

CHAPTER 90

Department of Motor Vehicles

ARTICLE 1 MOTORIST INSURANCE IDENTIFICATION DATABASE

(Statutory Authority: 1976 Code § 56-10-640)

90-001. Introduction.

The South Carolina (SC) Department of Motor Vehicles (DMV) is implementing the South Carolina Automobile Liability Insurance Reporting (SC ALIR) System that collects automobile liability insurance information from insurers that are licensed to provide automobile liability insurance in the state. The DMV will cross-reference the collected information to South Carolina driver and vehicle data to identify registered vehicles that do not meet the minimum automotive liability insurance requirements of the state.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-002. Definitions.

A. Cancellation or Refusal to Renew Date is the date provided in the notice required by Section 38-77-120.

B. Implementation Guide is the document developed by the Working Group to govern the policies and procedures required for the administration of the SC ALIR.

C. Newly Licensed Driver's List is the list defined in Section 56-10-640 and will be provided to insurers for a fee prescribed by the Department.

D. SR-22 is the notification filed with the department to show proof of future financial responsibility as required by section 56-9-550.

E. SR-26 is the notification filed with the department to show that an insurer has cancelled the financial responsibility coverage as required in 56-9-550.

F. Compliance Transaction is a transaction reporting insurance coverage subsequent to a DMV suspension notice.

G. Agency Reporting System is a system that allows insurance agencies to report compliance transactions using the SCALIR web interface.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-003. Method of Communication Options for Insurers.

A. The SC ALIR System will provide insurers with the following options for data communications with the SC ALIR System for reporting cancellation and compliance transactions.

(1) Internet File Transfer Protocol (FTP) accepting both Electronic Data Interchange (EDI) and Text document.

(2) Value Added Network (VAN) accepting EDI documents.

(3) Internet Hyper-Text Transfer Protocol (HTTP) or Web accepting direct data entry.

(4) Other forms of communication approved by the Department in the Implementation Guide, upon recommendation of the Working Group.

B. During registration with the SC ALIR System, each insurer will select the communication. This selection applies to both sending data to the SC ALIR System and receiving data from the system.

During registration, each insurer will also select the data document type to be exchanged with the system, based on the selected communication option.

C. Insurers will be responsible for the costs associated with programming their systems to utilize the options for data communications with the SC ALIR System.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-003.1. File Transfer Protocol (FTP) Data Communication.

Insurers that wish to transmit large files to the SC ALIR System without incurring the costs of a VAN may use the FTP option. Secured FTP accounts and folders will be created within the SC ALIR System for the insurers that choose the FTP option while registering with the SC ALIR System. Login, folder structure and other necessary information will be provided to insurers to allow access their specific folders.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-003.2. Value Added Network (VAN) Data Communication.

Insurers may select the VAN option. Insurers using the VAN option will have to set up mailboxes and communications. Insurers utilizing the VAN option will be required to pay an additional fee which will be placed by the Comptroller General into a special restricted account to be used by the Department to defray its expenses in administering this program.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-003.3. Web Data Communication.

For low reporting volumes, insurers may prefer the option of entering data directly on the SC ALIR System's secure website. All registered users will have the ability to submit data over the web. However only users that have selected Web as the communication option will be able to retrieve Error Transactions via the web. After insurers have successfully registered, they will be provided with a unique user name and password to access the secure website. The confidentiality and continued security of the username and password will be the insurer's responsibility.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-004. File Formatting Options.

Insurers submitting data using FTP will have the option of submitting either text or EDI files. Insurers using the VAN will only be able to submit EDI files. The file formatting option will be selected during registration.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-004.1. Electronic Data Interchange Documents.

The SC ALIR System supports the American National Standards Institute, Accredited Standards Committee (ANSI ASC) X12 Standard, Transaction Sets 811 and 997, Release 3050. This standard has been identified for use in state government ALIR applications by insurance industry trade groups such as the Insurance Industry Committee on Motor Vehicle Administration (IICMVA) and is already in use by some other state DMVs for Automobile Insurance Liability Reporting.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-004.2. Text Documents.

Insurers will have the alternative of using Text data interchange with the SC ALIR System. A Text data interchange format will be specified to support the needs of the SC ALIR System.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-005. Data Security.

A. FTP

The SC ALIR System will implement FTP using a Secured Sockets Layer (SSL) enabled FTP server and a PGP option will also be provided. An SSL enabled FTP client is required to exchange

files with the server. The SC ALIR Program will supply an SSL enabled FTP client for the Microsoft Windows family of operating systems on request of any insurer.

B. Web

All data submitted/retrieved over the web will also be encrypted using SSL.

C. VAN

The Value Added Network is a private network that ensures data security.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-006. Types of Transactions.

A. Insurers will report the following types of transactions:

(1) All mid-term non-pay cancellations.

(2) All mid term cancellations where an insured requests cancellation of the policy before the policy has expired.

(a) The following instances in this category DO NOT need to be reported:

(1) The insured produces satisfactory proof from the Department that he has sold or otherwise disposed of the insured vehicle or surrendered its tags and registration;

(2) The insured has secured another policy that meets the financial responsibility requirements prescribed in the law;

(3) The insured has sold a vehicle previously covered and is switching coverage to a newly purchased vehicle (Drop/Add transaction)

(3) All non-renewals for underwriting reasons by the insurer.

(4) All FR4a compliance transactions for new/renewed policies that have been added/reinstated in response to FR-4 notices (Compliance Reporting).

B. The following transactions may be reported by insurers, but only over the web:

(1) Add SR 22 Filing

(2) SR 26 Policy Cancel

(3) Cancel Vehicle from SR 22 Filing

C. Only the following types of transactions may be reported by agencies:

(1) All FR4a compliance transactions for new/renewed policies that have been added/reinstated in response to FR-4 notices (Compliance Reporting).

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-007. Types of Policies.

A. Only private passenger automobile liability policies for vehicles registered and insured in South Carolina will be reported.

B. No commercial vehicle policies will be reported.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-008. Data Elements.

The insurers will report the data elements defined in the Implementation Guide.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90-009. Implementation Guide.

The Implementation Guide will be revised as necessary, upon recommendation of the Working Group. Insurers will be provided with a minimum of ninety days notification of changes to the Implementation Guide.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90–010. Compliance Reporting.

Insurers or agencies must begin reporting compliance transactions electronically with the implementation of these regulations. Insurers have the option of reporting these transactions through the insurer’s own system, or by allowing their agencies to report individual transactions using the SC-ALIR website.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90–010.1. Reporting Options for Compliance Reporting.

A. Insurers. If the insurer-level option is chosen, insurers have the option of using any SC-ALIR reporting methods to report these transactions (also referred to as FR4a transactions) on the insurer level. Reference the South Carolina Automobile Liability Insurance Reporting (SC ALIR) System Implementation Guide for Insurance Companies, (section dealing with compliance transactions).

B. Agencies. If agencies report compliance transactions on behalf of insurers, insurance agencies may report individual compliance transactions after registering on the SC-ALIR website. Complete registration details can be found in the South Carolina Automobile Liability Insurance Reporting (SC ALIR) System - Supplemental Information Guide for Agencies - Agency Reporting.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90–011. Frequency of Reporting.

A. Notices of Cancellation/Refusal to Renew (FR4). Insurers must submit cancellation transactions using the SC ALIR system on an as-needed basis, as frequently as required to ensure that DMV receives notice of cancellation immediately after the insurer determines the customer to be ineligible for reinstatement, according to the insurer’s own business practices.

