



New York State
Department of Motor Vehicles

STUDY GUIDE
FOR THE WRITTEN TEST
FOR DRIVING SCHOOL INSTRUCTOR
APPLICANTS

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Study Guide

Introduction

Safe driving by new drivers depends on many factors. These include:

- high-quality lessons from knowledgeable, skilled and committed instructors,
- personal characteristics such as responsibility, alertness, sobriety and caution,
- continued learning from post-licensing driving experience.

The driving instructor plays a major role. To be well equipped to deliver high-quality instruction, s/he needs:

- to be physically and temperamentally suited to teaching driving,
- to be knowledgeable and skilled,
- to continually develop his/her abilities with on-going experience,
- to be well supervised by the driving school.

In an effort to ensure high-quality instruction to driving students, the Department of Motor Vehicles (DMV) sets requirements for instructor background, training and performance. These requirements can be found in DMV's Commissioner's Regulations, Part 76. One of these requirements includes completing a course in teaching techniques and methodology, commonly referred to as the Basic 30-Hour Course. This course has been revised, and when implemented new instructors will be required to complete 21 classroom hours and 9 or more supervised in-car hours. The main focus of the course is on preparing the new instructor to teach the student to drive safely.

New instructors must also pass a number of tests, including a written test. The passing grade for the test is 80. To assist individuals who want to become driving school instructors in studying for the required written test, this *Study Guide for the Written Test for Driving School Instructor Applicants* has been prepared.

The *Study Guide* includes material on the main ideas in the revised Basic 30-Hour Course, and serves as a supplement to that document. Instructor applicants should use the *Study Guide* to prepare for the written test, and do not need to complete the Basic 30-Hour course first.

The written test also includes questions based on Commissioner's Regulations, Part 76 (see Attachment A) and the Driver's Manual. Therefore, instructor applicants preparing for the instructor written test should be familiar with the contents of those documents, as well. We also recommend that test takers read and study a driver education textbook before taking the written test.

This *Study Guide* consists of two parts:

PART 1: WHAT DRIVING STUDENTS NEED TO LEARN:

- I. Laws
- II. Concepts
- III. Driving Tasks
- IV. Additional Information that can help students understand and master skills and maneuvers
- V. The Road Test And Licensing

PART 2: COMPONENTS OF TRAINING (IN-CAR INSTRUCTION - THE MAIN COMPONENTS OF TRAINING, AND THEIR INTERACTION):

- I. The Student
- II. The Instructor
- III. The Instructional Process

Teaching driving is a complex task, with various elements intertwined. Since some information belongs in more than one category, there is some redundancy in this *Study Guide*.

6. Natural Laws
Always Operate

Natural laws cannot be overcome.
Knowledgeable drivers can anticipate the outcomes of the operation of natural laws, and can act to prevent undesired developments.

Examples:

- Preventive:
 - Slow down when approaching a hillcrest, before reaching the downgrade.
 - Slow down before entering a curve.
 - Wear a safety belt.

- Corrective:
 - In a skid, immediately remove the foot from the accelerator, and refrain from braking.
 - If necessary to stop quickly on a dry road, shift to a lower gear.

B. PEOPLE-MADE LAWS

Some people-made laws are an attempt to help drivers deal with natural laws.

Examples:

- Speed limits - Force of impact, gravity, friction

- Reduced speed on curves - Centrifugal force

- Occupant restraint laws - Force of impact, inertia

II. CONCEPTS

A. THE HIGHWAY TRANSPORTATION SYSTEM CONSISTS OF ENVIRONMENT, VEHICLE, AND DRIVER.

1. Environment: road, signs, roadside structures, trees, weather, light conditions, traffic, etc.
2. Vehicle and its parts: accelerator, brakes, tires, lights, windshield wipers, mirrors, safety belts, heating and cooling system, etc.
3. Driver: driving experience, knowledge, habits, skills, personality, emotions, vision, hearing, degree of sobriety, drug influence, height and weight, physical and mental condition, etc.

Only the driver makes and implements decisions. S/He must know enough and be sufficiently alert, observant, skilled, and in good enough condition to make correct decisions and implement them well, so as to complete a trip safely. The driver also is responsible for the condition of the vehicle, and must consider environmental factors and adjust to them in order to travel safely between two places.

B. RISK

Risk Factors Not Controllable

Some risk factors are not controllable. Generally, environmental factors cannot be controlled by the highway user, and some vehicular factors can be only partly controlled.

Examples:

- A wet bridge freezes more quickly on a cold day than the rest of the road.
- Windshield wipers, even in good condition, may operate poorly when long exposed to freezing rain.
- A tire blowout can occur at any time.
- Other drivers are not always sober.

C. RISK MANAGEMENT

There are many and various risks in the Highway Transportation System. There are correspondingly many ways to manage those risks.

1. Preventive

Examples:

- Regular vehicle maintenance

Routine care and servicing minimize wear to automobile parts, help prevent breakdowns on the roadway, help to prevent failures which might cause accidents, and improve handling which may help in emergencies.

Maintaining the car in sound operating condition through routine care and servicing should include attention to:

- Battery & electrical system
- Braking system
- Car's interior & exterior
- Cooling system
- Drive train
- Exhaust system
- Lights
- Oil level
- Steering & suspension systems
- Tires & wheels
- Windshield, windows & mirrors
- Windshield wipers

Tires should be rotated every 5,000 miles to ensure even wear. Under-inflation shortens the life of a tire. A bald tire skids more easily, and has an increased probability for blowout or punctures. Steering is more difficult with under-inflated tires.

➤ Driving Behaviors

Driving behaviors can prevent risk factors from leading to emergencies or even accidents.

