application For Authorization To Issue Student License, with the department. *CCR, Title 13, Section 344.12 (a)(1)*
- Pay the required fees for the student license (book of 25 licenses costs \$50). *CCR, Title 13, Section 344.28*
- Be the driving school owner or an employee of the school designated by the owner to operate the school. *CCR, Title 13, Section 344.28 (c)*
- Have a vision screening device. *CCR, Title 13, Section 344.12 (a)(1)(D)*
- Have at least one designated employee trained to conduct vision screening. *CCR, Title 13, Section 344.20 (a)(2)(A)*

### **Authorized Forms For Driver Education And Driver Training**

The department will accept the following forms as proof of completion of driver education and driver training:

- **OL 239**, Certificate of Simultaneous Enrollment in Classroom and Laboratory Phases of Driver Education (other than from a secondary school).
- **OL 238**, Certificate of Completion of Behind the Wheel Training (other than from a secondary school).
- **OL 237**, Certificate of Completion of Classroom Driver Education (other than from a secondary school). *CCR, Title 13, Section 340.27(a)*
- **OL 392**, Certificate of Enrollment in Driver Training (other than from a secondary school)

These forms can be obtained by calling (916) 657-6500. You may also order these forms by mail from:

Department of Motor Vehicles  
Occupational Licensing Branch  
P.O. Box 932342 MS N-224  
Sacramento, California 94232-3420

### **Suggested Study Material For Licensing Examinations**

Applicants for a driving school or driving instructor license are urged to prepare themselves before taking the required licensing examination(s). Books and publications on the subject of driver training are available at libraries, automobile clubs, and the employing school.

**California Vehicle Code.** Division 1, Sections 310.4, 310.6, 310.8, 311, 320, 1670, and 1671; Division 5, Chapter 1, Sections 11100-11114; Divisions 6, 7, 9, 10, 11, and 12. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

**California Drivers Handbook.** Available free of charge at any Department of Motor Vehicles office. Or can also be downloaded from the internet.

**California Code of Regulations.** Title 13, Sections 50.40, 50.45 and 340.00 through 344.34

**Sportsmanlike Driving.** Available at American Automobile Association offices, automobile clubs, and from McGraw Hill Book Company, Inc., 8171 Redwood Highway, Novato, CA 94947, Attn: Webster Division.

## DRIVING SCHOOL - FREQUENTLY ASKED QUESTIONS

Listed below are the most frequently asked questions. This list is not all inclusive nor is it intended to be. If you have any questions, please contact your local Inspector or call (916) 657-6500.

### How do I make a complaint against a driving school?

Complaints against Driving Schools can be made through the “**Driving School Complaint Unit**”. This unit can be contacted two ways:

By Phone:  
(916) 657-6077  
In Writing:  
Driving School Complaint Unit  
Occupational Licensing  
P O Box 932346, Mail Station N217  
Sacramento, CA 94232-3420

### What information can the department give over the phone regarding Driving Schools?

The only information the department can give over the phone is the license status or bond status of a driving school. Driving School License Status Information may be found at <http://www.dmv.ca.gov>

### Does the department have something I can read about opening my own driving school?

Yes, you may call (916) 657-6500 and get a “Driving School Program Handbook - OL 210”, or go to the internet at <http://www.dmv.ca.gov>

### My son/daughter completed the Drivers Education and Behind the Wheel courses and was issued a completion certificate but lost it. How can he/she obtain a duplicate?

Duplicate certificates may be obtained from the driving school which issued the original certificate.

### When can an instruction permit be issued for an individual between the ages of 15½ to 17½?

- be simultaneously enrolled in driver education and driver training, or
- completed driver education and enrolled in driver training.

### What does the department need to show proof of enrollment?

Proof of enrollment can be shown in several ways:

- If driver education and driver training is being taken in the **same semester**, and the training is conducted by a *public or private secondary school*, a DL 391 can be filled out by the school and submitted by the student to the department as proof of enrollment.
- If driver education and driver training is being taken in the **same semester** and the training is conducted by a *private driving school* (e.g., AAA Driving School), an OL 239 can be filled out by the school and submitted by the student to the department as proof of enrollment.
- If applicant has **completed driver education in a previous semester** and now plans to take driver training from a *public or private secondary school*, the new DL 392 can be filled out by the school and submitted by the student to the department as proof of enrollment. This form tells the department that this individual has enrolled for a driver training course. The department will inform the individual that the driving permit is not valid until after the driver training course has begun.
- If applicant has **completed driver education in a previous semester** and goes to a *private driving school* for driver training (e.g., AAA Driving School), the school will complete the new **OL 392**, Certificate of Enrollment in Driver Training (other than secondary school). After the form is completely filled out by the school, the student can take this form to the department as proof of enrollment. This form tells the department that this individual has enrolled for a driver training course with your school. The department will inform the individual that the driving permit is not valid until after the driver training course has begun.

- When an individual visits a *private driving school or public or private secondary school* and signs up for driving training the school should issue the proper form to show proof of enrollment (**OL 392** for private driving school and **DL 392** for secondary school). When the school provides the individual with a completed and signed form, the form provides proof of enrollment. An individual between the ages of 15 ½ and 17 ½ can bring their driver education completion certificate to the department, pass the written test, and they will be issued a driving permit.

**Will I be notified when the certificate of enrollment in driving training is available?**

An Industry Memo (#5-99) will be sent shortly to inform all driving schools that the **OL 392**, Certificate of Enrollment in Driver Training (other than Secondary School) is available by calling (916) 657-6500. The interim method of using letterhead as proof of enrollment will not be accepted after January 1, 2000.

**When are student licenses issued?**

Student licenses can be issued to applicants 15 years of age or older. *CVC §12660(a) and CCR 344.16* However, a student license cannot be issued to applicants under the ages of 17 years and six months unless the applicant can show proof of enrollment in, or satisfactory completion of an approved driving course in driver education. *CVC §12660(d)(2)* Student licenses are not valid for more than one year from date of issuance. *CCR §344.14(b)* Student licenses shall be maintained by the authorized driving school which issued the student license, except when the student licensee is receiving driver training instruction. The student license must be maintained in the immediate possession of the student licensee while receiving driver training instruction. *CCR §344.14(a)(1)* Student licenses are only valid at the driving school which issued the student license. They are not transferable to another authorized driving school. *CCR §344.14(c)*

**I do not currently issue student licenses. How do I get authorized to do so?**

Driving schools currently licensed by the department and not on probation with the department, may apply to the department on OL form 804 for authorization to issue student licenses. *CCR §344.12*

**How do I know if I have been approved to issue student licenses?**

After review of the OL 804, the department will issue,

- a letter of approval. This letter of approval will contain an authorization statement and an acknowledgment of the persons designated in the application to issue student licenses.
- a notice of disapproval. This notice will state the reasons for the disapproval. *CCR §344.12(b)*

**If I make any changes to the list of who is authorized to issue student licenses, must I notify the department?**

Yes. Whenever the driving school makes any changes to the list of employees designated to issue student licenses, the school must complete part B of OL 804 and submit it to the department within 5 working days of the change (excluding Saturdays, Sundays and legal holidays). The department will forward an acknowledgment of the receipt of the updating listing. *CCR §344.12(c)(1)*

**GENERAL FREQUENTLY ASKED QUESTIONS**

This list is not all inclusive nor is it intended to be. If you have any questions, please contact your local Inspector or call (916) 657-6500.

**Where can I obtain application forms?**

All forms and application packages can be ordered by calling (916) 657-6500 or printed or downloaded from the internet. Further licensing information is contained in the application package.

**How long will it take for the department to process my application?**

The average time for processing an application may be up to 120 days to allow the Department time for investigation and processing of the license.