(1) If no cancellations are processed within a given reporting month, insurers must transmit a “no activity” report at least once within a 30-day period.

B. Compliance Transactions. In order to prevent unnecessary suspension actions from taking place, insurers or their agencies must submit compliance transactions on a daily basis, or as frequently as they occur, using the reporting options described in 90–010 above.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

90–012. Other Types of Transactions.

The Working Group may direct that enhancements be made to the SC ALIR system that would allow insurers or agencies to report other types of insurance or compliance transactions. Details of these enhancements will be documented in Supplementary Implementation Guides that will be available to insurers and their agencies through posting on the SC ALIR website. The website address is www.sc-alir.com.

Insurers will be provided with a minimum of ninety days notification of changes to the Implementation Guide.

HISTORY: Added by State Register Volume 29, Issue No. 6, eff June 24, 2005.

ARTICLE 2 TRUCK DRIVER SCHOOLS

(Statutory Authority: 1976 Code § 56–23–100)

Editor’s Note

State Register, Volume 31, Issue Nol 6, Document No. 3094, eff June 22, 2007, provides in part as follows:

“Proposed regulation will replace and supersede Chapter 38, Article 3, Subarticle 9, Truck Driver Schools, which was promulgated by the Department of Public Safety. Administration of the regulation has been transferred to the Department of Motor Vehicles. The proposed regulation will place the responsibility for administering Truck Driver Training Schools under the proper regulatory authority.

“The proposed regulations will include an additional Truck Driver Training Course. The course shall give instruction for a Class B License or Straight Truck/Passenger Bus instruction. Regulations have been expanded to increase the insurance liability requirements used by a school for behind the wheel instruction. A surety bond in the amount of ten thousand dollars (\$10,000) will also be required. A cancellation and refund policy will allow a student for a full refund if certain criteria are met. At least one motor vehicle used in a truck driver training school must be a tractor-trailer combination unit for class of training, which is offered for a Class A Commercial Driver’s License or a straight truck or bus meeting definition of other commercial vehicles to carry out the instructional program of the school.”

90–100. Definitions.

A. “Actively Enrolled” means any student who has not yet graduated from a driver training program or has failed to complete the driver training course.

B. “Behind the Wheel” (BTW) means instruction where the student is actually operating the vehicle on public roads.

C. “Catalog” means a booklet which must be given to each student prior to classes beginning and must be presented at the time the student signs the enrollment contract. Each catalog should be dated upon publication and revision. The catalog should contain at a minimum, a history of the truck driver training school, list of owners, officers, or directors, including addresses, licensing authority, compliant procedures, class start and stop times, attendance and disciplinary rules, course outlines, cost of training, books, supplies, fees, and all other charges the student would be expected to bear, minimum entrance requirements, graduation requirements, refund policy, placement policy, procedures for providing CDL test services.

D. “Category” means classroom instruction, field instruction, BTW instruction, and observation while on the road.

E. “Classroom” means student is in classroom environment learning principles and regulations about truck driver training.

F. “Class B” means any single vehicle with a Gross Vehicle Weight Rating (GVWR) of 11,794 kilograms or more (26,001 pounds or more), or any such vehicle towing a vehicle not in excess of 4,536 kilograms (10,000 pounds) GVWR.

G. “Commercial vehicle” means a vehicle with a gross vehicle weight rating of 10,001 pounds or more, used in commerce.

H. “Department” means the South Carolina Department of Motor Vehicles.

I. “Enrollment contract” means any agreement or instrument, however named, which creates or evidences an obligation binding a student to purchase an educational course from a driver training school.

J. “Fail to complete” means not complying with the hours of lessons or classes required by the Department with a grade in each category of at least 70 percent passing, not complying with the hours of lessons or classes required by the truck driver training school if those requirements are more stringent than the Departments’ requirements or the cancellation of a student’s course of study in truck driver training by any of the departmentally prescribed methods.

K. “Field training” means off road training in and around the type commercial motor vehicle used in truck driver training.

L. “Foreign Truck Driver Training School” means any enterprise located outside of South Carolina which solicits, advertises, or offers truck driver training to South Carolina residents.

M. “Graduate” means any student who fully completes the required hours of lessons or classes required by the Department and discharges any and all other requirements or obligations established by the school as prerequisites for completing the full course of study.

N. “Instructor” means an individual certified by the Department to give classroom and or BTW instruction to students enrolled in the school.

O. “Hour” means an instructional period of sixty (60) minutes.

P. “Observation” means when a student observes another student actually operate a motor vehicle on the public roads.

Q. “Passing Grade or Successfully Complete” means a grade of at least 70 percent.

R. "Permanent Type Building" means a building set on a foundation or is otherwise strapped to the ground and is in compliance with all zoning ordinances and codes and has been issued a "Certificate of Occupancy".

S. "Prospective Student" means any person who seeks to enroll in a truck driver training course.

T. "Range" means a student is on the skills range practicing backing and maneuvering exercises with a commercial motor vehicle.

U. "Record" means a complete history of the enrollment of a student, including entrance qualifications. To include high school diploma or GED (if required by the school) or other test to indicate that the student benefit from the training purchased; motor vehicle report, criminal history records (if required) drug screen; grades, logs (minor violations are not accountable while student enrolled in school), attendance records, counseling remarks, permit issue date, CDL test history. "Records" also means appropriate documentation on instructor qualifications, statistical data required by the Department, and all other documents sufficient to justify the legitimate operation of the school.

V. "Recruiter/Salesperson" means any person who is employed by a truck driver training school, directly or indirectly, to recruit students for a truck driver training school. Recruiter includes persons who are employed by another person who is a direct employee or broker for a truck driver training school.

W. "Student" means any person who has signed a contract and enrolled with a truck driver training school and who has not cancelled that contract before the instruction begins.

X. "Total Contract Price" means the complete cost to the student for the enrollment contract including charges for registration, ancillary services, and any finance charges.

Y. "Truck Driver Training School" means any enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either in the classroom or behind-the-wheel, to operate or drive a truck-tractor combination unit, Class B/Straight Truck or Passenger Bus Training and charging a fee or tuition for those services.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–101. Requirements and Application for Truck Driver Training School.

The Department shall not issue a license for a truck driver training school to any individual, partnership, group, association, or corporation, except as exempted by Section 56–23–20 of the South Carolina Code of Laws unless:

(1) The individual, partnership, group, association, or corporation, has at least one (1) commercial motor vehicle registered or leased in the name of the truck driver training school, and the motor vehicle(s) is/are inspected by a Departmental representative and for which the Department has received a certificate of insurance; and

(2) The individual, partnership, group, association, or corporation has at least one (1) person licensed by the Department as a truck driver training instructor for that truck driver training school.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–102. Management, Foreign Applicant, and Application Requirements; Naming Restrictions.

A. Each manager or owner-operator of a truck driver training school or branch office must:

(1) Be at least twenty-one (21) years of age;

(2) Have no felony conviction or misdemeanor conviction involving moral turpitude preceding the date of application for a truck driver training school license;

(3) Have no revocation or suspension of their motor vehicle operators license in the three (3) years immediately preceding the date of application for a truck driver training school license.