<u>Goal</u>	<u>Behavior</u>
Maintain a safe following distance	Use two-second rule
Be ready to slow/stop the vehicle	Cover the brake
Identify potential problems	Scan and use mirrors
Communication	Signal
Avoid skid	Avoid slippery road areas; drive slowly
Pass safely	Pass only: when there is enough space in front of and behind the vehicle ahead; when oncoming traffic permits; when road markings and signs are appropriate
Occupant protection	All vehicle occupants use safety belts
Crash avoidance	SIPDE (see below)
	Adjust speed or change lanes when being tailgated

2. Remedial

Examples:

- Slowing the vehicle after brake failure.
- Handling a skid Remove foot from accelerator, and steer

Note: Risk management and other concepts should be taught together with the skills and/or maneuvers they are related to.

III. DRIVING TASKS

SKILLS AND MANEUVERS

Students should be taught to perform the following tasks safely and lawfully, in various environments.

PRE-OPERATIVE PROCEDURES AND BASIC CONTROLS

- Observation
- Systems and controls
- Pre-operative actions
- Starting the engine
- Shifting and acceleration
- Steering and turning
- Speed control
- Downshifting
- Stopping and braking

NORMAL DRIVING MANEUVERS

- Following
- Passing
- Entering traffic
- Leaving traffic
- Lane usage and lane changing
- Parking
- Negotiating intersections
- Negotiating traffic circles
- Backing
- Turnabouts

EMERGENCIES AND NIGHT DRIVING

- Skid control
- Reacting to emergency situations
- Night driving

ROLE OF DRIVING ENVIRONMENTS

- Urban and suburban (residential and commercial areas)
- Highway
- Freeway
- Various road surfaces

Other important driving situations include:*

Driving in normal situations

- off-street areas
- railroad crossings
- on bridges
- through tunnels
- at toll plazas

Driving in adverse conditions

- various road surfaces
- wet surfaces
- sand-covered roadways
- road shoulders
- obstructions and barricades
- snow and ice
- limited visibility due to weather

*Instructors are expected to know about these situations, and to be able to teach them to students if time and interest are present.

Details on the skills/maneuvers in this section are not provided. Including them here would make this document so large that it would be inconvenient to use. A driver education textbook should be used to fill in the details.

A. PREOPERATIVE PROCEDURES AND BASIC CONTROLS

Safe operation of a vehicle begins with observation. Through observation, the driver learns what is going on inside and outside the vehicle. The driver uses this information in making pre-driving and driving decisions.

Before starting the engine, the student must find the best seating position, and learn to adjust the driver's seat, mirrors, headrest, etc. Loose objects must be secured, so they do not fly around in case of a sudden stop or collision.

The student must learn and rely on basic techniques and skills needed for starting and controlling a vehicle safely. This part of the instruction gives the student the sense of how various adjustments of the controls affect the motion of the vehicle, and why this is so important when mixing with other traffic on the roadways.

1. Observation Outside the vehicle, the student must learn to check around the vehicle for hazards, making sure tires are properly inflated, windshield and lights are clean, etc.

Inside the vehicle before starting the engine, observation continues; and it continues throughout the driving until safely parking the vehicle and turning off the engine.

Inside the still stationary vehicle, the student must become sufficiently familiar with the locations and functions of the various systems and controls to be able to use them while driving and maintaining attention to the driving environment at the same time.

General Visual Observation
Auditory Observation
Olfactory Observation
Traffic Observation
Observation Of Traffic Control
Vehicle Observation

Learning Problems

- ♦ Constant eye movement
- ♦ Looking well ahead

2. Pre-operative Actions In the first lesson, the student needs to learn and practice pre-operative actions that reduce risks while driving.

- a. Outside the Vehicle:
 - ♦ Make certain there is a clear path of travel.
 - ♦ Check condition of the vehicle (for example, tires, lights).
- b. Inside the Vehicle:
 - ♦ Secure loose items.
 - ♦ Fasten and adjust all safety devices/equipment.

Each vehicle has unique positioning of gauges and controls. The new driver must become familiar with vehicle systems and controls before moving the vehicle.

Comfort Controls	Air-conditioning, seat position, controls, etc.
Movement Controls	Steering wheel, accelerator pedal, etc.
Visibility and Protective Controls	Sun visors, mirrors, safety belts, etc.
Information Controls	Fuel gauge, temperature gauge, etc.

Adjust driver's seat position and headrest.

Learning Problems

- ♦ Tension and apprehension
- ♦ Improper seating position

3. Starting the Engine

Place key in ignition. Turn key clockwise. Release key immediately after engine starts. Let engine idle 15-20 seconds before putting the vehicle in motion.

Learning Problems

- ♦ Releasing the key too soon or too late

B. MOVING THE VEHICLE

1. The Role of Driving Environments The basic procedures and skills learned by the student will be used in a variety of driving environments. The unique characteristics of each of those environments present different demands and offer different experiences for the student.

In learning a skill or maneuver, it is important that the student also learn what to do if various environmental or situational factors were present. The instructor should: alert the student to the environmental characteristics and their demands on the driver; show the student how to handle them; and provide practice opportunities whenever possible.

