

4501-7-05

Applications and renewal of licenses for instructors and training managers of class "D" and online license schools.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (~~SSA~~) in rule 4501-7-~~04~~ 39 of the Administrative Code.]

- (A) No person shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of a current and valid instructor's license issued by the director. Instructor candidates completing the ~~forty-hour~~fifty-two hour training requirement may student teach with the training manager supervising from the back seat.
- (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, online instructor or training manager license shall submit the "Driver Training Instructor License Application" in writing to the department. Original applications for driver training instructor, online 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) Background checks regarding the applicant criminal record and dated not more than ninety days prior to the date the director receives the "Driver Training Instructor License Application." The background checks shall include:
 - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the ~~authorizing official and/or owner~~applicant; and;
 - (b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.
 - (3) Two passport type photographs of the applicant that measure two by two inches square showing neck, shoulders, full face and uncovered head with a plain solid colored background and taken not more than sixty days prior to the date of the application. Photographs shall not be permanently attached to any material. Photocopies or photographs cut from other identification badges or cards will not be accepted. The photographs will be used to create a pictured license issued by the director. Photographs submitted electronically shall be provided in a .tif or .jpeg format.

- (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 ninety days prior to the date the "Driver Training Instructor License Application" is received by the director, and the abstract must show the applicant has a current and valid license to operate a motor vehicle.
- (5) Except for online instructors, certification 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.
- (6) Evidence the applicant has completed a basic instructor course provided and approved by the department. The course shall have been completed no more than one year prior to the date the director receives the "Driver Training Instructor License Application."
- ~~(6)~~(7) Except for an online instructor, proof the applicant has completed, within the ten years immediately preceding the application for an instructor license, ~~forty-hour~~ a fifty-two hour instructor's course in driver training which shall be approved 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~~ fifty-two hour instructor's course in driver training shall have been provided by one of the following:
- (a) College or university,
 - (b) Program approved by the department,
 - (c) Licensed driver training school under the direction of a licensed training manager.

- ~~(7)~~(8) Within ten years immediately preceding the "Driver Training Instructor License Application" for an online instructor license, evidence the applicant has completed an online instructor program approved by the director.
- ~~(8)~~(9) Except for an online instructor, the "Driver Training Personnel Physical Examination" signed by a licensed physician shall be presented with the "Driver Training Instructor License Application" and shall have been completed no more than one year prior to the date the director receives the "Driver Training Instructor License Application."
- ~~(9)~~(10) Proof the applicant has taken the department's online "Sexual Harassment Training."
- ~~(10)~~(11) The signature of the enterprise's authorizing official.
- ~~(11)~~(12) The enterprise or organization that completed the training shall maintain, for three years, the training records of the instructors and training managers trained for three years after the instructor or training manager is no longer employed with the driver training school. Dates, times, and curriculum used for such training shall be kept on file for inspection.
- (D) Upon approval of an initial "Driver Training Instructor License Application" the director shall issue a probationary instructor license.
- (1) The probationary license shall expire one hundred and eighty days from the date of issuance.
- (2) The probationary instructor license holder shall successfully pass an assessment, approved by the director, prior to the expiration of the probationary license. The training manager shall be responsible for assessing the instructor and shall provide the director with the assessment at least one month prior to the expiration of the probationary license.
- (a) For a class 'd' probationary instructor, the assessment shall encompass one complete classroom session and one complete behind-the-wheel session taught by the probationary instructor license holder.
- (b) For a disability instructor of a medically based hospital or rehabilitation clinic, the assessment shall encompass one full behind-the-wheel session being taught by the probationary instructor license holder.
- (c) For an online probationary instructor, the assessment shall encompass a one day assessment of the online probationary license holder handling curriculum content inquiries from online students.

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

(4) If a probationary instructor license holder fails to meet expectations as provided by the assessment, the director may extend the probationary term no more than ninety days. The probationary instructor license holder shall successfully pass a second assessment performed by the training manager.

(5) If during the probationary term, a probationary instructor license holder intends to become associated with another driver training enterprise, the holder of the license shall request approval from the director. The director shall review the request. If the request is approved, the instructor may transfer to the approved driver training enterprise, and probationary term shall start over. A transfer may only be approved based upon the demonstration of mitigating circumstances, including but not limited to, a school closing, the probationary instructor license holder moving, or inability to teach due to low student enrollment.

(6) The director shall issue a non-probationary instructor license to a probationary license holder who has successfully completed the probationary term.

~~(D)~~(E) 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.

~~(E)~~(F) All instructor, online instructor, and training manager non-probationary licenses expire on December thirty-first of the year the license is issued, and a license may be renewed annually upon completion of the "renewal requirements."