B. Foreign Truck Driver Training Schools recruiting in South Carolina must provide to potential students:

(1) A copy of the foreign truck driver training school's operating license;

(2) A course description, including the topics taught and the overall length of the course;

- (3) A list of the different motor vehicle equipment available for training;
- (4) A copy of the catalog and contracts complete with all fees charged; and
- (5) The names, addresses, and telephone numbers of persons who represent the foreign truck driver training school in South Carolina.

C. Each original application for a truck driver training school license must consist of a completed application for a truck driver training school license; a proposed plan of operation; proof of liability insurance; a bond in the amount of ten thousand dollars (\$10,000.00), sample copies of contracts and catalog; a check or money order in the amount of fifty dollars (\$ 50.00) made payable to the Department; and a certificate of assumed name.

D. No application for a truck driver training school license will be accepted if the applicant has adopted an assumed name similar to the name of a school already licensed by this State or adopting any name similar to any state or national organization. Use of the words "South Carolina" or "South Carolina State" in any school's name will not be allowed.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-103. Truck Driver Training School License Renewal Application.

Renewal applications must be submitted for approval at least ten (10) days prior to the expiration date of the current, valid truck driver training school license. All licenses expire on June 30th of each year and no school is permitted to operate with an expired license. Applications for renewal may be accepted for up to thirty (30) days from the date of expiration. Any truck driver training school license which is lapsed for more than thirty (30) days shall be deemed permanently lapsed. Renewal of a permanently lapsed license must be by the same process required for an original truck driver training school application, including required forms and certifications.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-104. Application Information Changes.

A truck driver training school must submit to the Department in writing within ten (10) days of any changes in the officers, directors, managers, or Classroom/BTW instructors of any truck driver training school or branch office. The Department must also be informed within ten (10) days of the addition or deletion of any motor vehicle(s) and the Department must receive a supplemental schedule of motor vehicles. The supplemental motor vehicle schedule shall be accompanied by a properly executed insurance certificate. If the truck driver training school has a change in ownership, the new owner must file an original application with the Department and be approved by the Department before the truck driver training school begins operation under new ownership. Failure to inform the Department of the required change shall be grounds for suspension or revocation of the truck driver training school license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-105. Truck Driver Training School Branch Offices.

Any truck driver training school or branch office which ceases to carry on the business of giving instruction in the driving of commercial motor vehicles or which has a change of ownership shall, within five (5) days, surrender its truck driver training school license and all truck driver instructor licenses issued to truck driver training instructors employed by the school.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-106. Truck Driver Training School License Required.

No truck driver training school or branch is permitted to operate without a proper license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-107. Truck Driver Training School Location, Physical Facilities and Courses of Instruction.

Every school must maintain a principal place of business open to the public in a permanent type building. Truck driver training schools or their branch offices may not be located within 1500 feet of a

building operated by the Department. No business may be solicited on property occupied or adjacent to a building operated by the Department. No truck driver training school may use any facility or any equipment used by the Department in the examination of persons for a drivers license. Exception is allowed for the purpose of CDL testing. Schools are warned use of official Department of Motor Vehicles offices are controlled by each manager at each location.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–108. Facilities, Inspections, Course of Instruction, and Student Requirements.

A. Office Facilities

The truck driver training school office must be the principal place of business and be in the same location as, but physically separated from, the classroom facility and must be sufficient for conducting all business related to the operation of the school including, but not limited to: Facilities for conducting personal interviews; storage for all records required in the operation of the Truck Driver Training School; and secretarial or telephone answering service available for a minimum of six (6) hours a day between normal business hours (9:00 am through 5:00 pm).

B. Classroom Facilities

The classroom facility must meet the following requirements: a minimum overall size of not less than 120 square feet (including at least 70 square feet for the instructors and their equipment and 12 square feet for each student); lighting, heating and ventilation systems that are in compliance with all state and local laws and ordinances including, but not limited to, zoning, public health, safety and sanitation; seats and writing surfaces for all students, blackboards visible from all seats; charts, diagrams, mock ups and pictures relating to the operation of commercial motor vehicles; traffic laws and correct driving procedures; a copy of the South Carolina driver's guide published by the Department for each student; and other textbooks and equipment deemed necessary by the instructor. Restroom facilities sufficient for the size of the class must be provided.

C. Display of Truck Driver Training School License

Every school and branch must display, in a prominent place in its office, licenses issued to the school by the Department for the school and the school's instructors.

D. Departmental Inspections

The Department must make at least an annual periodic inspection of a truck driver training school and any branch office(s) to determine compliance with these regulations. The inspection must be made during regular business hours by authorized representatives of the Department. Inspections must include, as a minimum, an examination of all school records, contracts, classroom facilities, training devices, instructional materials and CVSA inspections on all vehicles used in training. Each owner, partner, associate, corporate officer, or employee of any truck driver training school must cooperate with the Department's representative and, upon demand, must exhibit all records, instructional aids, equipment, and other items required for inspection. Refusal to permit an inspection is grounds for revocation of the truck driver training school's license. Records must be retained in the truck driver training school for at least three (3) years from the date of completion of a course of driver instruction, either as the result of completion and graduation or withdrawal from the program.

E. Truck Driver Training Course of Instruction for Class A Instruction

(1) To successfully complete truck driver training, licensed persons eighteen (18) or older must complete a course consisting of a minimum of 50 hours of instruction, 50 hours of field instruction, 16 hours of behind-the-wheel driver training on the highway, and 32 hours of behind-the-wheel observation on the highway. This is calculated on a 3:1 ratio. Of the hours for BTW and observation, if the student has less observation and more BTW, this will be allowable provided the total still adds to forty-eight (48) hours.

(2) The classroom and behind-the-wheel instruction must consist of: laws relating to either interstate and/or intrastate commercial motor vehicle operations; pre-trip inspection of commercial motor vehicles and both safety and operational equipment; coupling and uncoupling of combination units, if the commercial motor vehicle to be driven includes such units; placing the commercial motor vehicle in operation; use of the commercial motor vehicle's controls and emergency equipment; operation of the inner-city and interstate highway traffic and passing; turning, backing,

and parking the commercial motor vehicle; braking and slowing the vehicle by means other than application of the brakes; and completing driver's daily log books.

(3) Additional requirements include: the required 148 hours of instruction must include three (3) hours of the 16 hours of behind-the-wheel highway training must be completed by each student between dusk and dawn; one (1) commercial motor vehicle must be provided for each three (3) students during the highway training, provided four (4) students per commercial motor vehicle are permitted if the vehicle has been inspected and approved for such use by the Department. No more than nine (9) students per instructor will be allowed for field training. A driver's daily log must be completed by each student, to reflect the 148 hours of instruction and verified by the school. Any changes made to logs must be made by the student and initialed.

F. Truck Driver Training Course of Instruction for Class B or Straight Truck/Passenger Bus Instruction

(1) Requirements: Any licensed commercial truck driver training school may apply to the Department to conduct Class B Straight Truck or Commercial Straight Truck/Passenger Bus vehicle training.

(2) Vehicles must be marked as outlined in the Truck Driver Training School Regulations.

(3) Students and instructors must meet all the requirements for a regular Class A student who is applying for the school as found in the Truck Driver Training School Regulations. Instructors must have at least a Class A CDL, even for the Class B training program.

(4) Rosters: Student rosters and files must be kept separately from the Class A program.