**Does the department issue temporary permits?**

Pending the satisfaction of the department that the applicant has met the requirements for the license, the department may issue a temporary permit for a period not to exceed 120 days while it completes its investigation and determination of all facts relative to the qualifications for the applicant to the license.  
*CVC Section 11106 (a)*

**Where do I file my application?**

Application packages for driving school owners and operators are submitted to Occupational Licensing Inspectors.

Completed driving school instructor and independent driving instructor applications and forms must be submitted to a Department of Motor Vehicles office participating in the driving school program. *See list below.*

Bakersfield ..... 3120 F Street  
 Capitola ..... 4200 Capitola Rd.  
 Chico ..... 500 Cohasset Rd., Ste. 31  
 Compton ..... 2111 S. Santa Fe Ave.  
 Culver City ..... 11400 W. Washington Blvd.  
 El Cerrito ..... 6400 Manilla Ave.  
 Fresno ..... 655 W. Olive Ave.  
 Gilroy ..... 6984 Chestnut St.  
 Hayward ..... 150 Jackson St.  
 Inglewood ..... 621 N. La Brea Ave.  
 Lincoln Park ..... 3529 N. Mission Rd.  
 Merced ..... 1313 West 12<sup>th</sup> St.  
 Montebello ..... 424 N. Wilcox Ave.  
 Oakland ..... 5300 Claremont Ave.  
 Palm Springs ..... 950 N. Farrell Dr.  
 Redding ..... 2135 Civic Center Dr. #20  
 Ridgecrest ..... 540 Perdew Ave., #A  
 Sacramento ..... 4700 Broadway  
 San Diego ..... 3960 Normal St.  
 San Mateo ..... 425 North Amphlett Blvd.  
 Santa Monica ..... 2235 Colorado Ave.  
 Seaside ..... 1180 Canyon del Rey  
 Van Nuys ..... 14920 Vanowen St.  
 Visalia ..... 1711 E. Main  
 West Covina ..... 800 S. Glendora Ave.  
 Yuba City ..... 1570 Poole Blvd.

Bellflower ..... 9520 E. Artesia Blvd.  
 Carmichael ..... 5209 North Ave.  
 Chula Vista ..... 30 N. Glover Ave.  
 Corte Madera ..... 75 Tamal Vista Blvd.  
 Daly City ..... 1500 Sullivan Ave.  
 Eureka ..... 322 W. 15<sup>th</sup> St.  
 Fullerton ..... 909 W. Valencia  
 Glendale ..... 1335 W. Glenoaks Blvd.  
 Hollywood ..... 803 N. Cole Ave.  
 Lancaster ..... 1110 West Ave. "I"  
 Los Angeles ..... 3615 S. Hope St.  
 Modesto ..... 124 Burney St.  
 Mountain View ..... 595 Showers Dr.  
 Oceanside ..... 4005 Plaza Dr.  
 Pomona ..... 1600 S. Garey Ave.  
 Redwood City ..... 300 Brewster Ave.  
 Riverside ..... 6280 Brockton Ave.  
 San Bernardino ..... 1310 N. Waterman Ave.  
 San Luis Obispo ..... 3190 S. Higuera St.  
 Santa Barbara ..... 535 Castillo St.  
 Santa Rosa ..... 2570 Corby Ave.  
 Stockton ..... 710 N. American St.  
 Ventura ..... 4260 Market St.  
 Walnut Creek ..... 1910 N. Broadway  
 Winnetka ..... 20725 Sherman Way

**Where do I call if I have questions?**

If you have general licensing questions you may call (916) 657-6500.

**What is the license renewal period?**

The driving school owner and driving school operator license is valid for one year. It is renewed annually and is not transferable to another person. Renewals will not be accepted after the expiration of the license; a new application will be required. Every third year, at the time of renewal, the operator must take and pass a written exam.

The driving instructor and independent driving instructor license is valid for a period of three years from the date of issuance and is not transferable to another person. The license must be renewed prior to the expiration date of the license. At the time of renewal the written examination must be taken. Renewals will not be accepted after the expiration of the license; a new application will be required.

**How do I renew my license?**

About 45 days before the expiration of your license you should receive a courtesy notice for renewal. After you complete the courtesy notice, you will need to mail your renewal form and fees to:

Department of Motor Vehicles  
Occupational Licensing Branch  
P.O. Box 932342 MS N-224  
Sacramento, CA 94232-3420

If you do not receive a courtesy notice please call (916) 657-6500.

**Are there any test(s) I have to take?**

You are required to take and pass a written test and a driving test.

**Is there any study material I can use for the written examination test?**

Yes:

- The California Vehicle Code.
- The California Drivers Handbook.
- The California Code of Regulations
- Sportsmanlike Driving

**What if fail the written or driving test?**

Each failure of the examination will require a minimum waiting period of one week before a reexamination may be given. A third failure of the examination will result in the rejection of the applicant. A new application will be required.

**If I don't pass the test, when can I take it again?**

Each failure of the examination will require a waiting period of at least one week before a reexamination may be given. A third failure of the examination will result in the rejection of the applicant.

**After I receive my initial license, is a written exam required every three years for driving instructors and independent driving instructors?**

Yes. In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of 18 hours of continuing professional education.

Professional education means satisfactory completion of courses related to traffic safety, teaching techniques, or the teaching of driver education acceptable to the department or participation in professional seminars approved by the department. *CVC Section 11105 (b)(2)*

**I operate a driving school. Must I obtain additional licenses to provide driving instruction?**

Yes. The license to operate a driving school does not include the right to give instruction.

**Can I teach driving without working for a driving school?**

To provide driving instruction you must either be employed by a licensed driving school or have an independent driving instructor's license.

**I have a driving school instructor license. Must I obtain additional licenses to operate the driving school?**

Yes. The license to provide driving school instruction does not include the right to operate the driving school.

**I have a driving school instructor license. Must I obtain additional licenses to teach at other driving schools?**

Yes. You must obtain permission from the owner of the school you are currently licensed and then apply for a driving school instructor license for the additional school you would like to provide driving instruction.

**What is the license renewal period?**

The independent instructor's license is valid for three years, based on the month the original license was issued. The license must be renewed prior to the expiration date of the license. At the time of renewal the written examination must be taken. Renewals will not be accepted after expiration of current license.

**Is there any study material I can use for the test?**

Yes:

- The California Vehicle Code
- The California Drivers Handbook
- The California Code of Regulations
- Sportsmanlike Driving

**What is live scan fingerprinting?**

Live Scan is inkless electronic fingerprinting. The fingerprints are electronically transmitted to the Department of Justice (DOJ) for completion of a criminal record check.

**Who is affected by it?**

Anyone applying for the first time to be licensed as a vehicle salesperson, dealer, driving instructor, driving school owner, driving school operator, or any other vehicle industry related occupation licensed by DMV will be live scan fingerprinted. It also applies to first time applicants for an ambulance driver certificate.

**Why "Live Scan" fingerprinting?**

As a result of legislation in late 1997, DOJ has developed an automated background check process that requires digitized fingerprints ("Live Scan"). Beginning January 1, 2000, DOJ has asked that fingerprints be submitted by Live Scan rather than hard copy fingerprint cards. Digitizing the fingerprints enables the electronic transfer of the fingerprint image data along with personal descriptor information to computers at the DOJ in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the mail. DOJ's goal is to process 95% of the digitized fingerprints within 3 days.

**When does it start?**

Live scan fingerprinting for DMV applicants will start January 1, 2000.

**What is the cost to be live scan fingerprinted?**

The live scan fingerprinting service fee varies from about \$5 to \$20. The cost to electronically fingerprint the applicant is determined by the local live scan agency. According to DOJ, they can charge a fee sufficient to recover their costs. The \$32 DOJ criminal record check fee is also collected at the live scan site.