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

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

~~(H)~~(I) Each applicant seeking renewal of an instructor's, online instructor's, or manager's license 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 ninety days prior to the date the "renewal requirements" are received by the director, and the abstract shall show the applicant has a current and valid license to operate a motor vehicle.
- (3) Two passport type photographs of the applicant that measure two by two inches square, showing neck, shoulders, full face and uncovered head with a plain solid colored background and taken not more than sixty days prior to the date of the submission of the "renewal requirements." Photographs shall not be permanently attached to any material. Photocopies or photographs cut from other identification badges or cards will not be accepted. The photographs will be used to create a pictured license issued by the director. Photographs submitted electronically shall be provided in a .tif or .jpeg format.
- (4) The signature of the authorizing official of the driver training school with which the applicant is affiliated.

~~(I)~~(J) Each applicant for a driver training instructor's, online 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.
- (3) Certify that the applicant is in sound physical and mental health, that the applicant does not have any injury or physical or mental impairment, and that the applicant is not under the influence of or addicted to any drug or medicine which may affect that applicant's ability to drive or to effectively and safely instruct students or manage training.
- (4) Have a record free of a conviction for any felony, within ten years of the date of application; or a conviction for any misdemeanor, other than a minor misdemeanor, within five years of the date of application, which is reasonably related to the applicant's ability to serve safely and honestly in connection with a driver training enterprise.
- (5) Have a driving record free of any of the following:

- (a) Three or more chargeable crashes within the three years preceding the date of application;
- (b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or an equivalent conviction from another jurisdiction, within the three years preceding the date of application;
- (c) An accumulation of six points or more under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the preceding three years;
- (d) A twelve-point administrative suspension under section 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application.

~~(J)~~(K) In addition to the requirements set forth in paragraph ~~(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, or the equivalent in another state, for at least three years. If the applicant for a training manager license is a current certified driver rehabilitation specialist, and provides proof of current certification, the three years of holding a valid class "D" driver instructor license may be waived by the director.

~~(K)~~(L) If an instructor or training manager failed to renew because of service in the armed forces, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or training manager shall submit the "renewal requirements" as set forth in paragraph ~~(H)~~ of this rule.

~~(L)~~(M) If an instructor or training manager failed to renew because the certificate holder's spouse served in the armed forces and the service resulted in the holder's absence from this state, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or training manager shall submit the "renewal requirements" as set forth in paragraph ~~(H)~~ of this rule.

~~(M)~~(N) A renewal shall not be granted unless the holder or the holder's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

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

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

~~(O)~~(P) 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:

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

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

~~(Q)~~(R) The director may refuse to issue or renew, or may suspend, revoke, or place on

probation a probationary or non-probationary license upon notice of an offense determined by the director to be of a nature or severity inconsistent with the standards expected of an instructor, online instructor, or training manager which is committed beyond the periods provided herein.

~~(R)~~(S) No person shall submit a "Driver Training Instructor License Application" or "renewal requirements " that are incomplete, incorrect or which contains false or misleading information. An incomplete or incorrect, false, or misleading "Driver Training Instructor License Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.

~~(S)~~(T) ~~Every licensed instructor applying for an endorsement to teach driver training to persons with a disability shall submit the "Driver Training Instructor License Application" 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.~~The director shall issue certification for training persons with a disability in one of two categories:

(1) As a disability endorsement for an instructor of a class 'd' driver training course providing classroom and behind-the-wheel instruction.

(a) An instructor applying for the disability endorsement shall file a "Driver Training Instructor License Application" in accordance with paragraph (C) of this rule. Such application shall be accompanied by a certificate of successful completion of a course approved by the director for training drivers with a disability.

(b) In order to maintain current certification, an instructor shall take a continuing education course in training drivers with a disability, as approved by the director, every three years.

(2) A license for as an instructor at a rehabilitation clinic or medically based hospital that offers driver training for beginning drivers with a disability. An instructor applying for a license, who will provide driver training in persons with a disability for a rehabilitation clinic or medically based hospital, shall file a "Driver Training Instructor License Application" in accordance with paragraph (C) of this rule.

(a) The application shall be accompanied by proof of certification as an occupational therapist or a certified driver rehabilitation specialist.

(b) In order to maintain current certification, an instructor shall show proof of continuing education every three years. The continuing education shall

include topics on medical conditions or disabilities and how they relate to driving.

~~(T)~~(U) 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 or online instructor's license in the manner and form prescribed by the director.

~~(U)~~(V) Every training manager, instructor, and online instructor shall complete 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 prescribed by the director.

(3) The director shall provide a list of approved courses upon request. In addition to the list, the director may pre-approve, on an individual basis, additional conferences, workshops, or seminars, including a driving dynamics or defensive driving course, in satisfaction of this requirement.

~~(V)~~(W) Every training manager, instructor, and online instructor shall complete the department's online "Sexual Harassment Training" annually. Proof of the course completion shall be maintained in the instructor's file and shall be made available upon request of the director.

~~(W)~~(X) The director may amend the "Driver Training Instructor License Application" form at any time.

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CERTIFIED ELECTRONICALLY

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