(5) Minimum Curriculum:

- | | |
|----------------------|--|
| (a) Classroom | 50 hours |
| (b) Range | 10 hours |
| (c) Behind-the-Wheel | 10 hours, which must include at least 2 hours at night |
| | 70 hours total |

(6) Students who complete the Class B training who wish to upgrade to a Class A may do so with the original school, provided it is within six (6) months of the completion date of the original training. Students who upgrade, will be waived the classroom portion of the training.

(7) Under FMCSA interpretation, a bobtail cannot be considered as a Class B truck.

(8) All other Truck Driver Training School regulations apply.

G. Truck Driver Training School Student Requirements

Students above the age of eighteen (18), but less than twenty-one (21) years of age, must be informed by the owner(s) or officer(s) of the truck driver training school of the age restrictions and limitations established by the United States Department of Transportation and the Motor Carrier Unit of the Department of Motor Vehicles. Students must pass the United States Department of Transportation physical examination. Students must pass the DOT required pre-employment drug test and remain in a random selection pool while enrolled in the school. No student may operate a truck or commercial motor vehicle or a tractor-trailer combination unit upon any public street or highway unless the student has in his or her immediate possession a valid drivers license or learner's permit of the class or type required by Title 56 of the South Carolina Code and his or her United States Department of Transportation physical pocket card. Any student from out-of-state holding a valid license from that state will not be eligible for any type license or permit issued by the State of South Carolina.

H. Refresher Training

Schools may offer refresher training to individuals who have and hold a valid commercial driver license for the training sought. Refresher training courses must be at least forty (40) hours in length. If a student does not hold a valid commercial driver license, the student cannot be considered for refresher training.

I. Records of Training

School must have a student record for each student which must be included in the student's file. Student records must reflect each day's time and activity student was performing while in school.

All information must be verified by the student and instructor. Student record must have Classroom, Range, BTW and Observation.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–109. Motor Vehicles Used in Instruction.

Behind-the-wheel instruction of students in truck driver training school must be conducted in commercial motor vehicle(s) owned or leased by the truck driver training school. All vehicles used for the purpose of demonstration and practice must be equipped with seat belts for the operator and all passengers. Seat in the sleeper must have seatbelts and properly secured seat with a back. An outside rearview mirror on both sides of the vehicle, a heater, defroster and speedometer in working condition, and all other operational and safety equipment required by Title 56 of the South Carolina Code and applicable federal statutes. If the school operates trucks crossing the borders into another state, schools are required to have USDOT numbers on all trucks.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–110. Truck Driver Training Motor Vehicles—Identification and Restrictions on Use.

A. Truck Driver Training School vehicles must bear conspicuously displayed signs with the words “Driver Training” in letters or printing not less than two (2) inches tall with a one-half (1/2) inch wide brush stroke. The signs must be displayed on both sides of the vehicle and the rear most portion of the vehicle. For vehicles which must operate at night, the words “Driver Training” must be reflective.

B. No school vehicle may be used to transport property or persons for compensation, other than properly enrolled students. No truck driver training school vehicles may be operated in another state unless the instructor, student, and vehicle are properly licensed to operate in that state. Schools are allowed to add weight, as in a dummy load in the trailer for training purposes.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–111. Truck Driver Training School Motor Vehicle Registration, Insurance, and Inspection.

Each motor vehicle used by the truck driver training school for behind-the-wheel instruction must be properly licensed and registered in this State and bear a current inspection certificate.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–112. Insurance and Inspection Requirements.

A. Each motor vehicle used by the school for BTW instruction must be insured against liability, by a licensed and certified insurance company, in the amount of at least three hundred thousand dollars (\$300,000.00) because of bodily injury or death to one (1) person in any one (1) accident, and subject to such limit for one (1) person and five hundred thousand dollars (\$500,000.00) because of bodily injury or death of two (2) or more persons in any one (1) accident, and three hundred thousand dollars (\$300,000.00) because of injury to or destruction of property of others in any one (1) accident. This insurance coverage must be secured on an annual basis. In the event coverage for any motor vehicle used for truck driver training is not renewed, the school must give written notice to the Department at least ten (10) days prior to the expiration date of the coverage. The insurance underwriter must file a certificate of insurance coverage with the Department. The Department must be listed as an additional insured on the certificate. Schools will also need to check to make sure they are in compliance with federal regulations on insurance requirements.

B. Each motor vehicle used by a truck driver training school must be listed and be CVSA inspected by a representative of the Department at least annually and at any other reasonable time as the Department may require.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–113. Cancellation and Refund Policy.

A. A student is entitled to a full refund if one (1) or more of the following criteria are met:

(1) The student cancels the enrollment agreement or application within three (3) days after signing. In the event the cancellation notice is mailed, the postmark date on the envelope is evidence of the date of cancellation.

(2) The student does not meet the post secondary proprietary educational institutions minimum admissions requirements, accreditation requirements, or federal program requirements.

(3) The student's enrollment was procured as a result of misrepresentation in the written material utilized by the school.

(4) If the student has not visited the school prior to enrollment, and upon touring the school, or attending the first class, the student withdraws from the program within one (1) hour of the end of the first class.

B. A student withdrawing from the school's published program, after starting the instructional program is entitled to a pro-rata refund based upon the number of days, minus the application/enrollment/physical/drug testing fees. Any student completing more than fifty percent (50%) of the course curriculum is not entitled to a refund.

C. For extenuating circumstances, a pro-rata refund will be based upon the last day of attendance.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-114. Special Requirements.

At least one (1) motor vehicle used in a truck driver training school must be a tractor-trailer combination unit for class of training which is offered for a Class A CDL or a straight truck or bus meeting definition of other commercial vehicles to carry out the instructional program of the school. This covers vehicles for Class A or Class B/Straight Truck Training.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-115. Requirements for Application for Truck Driver Training School Instructor.

A. Each instructor of a truck driver training school or branch office providing behind the wheel instruction must be at least twenty one (21) years of age; hold a valid South Carolina Commercial Drivers License with all necessary endorsements for the motor vehicle equipment being operated; have at least three (3) years of behind-the-wheel truck driving experience and have logged at least 100,000 miles of over-the-road truck driving; or have completed a certified truck driver training school [consisting of a minimum of sixteen (16) hours of behind-the-wheel training; thirty-two (32) hours of observation; fifty (50) hours of field instruction; and fifty (50) hours of classroom instruction]; have no convictions of a felony or any crime of moral turpitude preceding the date of application (crimes which are automatic disqualifications are: murder, fraud, larceny, solicitation, manslaughter, distribution of illegal substance, criminal domestic violence, assault and battery, rape, lewd act, contributing to the delinquency of a minor, robbery, burglary, felony DUI, criminal issuance (fraudulent) of a bad check, false reports of a crime. Anyone listed on the Sex Offender Registry and anyone having been declared a habitual offender by the Department is automatically disqualified. All other convictions will be taken and decided on a case-by-case basis.); have no revocations, cancellations or suspensions of driving privileges in the three (3) years immediately preceding the date of application; have no convictions for traffic offenses involving moving violations totaling six (6) points in the year immediately preceding the date of application; and hold a current United States Department of Transportation physical certification. Driver training school instructors may have no more than six (6) points on their driving record while maintaining instructor certification. While using a defensive driving credit will help on the driving record, the Department will use the current total points computation, not adjusted points.