**What will the applicant need to do to be live scan fingerprinted?**

The applicant can call the local police or sheriff's department to find their local Live Scan sites that are open to the general public. The applicant can also call the department's Occupational Licensing offices in Sacramento (916) 657-6621 or Los Angeles (213) 744-7563 and be mailed the department's live scan request form. A sample of the department's live scan form can be found on the Internet. If the licensee does not use the department's live scan form, it is suggested that he/she take a sample of the form with them to ensure the live scan has all the information needed for transmitting the data to Occupational Licensing.

Note: The applicant must go to a Live Scan site to be Live Scan fingerprinted BEFORE applying for an occupational license at DMV. If you have held an Occupational License issued by DMV in the past 3 years, you may not require a new set of prints.

**Where are the live scan sites?**

There are more than 130 live scan sites throughout the state. A current list of DOJ's Live Scan stations is available through DOJ's internet web page. The internet address is:

<http://caag.state.ca.us/app/contact.pdf>

Or, you may call your local police or sheriff's department for the nearest Live Scan station that is available to the general public.

### **What are the benefits of Live Scan?**

Live Scan will avoid many of the problems associated with ink prints, such as smudging, smearing, and over or under inking. A major benefit of Live Scan is in processing speed since nearly all of those without criminal records are done within 3 days. Rolled ink prints (traditionally submitted on a fingerprint card) can take 10 to 12 days to process and up to 60 days if there is a criminal record.

### **LICENSING AUTHORITY:**

#### **Driving School**

**California Vehicle Code.** Sections 1651 and 11100 to 11114. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

**California Code of Regulations.** Title 13, Chapter 1.

**Education Code.** Sections 41913-41919 and 51220.

These laws are intended to protect not only the persons doing business with driving schools and the public in general, but also to establish standards for driving schools. They provide state recognition for qualified schools and instructors and will insure that pupils are better trained, thereby contributing to general highway safety.

#### **Driving School Owner**

**California Vehicle Code.** Sections 223, 310.6, 310.8, 311, 320(a), 1651, 1670, 1671, and 11100 to 11114. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

**California Code of Regulations.** Title 13, Chapter 1.

**Education Code.** Sections 41913-41919, 51220, and 51852.

**Government Code.** Section 6157 (a) - (d).

**Labor Code.** Section 3700.

#### **Driving School Operator**

**California Vehicle Code.** Sections 310.6, 310.8, 311, 1651, and 11100 to 11114. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

**California Code of Regulations.** Title 13, Chapter 1.

**Government Code.** Section 6157 (a) - (d).

#### **Driving Instructor**

**California Vehicle Code.** Sections 310.4, 1651, and 11100 to 11114. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

**California Code of Regulations.** Title 13, Chapter 1.

**Government Code.** Section 6157 (a) - (d).

#### **Independent Driving Instructor**

**California Vehicle Code.** Sections 11100 to 11114. The California Vehicle Code is available for purchase from the Department of Motor Vehicles.

**California Code of Regulations.** Title 13, Chapter 1.

**Government Code.** Section 6157 (a) - (d).

**California Vehicle Code.**

#### *Driving School*

310.6 A "driving school" is a business which, for compensation, conducts or offers to conduct instruction in the operation of motor vehicles. As used in this section, "instruction" includes classroom driver education, in-vehicle driver training, and correspondence study.

*Added Ch. 703, Stats. 1975. Effective January 1, 1976.*

### *Driving School Owner*

311 A “driving school owner” is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver’s license issued by the department.

*Added Ch. 703, Stats. 1975. Effective January 1, 1976.*

### *Driving School Operator*

310.8 A “driving school operator” is either a driving school owner who operates his own driving school or an employee of a driving school who is designated by the driving school owner of such school to personally direct and manage the school for the owner.

*Added Ch. 703, Stats. 1975. Effective January 1, 1976.*

### *Driving Instructor*

310.4 A “driving instructor” is, except as provided in Section 11105.5, an employee of a driving school licensed by the department to instruct others in the operation of motor vehicles.

*Added Ch. 703, Stats. 1975. Effective January 1, 1976.*

### *Occupational Licensee: More Than One Type of Business*

1670. A licensee issued an occupational license by the department and conducting more than one type of business from an established place of business shall provide a clear physical division between the types of business involving vehicles or their component parts. The established place of business shall be open to inspection of the premises, pertinent records, and vehicles by any peace officer during business hours.

*Added Ch. 106, Stats. 1985. Effective January 1, 1986.*

### *Established Place of Business: Requirements*

1671. (a) The established place of business of a dealer, remanufacturer, remanufacturer branch, manufacturer, manufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school shall have an office and a dealer, manufacturer, or remanufacturer shall also have a display or manufacturing area situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single- or multiple-unit dwelling house is used as an office or offices of an established place of business, the room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into the room or rooms from the exterior of the building. A dealer who does not offer new or used vehicles for sale at retail, a dealer who has been issued an autobroker’s endorsement to his or her dealer’s license and who does not also sell motor vehicles at retail, or a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers, shall have an office, but a display area is not required.

(b) The established place of business of an automobile dismantler shall have an office and a dismantling area located in a zone property zoned for that purpose by the city or county.

*Amended Ch. 1253, Stats. 1994. Effective January 1, 1995.*

*Amended Sec. 2, Ch. 211, Stats. 1995. Effective January 1, 1996.*

### *License Required*

11100. (a) No person shall own or operate a driving school or give driving instruction for compensation, unless a license therefor has been secured from the department.

(b) This section does not apply to the ownership or operation of any school, or the giving of instruction, for the driving of motortrucks of three or more axles which are more than 6,000 pounds unladen weight.

*Amended Ch. 1399, Stats. 1988. Effective January 1, 1989.*



### *All-Terrain Vehicle Safety Instruction*

11100.1. No person who instructs others in the operation of all-terrain vehicles shall represent that the instruction given satisfies the requirements of Sections 38503 and 38504, and no certificate shall be issued or awarded for participation in all-terrain vehicle safety instruction unless the instruction is conducted by a licensed all-terrain vehicle safety instructor who is sponsored by an all-terrain vehicle safety training organization.

This section shall become operative on July 1, 1988.

*Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

### *Certification by Department of Education*

11100.5. Whenever it is necessary for a driving school or independent driving instructor to be certified by the Department of Education, or any agency thereof, in order to participate in any state or federal program directed at training or retraining persons in occupational skills, licensing or certification by the Department of Motor Vehicles pursuant to this chapter may operate to fully qualify such school or instructor to participate in the program.

Costs incurred by the department in exercising its functions pursuant to this section shall be borne by the applicant for licensing or certification, and the department may charge the applicant a reasonable fee therefor.

*Added Ch. 1957, Stats. 1965. Effective September 17, 1965.*

### *Schools and Persons Exempt*

11101. (a) The provisions of this chapter shall not apply to any of the following:

- (1) Public schools or educational institutions in which driving instruction is part of the curriculum.
- (2) Nonprofit public service organizations offering instruction without a tuition fee.
- (3) Nonprofit organizations engaged exclusively in giving off-the-highway instruction in the operation of motorcycles, if the course of instruction is approved by the National Highway Traffic Safety Administration and is not designed to prepare students for examination by the department for a class 4 drivers license.
- (4) Commercial schools giving only off-the-highway instruction in the operation of special construction equipment, as defined in this code.
- (5) Vehicle dealers or their salesmen giving instruction without charge to purchasers of motor vehicles.
- (6) Employers giving instruction to their employees.
- (7) Commercial schools engaged exclusively in giving off-the-highway instruction in the operation of racing vehicles or in advanced driving skills to persons holding valid drivers' licenses, except whenever such instruction is given to persons who are being prepared for examination by the department for any class of driver's license.

(b) For purposes of this section, "racing vehicle" means a motor vehicle of a type which is used exclusively in a contest of speed and which is not intended for use on the highways.

