

PART 7
COMMISSIONER'S REGULATIONS

**Pre-Licensing Classroom
Driver Training
and
Highway Safety Instruction**

[Statutory Authority: V & T Law Sections 215 and 508(4)]

PART 7

REGULATIONS OF THE COMMISSIONER OF MOTOR VEHICLES Pre-Licensing Classroom Driver Training and Highway Safety Instruction

[Statutory Authority: Vehicle and Traffic Law Sections 215 and 508(4)]

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PRE-LICENSING CLASSROOM DRIVER TRAINING AND HIGHWAY SAFETY INSTRUCTION

Section

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7.1 Introduction.

Section 502 of the Vehicle and Traffic Law permits the Commissioner of Motor Vehicles to require proof of satisfactory completion of not less than four hours and not more than five hours of classroom driver training and highway safety instruction, or the equivalent thereof, prior to the issuance of a license. (Amended 8/21/96)

7.2 Definitions.

For the purpose of this Part, the following terms shall have the following meanings:

- (a) New driver. Every person who makes application for an original driving license, except a person for whom the requirement of a road test prior to issuance of such license is waived in accordance with Part 8 of this Title. (Amended 8/1/82)
- (b) Approved school. The Department of Motor Vehicles or any person, agency, licensed driving school, or municipality which is approved by the commissioner, or an accredited secondary school or college which is approved by the Commissioner of Education for the purpose of conducting a course of classroom driver training and highway safety or participation in a research study program required by the commissioner for the issuance of a license to a new driver. (Amended 8/1/82)
- (c) Approved course. A classroom training course in driver training and highway safety, conducted by an approved school, or by participation in a research study program which meets standards established by the commissioner.
- (d) Qualified instructor. A person who has been issued a driver education instructor's certificate (Form MV-283) or a drivers' school instructor's certificate (Form MV-524) endorsed for classroom instruction, or a designee approved by the commissioner.

(e) Course completion certificate (Form MV-278). A certificate provided by the Department of Motor Vehicles and issued by an approved school which indicates that the person named thereon completed an approved course or has participated in a research study program within the past year. A student certificate (Form MV-285), issued upon the successful completion of an approved high school or college driver education course, completed within the past two years, shall be acceptable in lieu of a course completion certificate.

(f) Research study program. A research study program shall be an experimental alternative to the three-hour prelicensing course provided for in this regulation. Such programs may consist of varying types and lengths of training and education established by the commissioner or may act as a control in the experimental environment. Such alternatives shall be established and evaluated by the commissioner. In addition, such program will function as a method of measuring the continuing effectiveness of the prelicensing program and for making such changes as would be necessary to ensure the greatest possible program effectiveness in terms of new driver safety and education.

7.3 Drivers' school instructor's certificate (Form MV-524).

(a) Such certificates (MV-524) shall be issued only to persons who meet the qualifications established by the commissioner for instructors in driver training and highway safety and for participation in research study programs. Driving records of MV-524 and MV-283 holders will be subject to periodic review by the commissioner.

(b) A drivers' school instructor's certificate endorsed for classroom instruction will be issued to applicants upon their presenting evidence of successful completion of an approved advanced program in teaching techniques and methodology, and upon completion of one year's experience as an actual in-car driver instructor; or upon presentation of proof that the holder possesses other background experience determined to be acceptable by the commissioner. This advanced program evidence will consist of a college transcript, college course completion certificate, or a similar document (an applicant who does not meet these requirements or who wishes to teach in-car only may still be eligible for a drivers' school instructor's certificate endorsed for in-car instruction).

(c) No instructor will teach the prelicensing program or research study program in a licensed driver's school unless such instructor possesses a current MV-524 certificate endorsed for classroom instruction. A person who holds an MV-283 certificate, and who applies for an MV-524 certificate, will be exempt from the requirement of completing the advanced course.

(d) REPEALED 3/12/97

7.4 Issuance of licenses.

No license shall be issued to a new driver unless such driver has submitted proof of completion of an approved course or has submitted proof of participation in a research study program.

7.5 Procedure for licensing of new drivers.

(a) Except for a student who is enrolling in an approved high school or college driver education course, a new driver shall not be enrolled in a prelicensing course unless he presents a valid learner's permit. However, a valid learner's permit shall not be required to be presented prior to enrollment in a prelicensing course or in a research study program if the student is an inmate of a correctional facility. An inmate of a correctional facility will, however, be required to enroll in the prelicensing course or in a research study program upon receipt of a valid learner's permit. (Amended 8/1/82).

(b) Upon completion of an approved course, the course completion certificate shall be issued to the student by the school that conducted the course.

(c) No road test appointment shall be made for a new driver unless he presents a valid course completion certificate to the Department of Motor Vehicles. This provision may be waived by a motor vehicle district director, a county clerk, or a person designated by such district director or county clerk, except that in no case shall a road test be given until a current course completion certificate is submitted.