B. Each applicant must provide the Department with a certified SLED criminal background check at the time of application and annually thereafter. If a posting is on the SLED record, it must have adjudication on the charge, there cannot be any open charges on the record. If during the calendar year, an instructor is convicted of any crime, the Department must be notified in writing within twenty-four (24) hours of the conviction. If the conviction meets the criteria in 90-115(A) of these regulations, it will be cause for immediate revocation of the instructor certification. Each instructor must also submit to the Department a valid DOT long form and submit a new DOT physical long form upon each renewal cycle of the physical. If a change of medical status, a new form must be submitted.

C. All classroom only instructors must be properly licensed to give classroom instruction. Each school owner/director shall certify classroom only instructors by sending on school letterhead why said instructor is qualified, plus appropriate fee.

D. If during the current year of certification, the instructor's driving privileges are suspended, cancelled or revoked for any reason, the instructor's certification is also suspended, cancelled or revoked and the instructor must meet reapplication procedures. Instructors must notify the Department within twenty-four (24) hours and mail their instructor certification to the Department within ten (10) days.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-116. Original Application for Truck Driver Training Instructor's License.

Each original application for a truck driver training instructor's license must consist of: a completed application, subscribed to under oath; a physical examination report completed and signed by a licensed physician; evidence of satisfactory completion of truck driver training and behind-the-wheel experience; and a check or money order for twenty dollars (\$20.00) made payable to the Department.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-117. BTW Truck Driver Training Instructor's License Renewal Application.

Renewal applications must be made at least ten (10) days prior to the expiration of the current instructor's license. No instructor is permitted to operate with an expired license. All instructors' licenses expire on June 30th of each year. Any instructor's license expired for more than thirty (30) days will be deemed permanently lapsed and renewal of that license must be by the same process required for a new license with all forms and certifications required.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-118. Surrender of Truck Driver Training Instructor's License.

Any licensed truck driver training school instructor who ceases to give instruction on the driving of commercial motor vehicles for the truck driver training school for which they are licensed must surrender their instructor's license to the Department within five (5) days. The owner, partner, or chief corporate officer of the truck driver training school is responsible for the return of the instructor's license to the Department upon termination of employment of any instructor, when reasonably possible.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-119. Truck Driver Training School Enrollment Contract Requirements.

Truck driver training school contracts must contain, as a minimum, the following information:

- (1) The agreed total contract charges and full terms of payments;
- (2) The number, nature, time, and extent of lessons contracted for including the minimum hours of classroom instruction including testing (50 hours minimum), field instruction (50 hours minimum), highway behind-the-wheel training (16 hours minimum), observation, highway, behind-the-wheel, (32 hours minimum); and
- (3) The rate for use of truck driver training school motor vehicle for a commercial drivers license road test if an extra charge is made.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-120. Contracts.

A. The contract between the student and the truck driver training school must contain a statement which reads substantially as follows: "THIS AGREEMENT CONSTITUTES THE ENTIRE CONTRACT BETWEEN THE TRUCK DRIVER TRAINING SCHOOL AND THE STUDENT, AND ANY VERBAL ASSURANCES OR PROMISES NOT CONTAINED HEREIN SHALL BIND NEITHER THE SCHOOL NOR THE STUDENT" and a separate statement which reads as follows: "IF YOU, AS A STUDENT, ARE UNABLE TO SETTLE A DISPUTE WITH THE TRUCK DRIVER TRAIN-

ING SCHOOL, PLEASE DIRECT YOUR GRIEVANCES TO THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES.

B. Truck driver training school contracts must not contain the statement "NO REFUND" or its equivalent or any statement guaranteeing or promising a commercial drivers license as a result of the truck drivers training course.

C. The truck driver training school shall file with the Department sample copies of all written contracts, agreements, and catalogs at the time of the original application for the truck driver training school's license and also at anytime thereafter when alterations to contracts are proposed.

D. The truck driver training school must give the prospective student a completed copy of the enrollment contract and catalog at the time the prospective student signs the contract or upon the school's receipt of a completed enrollment contract sent through the mail. The enrollment contract must be written in the same language as the oral sales presentation, if a sales presentation was made by the truck driver training school, must contain the name and address of the truck driver training school. All student records, including contracts, shall be maintained for at least three (3) years at the truck driver training school office.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-121. Advertising.

A truck driver training school may advertise with the following restrictions:

(1) No advertisement may indicate in any way that a school can or will issue or guarantee the issuance of a commercial motor vehicle driver license or imply that preferential treatment or advantageous treatment from the Department can be obtained by participating in the training course with the school; and

(2) No school may state in an advertisement that it has been approved and licensed by the Department.

(3) No school may advertise free deals. They must follow Federal Trade Commission guidelines.

(4) No school may guarantee employment in it's advertisement.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-122. Suspension, Revocation, Refusal to Issue or Renew Truck Driver Training School License.

A. The Department may suspend, revoke or refuse to renew the license of a truck driver training school for the following reasons:

(1) The conviction of the licensee truck driver training school or any partner of such licensee school for any crime involving dishonesty, deceit, violence, or moral turpitude;

(2) The licensee truck driver training school makes a material false statement, or signs a false affidavit or conceals a material fact in connection with the operation of a truck driver training school or in connection with the application for a school license or application for an instructor's license;

(3) The licensee truck driver training school fails to comply or violates any provisions contained in Federal Regulations, Title 56 or within these regulations;

(4) The licensee truck driver training school, or any partner, engages in fraud or fraudulent practices in relation to securing for anyone, a license to drive a motor vehicle or the licensee truck driver training school is aware of and fails to report to the Department fraud or fraudulent intent by any of the truck driver training school's employees to secure to anyone, a license to drive a motor vehicle. The term "fraudulent practice" as used herein shall include, but not be limited to, any conduct or representation on the part of the licensee truck driver training school or any partner, officer, or agent of the licensee school that gives the impression that a license to operate a motor vehicle may be obtained by any means other than those prescribed by the Department in Chapters 1 and 5 of Title 56 of the South Carolina Code;

(5) The licensee truck driver training school owner, partner or officer, or any truck driver training instructor is addicted to the use of alcohol or narcotics or becomes incompetent to drive pursuant to Title 56 or the South Carolina Code;

(6) Employees or instructors of the truck driver training school solicit business on or within 1500 feet of any property occupied by the Department's licensing offices or any Departmental property;

(7) For violation of the South Carolina Unfair Trade Practices Act of Title 39 of the South Carolina Code; and

(8) No qualified truck driver training instructor is employed by the school.

B. All suspended or revoked licenses shall be returned to the Department immediately upon final order of the Department. Upon notice of suspension or revocation of a truck driver training school's license, the Department will offer a hearing of the contested case according to the provisions of the Administrative Procedures Act.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–123. Suspension, Revocation, Refusal to Issue or Renew a Truck Driver Training School Instructor's License.

A. The Department may suspend, revoke, or refuse to issue or renew a truck driver training school instructor's license if:

(1) An instructor is convicted of any crime involving dishonesty, deceit, physical violence or moral turpitude;

(2) An instructor makes a material false statement in connection with the operation of a truck driver training school or in connection with the application or renewal of an instructor's license;

(3) An instructor fails to comply with or violates any of the provisions of the Federal Regulations, Title 56 of the South Carolina Code or any provisions of these regulations;

(4) An instructor engages in fraud or fraudulent practices in securing a license to drive a motor vehicle for anyone. The term "fraudulent practices" as used herein must include, but not be limited to any conduct or representation on the part of the instructor that gives the impression that a license to operate a motor vehicle may be obtained by any means other than those prescribed by the Department contained in Chapters 1 and 6 of Title 56 of the South Carolina Code;

(5) An instructor is addicted to the use of alcohol or narcotics or becomes incompetent to operate a motor vehicle pursuant to Title 56 of the South Carolina Code; and

(6) An instructor solicits business on or within 1500 feet of any property occupied by licensing or other offices of the Department.