*Amended Ch. 499, Stats. 1984. Effective January 1, 1985.*

### *Requirements for Driving School Owner or Principal in All-Terrain Vehicle Safety Training Organization*

11102. (a) A driving school owner, or the principal in an all-terrain vehicle safety training organization, shall meet all of the following requirements:

- (1) Maintain an established place of business open to the public. No office or place of business shall be situated within 500 feet of any building used by the department as an office, unless the owner was established at that location on or before January 1, 1976.
- (2) Have the proper equipment necessary to give instruction in the operation of the class of vehicles for which the course is designed.
- (3) Procure and file with the department a bond of ten thousand dollars (\$10,000) executed by an admitted surety insurer and conditioned that the applicant shall not practice any fraud or make

any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant.

- (4) Meet the requirements of Section 11105.2 and, if the person is the owner of a driving school, meet the requirements of Section 11102.5. If the owner is not the operator of the driving school, the owner shall designate an operator who shall meet the requirements of Section 11102.5.
  - (5) (A) File with the department an instrument, in writing, appointing the director as the agent of the applicant upon whom a process may be served in any action commenced against the applicant arising out of any claim for damages suffered by any person by the applicant's violation of any provision of this code or any condition of the bond.
  - (B) The applicant shall stipulate in the instrument that any process directed to the applicant, when personal service cannot be made in this state after due diligence, may be served upon the director or, if the director is absent from the office, upon any employee in charge of the office of the director, in which case the service is of the same effect as if served upon the applicant personally. The applicant shall further stipulate, in writing, that the agency created by the instrument shall continue during the period covered by the license and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of the bond.
  - (C) The instrument appointing the director as agent for the applicant for service of process shall be acknowledged by the applicant before a notary public.
  - (D) If the licensee is served with process by service upon the director, one copy of the summons and complaint shall be left with the director or in the director's office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars (\$5) shall also be paid to the director at the time of service of the copy of the summons and complaint.
  - (E) The service on the director is a sufficient service on the licensee if the plaintiff or the plaintiff's attorney also, on the same day, sends notice of the service and a copy of the summons and complaint by registered mail to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or his or her attorney to the surety of the applicant's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt.
  - (F) The director shall keep a record of all process served upon the director under this paragraph showing the day and hour of service, and the director shall retain the summons and complaint served on file.
  - (G) If the licensee is served with process by service thereof upon the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director, the service is deemed to have been made upon the licensee in the county in which the licensee has or last had the licensee's established place of business.
- (b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and a fee shall be required.

*Amended Sec. 1, Ch. 243, Stats. 2000. Effective January 1, 2001.*

#### *Refund of Cash Deposit or Release of Bond upon Cessation of Business*

11102.1. If a deposit is given instead of the bond required by Section 11102:

- (a) The director may order the deposit returned at the expiration of three years from the date a driving school licensee has ceased to do business, or three years from the date a licensee has ceased to be licensed, if the director is satisfied that there are no outstanding claims against the deposit. A judge of a municipal or superior court may order the return of the deposit prior to the expiration of three years upon evidence satisfactory to the judge that there are no outstanding claims against the deposit.

- (b) If either the director, department, or state is a defendant in any action instituted to recover all or any part of the deposit, or any action is instituted by the director, department, or state to determine those entitled to any part of the deposit, the director, department, or state shall be paid reasonable attorney fees and costs from the deposit. Costs shall include those administrative costs incurred in processing claims against the deposit.

*Amended Ch. 517, Stats. 1982. Effective January 1, 1983.*

### *Requirements for Driving School Operators*

11102.5. (a) A driving school operator shall meet all of the following requirements:

- (1) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, and office procedures and recordkeeping.
  - (2) Pay the department a fee of one hundred dollars (\$100), which shall entitle the applicant to three examinations.
  - (3) Be 18 years of age or older.
  - (4) Have worked for an established licensed California driving school as a driving instructor for a period of not less than 2,000 hours of actual behind-the-wheel teaching and, on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that the operator, including an owner who is also the operator, of a driving school which exclusively teaches motorcycle driving may, in lieu of the behind-the-wheel teaching requirement, have worked for an established licensed California driving school as a motorcycle driving instructor for not less than 300 hours of actual motorcycle range and street teaching, have taught 300 hours of actual motorcycle range and street instruction under the guidance of the Motorcycle Safety Foundation, or have given comparable training instruction which is acceptable to the department. This paragraph does not apply to any person who is certified by the State Department of Education as fully qualified to teach driver education and driver training and has taught those subjects in the public school system for not less than 1,000 hours.
- (b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

*Amended Sec. 2, Ch. 243, Stats. 2000. Effective January 1, 2001.*

### *Insurance Requirements: Driving School or Independent Instructor*

11103. A driving school owner and an independent instructor licensed under Section 11105.5 shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor, and any person taking instruction in at least the following amounts: one hundred fifty thousand dollars (\$150,000) for bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars (\$300,000) for bodily injury to or death of two or more persons in any one accident, and the amount of fifty thousand dollars (\$50,000) for damage to property of others in any one accident.

The owner or instructor shall file evidence of that insurance coverage in the form of a certificate from the insurance carrier with the department, and the certificate shall stipulate that the insurance shall not be canceled except upon 30 days' prior written notice to the department.

*Amended Ch. 403, Stats. 1986. Effective January 1, 1987.*

### *Insurance Requirements: All-Terrain Vehicle Safety Training Organization*

11103.1. An all-terrain vehicle safety training organization shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in all-terrain vehicle safety instruction, insuring the liability of the organization, the instructors, and any person taking instruction in at least the following amounts:

- (a) One hundred fifty thousand dollars (\$150,000) for bodily injury to or death of one person in any one accident.
- (b) Subject to the limit specified in paragraph (1) for one person, three hundred thousand dollars (\$300,000) for bodily injury to or death of two or more persons in any one accident.

(c) Fifty thousand dollars (\$50,000) for damage to property of others in any one accident.

This section shall become operative on July 1, 1988.

*Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Workers' Compensation Requirements: Driving School Owner*

11103.2. A driving school owner who employs one or more driving instructors or other employees shall sign, under penalty of perjury, a statement in a form determined and retained by the department stating that the owner is in compliance with worker's compensation requirements set forth in Section 3700 of the Labor Code.

*Added Sec. 1, Ch. 47, Stats. 1996. Effective January 1, 1997.*

#### *Requirements for Driving Instructor*

11104. (a) Every person, in order to qualify as a driving instructor, as defined in Section 310.4, shall meet all of the following requirements:

- (1) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.
- (2) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.
- (3) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.
- (4) Hold a valid California driver's license in a class appropriate for the type of vehicle in which instruction will be given.
- (5) Not be on probation to the department as a negligent operator.
- (6) Have a driver record which does not have an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine, as provided in Section 40509.
- (7) Be 21 years of age or older.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

*Amended Sec. 3, Ch. 243, Stats. 2000. Effective January 1, 2001.*

#### *Application for License*

11104.5. Each applicant for a license as a driving school owner, driving school operator, or driving instructor shall submit an application to the department on the forms prescribed by the department. The applicant shall provide the department with any information concerning the applicant's character, honesty, integrity, and reputation which the department may consider necessary.

*Added Ch. 75, Stats. 1987. Effective January 1, 1988.*

#### *Application for License*

11104.6. Each applicant for a license or for renewal of a license under this chapter shall submit an application to the department on the forms prescribed by the department. The applicant shall provide the department any information concerning the applicant's character, honesty, integrity, and reputation which the department considers to be necessary.

This section shall become operative on July 1, 1988.

*Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Issuance and Renewal of Licenses: Owner or Operator*

11105. (a) The department shall issue a license certificate to each driving school owner and to each driving school operator when it is satisfied that the owner has met the qualifications required under this chapter. The license shall be for a period of one year from midnight of the last day of the month of issuance unless canceled, suspended, or revoked by the department.