Examples:

➤ Environmental factors:

- ♦ Rain
- ♦ Sand
- ♦ Dusk
- ♦ Snow
- ♦ Ice
- ♦ Fog
- ♦ No traffic control device
- ♦ Uphill/downhill
- ♦ Narrow street
- ♦ Curvy road
- ♦ Road construction
- ♦ Potholes
- ♦ Toll plaza

➤ Situational factors:

- ♦ Emergency vehicle
- ♦ Hood opens
- ♦ Brake failure
- ♦ Stuck accelerator
- ♦ Cyclist
- ♦ Flat tire
- ♦ Rush hour
- ♦ Pedestrian

2. Basic Controls

The following tasks are a continuous part of driving and require the student to think ahead to anticipate required actions:

- ♦ Shifting and acceleration
- ♦ Steering and turning
- ♦ Speed control
- ♦ Downshifting
- ♦ Stopping and braking

After starting the engine, the student moves the vehicle. The student learns the basic controls one at a time, but must apply several together in the first actual maneuver that is executed - pulling away from the curb. Downshifting, stopping and braking often are not necessary when pulling away from the curb, but these skills are used later in the same lesson.

When moving the vehicle, the student uses the SIPDE steps. S/He continues to observe (scan) the environment and the gauges inside the vehicle. Using the information learned from observation, s/he also identifies, predicts, decides and executes, at first with considerable guidance from the instructor, later more independently. Various skills are needed for correct performance of the basic controls.

Learning Problems

- ◆ Prolonged precautionary check to side and rear
 - ◆ Reluctance to pass a moving vehicle
 - ◆ Judging the available passing time or distance
 - ◆ Judging the gap ahead of the vehicle being passed
 - ◆ Freezing at the wheel
- Entering Traffic - Each time a driver enters a roadway from a curb or driveway there is a risk of a crash with other vehicles already on the roadway. The student must master risk management techniques for:
- ◆ Entering traffic from the roadside.
 - ◆ Leaving parallel parking spaces.
 - ◆ Moving into traffic from angular or perpendicular parking.

Learning Problems

- ◆ Assessing the suitability of the gap in traffic
 - ◆ Entering traffic from a tight parallel parking space
 - ◆ Recognition of surface conditions and entering angle
- Leaving Traffic - When deciding to leave traffic, a driver must aim for an appropriate space, and must adjust speed - with minimal interference to other vehicles. The student must learn to safely:
- ◆ Select a suitable place to leave the roadway.
 - ◆ Leave the roadway.

Learning Problems

- ◆ Reluctance to leave the roadway
 - ◆ Physical appearance of shoulders
 - ◆ Selecting a safe speed to leave the roadway
- Lane Usage and Lane Changing - Changing from one lane of traffic to another increases the risks of crash. The student should learn to:
- ◆ Use multiple lane roadways.
 - ◆ Prepare for a lane change. (Observation, signaling)
 - ◆ Maneuver into the other lane.

Learning Problems

- ◆ Coordination of surveillance and steering activities
- ◆ Estimating closing rate and distance of following vehicles in other lanes
- ◆ Smooth continuous movement

4. More Normal Maneuvers in Different Driving Environments

- ◆ Parking
- ◆ Negotiating intersections
- ◆ Negotiating traffic circles
- ◆ Backing
- ◆ Turnabouts

The more advanced maneuvers also rely on the correct performance of the pre-operative actions and basic controls.

Perceptual and Coordination Skills In parking, backing and negotiating turnabouts, the safe rearward motion of the vehicle requires perceptual and coordination skills that are not required in the simpler driving tasks. Often, these maneuvers must be performed in a limited time and space due to moving traffic and/or vehicles parked in the area.

Examples:

- Parking - Drivers should be able to identify suitable parking spaces and be able to move into them with minimum risk. The student must learn to do this for each of the following:
 - ◆ Parallel parking
 - ◆ Angle parking
 - ◆ Parking on hills
 - ◆ Perpendicular parking
 - ◆ Procedures to be followed after parking

Learning Problems

- ◆ Selecting large enough parking space
 - ◆ Positioning the car
 - ◆ Steering and speed control while parking
 - ◆ Inadequate observation
 - ◆ Distribution of attention
- Negotiating Intersections - Because of the concentration of traffic activity and mix of traffic flow, intersections are particularly high-risk areas. In an intersection, traffic moves in different directions, traffic signals change and pedestrians enter and leave. The student must learn to deal with the changing elements legally and safely while proceeding into, through and out of the intersection without tying up traffic. The student must master the several steps:
 - ◆ Approaching Intersections
 - ◆ Proceeding through intersections.
 - ◆ Estimating when it is safe to proceed.
 - ◆ Coordinating speed and directional control.

Learning Problems

- ◆ Noting/responding to traffic controls
 - ◆ Determining time and space for turn at intersection
 - ◆ Positioning the car in the intersection for turn
 - ◆ Problems related to steering/turning
- Negotiating Traffic Circles - Traffic circles are characterized by vehicles entering, changing lanes and exiting. The student must learn to find the correct space and time to enter, to keep moving so as not to tie up traffic, and simultaneously to position the vehicle so as to be able to exit safely at the desired place. In negotiating traffic circles, the essential actions are:
 - ◆ Preparing to enter/exit the traffic circle.
 - ◆ Selecting the proper lane and observing the path of other vehicles.
 - ◆ Coordinating observation, steering, and speed control.

Learning Problems

- ◆ Coordinating surveillance, steering, and speed control activities
 - ◆ Lane selection
- Backing - Backing a vehicle presents some special risks and can be a dangerous maneuver. It is important for the student to know the hazards, procedures, and laws pertaining to backing.
- ◆ Backing restrictions.
 - ◆ Visual checking before backing.
 - ◆ Body and head position for backing.
 - ◆ Coordinating the accelerator, brake, and steering while backing.
 - ◆ Stopping while backing.