7.6 Classroom and class size.

(a) An approved school must provide a classroom which is clean, adequately lighted, heated and ventilated and free from any visible and/or audible distractions. Adequate toilet facilities must be available to all students. Such classroom must have adequate seating facilities for the maximum number of students enrolled in any such course with no classroom having a seating capacity of less than 10 students. The classroom must be equipped with adequate chalkboards or flipcharts which are clearly visible from all seating areas and with all other equipment necessary for adequate presentation of materials required by the commissioner.

(b) In no case shall any class contain more than 36 enrolled students.

(c) An approved classroom may be shared by more than one approved school.

(d) Upon request, schools shall furnish the Department of Motor Vehicles, and the Education Department, with class dates and names of instructors. (Amended 3/12/97)

(e) An approved school must obtain permission from the Department of Motor Vehicles before it can move an approved classroom from one location to another location.

7.7 Course content and presentation.

(a) An approved course must consist of not less than four hours and not more than five hours of instruction. The course or research study program shall be given in accordance with a syllabus provided by the Department of Motor Vehicles and must be taught by a qualified instructor in a manner acceptable to the commissioner. If a language other than English is used in the course, any advertising must contain this fact. (Amended 8/21/96)

(b) All prelicensing and research study programs are subject to routine evaluation visits by Department of Motor Vehicles specialists in prelicensing and driver improvement programs. Any violations or irregularities with respect to instructor qualifications, instructional quality, adherence to syllabus or facilities may result in a penalty as prescribed in section 7.11 of this Part. Instructor class presentation will be rated on a satisfactory or unsatisfactory basis by these department specialists. Two consecutive unsatisfactory classroom presentations may result in a penalty as prescribed in section 7.11 of this Part. In instances involving MV-283 holders teaching in a continuing education prelicensing program or research study program, the Department of Motor Vehicles may notify the Education Department of any determination of the instructor's unsatisfactory classroom presentation. Any refusal or denial by an approved school or its employee, agent or representative to allow a Department of Motor Vehicles' specialist in prelicensing and driver improvement programs, to make a routine evaluation visit to the prelicensing or research study program class when such class is or is about to be in session may be cause for a penalty as prescribed in section 7.11 of this Part. (Amended 3/12/97)

7.8 Course completion certificate (Form MV-278).

(a) Drivers' schools and other approved agencies must obtain MV-278 certificates from the local Department of Motor Vehicles district office. The person(s) responsible for the secondary driver education program and/or the continuing education prelicensing program must obtain MV-278 certificates from the State Education Department. Course completion certificates shall be issued only to those schools that have qualified instructors. (Amended 3/12/97)

(b) The instructor(s) who conducts the prelicensing program or research study program must sign the course completion certificate. The certificate shall not be signed by the instructor prior to conducting the pre-licensing course or issued by the instructor until after the completion of the prelicensing course or research study program and must bear the completion date. The month must be spelled out in complete or abbreviated form but may not be written numerically. (Amended 8/1/82)

(c) Except as hereinafter provided in this section, upon completion of an approved course, the original of a course completion certificate completed by the school shall be issued to the student. The duplicate copy of such certificate shall be retained by the school for a period of one year from the date of issuance.

(d) If the approved school is a high school or college providing an approved driver education course, a course completion certificate may be issued to the student when, in the opinion of the instructor, that material which is required to be given in an approved course has been taught to the student even though the driver education course has not been completed.

(e) A duplicate course completion certificate may be issued by the school to the student only when the original certificate has been lost, stolen, mutilated or destroyed. No duplicate course completion certificate may be issued later than one year after the issuance of the original. The duplicate certificate will expire on the expiration date of the original which it is replacing. A duplicate MV-278 certificate must be signed by the instructor or school owner or director of continuing education or principal of the school providing the instruction.

(f) The local district office must be notified immediately upon the drivers' schools' loss or theft of any MV-278 certificates; the respective Education Department Office must be notified immediately upon the loss or theft of any MV-278 certificates by secondary driver education and continuing education programs. Identification numbers of the lost MV-278 certificates must be forwarded to the department.

(g) In the event a prelicensing program or research study program is discontinued, all remaining MV-278 certificates must be accounted for and returned to a department district office or the Education Department. (Amended 8/1/82)

7.9 Required records.

Each approved school shall maintain a record on a form or forms prescribed by the commissioner of all students who have completed the approved course. Such records shall be available for one year for inspection by the Department of Motor Vehicles.

7.10 REPEALED 3/12/97

7.10 Seminars.

Remedial or instructional seminars may be required for course providers and/or instructors when significant changes affecting either the curriculum or the administration of the course are made. Failure to attend any of the required seminars, after notification to do so, may result in a penalty as prescribed in section 7.11 of this Part. (Amended and renumbered 3/12/97)

7.11 Penalties.

Failure to meet Department of Motor Vehicles and/or Education Department standards, including misuse of certificates, may result in a temporary or permanent withdrawal of school and/or instructor approval and/or removal of all course completion certificates (MV-278). If within 10 days of the imposition of such penalty, the commissioner receives a written request for a hearing from the school or instructor involved, the commissioner shall cause a hearing to be held. If such request for a hearing be made, the penalty shall be stayed pending completion of the hearing. If certification is withdrawn, training may be required as a prerequisite for recertification. (Renumbered 3/12/97)