- (b) The license shall be renewed annually. The department shall require all of the following for the renewal of the license:
  - (1) Compliance with the provisions of Sections 11102 and 11105.2 for renewal of a driving school owner's license or Section 11102.5, except paragraph (2) of subdivision (a) of Section 11102.5, for renewal of a driving school operator's license.
  - (2) Satisfactory completion of an examination as provided in Section 11102.5 at least once during each succeeding three-year period after the initial issuance of a license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education. Professional education, as used in this subdivision, means satisfactory completion of courses related to traffic safety, teaching techniques, or the teaching of driver instruction acceptable to the department or participation in professional seminars approved by the department.

- (c) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.
- (d) Upon notification of death of a driving school licensee the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the surviving spouse or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one-year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving spouse or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.
- (e) The department shall not issue or renew a license certificate unless it determines that the driving school owner has complied with Section 11103.2.

*Amended Sec. 2, Ch. 47, Stats. 1996. Effective January 1, 1997.*

#### *Issuances and Renewal of Licenses: Instructor*

- 11105.1. (a) The department shall issue a license certificate to each driving school instructor and to each all-terrain vehicle safety instructor when it is satisfied that the person has met the qualifications required under this chapter. The original instructor's license and any instructor's license renewed pursuant to subdivisions (b) and (c) is valid for three years from the date issued unless canceled, suspended, or revoked by the department.
- (b) A licensee may apply for the renewal of an instructor's license prior to the expiration date of the license. In no event shall an instructor renew the license after the date of expiration.
  - (c) The department shall require all of the following for the renewal of the instructor's license:
    - (1) Compliance with Section 11104, except subdivision (c) thereof, for a driving school instructor, or compliance with Section 11104.3, except paragraph (3) of subdivision (a) thereof, for an all-terrain vehicle safety instructor, and, for either, compliance with Section 11105.2.
    - (2) Satisfactory completion of an examination as provided in Section 11104 or 11104.3, as applicable, at least once during each succeeding three-year period after the initial issuance of an instructor license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education as defined in paragraph (2) of subdivision (b) of Section 11105.

- (d) The department may issue a probationary instructor's license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate, but shall be such as may, in

the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(e) This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

### *Fees*

11105.2. (a) The fee for a license issued to a driving school owner or to an all-terrain vehicle safety training organization shall be as follows:

- (1) For the original license, or an ownership change which requires a new application, except as provided by Section 42231, a nonrefundable fee of one hundred fifty dollars (\$150).
- (2) For the annual renewal of a license, a fee of fifty dollars (\$50).
- (3) If an alteration of an existing license is caused by a firm name change, a change in corporate officer structure, address change, or the addition of a branch location, a fee of seventy dollars (\$70).
- (4) For replacement of the license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(b) The fee for a license issued to a driving school operator shall be as follows:

- (1) For the original license a nonrefundable fee of one hundred dollars (\$100).
- (2) For the annual renewal of a license, a fee of one hundred dollars (\$100).
- (3) If an alteration of an existing license is caused by a change in school name or location, or the addition of a branch location, a fee of fifteen dollars (\$15).
- (4) For replacement of the license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(c) The fee for a license issued to a driving school instructor or to an all-terrain vehicle safety instructor shall be as follows:

- (1) For the original license, except as provided by Section 42231, a nonrefundable fee of thirty dollars (\$30).
- (2) For the triennial renewal of a license, a fee of thirty dollars (\$30).
- (3) If an alteration of an existing license is caused by a change in the instructor's employing school's name or location, or transfer of the instructor's license to another employing school, a fee of fifteen dollars (\$15).
- (4) For the replacement of the instructor's license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(d) This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

### *Expired License: Reapplication*

11105.3. Any school owner, operator, or instructor required to be licensed under this chapter who fails to renew the license prior to the expiration of the license in accordance with Sections 11105 and 11105.1 and whose license was not canceled, suspended, or revoked by the department at the time of expiration, may reapply for an original license pursuant to Section 11102, 11102.5, 11104, or 11104.3.

*This section shall become operative on July 1, 1988.*

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

### *Independent Driving Instructor*

11105.5. The department shall issue an independent driving instructor's license to permit instruction in any city with a population of less than 50,000, which does not have within it an established licensed driving school, to any person who meets the requirements of this chapter relating to instructor's and independent instructor's licenses, even though such person is not an employee of, or otherwise associated with or instructing through, a driving

school, except that no independent driving instructor's license shall be issued to a person to instruct in counties with a population in excess of 400,000. In addition, an independent instructor must at all times be employed as an accredited teacher of automobile driver education or automobile driver training under the provisions of the Education Code.

*Amended Ch. 438, Stats. 1971. Operative May 3, 1972.*

#### *All-Terrain Vehicle Safety Training Organization: License*

11105.6. (a) The department shall issue a license to an all-terrain vehicle safety training organization when the department is satisfied that the organization has met the qualifications required under this chapter and has been approved and certified by the Off-Highway Vehicle Safety Education Committee. The license shall be valid for a period of one year from midnight of the last day of the month of issuance unless canceled, suspended, or revoked by the department.

(b) The license shall be renewed annually. The department shall require compliance with Sections 11102 and 11105.2 for the renewal of the license.

(c) This section shall become operative on July 1, 1988.

*Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Temporary Permit*

11106. (a) Until the department is satisfied that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a license issued pursuant to this chapter. The temporary permit authorizes the operation of a school or the giving of instruction for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license.

(b) A temporary permit valid for 30 days may be issued to any applicant for an original instructor's license pending satisfactory completion of the course required by subdivision (b) of Section 11104 or paragraph 2 of subdivision (a) of Section 11104.3, as applicable. This subdivision does not extend the period of validity of any temporary permit issued pursuant to subdivision (a).

(c) The department may cancel a temporary permit when it has determined, or has reasonable cause to believe, that the application is incorrect or incomplete or the temporary permit was issued in error. A temporary permit is invalid when canceled or when the applicant's license has been issued or refused.

(d) This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Refusal to Issue License*

11107. (a) The department may refuse to issue a license certificate under this chapter to any applicant to own or operate a school or to any instructor when it finds and determines any of the following to exist:

- (1) The applicant has not met the qualifications required under this chapter.
- (2) The applicant was previously the holder of a license under this chapter which was revoked or suspended, which was never reissued by the department after revocation, or which was never reinstated after suspension.
- (3) The applicant was previously the holder of an occupational license issued by another state, authorizing the same or similar activities of a license issued under this division; and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled.
- (4) The applicant has done any act or series of acts which would be a cause for suspension or revocation under Section 11110.
- (5) If the applicant is a business, a business representative was the holder of a revoked or suspended license previously issued under this chapter which was never reissued after revocation or which was never reinstated after suspension, or a business representative, though not previously the holder of a license,

has done any act or series of acts which would be a cause for revocation or suspension under Section 11110.

- (6) By reason of the facts and circumstances relating to the organization, control, and management of the business, it is likely that the policy or operation of the business will be directed, controlled, or managed by a business representative who, by reason of any act, series of acts, or conduct described in paragraph (4) or (5), would be ineligible for a license and that, by licensing the business, the purposes of this division would be defeated.
  - (7) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.
  - (8) The applicant, or one of the business representatives if the applicant is a business, has been convicted of a crime, or has committed any act or engaged in conduct involving moral turpitude, which is substantially related to the qualifications, functions, or duties of the licensed activity. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.
- (b) Upon refusal of the department to issue a license, the applicant may demand, in writing, a hearing before the director or the director's representative within 60 days after notice of refusal.
- The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (c) A person whose license has been revoked, or whose application for a license has been refused, may reapply for the license after a period of not less than one year has elapsed from the effective date of the decision revoking the license or refusing the application.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