Learning Problems

- ◆ Speed control
 - ◆ Steering corrections
 - ◆ Using mirrors
 - ◆ Centering the car in the backward path
- Turnabouts - Some driving situations require reversing the direction of the vehicle without the opportunity to follow a continuous forward path. These maneuvers - turnabouts - pose certain risks and require special procedures to complete correctly.
- ◆ U-Turns
 - ◆ U-Turns - middle of the block, wide street
 - ◆ U-Turns - urban intersections, divided highways
 - ◆ U-Turns - residential or narrow street intersections
 - ◆ Three-point turns
 - ◆ Two-point turns - using a driveway

Learning Problems

- ◆ Selecting the correct turn
- ◆ Estimating available room for turn
- ◆ Coordinating speed and steering
- ◆ Over-concentration on one activity
- ◆ Obstructing traffic

5. Emergency Situations

An emergency situation may occur despite a driver's conscientious efforts to operate safely. If a crash seems imminent, there are still ways to avoid or minimize the consequences of a crash.

Examples:

- On-Road Evasive Action - On-road evasive action is appropriate when a crash can be prevented without leaving the road.
- ◆ Search for a safe space on the roadway.
 - ◆ Reduce speed and stop if necessary.
 - ◆ Maintain control of the vehicle and use the horn to warn others.

- Off-Road Evasive Action - Sometimes it is necessary to leave the road in order to prevent a crash.
 - ◆ Look to the right for a safe exit from the roadway.
 - ◆ If a crash with something is unavoidable, select an object that will “give” when struck and that is low risk.
 - ◆ Slow the vehicle as much as possible.
 - ◆ Maintain control of steering and braking.
- Off-Road Recovery - It may be necessary to make an off-road recovery after evasive maneuvers have been taken.
 - ◆ Maintain a firm grip on the steering wheel.
 - ◆ Turn the wheels back on the roadway.
 - ◆ Be prepared to turn the wheels in the opposite direction once back on the pavement.
- Hit from Behind - If about to be hit from behind by an overtaking vehicle with no possible evasive action, a driver should:
 - ◆ Warn passengers.
 - ◆ Remove foot from accelerator.
 - ◆ Lower body to the right for protection.
 - ◆ Sound the horn to warn others ahead.
- Side Collision - The best way to avoid a crash with a vehicle approaching from the side is to be very watchful for vehicles and cross traffic. When a driver observes another vehicle on a side crash course, try one of the following:
 - ◆ Slow down or stop.
 - ◆ Accelerate to get out of the way.
 - ◆ Turn away from the approaching vehicle, possibly by moving off the road.
- Pedestrian, Cyclist, Animal - If necessary to take emergency action to avoid striking a pedestrian, cyclist, or animal:
 - ◆ Blow the horn.
 - ◆ Redirect the vehicle if a clear path exists.
 - ◆ Apply brakes as needed.

Learning Problems

- ◆ Overcoming reluctance to leave the roadway
 - ◆ Improper braking
 - ◆ Maintaining control - not panicking
 - ◆ Over-concentration on steering
- Night Driving - Darkness reduces visibility, which in turn makes driving more hazardous. Slowing down improves hazard perception, which in turn can prevent a crash.
 - Skid Control - The likelihood of skids depends greatly on environmental conditions and tire condition. Characteristics of the road surface can tell a driver if there is a high risk for a skid. Even in unfavorable conditions, drivers often can prevent skids. When they do occur, the driver's correct immediate action may still prevent a crash. The student should learn to prevent and correct skidding conditions, drive slowly and avoid fast braking and sharp turning.

To emerge from a skid, remove foot from accelerator, and steer in the direction the vehicle should move. Avoid braking on a slippery road surface.

IV. ADDITIONAL INFORMATION

STOPPING DISTANCE

Information needed for teaching about stopping distance:

Perception time and distance: Time used in identifying a hazard, predicting what its results may be, deciding to stop, and the distance the vehicle travels in this time.

This varies with the attentiveness of the driver, whether the hazard is stationary or moving, the complexity of the driving situation, light and visibility, the condition of the driver (sobriety, alertness, degree of fatigue...) and the vehicle's speed.

In the table below, estimated perception distance is included in reaction distance.

Reaction time and distance: Time used in reacting (that is, in removing the foot from the accelerator, moving it to the brake, and stepping on the brake pedal), and the distance the vehicle travels in this time. Reaction time varies with the condition of the driver - $\frac{3}{4}$ second is average. The distance traveled during reaction time varies with the vehicle's speed.

Braking time and distance: Time between stepping on the brake pedal and the vehicle reaching a stopped condition, and the distance the vehicle travels in this time.

Stopping distance: Distance traveled from the beginning of perception time to the point at which the vehicle stops.

Some averages:

<u>SPEED OF TRAVEL</u> (miles per hour/feet per second)	<u>REACTION DISTANCE</u> (feet)*	+	<u>BRAKING DISTANCE</u> (feet)	=	<u>STOPPING DISTANCE</u> (feet)
20/30	44		25		69
30/44	66		57		123
40/60	88		101		189
50/75	110		158		268
60/88	132		227		359
70/105	154		310		464

*Includes perception distance

V. THE ROAD TEST AND LICENSING

A. LEARNER'S PERMIT

Valid for about four years, expires on the applicant's birthday. Valid for two road tests, plus two more for additional payment. Costs depend on type of license desired and birth date of applicant.

B. SCHEDULING THE ROAD TEST

When to schedule: Ideally, the road test should be scheduled when the applicant and the instructor agree that the applicant is competent to drive safely in various conditions. However, the applicant may request a road test at any time, and the driving school may assist with scheduling even if the instructor does not consider the applicant to be sufficiently skilled. Applicants under 18 years of age are required to have 20 hours of supervised driving by the day of the road test unless:

- o the applicant received his/her permit prior to September 1, 2003, or
- o they have completed a Driver Education course AND are 17 years of age when they take the road test.