B. All suspended or revoked licenses shall be returned to the Department immediately upon final order of the Department. Upon notice of suspension or revocation of a truck driver training school's license, the Department will offer a hearing of the contested case according to the provisions of the Administrative Procedures Act.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

ARTICLE 3 DRIVER TRAINING SCHOOLS

(Statutory Authority: 1976 Code § 56–23–100)

Editor's Note

State Register, Volume 31, Issue No. 6, Document No. 3093, eff June 22, 2007, provides in part as follows: "Proposed regulation will replace and supersede Chapter 38, Article 3, Subarticle 7, Driver Schools, which was promulgated by the Department of Public Safety. Administration of the regulation has been transferred to the Department of Motor Vehicles. The proposed regulation will place the responsibility for administering Driver Training Schools under the proper regulatory authority."

90–160. Definitions.

A. "Contract or Record of Agreement" means a form used by driving training schools to indicate the services offered to the person receiving instruction or education in the operation of a motor vehicle.

B. "Department" means the South Carolina Department of Motor Vehicles.

C. "Driver Training School" means a facility or legal entity which is in the business of training or educating persons to operate motor vehicles or which offers training or education to operate a motor vehicle for a fee or charge. Where appropriate, the term includes any owner, partner, officer, employee, or agent of the school.

D. "Instructor Trainer" means a qualified person offering instruction to qualify individuals as driving training instructors.

E. "Representative", "DMV Employee" or "Authorized Agent" means a duly authorized employee of the Department.

F. "Student" means a person who has paid a fee to a driver training school for instruction or education in the operation of a motor vehicle or for instruction or assistance in the preparation to take a written examination for a drivers license or drivers permit to operate a motor vehicle.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-161. General Application Requirements.

A. A person may not engage in the business of training or educating persons to drive or operate motor vehicles or offer training or education to conduct either the classroom or the behind the wheel, or both, for which a fee or charge is made, unless and until the person has obtained and holds a valid driving training school license issued by the Department of Motor Vehicles. A licensee must have a permanent location in this State and all motor vehicles used for behind the wheel instruction must be registered in this State. If licensed for classroom training only, the motor vehicle requirement shall be waived.

B. All persons, firms, associations, partnerships, corporations, or other legal entities to be licensed to operate a driving school, or to engage in the business of instruction in the driving of motor vehicles, or in the preparation of an applicant for examination given by the Department for an operator's license or permit, except as exempted by Section 56-23-20 of the South Carolina Code, as amended, must, prior to engaging in the driver training school business, secure a license from the Department. Application must be made on an approved form and must be submitted to:

The South Carolina Department of Motor Vehicles

Post Office Box 1498

Blythewood, South Carolina 29016-1498

Attention: Driver Improvement

C. Applicants for an original driving school license, or driving instructor's license, must not conduct any business as a driving school or driving instructor until a license is issued by the Department.

D. Applicants for the renewal of a driving school license or driving instructor's license may continue to conduct business as a driver training school or as a driving instructor until the renewal application is granted or denied by the Department provided the renewal application is properly filed with the Department no later than ten (10) days from the expiration date of the license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-162. Driver Training School License Applicants Requirements.

A. The Department shall not issue a driving school license to any applicant unless:

(1) The applicant maintains an office in this State as described by these rules and regulations;

(2) The applicant is a resident of this State and/or is incorporated or otherwise authorized to do business in this State;

(3) The applicant has at least one (1) individual who is employed by the school and who is licensed by the Department as a driving instructor;

(4) Each applicant associated with a driver training school (owner, partner, or officer) is of good moral character and at least twenty-one (21) years of age; and

(5) Each applicant for a driver training instructor's license associated with a driver training school must have a valid South Carolina driver's license.

B. No person may give driver instruction unless licensed by the Department as a driving instructor.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–163. Driving School Requirements.

Every application for a driving school license and every driving school license renewal application must be accompanied by:

- A. A sample copy of the record of agreement or contract to be used between student(s) and school;
- B. An outline of the services to be performed by the licensee;
- C. Samples of forms or receipts used by the school;
- D. Schedule of fees for instruction;
- E. A complete list of manuals of instruction, course outlines, and other teaching materials used by the school;
- F. Proof of satisfactory completion of driver education and training by each instructor of the driver training school as required by Section 56–23–70 of the South Carolina Code of Laws;
- G. Proof of insurance coverage as required by these rules and regulations;
- H. A complete list of all owners and stockholders who have more than a ten percent (10%) interest in the corporation and their addresses;
- I. Any applicable license and
- J. Any applicable instructor's fees.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–164. Driver Training School License Application.

A. If the application for a driving school license is made by an individual, it must be signed by the individual. If the application is made by a partnership, the application must be signed by each general partner. If the application is made by a corporation, the application must be signed by an authorized corporate officer.

B. Driving school licenses are not transferable. Any changes in ownership or controlling interest in the driving school business requires a new application to be filed with the Department immediately.

C. No application for a driver training school will be accepted if the applicant has adopted any name similar to the name of an already licensed driver training school or if the applicant has adopted any name similar to any state or national organization. Use of the words "South Carolina" or South Carolina State" in any driver training school's name is prohibited.

D. The application must be subscribed under oath and shall be accompanied by an application fee of fifty (\$50.00) dollars. Prior to operation, each licensed driver training school also must obtain a corporate surety bond in the amount of ten thousand (\$10,000.00) dollars. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by a person having retained services of a driver training school.

E. Driver Training School licenses may be renewed by application to the Department no later than ten (10) days after the expiration of the license. Any renewal application received later than ten (10) days after license's expiration will be treated as a new application and the driver training school shall not continue operation. All licenses expire on June 30th of each year and no school is permitted to operate with an expired license.

F. Upon receipt of a license, the licensee must display the license in the school's principal place of business. The Department must be notified within thirty (30) days if there are any changes related to the driver training school. When any driving school ceases to operate, or if upon investigation it appears that the school has ceased to do business, the owner of the school must surrender the driving school license to the Department within ten (10) days. To be re-licensed, after the surrender of a school's license, the school owner must apply and meet the same requirements as a new school.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–165. Driver Training School Motor Vehicle Liability Insurance Minimums.

A. No driving school may be licensed by the Department unless it maintains personal injury and property damage liability insurance on all motor vehicles owned, leased, or registered in the name of the driving school, while used in driving instruction, insuring the liability of the driving school, its certified driving instructors, and any person taking driving instructions, or any passengers within the vehicle, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of any one (1) person in any one (1) accident, and subject to such limits for one (1) person, one hundred thousand dollars (\$100,000.00) because of bodily injury or death to any two (2) or more persons in any one (1) accident, fifty thousand (\$50,000.00) because of injury or destruction to property of others in any one (1) accident.

B. Any insurance policy issued to cover the above liability limits must be in the name of the driver training school, its owner or a certified driving instructor with the school.

C. If licensed for classroom only, liability insurance is not required.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–166. Liability Insurance Coverage Requirements; Notice of Cancellation.

A. The insured must be the driving school and any instructor or student or both, who uses any automobile for the purpose of driver training.