*Amended Sec. 42, Ch. 877, Stats. 1998. Effective January 1, 1999.*

#### *Records of Licensee*

11108. (a) Every person licensed under this chapter shall keep a record showing all of the following:
- (1) The name and address and license number of the school.
  - (2) The name and address of each person given instruction.
  - (3) Excepting all-terrain vehicle safety training organizations, the instruction permit number or driver's license number of every person given instruction in the driving of a motor vehicle.
  - (4) Excepting all-terrain vehicle safety training organizations, the date any instruction permit was issued.
  - (5) The name and instructor's license number of each instructor.
  - (6) The particular type of instruction given and the date of the instruction.
  - (7) The amount of time devoted to each type of instruction.
  - (8) The total number of hours of instruction.
  - (9) The total cost to the student of the instruction.
- (b) The records shall be retained for at least three years and shall be open to the inspection of the department at all reasonable times, but shall be only for the confidential use of the department.
- (c) Whenever the licensee suspends or terminates the licensed activity, the licensee shall surrender the records to the department for examination not later than the end of the third day, excluding Saturdays, Sundays, and legal holidays, after the date of suspension or termination. The department may duplicate or make a record of any information contained in the licensee's records. All of the licensee's records shall be returned to the licensee not later than 30 days after the date of surrender.
- (d) Every all-terrain vehicle safety training organization shall maintain records for all-terrain vehicle safety instructors who are authorized to offer that organization's courses of instruction.
- (e) Each all-terrain vehicle safety instructor shall report the information required under this section to the all-terrain vehicle safety training organization no later than the 15th day of the month following the date instruction was provided. Instructors shall notify the organization, which shall, in turn, notify the department at least 30 days in advance of providing a course of instruction, of the time, date, location, and type of instruction to be given.



(f) This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Change of Ownership, Location, or Residence*

11108.5. (a) Every school owner licensed pursuant to this chapter shall notify the department within 10 days of any change in the ownership or corporate structure of the licensee.

(b) Every school owner licensed pursuant to this chapter shall immediately notify the department upon changing the site or location of the school's established place of business.

(c) Every school operator and every instructor licensed pursuant to this chapter shall report to the department every change of residence address within five days of the change.

(d) This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Vehicles of Licensee*

11109. Every licensee under this chapter shall maintain all vehicles used in driver training in safe mechanical condition at all times.

#### *Revocation and Suspension of Licenses*

11110. The department, after notice and hearing, may suspend or revoke any license issued under this chapter in any of the following cases:

(a) The department finds and determines that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) The licensee fails to keep the records required by this chapter.

(c) The licensee permits fraud or engages in fraudulent practices either with reference to the applicant for a driver's license or an all-terrain vehicle safety certificate or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant.

(d) The licensee fails to comply with this chapter or regulation or requirement of the department adopted pursuant thereto.

(e) The licensee represents himself or herself as an agent or employee of the department or uses advertising designed to create the impression, or which would reasonably have the effect of leading persons to believe, that the licensee was in fact an employee or representative of the department; or the licensee makes an advertisement, in any manner or by any means, which is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) The licensee, or any employee or agent of the licensee, solicits driver training or instruction or all-terrain vehicle safety instruction in, or within 200 feet of, an office of the department.

(g) The licensee is convicted of violating Section 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or 23153 of this code or subdivision (c) of Section 192 of the Penal Code. A conviction, after a plea of nolo contendere, is a conviction within the meaning of this section.

(h) The licensee teaches, or permits a student to be taught, the specific tests administered by the department through use of the department's forms or testing facilities.

(i) The licensee conducts training, or permits training by any employee, in an unsafe manner or contrary to safe driving practices.

(j) The licensed school owner or licensed driving school operator teaches, or permits an employee to teach, driving instruction or all-terrain vehicle safety instruction without a valid instructor's license.

(k) The licensed school owner does not have in effect a bond as required by Section 11102.

(l) The licensee permits the use of the license by any other person for the purpose of permitting that person to engage in the ownership or operation of a school or in the giving of driving instruction or all-terrain vehicle safety instruction for compensation.

- (m) The licensee holds a secondary teaching credential and explicitly or implicitly recruits or attempts to recruit a pupil who is enrolled in a junior or senior high school to be a customer for any business licensed pursuant to this article that is owned by the licensee or for which the licensee is an employee.
- (n) The licensee or any employee or agent of the licensee administers driving tests or issues certificates of passage in violation of the terms of an agreement entered into under Section 12507.1.
- (o) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 1999, deletes or extends that date.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

*Amended Ch. 699, Stats. 1994. Effective January 1, 1995.*

*Repealed Ch. 699, Stats. 1994. Effective January 1, 1995. Operative January 1, 1998.*

*Amended Sec. 1, Ch. 922, Stats. 1996. Effective January 1, 1997. Supersedes Sec 3, Ch. 47.*

*Repealed Sec. 1, Ch. 922, Stats. 1996. Effective January 1, 1997. Operative January 1, 1999. Supersedes Ch. 47.*

*NOTE: This section shall remain in effect only until January 1, 1999, and as of that date is repealed and the following section becomes effective.*

11110. (a) The department, after notice and hearing, may suspend or revoke any license issued under this chapter in any of the following cases:

- (1) The department finds and determines that the licensee fails to meet the requirements to receive or hold a license under this chapter.
- (2) The licensee fails to keep the records required by this chapter.
- (3) The licensee (A) permits fraud or engages in fraudulent practices either with reference to the applicant for a driver's license or an all-terrain vehicle safety certificate or the department, or (B) induces or countenances fraud or fraudulent practices on the part of any applicant.
- (4) The licensee fails to comply with this chapter or regulation or requirement of the department adopted pursuant thereto.
- (5) The licensee represents himself or herself as an agent or employee of the department or uses advertising designed to create the impression, or which would reasonably have the effect of leading persons to believe, that the licensee was in fact an employee or representative of the department; or the licensee makes an advertisement, in any manner or by any means, which is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
- (6) The licensee, or any employee or agent of the licensee, solicits driver training or instruction or all-terrain vehicle safety instruction in, or within 200 feet of, an office of the department.
- (7) The licensee is convicted of violating Section 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or 23153 of this code or subdivision (c) of Section 192 of the Penal Code. A conviction, after a plea of nolo contendere, is a conviction within the meaning of this section.
- (8) The licensee teaches, or permits a student to be taught, the specific tests administered by the department through use of the department's forms or testing facilities.
- (9) The licensee conducts training, or permits training by any employee, in an unsafe manner or contrary to safe driving practices.
- (10) The licensed school owner or licensed driving school operator teaches, or permits an employee to teach, driving instruction or all-terrain vehicle safety instruction without a valid instructor's license.
- (11) The licensed school owner does not have in effect a bond as required by Section 11102.
- (12) The licensee permits the use of the license by any other person for the purpose of permitting that person to engage in the ownership or operation of a school or in the giving of driving instruction or all-terrain vehicle safety instruction for compensation.
- (13) The licensee holds a secondary teaching credential and explicitly or implicitly recruits or attempts to recruit a pupil who is enrolled in a junior or senior high school to be a customer for any business licensed pursuant to this article that is owned by the licensee or for which the licensee is an employee.

(b) In the interest of the public's safety, as determined by the department, the department may immediately suspend the license of any licensee for any alleged violation under this chapter and shall conduct a hearing of the alleged violation within 30 days of the suspension.

*Added Ch. 699, Stats. 1994. Effective January 1, 1995. Operative January 1, 1998.*

*Amended Sec. 2, Ch. 922, Stats. 1996. Effective January 1, 1997. Supersedes Sec. 4, Ch. 47.*

*Amended Sec. 4, Ch. 243, Stats. 2000. Effective January 1, 2001.*

#### *Revocation or Suspension of License: Additional Causes*

11110.1. Any of the causes specified in this chapter as a cause for refusal to issue a license under this chapter is cause to suspend or revoke a license under this chapter.

