

4501-7-05

Application and renewal of licenses for instructors and training managers of a class "D" license school.

(A) No person shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of a current and valid instructor's license issued by the director. Instructor candidates completing the forty-hour training requirement may student teach with the training manager supervising from the back seat.

~~(B) Instructor licenses are issued in one of these classes:~~

~~(1) Instructors for class D operators — licensed instructors who teach any part of a curriculum, including classroom and behind the wheel instruction, for the operation of motor vehicles to persons learning to operate a motor vehicle other than a commercial motor vehicle.~~

~~(2) Instructors for commercial drivers — licensed instructors who teach any part of a curriculum, including classroom and behind the wheel instruction, for the operation of commercial motor vehicles as defined in division (E) of section 4506.01 of the Revised Code.~~

~~(3) Restricted instructors for commercial drivers — licensed instructors who may teach driver knowledge in the classroom but who are not permitted to instruct students on the driving range or behind the wheel of a commercial motor vehicle. Restricted instructors are not required to possess or maintain a commercial driver license.~~

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

~~(C)~~ Each person applying for a driver training instructor or training manager license shall ~~make application~~ apply in writing to the department on a form prescribed by the director. Original applications for driver training instructor or manager licenses shall include:

(1) A fee of twenty-five dollars in the form of a check or money order made payable to the treasurer of the state of Ohio.

(2) A criminal abstract provided by the bureau of criminal identification and investigation and dated by the bureau of criminal identification and investigation not more than ~~sixty~~ ninety days prior to the date the director receives the application.

(3) Two photographs of the applicant that measure one and one-half inches square showing neck, shoulders, and uncovered head and taken not more than sixty days prior to the date of the application. Photographs shall not be

permanently attached to any material. The photographs will be used to create ~~an identification card~~ a pictured license issued by the director. The photographs shall not be required to be submitted if the department can obtain the photograph for the instructor from records obtained by the bureau of motor vehicles.

- (4) The applicant's driving record abstract obtained from the records maintained by the bureau of motor vehicles, or a similar agency from another state if the applicant has an out-of-state license. The abstract shall be dated no more than ~~sixty~~ ninety days prior to the date the application is received by the director, and the abstract must show the applicant has a current and valid license to operate a motor vehicle.
- (5) Certification from an Ohio driver examiner that the applicant has passed the required driver training instructor testing. Testing includes:
 - (a) A vision screening.
 - (b) A knowledge test that includes questions testing the applicant's knowledge of Chapter 4501-7 of the Administrative Code, road signs, the care and operation of motor vehicles, and the "Digest of Ohio Motor Vehicle Laws."
 - (c) A skill examination in a motor vehicle other than a commercial motor vehicle or a motorcycle.
 - (e) ~~A driving skills test that is an examination of the applicant's skill in the operation of a motor vehicle. The driving skills test will be administered as follows:~~
 - (i) ~~Applicants for an instructor license for class D operators shall take a skill examination in a motor vehicle other than a commercial motor vehicle or a motorcycle.~~
 - (ii) ~~Applicants for an instructor license for commercial drivers shall take a skill examination in the class of vehicle for which the applicant intends to train.~~
 - (iii) ~~Applicants for a restricted instructor license for commercial drivers shall be required to take a skill examination in a motor vehicle other than a commercial motor vehicle or a motorcycle.~~
- (6) Proof the applicant has completed, within the ten years immediately preceding the application for an instructor license, an approved forty-hour instructor's

course in driver training on a form prescribed by the director or a valid copy of a state of Ohio department of education certificate with a driver training endorsement issued pursuant to the provisions of sections 3319.22 to 3319.31 of the Revised Code. Such certificate shall be valid at the time of applying for a driver training instructor license. The forty-hour instructor's course in driver training shall have been conducted by one of the following:

- (a) College or university,
 - (b) Teacher's driving institute,
 - (c) Program approved by the department,
 - (d) A course provided by a licensed driver training school under the direction of a licensed training manager.
- (7) A statement from a licensed physician ~~that the applicant is in sound physical and mental health; that the applicant does not have any injury or physical or mental impairment, and that the applicant is not under the influence of or addicted to any drug or medicine which may affect that applicant's ability to drive or to effectively and safely instruct students or manage training~~ shall be presented with the application on a form prescribed by the director and shall have been completed no more than one year prior to the date the director receives the application. The statement shall be presented with the application on a form prescribed by the director.
- (8) The signature of the enterprise's authorizing official.
- (9) The enterprise or organization that completed the training ~~for three years~~ shall maintain, for three years, records of the instructors and training managers trained. Dates, times, and curriculum used for such training shall be kept on file for inspection.
- ~~(E)~~(D) Every training manager applicant shall submit proof the manager applicant has completed a course for driver training school managers that has been approved by the director.
- ~~(F)~~ Each ~~applicant for an original instructor's license to train behind the wheel of commercial motor vehicles~~ shall also:
- ~~(1) Show proof of being licensed as the operator of a commercial motor vehicle for at least three years;~~

~~(2) Possess a valid commercial driver's license that is legal for the operation of all vehicles in which the instructor trains students.~~

~~(G)~~(E) All instructor and training manager licenses expire on December thirty-first of the year the license is issued, and a license may be renewed annually upon application to the director.

~~(H)~~(F) All instructor and training manager license renewal applications may be filed without penalty if filed within one year from the date of expiration of the last license issued, but such license will be effective no sooner than the date it is approved by the director.

~~(I)~~(G) Any application for an instructor's or manager's license received by the director more than one year after the last license expired shall be submitted as an original application.