For those applicants who are required to have the 20 hours of supervised driving, they must present an MV-262 form (Certification of 20 Hours of Supervised Driving) at the road test.

In some seasons and locations, there may be up to an eight-week wait for a road test. To avoid a long wait, appointments may be scheduled before applicants are ready, in the expectation that they will be ready by the time of the road test.

How to schedule: An appointment may be scheduled for the applicant by the driving school by calling either the Road Test Scheduling System at 518-486-6639 or using the Internet at www.nysdmv.com/roadtest.

If necessary to cancel, this should be done 72 hours or longer before the scheduled road test date. Cancellation may be done by telephone or on the Internet at the aforementioned address.

Documents that are needed for taking a road test are:

- o MV-278 (Pre-licensing Course Completion Certificate) or MV-285 (Driver Education Student Completion Certificate);
- o Driver's license for CDL road test
- o Photo learner's permit
- o MV-262 (Certification of 20 Hours of Supervised Driving) for DJ or MJ permit holders whose permit was issued on or after 9/01/03 AND who have not completed a certified Driver Education course AND who are not 17 years old at the time of the road test.

C. RULES AT THE ROAD TEST

Instructor and applicant should be on time, or risk the appointment being rescheduled.

If an instructor brings more than one applicant to the road test, the group should arrive earlier than the appointed time, to allow for "turnaround" time between tests to change applicants and examiners.

On arrival at the road test line, the test vehicle should be driven to the end of the line. The instructor should wait with the vehicle and the applicant(s).

The instructor and the applicant(s) should follow the instructions of the examiner.

The required paperwork for instructor and each applicant should be ready for the examiner's inspection.

Once the examiner receives the paperwork and addresses the applicant, the instructor should step aside and not engage in the conversation unless asked to by the examiner.

The instructor may not ride with the applicant during the test.

The instructor should not:

- o Call examiners by their first names or nicknames, as this may give the incorrect impression of a less-than-professional relationship.
- o Express to the examiner an opinion of the applicant's driving ability.
- o Give driving instructions at the site.
- o Solicit or accept other customers at the road test site.

D. THE ROAD TEST

The applicant's skills are tested and scored on:

Turning	Parallel parking
Observation	U Turns
Judgment	Rules of the road

The examiner does not try to trick the applicant.

Applicants usually are informed at the end of the road test whether they passed or failed.

PASSES the test - The examiner prints a temporary license receipt. This receipt, along with their permit, serves as their temporary license. This temporary license is valid for 90 days.

NOTE: An applicant who has a MV-285 (Driver Education Student Completion Certificate) should surrender it to the examiner so that the license may be issued as a Class D license with full driving privileges when the applicant is 17 years old.

FAILS the test, first time - The examiner will discuss the reasons for the failure with the applicant. The applicant will receive a printed receipt with examiner comments pertaining to areas needing improvement, and the learner's permit will be returned. The applicant may schedule another appointment when ready.

FAILS the test, second time - Same as above except that the individual must pay a \$10 fee for two more road test appointments. The permit still remains valid until its expiration date.

In some circumstances, the examiner may keep all of the applicant's documents and not disclose the results of the test. This may occur when verification of I.D., appointment, documentation, etc. by the district office is necessary. If this occurs, the examiner will explain to the applicant what to do. This is not unusual, so there is no reason for the instructor or the student to be concerned.

E. LICENSE

When the applicant passes the road test, a printed receipt will be issued, which along with their permit, becomes a temporary license for 90 days.

The permanent photo license is mailed to the applicant within six weeks after s/he passes the road test. There is no need to go to the DMV office again. The license (except for certain junior licenses*) is considered “probationary” for the first six months.

During the probation period, the license will be suspended for 60 days upon conviction for one violation of speeding, reckless driving or tailgating. It will also be suspended for 60 days upon conviction for any two other moving traffic violations during the probation period, and for 90 days upon conviction for driving while ability impaired by alcohol or drugs (DWAI).

When the suspension ends, a new six-month probation period begins. During the second probationary period, the license will be revoked for at least six months upon conviction for any one of the single violations listed above or any two other moving violations.

If an applicant is under 18½ when applying for a permit, the permit or license will expire at age 21. DMV will mail a new photo permit or license to the individual when s/he reaches age 21.

*All junior drivers (16 and 17 year olds) who received their learner permit on or after September 1, 2003 are now governed by the rules of the Graduated License Law (GLL). The new law provides for a 6-month waiting period (starting when the learner permit is issued) before these drivers can obtain a “full” junior driver’s license. A junior learner permit holder who passes a road test within this 6-month waiting period will be issued a “limited” junior license. A junior learner permit holder who passes a road test after six months of holding the permit, will receive a “full” junior license (and skip the “limited” junior license step since the 6-month waiting period is over).

These individuals are not affected by the probation rules noted above. Instead, a GLL applicant’s permit or license will be suspended for 60 days upon conviction for any violation of 3 points or more, or upon conviction for any two violations of 2 points or less. After driving privileges have been reinstated, repeat offenses will result in a 60-day revocation. Any time spent under suspension or revocation does not count towards the 6-month waiting period.

PART 2. COMPONENTS OF TRAINING

The student, instructor, and instructional process are the main components of training.

Training students to drive is a specialized type of education. Usually, the instructor works with students one-to-one. Each student's needs are different. This means the instructor must be flexible enough to work with students who have various levels of information, misinformation, skills, motivations and understanding of driving tasks.

There are an infinite number of instructional situations. For the student to learn, it is important that the in-car instructor pay particular attention to the learning needs and strengths of that student, know the instructor roles and behaviors that promote learning, and use instructional processes that will offer the individual student the most appropriate learning situations and information.