*Added Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Cancellation of School Owner's License*

11110.2. The license issued to a school owner shall be automatically canceled upon the happening of any of the following:

- (a) The abandonment of the established place of business or the change thereof without notice to the department pursuant to Section 11108.5.
- (b) The failure to maintain an adequate bond or to procure and file another bond, as required by Section 11102, prior to the effective date of the termination by the surety of any existing bond.
- (c) The voluntary or involuntary surrender of the license, except that a surrender or cessation of business by the licensee, or the suspension or revocation of the corporate status of the licensee, does not preclude the department from filing an accusation for revocation or suspension of the surrendered license, as provided in Section 11110, or affect the department's decision to suspend or revoke the license.
- (d) Notification to the department that the person designated as licensee has changed.
- (e) Suspension or revocation of the corporate status of the licensee.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Cancellation of License When Issued in Error or Surrendered*

11110.5. The department may cancel any license issued under this chapter when that license has been issued in error or voluntarily surrendered to the department for cancellation. Whenever a driving school operator's license or an instructor's license is canceled, it shall be without prejudice and shall be surrendered to the department. Any person whose license has been canceled may immediately apply for a license, and the application may be accepted without additional fee or examination under rules and regulations adopted by the department.

This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Interim Refusal to Issue or Suspension of License*

11110.7. (a) The department, after notice and hearing, on an interim basis, may refuse to issue or may suspend a license issued under this chapter when the applicant or licensee, or a business representative if the applicant or licensee is a business, has been convicted of a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity, if an appeal of the conviction is pending or the conviction has otherwise not become final. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.

(b) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is affirmed on appeal or otherwise becomes final, the refusal to issue or the suspension shall automatically become effective as a denial or revocation, as the case may be, of the license. If the interim refusal to issue or the suspension was stayed under probationary terms and conditions, the subsequent automatic denial or revocation shall also be stayed under the same terms and conditions for a term not to exceed the original term of probation for the interim refusal to issue or suspension.

- (c) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is reversed on appeal, the department shall set aside immediately that refusal or suspension.

*Added Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Notice and Hearing Before Cancellation, Suspension or Revocation of License*

1111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension, or revocation of the license by the department, except that the department shall immediately cancel the license without a hearing for failure of the licensee to meet and maintain the requirements of paragraph (1), (3), or (4) of subdivision (a) of Section 11102, or Section 11103 or 11103.1, or paragraph (4), (5), or (6) of subdivision (a) of Section 11104, or paragraph (4), (5), or (6) of subdivision (a) of Section 11104.3, or Section 11110.2.

(b) The notice and hearings provided for in this chapter shall be pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

(d) The department may, pending a hearing, temporarily suspend the license or permit of any person licensed under this chapter for not more than 30 days if the director finds that the action is required in the public interest. In that case, a hearing shall be held and a decision issued within 30 days after notice of temporary suspension.

(e) The suspension, expiration, or cancellation of a license issued under this chapter does not preclude the filing of an accusation for the revocation or suspension of the suspended, expired, or canceled license as provided in Section 11110, and does not invalidate or otherwise preclude a decision by the department to suspend or revoke the license. That determination may be considered in granting or refusing to grant any subsequent license authorized by this chapter to the same licensee, or to any partner, officer, director, or stockholder of the same licensee.

*Amended Ch. 1563, Stats. 1990. Effective January 1, 1991.*

#### *Service of Process*

1111.2. Any owner licensed under this chapter who has closed his or her established place of business or any operator or instructor currently or previously licensed under this chapter who no longer resides at the address last filed with the department, may be served with process issued pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code by registered mail at that place of business, in the case of an owner, or at that residence, in the case of an operator or instructor, unless the person has notified the department in writing of another address where service may be made.

*Added Ch. 751, Stats. 1988. Effective January 1, 1989.*

#### *Filing of Accusation: Compromise Settlement*

1111.5. (a) After the filing of an accusation under this chapter, the director may enter into a stipulated compromise settlement agreement with the consent of the licensee on terms and conditions mutually agreeable to the director, the respondent licensee, and the accuser without further hearing or appeal. The agreement may include, but is not limited to, a period of probation or monetary penalties, or both. The monetary penalty shall not exceed one thousand dollars (\$1,000) for driving school owners or for a principal in an all-terrain vehicle safety training organization or five hundred dollars (\$500) for driving school operators or for driving instructors or all-terrain vehicle safety instructors for each violation, and the monetary penalty shall be based on the nature of the violation and the effect of the violation on the purposes of this chapter.

(b) A compromise settlement agreement may be entered before, during, or after the hearing, but is valid only if executed and filed pursuant to subdivision (d) before the proposed decision of the hearing officer, if any, is adopted or the case is decided.

(c) The department shall adopt, by regulation, a schedule of maximum and minimum amounts of monetary penalties, the payment of which may be included as a term or condition of a compromise settlement agreement entered under subdivision (a). Any monetary penalty included in a compromise settlement agreement shall be within the range of monetary penalties in that schedule.

- (d) Any compromise settlement agreement entered under this section shall be signed by the director, the respondent licensee, and the accuser, or by their authorized representatives. The director shall file, or cause to be filed, the agreement with the Office of Administrative Hearings, together with the department's notice of withdrawal of the accusation or statement of issues upon which the action was initiated.
- (e) If the respondent licensee fails to perform all of the terms and conditions of the compromise settlement agreement, the agreement is void and the department may take any action authorized by law notwithstanding the agreement, including, but not limited to, refiling the accusation or imposing license sanctions.
- (f) This section shall become operative on July 1, 1988.

*Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.*

#### *Hearings: Refusal to Issue*

11112. Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), Part 1, Division 3, Title 2 of the Government Code.

*Added Ch. 1996, Stats. 1959. Effective September 18, 1959.*

#### *Conduct of Courses: Rules and Regulations*

11113. The director may prescribe rules and regulations for driving schools regarding the conduct of courses of driver education and driver training, including curriculum, facilities, and equipment. The rules and regulations regarding curriculum shall require information relating to the dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle. The director may also prescribe rules and regulations for the conduct of driving instructor training courses required by Sections 11102.5 and 11104, including curriculum, facilities, and equipment. The department shall monitor instruction given by driving schools.

*Amended Ch. 1455, Stats. 1985. Effective January 1, 1986.*

#### *Standards For Licensing And Control: Rules and Regulations*

11113.5. The department shall establish rules and regulations prescribing standards for the licensing and control, as provided in this chapter, of owners, operators, and instructors and the courses of driver education and driver training for driving schools providing training courses for class 1 and class 2 licensed drivers. The standards shall provide for requirements of licensing, training, and control to assure that the owners, operators, and instructors are qualified to provide the type of training needed by drivers for safe operation of large commercial vehicles on the highway.

*Added Ch. 387, Stats. 1985. Effective January 1, 1986.*

#### *Reexamination*

11114. The department may require any person licensed under this chapter to submit to a reexamination of his qualifications when there is reasonable cause to believe that the licensee does not have the ability to give driving instruction. If the licensee refuses or fails to submit to such reexamination, the department may peremptorily suspend his license until such time as the licensee shall have submitted to reexamination. The suspension shall be effective upon notice.

*Repealed and added Ch. 703, Stats. 1975. Effective January 1, 1976.*

#### **Government Code.**

6157. (a) The state, and each city, whether general law or chartered, county, and district, each subdivision, department, board, commission, body, or agency of the foregoing, shall accept personal checks drawn in its favor or in favor of a designated official thereof, in payment for any license, permit, or fee, or in payment of any obligation owing to the public agency or trust deposit, if the person issuing the check furnishes to the person authorized to receive payment satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

- (b) If any personal check offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the public agency, may be imposed to recover the public agency's processing and collection costs. This charge may be added to, and become part of, any underlying obligation other than an obligation which constitutes a lien on real property, and a different method of payment for that payment and future payments by this person may be prescribed.
- (c) The acceptance of a personal check pursuant to this section constitutes payment of the obligation owed to the payee public agency to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.
- (d) The provisions in subdivision (b) prohibiting a returned check charge being added to, and becoming a part of, an obligation which constitutes a lien on real property do not apply to obligations under the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1(commencing with Section 987.50) of Chapter 6 of Division 4 of the Military and Veterans Code).