B. The policy must be issued by an insurance company authorized and licensed to do business in this state.

C. A certificate of insurance, signed by the insurer or insurance carrier, as required, evidencing that a policy has been issued in the designated amounts for the vehicles used in driving instruction listed on the policy containing as a minimum description of the vehicles, the make, model, year, and serial number or the vehicle identification number of vehicle. The Department must be listed in the policy as an additional insured. The certificate must be submitted with each application filed for an original or renewal driving school license.

D. If any policy of liability insurance is canceled by the insurance company, the insurance company and the driving school must immediately notify the Department in writing of the cancellation. The notification of cancellation of insurance shall be addressed to Driver Training School Supervisor, South Carolina Department of Motor Vehicles, Post Office Box 1498, Blythewood, South Carolina, 29016–1498. The driver training school must cease to use any motor vehicle to conduct driver training or instruction if that vehicle is covered by the policy that has been cancelled.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–167. Driver Training School Instructor Qualifications.

A. Every person, in order to qualify as an instructor for a driving school, must, at the time of application, meet the following requirements:

- (1) At least twenty-one (21) years of age;
- (2) Of good moral character;
- (3) Hold a valid South Carolina drivers license;
- (4) Have no record of suspension of driving privileges for moving violations for the past three (3) years;
- (5) Have at least five (5) years of driving experience and no suspension for three (3) years;
- (6) Successfully complete a Departmentally approved driver training instructor course which includes as a minimum thirty-four (34) hours of formal classroom instruction in driver education and a minimum of six (6) hours of actual behind the wheel training in driving instruction;
- (7) Successfully complete a Departmentally approved written test which includes as a minimum testing of the ability of the applicant to give driver instruction to others and/or both written and demonstrative methods.

B. The Department may, in its discretion, grant an applicant a temporary permit, by special examination, provided the driver training school has one qualified, licensed instructor. The temporary permit is valid for six (6) months or until an instructor's course is offered. If during the six

months the applicant is unable to take an instructor's course, the temporary permit may be renewed one (1) time for an additional six (6) month period.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-168. Driving Instructors License Application Requirements.

A. Every driving instructor must possess a permit issued by the Department which indicates the full name of the instructor and the full name of the driving training school employing the instructor.

B. A driving instructor's permit will be valid only when the instructor is employed by a licensed driving school, and only at the driving school indicated on the license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-169. Driver Training Instructor Licensing.

A. Every driving instructor must carry the license upon his or her person at all times when engaged in conducting driving instruction in a motor vehicle. Upon request, the licensed driving instructor must display the license to any student taking instruction and to any law enforcement officer or employee or agent of the Department.

B. Every license issued will expire one year from the date of issue.

C. Application for a driving instructor's license must be made on a form furnished by the Department. The application must be accompanied by a fee of twenty (\$20.00) dollars.

D. A license may be renewed by making application to the Department on a form furnished by the Department. The renewal application must be submitted under oath and accompanied by a twenty dollar (\$20.00) fee.

E. An applicant for an original instructor's license must successfully pass an examination administered by the Department. This examination must include, as a minimum: a vision test measuring the applicant's visual acuity as required by the Department's regulations for a motor vehicle operator; a test of the applicant's ability to operate a motor vehicle; and a written examination covering South Carolina motor vehicle laws, safe driving procedures, and these regulations. Each applicant will be given three (3) opportunities in a calendar year to pass the examination, with a mandatory waiting period of at least five (5) working days between examinations.

F. Every licensed instructor shall be tested at least every four (4) years after successful completion of the initial examination.

G. If during a current driver training instructor's valid license year the driving instructor ceases to be employed by or associated with the driving school designated on his or her application or instructor's license, the driving school must immediately surrender the instructor's license to the Department. No new instructor's license will be issued to any individual until the individual has surrendered or otherwise accounted for all current outstanding instructor's licenses issued in the individual's name.

H. Any driving instructor who ceases employment with a driving school may not be employed as an instructor by another driving school until a new application is submitted and approved by the Department and a driving instructor's permit issued by the Department.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-170. Registration, Inspection, and Required Equipment for Motor Vehicles Operated by Driver Training Schools.

A. Every motor vehicle used by a driver training school must be registered in South Carolina in the name of the driver training school.

B. Every motor vehicle must be submitted to the Department for an annual inspection prior to use, and

C. A driver training school cannot use a motor vehicle for BTW training until it has passed inspection.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–171. Driver Training School Motor Vehicle Safety and Identification Requirements.

A. Every motor vehicle used by a driver training school in the course of driving instruction must be equipped with:

- (1) Dual controls on the foot brake and the clutch, if any, enabling the driving instructor to control the vehicle in case of an emergency;
- (2) Two (2) inside rear view mirrors, one (1) for the student and one (1) for the instructor's use (the vanity mirror located on the passenger side sun visor of most vehicles will not qualify as an additional rear view mirror for the instructor);
- (3) An outside rear view mirror on both sides of the vehicle;
- (4) All standard safety and operating equipment including tires, brakes, horn, and window glazing shall be in proper working order; seat belts for the operator of the vehicle, driving instructor, and all passengers;
- (5) Cushions for the proper seating of the driver of the vehicles.
- (6) If a driver training school undertakes to train persons who require special equipment to safely operate a motor vehicle, then vehicles used in the instruction of these persons must be equipped with the appropriate special operating equipment.

B. The vehicle must be identified as a driving school vehicle

- (1) With the name of the school and the words "Driver Training" readily identifiable from each side and;
- (2) The rear of the vehicle shall have the words "Driver Training" on each side
- (3) With lettering or printing at least two (2) inches tall and one-half (1/2) inches wide.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–172. Driver Training School Facilities.

Each licensed driving school facility and any branch office must have an office which contains adequate facilities to conduct the business of giving instructions on driving motor vehicles and in the preparation of students for written and driving examinations given by the Department for an operator's license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–173. Driver Training School Physical Facilities, Hours of Operation, etc.

A. The office of any driving school must be identified by a sign reasonably visible to the general public and complying with any existing local government ordinances.

B. The office of a driving school must be a permanent structure and may not consist of or include a tent, a temporary stand, or a room or block of rooms in a hotel or rooming house. No driver training school facility may be located within 1500 feet of any building used as an office by the Department. No practicing may be done during the hours of 8:30 a.m. until 5:00 p.m., or normal working hours, on the facilities used as an office by any Department of the State engaged in the administration of any laws relating to motor vehicles. These provisions do not apply to advertising which may appear on vehicles owned by driver training schools.

C. The office of each driving school must consist of or have access to a permanent facility consisting of at least 200 square feet or more for an office, and a classroom facility must be available when classroom courses are offered by the driver training school. A classroom facility must contain seats and writing surfaces for no fewer than ten (10) students; adequate materials to complete the course of instruction for the specific driver training course being administered.

D. Each driving school must notify the Department of the location of its office(s) and the dates and hours of operation of the office(s). This information must be provided to the Department within ten (10) days prior to opening any office for business.

E. Upon receipt by the Department of a notice of an opening of a branch office, an authorized representative of the Department shall inspect the branch office(s) for compliance with the provision of these regulations, and the Department shall issue a branch office license which must be displayed in a prominent place.

F. When a licensed branch office is closed or its location is changed, the driver training school must return the branch office license to the Department within ten (10) days of the closing or moving of the branch office.