I. THE STUDENT

The individual student is the focus of in-car instruction. The instructor must always keep in mind the needs and challenges of the particular student. Instructional techniques should be adjusted accordingly.

Each student enters training with a number of personal characteristics that affect learning.

A. SHARED CHARACTERISTICS

Each person is unique; yet adult and teenaged learners have some characteristics in common. It is conservatively estimated that it takes a minimum of 12 to 20 hours for the average beginner, under ideal conditions, to learn to drive properly. This is time spent with an instructor and does not include "practice time". Some driver training organizations suggest 15 to 25 hours of training, depending upon the student's personal requirements and the geographic area. Those students living in the northern part of the United States and Canada, who have to cope with the problems of driving on ice and snow, may take longer to learn.

1. Adults

Adults and teenagers learn best when training:

- ✓ involves them in the training and evaluation process,
- ✓ applies their own personal experiences, and
- ✓ relates to their individual need and interest to learn or achieve something.

The more a learning experience simulates or approaches the real thing, the greater the chances of the student internalizing and mastering a task or concept.

Mature adults may have a more difficult time learning because their:

- ✓ eyesight is usually not as sharp;
- ✓ hearing may be impaired;
- ✓ reflexes aren't as quick, causing slower reaction time;
- ✓ muscles and joints are tighter.

They may need more reassurance than young learners. For example:

- "Everyone is afraid to learn new things. You're afraid only because this is new to you. I'll be coaching you as to what to do, when to do it, why, and how to do it. And - I have a brake on my side of the car."
- "There's nothing you can do that I haven't seen before."

The instructor may share some of his/her own past apprehensions - preferably about something that the student has already mastered.

- "There are some bad drivers out there, but they look worse to you because you're only half-watching and you don't yet have good control of the car. In your lessons you'll learn what to watch for, how to read other drivers, and how to anticipate their actions. You'll then know how to avoid problems, so the other drivers won't seem as scary to you."
- "Let's not worry about a test that you're not yet ready for. By the time you are ready for your test, you'll know how to do everything you need to do to be a good driver."

Share success stories regarding other students (never use names), etc.

- | | |
|----------------------------|--|
| 2. Effects of Inexperience | The new driver's inexperience makes the driving task more challenging: <ul style="list-style-type: none">✓ Unsure of self or unrealistically confident.✓ Lacks proficiency in handling a vehicle.✓ Unfamiliar with laws/rules.✓ Has limited judgment of driving situations. |
|----------------------------|--|

B. DIFFERENCES

- | | |
|-----------------------------|---|
| 1. Reasons For Learning | Often the circumstances prompting mature adults to learn to drive are stressful, such as ill husband or wife; recently widowed; moved to suburbs - public transportation not available; children (who used to drive them around) have left home.

The various reasons for taking lessons are an important factor in the student's motivation to learn. For some, a driver's license represents a new necessity. They take lessons for the purpose of passing the road test and acquiring the license. The instructor has an opportunity to help the student think beyond the immediate benefit of passing a road test to see the long-term benefit/advantage of learning safe driving skills. |
| 2. Personal Characteristics | Personal characteristics such as nervousness, attention span, patience, impulsiveness, serenity, intelligence level, physical stamina, state of health, reflexes, etc., affect the student's learning. The instructor should study the student, and use appropriate teaching techniques that are best suited to that particular student. |
| 3. Driving Background | Students enter training with varied exposure to driving, as participants and/or observers. Their different background and skill levels require the driving instructor to plan and deliver lessons to suit the needs of the individual student. |

4. Learning Styles

There are three basic styles of learning:

- ✓ Verbal (auditory) - understands oral instruction best.
- ✓ Visual - understands instruction best when it is presented via a diagram, picture, etc.
- ✓ Experiential (kinesthetic) - understands instruction best by actually doing it, or simulating an actual experience

C. SPECIAL CHALLENGES

Some students present special challenges. The instructor must be sufficiently informed and skilled to adjust the teaching approach accordingly. In some cases it is unsafe or otherwise inappropriate to continue driving lessons; and either a lesson should be stopped and/or lessons should be discontinued altogether.

Some common challenges are:

1. Alcohol/Other Drugs

A student may be under the influence of alcohol or another drug. Do not allow a student to drive after having consumed alcohol or other drugs which may impair his/her driving ability. Inform the school owner of all occurrences involving alcohol/other drugs.

A student may present the smell of alcohol on the breath, slow or slurred speech, staring, difficulty in comprehension, slow response to questions, conversation with people who are not actually present, inappropriate laughter, weeping, aggression, physical imbalance. The student's vision or hearing may not be as sharp as usual; his/her control of arms or legs may be poor.

If this happens before the lesson starts, cancel the lesson, using an inoffensive excuse, such as, "I'm sorry, something unexpected has happened, and I can't give you your lesson today. Please call me so we can reschedule."

At the next meeting with the student, the instructor or the school owner should:

- ✓ inform the student about the effects of alcohol on driving.
- ✓ tell the student that s/he may not drive the school vehicle after drinking alcohol or consuming other consciousness-impairing drugs.
- ✓ offer the student:
 - ♦ printed additional information about alcohol.
 - ♦ the address of a local alcoholism clinic or guidance on contacting AA.
 - ♦ an opportunity to schedule another driving lesson, with the understanding that s/he will not drink any alcohol that day before the lesson.

If the presence of alcohol/other drugs is not noticed until the lesson is in progress, either end the lesson, using an inoffensive excuse, or use the rest of the lesson to describe, explain and demonstrate various skills, rather than allow the student to drive. In the next meeting with the student, proceed as above.