### **Education Code**

41913. Notwithstanding any other provision of law, the governing board of any school district maintaining secondary schools, may, subject to Sections 41913 to 41919, inclusive, enter into contracts with approved private driver training schools to provide to any or all of the eligible enrolled students of the district, the automobile driver training as provided pursuant to Section 51852. No such contract shall be valid unless approved by the governing board. The driver training provided under contract by an approved private driver training school shall be under the exclusive control and management of the governing board of the school district and shall comply with all rules and regulations of the State Board of Education relating to driver training offered by the public schools, except that a driver training instructor of the approved private driver training school shall not be required to possess any teaching credential or certification document of any kind except as required by the Driving School Department of the Department of Motor Vehicles. Nothing in this section shall prohibit the governing board from entering into contracts with more than one approved private driver training school and apportioning students among such schools. Upon approval of the contract, the governing board shall transmit a copy of the signed contract to the State Department of Education.

41914. As used in this article, an "approved private driver training school" is one which:

- (a) Has a valid license issued by the Department of Motor Vehicles pursuant to Chapter 1 (commencing with Section 11100) of Division 5 of the Vehicle Code.
- (b) Maintains at all times limits of liability insurance established by the State Superintendent of Public Instruction equal to that required of the contracting school district.
- (c) Provides, for such automobile driving instruction, dual-control automobiles approved by the Department of Motor Vehicles.
- (d) Meets such other requirements as shall be established by the Superintendent of Public Instruction.

41915. Any contract entered into and approved in the manner provided pursuant to Section 41913 may entitle the approved driver training school to payment by the school district of the sum of not more than 150 percent of the amount reimbursable to the school district as "excess cost" provided pursuant to Sections 41306, 41900, and 41903. In the event that a student who has commenced the driver training for which the district has contracted pursuant to Section 41913 and the student does not complete the driver training for any reason, the approved private driver training school may be paid a portion of the contract price which is proportionate to the amount in "excess cost," if any, received by the school district for such student, compared to the amount the district would have received had the student completed the training.

41916. Upon presentment to the governing board by the approved private driver training school written verification of the name, school, dates, and times of each automobile driver training instruction lesson and such other information required by the governing board, the approved private driver training school shall be paid the contract amount as determined pursuant to Section 41915.

41917. The governing board of any school district shall be entitled to reimbursement for driver training provided by approved private driver training schools pursuant to this article in the amount authorized pursuant to Section 41900, upon certifying to the Superintendent of Public Instruction the number of pupils for whom automobile driver training instruction lessons was provided pursuant to Sections 41913 to 41919, inclusive.

41918. Notwithstanding the provisions of Section 41907, a regular employee of a contracting approved private driver training school shall be a qualified instructor for automobile driver training provided that:

- (a) He holds a valid driver instructor license issued by the Department of Motor Vehicles, and
- (b) He has completed the driver instructor course required by the Department of Motor Vehicles.

41919. No approved private driver training school may enter into a contract pursuant to this article unless it has, at the time of entering into the contract, been operating in the State of California for at least 24 consecutive months. A contracting approved private driver training school shall provide instruction pursuant to one of the plans authorized pursuant to Section 51852.

51220. The adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:

- (a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.
- (b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust, and contemporary issues.
- (c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.
- (d) Physical education, with emphasis given to physical activities that are conducive to health and to vigor of body and mind.
- (e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences.
- (f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.
- (g) Visual and performing arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.
- (h) Applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture.
- (i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in the occupations and in the numbers that are appropriate to the personnel needs of the state and the community served and relevant to the career desires and needs of the pupils.
- (j) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles. A course in automobile driver education shall include education in the safe operation of motorcycles.
- (k) Other studies as may be prescribed by the governing board.

51852. A course of instruction in the laboratory phase of driver education shall include, for each student enrolled in the class, instruction under one of the following plans:

(a) Plan One. A minimum of 12 hours allocated as follows:

- (1) A minimum of six hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.
- (2) A minimum of six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(b) Plan Two. A minimum of 24 hours allocated as follows:

- (1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.
- (2) Six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.
- (3) Twelve hours of instruction by a qualified instructor in a driving simulator approved by the department.
- (4) At least three additional hours of instruction specified in one or more of paragraphs 1 to 3, inclusive, of this subdivision.

(c) Plan Three. A minimum of 24 hours allocated as follows:

- (1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.
- (2) Six hours in a dual-control automobile with a qualified instructor for the purpose of observation.
- (3) Twelve hours of instruction by a qualified instructor on an off-street multiple-car driving range.
- (4) At least three additional hours of instruction specified in one or more of paragraphs 1 to 3, inclusive, of this subdivision.

(d) Plan Four. A minimum of 24 hours allocated as follows:

- (1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.
- (2) Three hours in a dual-control automobile with a qualified instructor for the purpose of observation.
- (3) Eighteen hours of instruction by a qualified instructor in a driving simulator approved by the department and on an off-street multiple-car driving range. The governing board of the district shall establish the proportion of time to be utilized in simulators and on the off-street multiple-car driving range.

(e) Plan Five.

- (1) Competency-based driver training which means a program in which each student receives a minimum of three hours of on-street behind-the-wheel practice driving instruction, a minimum of one hour of behind-the-wheel pretesting, and a minimum of one hour of behind-the-wheel post testing. The pretest and posttest for public school programs shall include basic skill evaluation by the instructor, as adopted by the Superintendent of Public Instruction pursuant to paragraph (2). The one hour posttest shall be conducted by an instructor other than the instructor who conducted the three hours of behind-the-wheel practice driving instruction or the pretest. Each student shall receive at least one additional hour of either behind-the-wheel practice driving instruction or observation time.
- (2) The Superintendent of Public Instruction shall adopt rules, regulations, and basic skill requirements for public school programs pursuant to this subdivision.
- (3) Local district superintendents offering this program shall annually report to the Superintendent of Public Instruction, on a form developed by the State Department of Education, on student completion of instruction pursuant to paragraph (1).

(f) For purposes of this section, one hour means 60 minutes including passing time.



- (g) Any deviation from the standard use of a simulator or off-street multiple-car driving range, or both, shall have prior approval by the Department of Education before the school district, county superintendent of schools, the California Youth Authority, or the Department of Education can be reimbursed for the students trained.
- (h) Nothing in this section shall be construed to direct or restrict courses of instruction in the classroom phase or the laboratory phase of driver education offered by private elementary and secondary schools or to require the use of credentialed or certified instructors in the laboratory phase of driver education offered by private elementary and secondary schools, except that each student enrolled in a course shall satisfactorily complete a minimum of six hours of on-street behind-the-wheel driving instruction. This section shall not be construed to limit eligibility for a provisional driver's license for pupils who have completed driver education or driver training courses offered in private elementary or secondary schools.
- (i) For the purposes of this section, private elementary or secondary schools are those subject to the provisions of Sections 33190 and 48222.

**Labor Code.**

3700. Every employer except the state shall secure the payment of compensation in one or more of the following ways:

- (a) By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this state.
- (b) By securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.
- (c) For any county, city, city and county, municipal corporation, public district, public agency, or any political subdivision of the state, including each member of a pooling arrangement under a joint exercise of powers agreement (but not the state itself), by securing from the Director of Industrial Relations a certificate of consent to self-insure against workers' compensation claims, which certificate may be given upon furnishing proof satisfactory to the director of ability to administer workers' compensation claims properly, and to pay workers' compensation claims that may become due to its employees. On or before March 31, 1979, a political subdivision of the state which, on December 31, 1978, was uninsured for its liability to pay compensation, shall file a properly completed and executed application for a certificate of consent to self-insure against workers' compensation claims. The certificate shall be issued and be subject to the provisions of Section 3702.