

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 DRIVER TRAINING SCHOOLS

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

90–100. Definitions.

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

B. “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, complaint 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.

C. "Category" means theory instruction, field instruction, BTW instruction, and observation while on the road.

D. "Classroom" means student is in classroom environment learning principles, laws, regulations, and/or rules of the road for driving a motor vehicle.

E. "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.

F. "Class A" means any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, provided the gross vehicle weight rating (GVWR) of the vehicle being towed is more than 10,000 pounds.

G. "Commercial motor 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 or otherwise incur a legal obligation in exchange for receiving an educational course from a driver training school.

J. "Field training" means off road training in and around the type commercial motor vehicle used in truck driver training.

K. "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.

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

M. "Hour" means an instructional period of fifty minutes.

N. "Observation" means when a student observes another student actually operate a motor vehicle on the public roads.

O. "Successfully Complete" means a grade of at least seventy percent.

P. "Permanent Structure" 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."

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

R. "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, daily training record, 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.

S. "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.

T. "Theory instruction" means knowledge instruction on the operation of a CMV and related matters provided by an instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

U. “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 or otherwise binding a student to a legal obligation in exchange for those services.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-101. 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 authorized to do business in this State, and all licensed driver training schools must make all school and training records and facilities available upon request by the Department during normal business hours;
 - (3) The applicant has at least one 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) at least twenty-one years of age; and
 - (5) Each applicant holds a valid South Carolina driver’s license as defined in Section 56-1-20, 56-1-2030 (commercial), or a license of a foreign jurisdiction that is equivalent to the license for which the instructor is providing driver training.
- 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. Renumbered from 90-162 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-102. 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. A schedule of fees for instruction;
- E. A complete list of manuals of instruction, course outlines, and other teaching materials used by the school;
- F. A complete list of all owners and managers. Complete nationwide criminal background check all managers. Any changes in ownership of a twenty-five percent or more requires a new application to be filed with the Department within fifteen days. Any changes in managers must be reported to the Department within fifteen days with the required application and complete nationwide criminal background check;
- G. Copies of all applicable business licenses; and
- H. Any applicable fees.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90-163 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-103. 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 a general partner. If the application is made by a corporation or LLC, the application must be signed by an authorized corporate officer.
- B. Driving school licenses are not transferable.

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, excluding duly accredited public colleges and public high schools, also must obtain a corporate surety bond in the amount of ten thousand (\$10,000.00) dollars. The bond must be conditioned to provide indemnification for tuition loss to: 1) any Student determined by a court of competent jurisdiction to have suffered a loss of tuition as a result of material violation of law or this regulation; 2) a school ceases operation prior to a Student Successfully Completing; or 3) the loss of a school license as a result of final Department action.

E. Applications for Driver Training School license renewals must be submitted to the Department by no later than June 1st of each year. Any renewal application received later than fifteen days after license’s expiration will be treated as a new application and the driver training school shall not continue operation unless and until relicensed by the Department. All Driver Training School licenses expire on June 30th of each year and no school is permitted to operate with an expired license, unless the Driver Training School submitted their application for renewal in a time manner and has been given specific written permission from the Department to continue to operate while the Department processes the renewal application.

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 fifteen days whenever there is a change in instructors, management, or insurance coverage. 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 fifteen 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. Renumbered from 90-164 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-104. Driver Training School Motor Vehicle Liability Insurance.

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 or operated in driving instruction on public roads or personal injury liability insurance on all motor vehicles owned or operated in driving instruction on non-public roads, while used in driving instruction on public roads, insuring the liability of the driving school, its certified driving instructors, and any person taking driving instructions, or any passengers within the vehicle.

B. Any insurance policy issued under subsection A 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.

D. A certificate of insurance, signed by the insurer or insurance carrier, as required, evidencing that a policy has been issued 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 or must specifically state that it is a “fleet” policy. 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.

E. 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 Compliance Reporting, 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. Renumbered from 90-165 and 90-166 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90–105. 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 years of age;

(2) Each holds a valid South Carolina driver's license as defined in Section 56–1–20, 56–1–2030 (commercial), or a license of a foreign jurisdiction that is equivalent to the license for which the instructor is providing driver training on public roads. Any instructor may provide driver training without a current driver's license on non-public roads, so long as the instructor is otherwise qualified to provide the instruction.