~~(J)~~(H) Each applicant seeking renewal of an instructor's or manager's license shall ~~make application~~ apply in writing to the department on a form prescribed by the director. Applications for license renewal shall include:

- (1) A fee of ten dollars in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (2) The applicant's driving record abstract obtained from the records maintained by the bureau of motor vehicles, or a similar agency from another state if the applicant has an out-of-state license. The abstract shall be dated no more than ~~sixty~~ ninety days prior to the date the application is received by the director, and the abstract shall show the applicant has a current and valid license to operate a motor vehicle.
- (3) The signature of the authorizing official of the driver training school with which the applicant is affiliated.

~~(K)~~(I) Each applicant for a driver training instructor's or training manager's license shall:

- (1) Certify the applicant has been licensed as the operator of a motor vehicle for at least five years.
- (2) Possess a valid driver's license ~~to operate the class of motor vehicle for which the applicant will instruct or is instructing, except that applicants for a restricted instructor's license shall be required to possess only a class D~~

~~operator's license.~~

- (3) Certify that the applicant is in sound physical and mental health, that the applicant does not have any injury or physical or mental impairment, and that the applicant is not under the influence of or addicted to any drug or medicine which may affect that applicant's ability to drive or to effectively and safely instruct students or manage training.
- (4) Have a record free of convictions for a felony, defined in section 2929.11 of the Revised Code, or an equivalent conviction from another jurisdiction, within the last ten years and free of a misdemeanor I or II, defined in section 2929.21 of the Revised Code, which is reasonably related to a person's ability to serve safely and honestly in connection with a driver training enterprise, or an equivalent conviction from another jurisdiction, within the last five years.
- (5) Have a driving record free of any of the following:
 - (a) Three or more chargeable crashes within the three years preceding the date of application;
 - (b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or an equivalent conviction from another jurisdiction, within the three years preceding the date of application;
 - (c) An accumulation of six points or more under Chapter ~~4507.~~ 4510. of the Revised Code, or equivalent action from another jurisdiction, within the preceding three years;
 - (d) A twelve-point administrative suspension under section ~~4507.021~~ 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application.

~~(L)~~(J) In addition to the requirements set forth in paragraph ~~(K)~~ (I) of this rule, an applicant for a driver training manager license shall also demonstrate that the applicant has held a valid class "D" driver instructor license for at least three years. ~~This provision shall not apply to any person who has taken the approved driver training manager course prior to the effective date of this rule.~~

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

- (1) The instructor or training manager ~~receives~~ is convicted of or pleads guilty to a

moving traffic violation conviction;

- (2) The instructor or training manager is involved in a chargeable crash;
- (3) The instructor or training manager is convicted of a charge that assesses points against the applicant's license;
- (4) The instructor or training manager receives any driver license suspension, cancellation, or revocation;
- (5) The instructor or training manager is convicted of or pleads guilty to any criminal charge listed in this rule.

~~(N)~~(L) The authorizing official or training manager shall notify the director in writing within ten days of the official's or manager's receipt of notice that any of the following has occurred: an instructor's or manager's criminal or traffic conviction, crash, or driver license suspension, revocation, or cancellation may disqualify the instructor or manager for licensing under this rule.

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

~~(O)~~(M) The director may refuse to issue or renew, or may suspend, revoke, or place on probation the license of any instructor or training manager upon notice of that person's conviction for any offense for which that person may be disqualified under this rule.

~~(P)~~(N) The director may refuse to issue or renew, or may suspend, revoke, or place on probation a license upon notice of an offense determined by the director to be of a nature or severity inconsistent with the standards expected of an instructor or training manager which is committed beyond the periods provided herein.

~~(Q)~~(O) No person shall submit an application that is incomplete or incorrect or which contains false or misleading information. An incomplete or incorrect application may be rejected or returned to the applicant. An application containing false or misleading information may be denied.

~~(R)~~(P) Every licensed instructor applying for an endorsement to teach driver training to persons with a disability shall ~~make application~~ apply in writing to the director. Such application shall be accompanied by a certificate of successful completion of a course approved by the director for training drivers with a disability. In order to maintain current certification, an instructor shall show proof the instructor has received continuing education every three years in training drivers with a disability.

~~(S)~~(Q) No authorizing official or training manager shall allow a person to instruct driver training unless the person has applied for and obtained an instructor's license in the manner and form prescribed by the director.

~~(T)~~(R) Every training manager shall complete ~~an~~ a pre-approved advanced training course once every three years and shall, upon request from the director, provide proof of the satisfactory completion of such training.

- (1) The course shall be one approved by the director or the course shall be one of continued education in driver training or training management conducted by a college, university, or a national driver training organization.
- (2) The proof of satisfactory completion shall be in a manner ~~or form~~ prescribed by the director.
- (3) The director shall provide a list of approved courses upon request. In addition to the list, the director may ~~approve~~ pre-approve, on an individual basis, additional conferences, workshops, or seminars, including a driving dynamics or defensive driving course, in satisfaction of this requirement.

~~(U)~~(S) The director may amend a license application form at any time.

Effective: 10/08/2009

R.C. 119.032 review dates: 04/03/2009 and 10/08/2014

CERTIFIED ELECTRONICALLY

Certification

09/08/2009

Date

Promulgated Under: 119.03
Statutory Authority: 4508.02
Rule Amplifies: 4508.02, 4508.03, 4508.04, 4508.05
Prior Effective Dates: 1/7/67, 3/1/76, 11/23/78, 10/26/79, 12/1/80, 2/29/88,
12/21/91, 7/1/97, 7/11/97, 10/4/01, 1/8/04