2. Physically Challenged

A student may have different length limbs, missing limbs, paralyzed parts of the body, etc.

Physically challenged students may require special devices or attention. They may need to learn compensatory skills.

If the student has difficulty mastering the skills needed to drive safely because his/her body parts are absent or do not function normally, refer the person to a diagnostic center.

3. Slow Learning

Some students have difficulty learning. They may require more time, patience, and planning than most others to reach their goals.

Try to determine why the student is learning slowly. Adjust teaching methods accordingly. Then be patient.

If the student does not show significant progress after 2 to 3 times the amount of time it takes most students to learn the earliest skills, admit that you are not succeeding in teaching the person, and suggest trying a different instructor or a diagnostic center. Present both options for the student's consideration. Inform the school owner before and after the discussion with the student.

If you are the next instructor, and the situation continues, suggest trying a diagnostic center to determine what the problem is and how to handle it.

4. Language

A language barrier may interfere with the communication needed for a student to properly understand concepts and tasks.

Choose simple words to convey information.

- ✓ If using slang words, explain them.
- ✓ Diminish reliance on written cues.
For example, emphasize color and shape of signs.
- ✓ Explain words that relate primarily to the driving task.
- ✓ Present a chart or diagram or model or picture.
- ✓ Use the same words each time to refer to the same thing.

Example:

- Stay with one word from each group:
seat belt, safety belt, restraint; manual shift, standard transmission, stick shift.

Try role-playing for concepts that are not grasped through oral explanation. Give information in advance to help someone who is too slow in reading informational signs.

If the instructor does not succeed in overcoming the language challenge, an interpreter may be needed.

5. Emotions

A student may be angry, upset, elated, sad, etc. Concentration and performance of driving tasks may be impaired. The instructor should help the student identify the emotion and remove it from the driving situation

Discuss with the student the emotion and/or the situation that caused it.
Role-play with the student the situation that caused the emotion.
Discuss with the student the possible effects of the emotion on the driving task.

If, after ten minutes or so, the student's performance continues to be impaired by emotion, end the lesson with a gentle explanation.
Schedule the next lesson together with the student. Drop the student off at a familiar place.

6. Vision

A student may have vision deficiencies.

The student should always wear corrective lenses if s/he has them.

Color-blindness - teach the standard positions of various traffic light colors.

Limited peripheral vision - teach the student to turn his/her head and to use side-view mirrors frequently to check the environment. Have the school vehicle equipped with an especially large rearview mirror.

Deficient distance-vision - emphasize driving slowly enough to be able to stop in time to avoid hitting an object ahead. (This applies to all students, but a person with deficient distance-vision may have to drive more slowly than others.)

Emphasize the importance of checking blind spots.

7. Hearing

A student may hear poorly, with or without a hearing aid.

The student who has a hearing aid should always use it when driving.

Emphasize visual scanning.

8. Psychiatric Conditions

A student may have extreme moods; see, hear or smell what actually is not there; think others are hostile and trying to harm him/her.

Do not allow a student to drive in this impaired condition. Inform the driving school owner of all such incidents as soon as possible.

Cancel the lesson before it starts, using an inoffensive excuse, such as, "I'm sorry, something unexpected has happened, and I can't give you your lesson today. Please call me so we can reschedule." Then tell the school owner.

If the aberrant behavior is not noticed until the lesson is in progress, end the lesson, using an inoffensive excuse. If that is not possible, use the rest of the lesson to describe, explain and demonstrate various skills, rather than have the student drive. (Describe the situation to the school owner as soon as possible after the lesson.)

Try to get the student to a person who may be able to protect him/her from harm, or drop him/her off at the usual place.

9. Direction Problems

A student may confuse right and left.

Have the student practice walking towards signs, and turning in the directions shown in the signs.

Have the student identify directions in a mirror. Emphasize the importance of turning the head to check direction.

For backing, have the student practice a lot.

10. Sleepiness

A driver may fall asleep for some seconds without realizing it. In that time, s/he does not control the vehicle.

A person who does not get enough sleep builds up a sleep debt. This can be reduced only by getting sleep in excess of the person's basic daily need.

Consuming caffeine can provide a temporary boost in alertness, but this lasts for only a brief period. Blowing cold air on the face, blasting the radio or getting out to walk around may make the person feel alert for a time, but the sleepiness overtakes his/her alertness, and the driver has brief microsleeps or prolonged involuntary sleep.

Danger signs for drowsy drivers:

Danger signs warn of impending sleep. These signs should be taken to mean that the person is about to fall asleep without further warning:

- ✓ Eyelids feel heavy, as if they are about to close, or they do close.
- ✓ Eyes appear to go out of focus involuntarily.
- ✓ Can't stop yawning.
- ✓ Mind wanders and the person has disconnected thoughts.
- ✓ Doesn't remember driving the last few miles or passing landmarks or exit markers that you passed.
- ✓ Drifts back and forth between traffic lanes, or drifts toward the shoulder or guardrail, and has to keep correcting to get the car back into the original traffic lane.
- ✓ Inadvertently tailgate other vehicles.
- ✓ Misses traffic signs or other directional signs.

A driver who experiences these warning signs should pull off the road, let someone else drive, and/or arrange to take a nap before continuing to drive.

