

TO BE RESCINDED

4501-7-25 Application for and renewal of CDL school instructor and training manager licenses.

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

- (A) No person shall give instruction for hire in the operation of a commercial class motor vehicle unless such person is the holder of a current and valid commercial instructor's license issued by the director. Instructor candidates completing the training requirement may student teach with the training manager supervising from the back seat.
- (B) Commercial instructor licenses are issued by the director in one of three classes:
- (1) Class "A" commercial instructors are 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 (D) of section 4506.01 of the Revised Code.
 - (2) Class "B" commercial instructors are licensed instructors who teach any part of the curriculum, including classroom and behind-the-wheel instruction, for the operation of commercial motor vehicles as defined in division (D)(2) of section 4506.01 of the Revised Code.
 - (3) Restricted instructors are 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.
- (C) Training managers for commercial training shall be "class A" licensed instructors properly endorsed to operate all classes of vehicles for which the school offers training. The driver training manager shall have completed a course approved by the director for driver training school managers. In addition to the courses on the director's approval 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.
- (D) Each person applying for a driver training instructor or training manager license shall submit the "Driver Training Instructor License Application" in writing to the department. 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) Background checks regarding the applicant's criminal record 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 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) 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 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 commercial drivers shall take a skill examination in the class of vehicle for which the applicant intends to train.
 - (ii) 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) 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."
- (7) Proof the applicant has completed, within the ten years immediately preceding the application for an instructor license, an approved instructor's course in the classification of training for which the applicant is applying for an instructor's license and on a form prescribed by the director. The instructor's course in driver training shall have been conducted by one of the following:
 - (a) Program approved by the department,
 - (b) Licensed driver training school under the direction of a licensed training manager.
- (8) The "Driver Training Personnel Physical Examination" signed by 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. The "Driver Training Personnel Physical Examination" shall be presented with the "Driver Training Instructor License Application" or as an alternative, the applicant may submit proof of a current certificate of medical examination issued under "49 C.F.R. 391.43," which shall have been completed no more than one year prior to the date the director receives the application.
- (9) Proof the applicant has taken the department's online "Sexual Harassment Training."
- (10) The signature of the enterprise's authorizing official.
- (11) The enterprise or organization that completed the training shall maintain records of the instructors and training managers trained. Dates, times, and curriculum used for such training shall be kept on file for inspection.

- (E) 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) Except for restricted instructors, the assessment shall encompass one complete classroom session, one complete range session, and one complete behind-the-wheel session taught by the probationary license holder.
 - (b) For restricted instructors, the assessment shall encompass one complete classroom session.
 - (3) A probationary instructor 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 instructor license holder who has successfully completed the probationary term.
- (F) Every training manager applicant shall submit proof the manager has completed a course for driver training school managers that has been approved by the director.

- (G) 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 during the ten-year period preceding the application;
 - (2) Possess a valid commercial driver's license that is legal for the operation of all vehicles in which the instructor trains students.
- (H) All non-probationary 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 compliance with the "renewal requirements."
- (I) All 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.
- (J) 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 pursuant to paragraph (D) of this rule.
- (K) Each applicant seeking renewal of an instructor's or manager's license shall submit the "renewal requirements" as prescribed by the director. "Renewal requirements" 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 background and taken not more than sixty days prior to the date of 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.
- (L) 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) Have a record free of a conviction for any felony, within the last ten years, and free of any misdemeanor, other than a minor misdemeanor, which is reasonably related to the applicant's ability to serve safely and honestly in connection with a driver training enterprise.
 - (4) Have a driving record free of any of the following:
 - (a) Three or more chargeable crashes within the preceding three years;
 - (b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or an equivalent conviction from another jurisdiction, within the preceding three years;
 - (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 preceding ten years.
- (M) In addition to the requirements set forth in paragraph (L) of this rule, an applicant for a driver training manager license shall also demonstrate that the applicant has held a valid commercial instructor license for at least three years.
- (N) The director shall consider relevant education, training, experience or service completed by the applicant as a member of the armed forces in determining whether the applicant has met some or all of the educational and experience requirements set forth in this rule.

- (O) 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 (K) of this rule.
- (P) 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 (K) of this rule.
- (Q) 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.
- (R) 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 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, disqualification, cancellation, or revocation;
 - (5) The instructor or training manager is convicted of or pleads guilty to any criminal charge listed in this rule.
- (S) 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 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.
- (T) 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 or training manager upon notice of that person's conviction for any offense for which that person may be disqualified under this rule.
- (U) 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 or training manager which is committed beyond the periods provided herein.
- (V) No person shall submit the "Driver Training Instructor License Application" or "renewal requirements" that is incomplete or incorrect or which contains false or misleading information. An incomplete, incorrect, false, or misleading "Driver Training Instructor License Application" or "renewal requirements" may be rejected or returned to the applicant.
- (W) 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.
- (X) Every training manager and 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 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 pre-approve, on an individual basis, additional conferences, workshops, or seminars, including a driving dynamics or defensive driving course, in satisfaction of this requirement. These shall be submitted prior to attending.

- (Y) Every training manager and 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.
- (Z) The director may amend the "Driver Training Instructor License Application" at any time.

Effective:

Five Year Review (FYR) Dates: 2/4/2022

Certification

Date

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