

TITLE 13: DEPARTMENT OF MOTOR VEHICLES
Division 1, Chapter 1
Article 4.7 – Schools for Traffic Violators

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 345.02, 345.06, 345.07, 345.13, 345.18, 345.30, and 345.56, and repeal Section 345.42 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Schools for Traffic Violators.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **July 29, 2024**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/repeal these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 11202, 11202.5, 11204, 11206, 11208, 11210, 11211, and 11219.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 11200 requires the department to license traffic violator schools to provide traffic safety instructions to drivers specified under Vehicle Code sections 41501 and 42005, and to drivers who elect to attend a traffic violator school course. Goals of the traffic violator school include the reduction of traffic law violations and the reduction of traffic collisions.

Article 4.7 establishes rules related to participation in the traffic violator school program, including, among other things, application requirements for school owners, operators, and instructors, the approval of curriculum content, and reporting requirements. The department is proposing amendments to the following sections:

Section 345.02. Traffic Violator School Owners.

- Proposes to require school names be submitted for approval through the department's internet portal rather than on an Approval for Traffic Violator School Name, form OL 612, and proposes to revise name approval criteria to remove criteria that may be subjective.

Section 345.07. Traffic Violator School Instructor Examination Requirements.

- Proposes to remove the requirement that an instructor examination be administered by the traffic violator school. The department is proposing that instructor examinations will be administered by the department.

Section 345.13. Additional Instructor License.

- Proposes to revise references to examinations being written. The department is proposing that instructor examinations be administered both electronically or in written format.

Section 345.18. Changes to Owner License.

- Proposes to remove references to a written request for a name approval and removes the requirement that the department notify the school of a name approval or disapproval. Name approvals will be conducted electronically through the department's internet portal.

Section 345.30. Curriculum Content.

- Proposes to remove the requirement that completed student evaluations and quarterly reports be submitted to the department. The department is proposing that schools retain student evaluations and quarterly reports for three years.

Section 345.42. Quarterly Reporting of Traffic Violator School Activity.

- Proposes to repeal Section 345.42 due to lack of necessity and to ensure compliance with Section 345.30.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates this action will benefit traffic violator schools by reducing their requirement to provide testing for their potential instructors and by reducing the number of documents they are required to provide the department on a regular basis. Additionally, centralized testing conducted through the department will benefit the welfare of California residents by ensuring the most knowledgeable applicants are licensed to instruct course participants.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

This proposed action is neither inconsistent nor incompatible with other state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

The department has conducted a search and had determined that there are no comparable state or federal regulations related to the operation of traffic violator schools.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* This proposed action will not impact private persons. Furthermore, the department does not anticipate this action will have a cost impact on traffic violator schools.
- *Small Business Impact:* This action may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate a significant statewide adverse economic impact that will directly affect businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This action will benefit traffic violator schools by reducing their requirement to provide testing for their potential instructors and will benefit the welfare of California residents by placing the instructor testing requirements on the department who can ensure the examinations are administered in a manner that ensures the integrity of the exam questions. Centralized testing procedures will benefit the welfare of California residents by ensuring the most knowledgeable

applicants are licensed to instruct course participants. This action may also benefit traffic violator schools by reducing the number of documents they are required to provide the department on a regular basis.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the

proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.