(3) Have a complete nationwide criminal background check submitted to the Department and have no convictions within the last ten years for: a felony, fraudulent activity, or contributing to the delinquency of a minor,. The Department may deny an instructor permit to: 1) anyone convicted within the past ten years of criminal domestic violence; 2) anyone listed on the Sex Offender Registry, or 3) anyone having been declared a habitual offender.;

(4) Have no revocations, cancellations or suspensions of driving privileges in the three (3) years immediately preceding the date of application;

(5) Have no convictions for traffic offenses involving moving violations totaling six (6) points in the year immediately preceding the date of application;

B. Every person, in order to qualify as an instructor for a driving school training non-commercial driver's licenses, must, at the time of application:

(1) Have at least five years of driving experience;

(2) Successfully complete a Department approved driver training instructor course which includes as a minimum thirty-four hours of formal classroom instruction in driver education and a minimum of six hours of actual behind the wheel training in driving instruction;

(3) Successfully complete a Department 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.

C. Every person, in order to qualify as a BTW instructor for a driving school training commercial driver's licenses, must, at the time of application, have at least three years of behind-the-wheel truck driving experience or have completed a certified truck driver training school;

D. All driver training school instructors may have no more than six 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.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–167 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–106. Driving Instructors Permit 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 licensed driving school(s), and only at the driving school indicated on the license.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–168 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–107. Driver Training Instructor Permit.

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

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–169 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–108. Motor Vehicles Operated by Driver Training Schools.

A. Every motor vehicle operated by a driver training school must be properly owned, leased, or rented in the name of the driver training school or parent company.

B. A driver training school cannot use a motor vehicle for BTW training on public roads until it has passed inspection as described in S.C. Regs. 90–109 and 90–117.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–170 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–109. Driver Training School Motor Vehicle Safety and Identification Requirements.

A. Every motor vehicle used by a driver training school training for non-commercial driver's licenses 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 inside rear view mirrors, one for the student and one 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 used when training for non-commercial driver's licenses 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 inches tall and one-half inches wide

C. Every motor vehicle used by a driver training school training for commercial driver's licenses in the course of driving instruction must be:

(1) Owned, leased, or rented by the driver training school or the parent company;

(2) Equipped with seat belts for the operator and all passengers;

(3) Equipped with a sideview mirror on both sides of the vehicle, a heater, defroster, and speedometer in working condition;

(4) Equipped with all other operational and safety equipment required by Title 56 of the South Carolina Code of Laws and applicable federal regulations and statutes;

(5) If equipped with a seat in the sleeper, the seat must have a back and seat belts that are properly secured;

(6) Equipped with USDOT numbers on all trucks if the vehicle operates in interstate operations or commerce;

(7) Truck Driver Training School vehicles must bear conspicuously displayed signs with the words "Driver Training" in letters or printing not less than two inches tall with a one-half 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.

(8) No school vehicle may be used to transport property or persons for compensation, other than properly enrolled students. 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. Renumbered from 90–171 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–110. 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. Renumbered from 90–172 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–111. 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 following shall be displayed in a prominent place in the driver training school's principal place of business:

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

C. The office of a driving school must be a Permanent Structure and may not consist of a room or block of rooms in a hotel or rooming house.

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

E. 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 fifteen days of the closing or moving of the branch office.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–173 and 90–180 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–112. 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. A description of all materials used for instruction;
- B. A copy of the curriculum;
- C. A list of the instructors names and;
- D. A theory instruction schedule.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–174 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–113. Driver Training School Student Instruction Record.

A. All licensed driver training schools must maintain and make available for inspection by the Department a record of instruction for each student (hard copy or electronic) for three years after the instruction is complete. The record of instruction must contain:

- (1) The name of the driver training school;
- (2) The names of the students;
- (3) The students' dates of birth;
- (4) The number of the driver's license or permit held by the students;
- (5) The type and dates of the instruction given; and the signature of the instructor.

B. Records to be maintained for non-commercial driver training schools must include:

- (1) A student instruction record showing the date of all lesson(s) for theory/classroom or behind-the-wheel instruction;

- (2) The student's signature on the instruction record acknowledging the lesson was received;
- (3) The dated receipt or receipt number for each lesson given.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90-175 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-114. Instruction Records and Files.

