

4501-7-01

Definitions.

[Comment: For dates and availability of material incorporated by reference in this chapter, see paragraph (PP) of this rule.]

- (A) "Applicant" or "candidate" means any person applying for a license to be an authorizing official for a driver training school, an instructor, an online instructor, or a training manager.
- (B) "Authorizing official" or "official" means any person who owns or who maintains responsibility on behalf of an individual, corporation, business trust, estate, trust, partnership, or an association for the facilities, equipment, instructors, managers and other employees of a driver training enterprise or an enterprise providing online driver education.
- (C) "Beginning driver" or "beginning student" means any person being trained to drive a particular class of motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.
- (D) "Behind-the-wheel instruction" means that portion of a driver training course which is devoted to teaching a student driving skill, provided to a student who is operating an approved motor vehicle, and presented by a licensed instructor.
- (E) "Certificate of completion" ~~or "certificate"~~ means ~~an online~~ a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students under age eighteen who have completed the required twenty-four hours of classroom instruction, or equivalent online instruction, and eight hours of behind-the-wheel instruction to the satisfaction of the school's authorizing official or training manager as required by division (C) of section 4508.02 of the Revised Code.
- (F) "Certificate of completion of an online driver education program" means a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students under the age of eighteen who have completed the online equivalent of the required twenty-four hours of classroom instruction.
- (G) "Certificate of Enrollment" means a certificate electronically furnished by the department to a licensed enterprise providing online instruction and issued by the enterprise to students under the age of eighteen who have successfully enrolled and completed at least two hours of online instruction as required by division (A)(2)(d) of section 4508.02 of the Revised Code.
- ~~(F)~~(H) "Chargeable crash" means a conviction of, a guilty plea to, a finding of guilty following a plea of no contest to, or the forfeiture of any bail or collateral deposited

to secure an appearance for a moving traffic violation as a result of a motor vehicle crash.

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

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

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

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

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

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

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

~~(N)~~(P) "Department" means the Ohio department of public safety.~~Department of Public Safety.~~

~~(O)~~(Q) "Director" means the director of the Ohio ~~department of public safety~~Department of Public Safety as set forth in division (G) of section 121.03 of the Revised Code, or the director's designee.

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

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

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

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

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

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

(2) A business enterprise that offers the equivalent to classroom instruction via an online internet education program,

~~(2)~~(3) A lead school district as provided in section 4508.09 of the Revised Code, or

~~(3)~~(4) A board of education of a city, exempted village, local, or joint vocational school district or the governing board of an educational service center that offers a driver education course for high school students enrolled in the district or in a district served by the educational service center, or

~~(4)~~(5) A college or university that offers training in licensure classes other than "D".

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

~~(S)~~(X) "Enterprise", or "driver training enterprise", or "business enterprise" means a person, as defined in section 1.59 of the Revised Code, who operates a school, as

defined in this chapter, for the training of persons in the operation of motor vehicles using public streets or highways or an online driver education program.

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

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

~~(V)~~(AA) "Office" means a room used for conducting school business and storing school records which meets the requirements specified in rules 4501-7-02 and 4501-7-22 of the Administrative Code.

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

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

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

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

~~(X)~~(FF) "Original instructor or training manager application" means an application and all required documents for a license for an instructor or training manager that is submitted by a person who has not previously been licensed as a driver training instructor or training manager, or an application for renewal of a person's driver training instructor or training manager license that is received by the director after

December thirty-first in the calendar year that occurs one year after the date of expiration of the last license issued to that person.

~~(Y)~~(GG) "Ownership" means the legal right of possession; proprietorship.

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

(2) A change in ownership of an enterprise or school does not include the conveyance by a partner of his interest to another. ~~When~~ when such conveyance does not dissolve the partnership.

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

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

~~(BB)~~(JJ) "Range" or "driving range" means an off-highway site designed for training motor vehicle drivers that does not permit public traffic to pass through the site, except that ranges for commercial motor vehicles may include only other vehicles being used in training.

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

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

~~(EE)~~(MM) "Teacher's driving institute" means any educational institute operated or sponsored by a college or university for the purpose of training instructors in the field of driver education and training which offers credit hours or a certificate for satisfactory completion of a course that is comparable to the training provided by the department.

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

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

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

(1) "49 CFR 391.43" or "Title 49 of the Code of Federal Regulations, Section 391.43" (October, 2012) may be obtained at the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.gpoaccess.gov>.

(2) "Certificate of Completion" is made available to licensed driver training enterprises, except for online driver training enterprises, and may be accessed via the driver training program office on-line application database at <https://www.dps.state.oh.us/DriverTraining>.

(3) "Certificate of Completion of an Online Driver Education Program" is made available to licensed online driver training enterprises and may be accessed via the driver training program office on-line application database at <https://www.dps.state.oh.us/DriverTraining>.

(4) "Certificate of Enrollment" is made available to licensed online driver training enterprises, and may be accessed via the driver training program office on-line application database at <https://www.dps.state.oh.us/DriverTraining>.

(5) "Digest of Motor Vehicle Laws" or "HSY 7607" (December, 2012) may be accessed via the bureau of motor vehicles' website at <http://www.ohiobm.com/>.

(6) "Driver Training Enterprise Application" or form "OTS 0116" (August, 2013) may be accessed via the driver training program office website at

<http://www.drivertraining.ohio.gov/schools.htm>.

- (7) "Driver Training Instructor License Application" or form "OTS 0115" (August, 2013) may be accessed via the Ohio driver training program website at <http://www.drivertraining.ohio.gov/instructors.htm>.
- (8) "Examination Questions Test Bank" (April, 2013) is made available to licensed online driver training enterprises upon written request submitted to "Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."
- (9) "Ohio Driver Training Curriculum" or "OTS 0108" (August, 2013) and available through the driver training program office, 1970 West Broad Street, Columbus, Ohio 43223.
- (10) "Online Driver Education Security Assessment" or "OTS 0201 " (July, 2013) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/schools.htm>.
- (11) "Renewal requirements" are available through the driver training program's on-line application database at <https://www.dps.state.oh.us/DriverTraining>.
- (12) "Required Minimum Standards for Online Driver Education" or form "CJS 0051" (May, 2013) may be accessed via the Ohio driver training program website at <http://www.drivertraining.ohio.gov/>.

Effective: 10/10/2013

R.C. 119.032 review dates: 10/08/2014

CERTIFIED ELECTRONICALLY

Certification

09/30/2013

Date

Promulgated Under: 119.03
Statutory Authority: ORC 4508.02
Rule Amplifies: ORC 4508.01 to 4508.09
Prior Effective Dates: 1/7/67, 3/1/76, 8/25/78, 11/23/78, 12/1/80, 2/29/88,
12/21/91, 7/1/97, 10/4/01, 1/8/04, 10/8/09