G. All driver training schools are required to have, or have access to, classroom facilities and the required equipment when classroom courses are offered. The Department will accept a letter from another driver training school or business stating: a driver training school has access to a business entity's facilities and equipment. The business entity allowing a driver training school use of classroom facilities will allow the Department to inspect these facilities to determine if the facilities and equipment satisfy the classroom requirements.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-174. Driver Training School Course of Instruction.

The driver training school courses of instruction must be submitted for approval to the Department in the form of an outline and must include:

- A. All materials used for instruction;
- B. A copy of the curriculum;
- C. A list of the instructors names and;
- D. A classroom instruction schedule.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-175. Driver Training School Student Instruction Record.

All licensed driver training schools must maintain a permanent record of instruction for each student. The record of instruction must contain:

- A. The name of the driver training school;
- B. The names of the students;
- C. The students' dates of birth;
- D. The number of the driver's license or permit held by the students;
- E. The type and dates of the instruction given; and the signature of the instructor.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-176. Instruction Records and Files.

A. Each driver training school must furnish the student with a copy of their instruction record when the student completes the lessons contracted for or otherwise ceases taking instruction from the school. The copy must be signed by the instructor and by the student acknowledging that the record is correct.

B. All student instruction records must be kept on file in the school's office for a period of two (2) years after the student has ceased taking instruction at the school or completed the lessons contracted for.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-177. Receipts for Fees Paid for Instruction.

A. A departmentally approved receipt must be issued to a student each time a fee is collected for either classroom or behind-the-wheel driver instruction or other services offered by the licensed driver training school, a driving school instructor, or agent or employee.

- B. Approved receipts must be completed and contain:
 - (1) The date the fee is collected,
 - (2) The name of the student,
 - (3) The total amount collected and,
 - (4) The type of service given.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–178. Driver Training School Contracts.

All written contracts or records of agreement by or between any driving school and any individual, partnership, corporation, firm, or association for the sale, purchase, barter, or exchange of any driving instruction or any classroom instruction, or the preparation of an application for an examination given by the Department for an operator's license or permit must differentiate between classroom and behind-the-wheel training and contain the following:

- (1) A statement indicating the agreed upon contract price per hour or lesson and terms of payment;
- (2) The type of vehicle to be used in the training (either a standard vehicle equipped with a standard or manual transmission with extra wheel brake and clutch pedal or a vehicle with an automatic transmission with an extra brake pedal);
- (3) A student instruction record attached to the contract showing the date of the lesson(s) for classroom or behind-the-wheel instruction,
- (4) The student's signature on the instruction record acknowledging the lesson was received;
- (5) The student's name;
- (6) The dated receipt or receipt number for each lesson given and;
- (7) The name and address of the driver training school.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–179. Driver Training School Contracts, Permanent Records.

A. A driver training school must keep and make available for inspection by the Department all original written contracts and agreements affecting any student in the school files. These contracts must be kept on file for a minimum of two (2) years.

B. No driver training school may sell, transfer, trade, or otherwise dispose of any contract, portion of a contract, agreement of obligation, by or between any driving school and student unless the driving school has obtained the written consent of the student. Any contract or record of agreement for a student less than eighteen (18) years of age must be signed by a parent, guardian, or responsible adult in the presence of the instructor offering the instruction. Any record or contract between the driving school and any student which is lost, mutilated or destroyed shall be reported to the Department immediately in writing.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–180. Items Required for Display in Driver Training School Facility.

The following shall be displayed in a prominent place in the driver training school's principal place of business:

- A. The license issued by the Department to the school;
- B. The names and driving instructor's license number(s) of all instructors employed by the school and;
- C. The regular office hours.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–181. Inspection of School Facilities.

Each driver training school must permit authorized agents of the Department to make periodic inspections of all school records, facilities, and vehicles used in driver training. During these inspections the owner(s), manager(s), or other person(s) in charge of the office must cooperate with the authorized representatives of the Department and, upon demand, must produce all student records described herein, instructional material, and any other items necessary to complete the inspection.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–182. Driver Training School Complaints.

Any complaints relating to driver training schools or driver training school instructors must be in writing and signed by the complainant. The Department may ask the complainant to sign a sworn

statement indicating the nature of the complaint and the identity of the complainant. The acceptance or the use of any statement by the Department will not be deemed an acknowledgement, admission, or charge by the Department of the matters contained in the statement.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–183. Driver Training School Advertising.

No driver training school may publish, advertise, or intimate that a student is guaranteed or assured success in receiving a South Carolina driver's license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–184. Suspension, Revocation, Refusal to Renew Driver Training School License.

The Department may suspend, revoke, or refuse to issue or renew a license of a driver training school for any of the following causes:

A. Conviction of any school partner, owner, officer, manager or employee of any crime involving dishonesty, deceit, violence, or moral turpitude when the crime relates to the operation of, or business conducted by, a driver training school;

B. The school makes a material false statement, or signs a false affidavit or conceals a material fact in connection with the application for a driver training school license or the application for a driver training instructor's license;

C. The school fails to comply or has violated any statutes providing for the licensing and regulation of driver training schools, or where the school has failed to comply or violated these regulations for the operation of driver training schools;

D. The school or any partner of the driver training school engages in fraudulent practices in securing for anyone a license to drive a motor vehicle. ("Fraudulent practices", as used herein, means any conduct or representation on the part of a school or any partner, officer, agent or instructor of a school which would give the impression that a license to operate a motor vehicle may be obtained by any other means than those prescribed pursuant to Chapters 1 and 5 of Title 56 of the South Carolina Code);

E. The school's owner(s) is(are) addicted to the use of alcohol, narcotics, or becomes incompetent to operate a motor vehicle, as defined in Title 56 of the South Carolina Code; where the school, its employees or instructors solicit business on within 1500 feet of any property occupied by the DMV Division field offices or the Department;

F. The school violates the South Carolina Unfair Trades Practices Act, in Chapter 5 of Title 59 of the South Carolina Code; or

G. There is no qualified instructor employed by the school.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90–185. Suspension, Revocation, Refusal to Issue or Renew a Driver Training Instructor's License.

The Department may suspend, revoke or refuse to issue an instructor's license for any of the following:

A. Conviction of the instructor of any crime involving dishonesty, deceit, physical violence or moral turpitude relating to the operation of or business conducted by a driver training school;

B. Making a material false statement or signing a false affidavit or concealing a material fact in connection with the operation of a driver training school or in connection with the application or renewal of a driver training instructor's license;

C. Failing to comply or with violating any statute in Title 56 relating to obtaining a motor vehicle driver's license;

D. Engaging in fraud or fraudulent practices in relation to securing a South Carolina driver's license for any person ("fraudulent practice, as used herein, includes, but is not limited to, any conduct or representation on the part of the instructor which gives the impression that a license to operate a

motor vehicle may be obtained by any means other than those described in Chapter 5 of Title 56 of the South Carolina Code of Laws);

E. The instructor is addicted to the use of alcohol, narcotics or becomes incompetent to operate a motor vehicle as described in Title 56 of the South Carolina Code;

F. The instructor solicits business on or within 1500 feet of property occupied by the DMV Division of the Department, or by the Department.

G. All suspended or revoked driver instructor's licenses shall be returned immediately to the Department.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.

90-186. Judicial Review Procedures.

Upon notice of a suspension or revocation of a driver training school license or a driver training instructor's license the Department will allow a hearing, upon request, in accordance with the Administrative Procedures Act.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007.