A. Each driver training school must furnish the student with a copy of its 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 three 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. Renumbered from 90-176 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-115. Receipts for Fees Paid for Non-Commercial Instruction.

A. A departmentally approved receipt must be issued to a student each time a fee is collected for either theory 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. Renumbered from 90-177 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-116. Driver Training School Contracts.

A. 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 theory/classroom instruction, or the preparation of any application for an examination given by the Department for an operator's license or permit must differentiate between theory/class and behind-the-wheel training and contain the following:

- (1) A statement indicating the agreed upon contract price and terms of payment, including any additional fees that may be charged;
- (2) The type of vehicle to be used in non-commercial 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) The student's name; and
- (4) The name and address of the driver training school.

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 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. Renumbered from 90-178 and 90-179 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90–117. 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. Renumbered from 90–181 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–118. Cancellation and Refund Policy.

This section applies to all licensed driver training schools, excluding duly accredited public colleges.

A. A Student who is training for a commercial driver's license is entitled to a refund within thirty days under the following circumstances:

(1) If a Student provides written notice of cancelling the Enrollment Contract within three days of signing an Enrollment Contract, a full refund of all money paid to the School is due, minus any fees incurred by the School. In the event the cancellation notice is mailed, the postmark date on the envelope is evidence of the date of cancellation;

(2) If a Student provides written notice of cancelling the Enrollment Contract more than three (3) days after signing an Enrollment Contract, but prior to the start of classes, a full refund of all money paid to the School is due, minus one hundred dollars (\$100) and any fees incurred by the School;

(3) If a Student has not visited the School facility prior to signing an Enrollment Contract, and provides written notice of cancelling the Enrollment Contract before the end of the first day of attendance at the School facility, a full refund of all money paid to the School is due, minus one hundred dollars (\$100) and any fees incurred by the School;

(4) If the enrollment of a Student is procured as a result of a material misrepresentation in the written material utilized by a School, a full refund of all money paid to the School is due

(5) If a student provides written notice to the School within three days of attendance that they do not meet a material admissions requirement published in the School catalog, a full refund of all money paid to the School is due, minus any fees incurred by the School. No refund is due if the enrollment is based on false or misrepresented information provided by the Student;

(6) If a Student withdraws or is terminated from a School program after starting classes, the Student is entitled to a pro-rata refund based upon the number of days or hours of training completed, minus one hundred dollars (\$100) and any fees incurred by the School. Any Student completing more than fifty percent of the course days, hours or curriculum is not entitled to any refund.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–119. Driver Training School Advertising.

A. 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.

B. No driver training school advertisement or publication may use any unique or distinguishing name, number, or phrase of another driver training school in a misleading manner. All driver training school publications and advertisements must prominently contain the name of the driver training school placing the advertisement or publication.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Renumbered from 90–183 and amended by SCSR 45–5 Doc. No. 5002, eff May 28, 2021.

90–120. 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 owner holding 25% ownership or more, manager, or instructor of any crime listed in S.C. Reg. 90–105(A)(3).

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 agent 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 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;

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. Renumbered from 90-184 and 90-185 and amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021

90-121. Minimum Training Hours for Commercial Drivers Licenses.

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

(1) Requirements: One commercial motor vehicle must be provided for each three students during the highway training, provided four 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 students per instructor will be allowed for field training.

The theory 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 how to comply with driver's hours of service.

(2) Training Record: A training record, in a format approved by the Department, must be completed and initialed by the student and instructor each day. The training record should be maintained in the possession of the driver training school and become part of the student record. The total coursework of 148 hours must be verified by the school and signed by the student.

(3) Minimum Curriculum: To successfully complete truck driver training, licensed persons eighteen or older must complete a course consisting of a minimum of 148 hours consisting of theory instruction, range instruction, and behind-the-wheel instruction and observation on public roads, of which a minimum of sixteen of those hours must be behind-the-wheel on public roads. Three hours of the sixteen hours of behind-the-wheel highway training must be completed by each student between dusk and dawn.

B. 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) Training Record: A training record, in a format approved by the Department, must be completed and signed by the student and instructor each day. The training record should be maintained in the possession of the driver training school and become part of the student record. The total coursework of seventy hours must be verified by the school and signed by the student.

(3) Minimum Curriculum: To successfully complete truck driver training, licensed persons eighteen or older must complete a course consisting of a minimum of seventy hours of theory instruction, range instruction, and behind-the-wheel instruction and observation on public roads, of which a minimum of ten hours of those must be behind-the-wheel on public roads.

(4) 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 months of the completion date of the original training. Students who upgrade, will be given credit for any theory training already performed that is equivalent to the Class “A” training.

HISTORY: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Amended by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-122. Repealed.

HISTORY: Former Regulation, titled Suspension, Revocation, Refusal to Issue or Renew Truck Driver Training School License, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Repealed by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-123. Repealed.

HISTORY: Former Regulation, titled Suspension, Revocation, Refusal to Issue or Renew a Truck Driver Training School Instructor’s License, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Repealed by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

ARTICLE 3 DRIVER TRAINING SCHOOLS [REPEALED]

(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. Repealed.

HISTORY: Former Regulation, titled Definitions, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Repealed by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-161. Repealed.

HISTORY: Former Regulation, titled General Application Requirements, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Repealed by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-162. Transferred.

HISTORY: Former Regulation, titled Driver Training School License Applicants Requirements, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-101.

90-163. Transferred.

HISTORY: Former Regulation, titled Driving School Requirements, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-102.

90-164. Transferred.

HISTORY: Former Regulation, titled Driver Training School License Application, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-103.

90-165. Transferred.

HISTORY: Former Regulation, titled Driver Training School Motor Vehicle Liability Insurance Minimums, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-104.

90-166. Transferred.

HISTORY: Former Regulation, titled Liability Insurance Coverage Requirements; Notice of Cancellation, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-104.

90-167. Transferred.

HISTORY: Former Regulation, titled Driver Training School Instructor Qualifications, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-105.

90-168. Transferred.

HISTORY: Former Regulation, titled Driving Instructors License Application Requirements, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-106.

90-169. Transferred.

HISTORY: Former Regulation, titled Driver Training Instructor Licensing, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-107.

90-170. Transferred.

HISTORY: Former Regulation, titled Registration, Inspection, and Required Equipment for Motor Vehicles Operated by Driver Training Schools, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-108.

90-171. Transferred.

HISTORY: Former Regulation, titled Driver Training School Motor Vehicle Safety and Identification Requirements, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-109.

90-172. Transferred.

HISTORY: Former Regulation, titled Driver Training School Facilities, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-110.

90-173. Transferred.

HISTORY: Former Regulation, titled Driver Training School Physical Facilities, Hours of Operation, etc., had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-111.

90-174. Transferred.

HISTORY: Former Regulation, titled Driver Training School Course of Instruction, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-112.

90-175. Transferred.

HISTORY: Former Regulation, titled Driver Training School Student Instruction Record, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-113.

90-176. Transferred.

HISTORY: Former Regulation, titled Instruction Records and Files, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-114.

90-177. Transferred.

HISTORY: Former Regulation, titled Receipts for Fees Paid for Instruction, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-115.

90-178. Transferred.

HISTORY: Former Regulation, titled Driver Training School Contracts, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-116.

90-179. Transferred.

HISTORY: Former Regulation, titled Driver Training School Contracts, Permanent Records, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-116.

90-180. Transferred.

HISTORY: Former Regulation, titled Items Required for Display in Driver Training School Facility, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-111.

90-181. Transferred.

HISTORY: Former Regulation, titled Inspection of School Facilities, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-117.

90-182. Repealed.

HISTORY: Former Regulation, titled Driver Training School Complaints, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Repealed by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.

90-183. Transferred.

HISTORY: Former Regulation, titled Driver Training School Advertising, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-119.

90-184. Transferred.

HISTORY: Former Regulation, titled Suspension, Revocation, Refusal to Renew Driver Training School License, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-120.

90-185. Transferred.

HISTORY: Former Regulation, titled Suspension, Revocation, Refusal to Issue or Renew a Driver Training Instructor's License, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Transferred by SCSR 45-5 Doc. No. 5002, eff May 28, 2021. See, now S.C. CODE REGS. 90-120.

90-186. Repealed.

HISTORY: Former Regulation, titled **Judicial Review Procedures**, had the following history: Added by State Register Volume 31, Issue No. 6, eff June 22, 2007. Repealed by SCSR 45-5 Doc. No. 5002, eff May 28, 2021.