Steps that can be taken to help drive alert, arrive alive:

- ✓ Start any trip by getting an adequate amount of sleep the night before.
- ✓ Plan to drive during hours of maximum alertness.
- ✓ Avoid driving during the hours of greatest sleepiness. Take a break in the mid-afternoon and find a place to sleep late at night, especially from midnight to 7 a.m.
- ✓ Avoid consuming alcohol.
- ✓ Avoid taking medications that tend to increase or mask sleepiness, unless these have been prescribed because of medical necessity, or postpone the trip.
- ✓ Take a break every two hours or every 100 miles; during the break, stretch, take a walk, and get some exercise before resuming driving.
- ✓ The passenger in the front seat should remain awake; the driver and passenger should talk frequently. (83% of drivers experiencing a sleepiness-related crash had no passenger and were traveling alone).
- ✓ If there is no passenger, play the radio or a tape to help maintain alertness; singing along may help.
- ✓ Keep the car well ventilated, windows open or air conditioner turned on.

The last four steps may help keep the driver alert, but these steps won't keep him/her awake if the urge to sleep is great enough.

II. THE INSTRUCTOR

A. INSTRUCTOR'S ROLES

1. Facilitator
An instructor should be able to assume several roles at various times during contact with a student.
A facilitator of a student's learning, that is, someone who is sensitive and attentive to the learning needs and interests of the student, and tolerant of various levels of achievement and progress.
2. Expert or Resource
An "expert" or "resource" in training as well as traffic safety. Each student deserves a knowledgeable and skillful instructor.
3. Role Model
A role model that students can use as an example. Instructors must practice what they teach.
4. Custodian
A custodian of each student's well-being while in the vehicle. An instructor should never allow any student to be exposed to unreasonable risk of harm during a lesson.

B. ETHICS

The link between instructor and student is based on trust. That trust relates directly to the instructor performing the job with the highest possible professional and ethical standards.

Basically, an instructor must be free of improper motive for instructional behavior, be impartial and honest when dealing with the student, and provide the best service possible to the student.

C. PERSONAL BEHAVIORS

An instructor's personal behaviors can also be a factor in the quality of instruction. They can contribute positively, or be detrimental.

The manner of speaking and otherwise communicating to a student must be positive and professional - no cursing, no physical crowding, no smoking.

Cursing and language that might be interpreted as harassment must not occur. The student's personal space requirements must be respected. Smoking during an in-car lesson is a distraction, and can affect vision and possibly aggravate health conditions. Therefore, there should be no smoking during in-car lessons.

1. Focus
The only concerns that should be exhibited while instructing a student are those related directly to the performance and behaviors of that student. There may not be expressions of bias or prejudice toward any group/groups of people, or about any other students past or present.
2. Calm
The actions of students or others, or carryovers from other life situations, might result in a loss of temper or other inappropriate instructor behavior. For the student's well-being and the quality of the learning environment, the instructor must keep calm.
3. Positive
All the instructor's attention and behaviors should be positive, energetic, and focused on helping the student. Students sense an instructor's interest and motivation. This can play an important part in the student's motivation.

D. IMAGE

An instructor's appearance, personal demeanor and habits should always project a professional and positive image.

E. WHAT THE INSTRUCTOR CONTRIBUTES TO THE LESSON

1. Excellent mastery of the driving skill/maneuver s/he is teaching.
2. Recognition of the driving skill parts.
3. Relations of the driving skill to other driving skills.
4. Relation of the driving skill to traffic safety concepts, and associated information.
5. Knowledge, imagination, creativity, ingenuity, humor, sensitivity.
6. Weaves concepts and information together with practical skill learning, in ways that help the particular student to learn.
7. Role model for the student to emulate.
8. Success Orientation
A cooperative and success-oriented learning situation enhances the likelihood of student learning. The student needs to feel safe and positive about lessons. A negative or critical learning climate slows learning.

F. TRAINING

New driving school instructors are required to pass a 30-hour course in order to teach behind-the-wheel.

The Course equips the beginning driving instructor with the rudiments needed to teach concepts, present information and provide instruction in basic skills essential for long-term safe driving. Some students may see passing the road test as the sole or primary aim of driving lessons. The instructor must be guided by the longer-range aim, and the student must be apprised of this at the outset.

In-car instructor training should include:

1. The trainee should observe several veteran instructors, in order to see different teaching styles.
2. The trainee should observe various lessons; that is, first lesson with one student, second lesson with another student, etc., in order to observe the different needs presented by different students.
3. The trainee should observe lessons with foreign students - language can sometimes be a barrier - to see how a seasoned instructor would communicate.
4. After observing a lesson, the trainee should have an opportunity to discuss it with the veteran instructor.
5. After observing experienced instructors as above, the trainee should be supervised by an experienced instructor while applying what s/he has learned with real students.

III. THE INSTRUCTIONAL PROCESS

The instructional process is what happens between the student and the instructor, which leads to student learning. The process is guided by principles that the instructor applies in order to achieve a productive interaction with the student. The student is a full participant in the learning process, but the instructor is the expert, so it is the instructor's responsibility to apply educational principles appropriately in order to achieve the desired goal - a new driver who is well prepared to drive safely.

A. FIRST MEETING

The process begins during the first meeting between the instructor and the student.

1. First Greeting

First greetings should be:

Positive	Polite	Informative
Friendly	Cheerful	Include instructor's name
Brief	Sincere	Outside the vehicle

Example:

- Instructor arrives at student's address five minutes before the lesson is scheduled to start. When the student appears, walk toward the student, extend right hand to him/her, and say, "Hello, I'm (name), your driving instructor from (name of driving school). Are you (student's name)? I'm pleased to meet you."

2. First Impression

From the first moment, the student observes and judges the instructor's:

- | | |
|------------------------|--|
| a. Condition | appearance
personal cleanliness
clothing cleanliness and appropriateness
appearance and condition of training vehicle (The instructional vehicle is an extension of the instructor. The vehicle should be clean and neat and in good working condition.)
punctuality
sobriety |
| b. Behavioral Basics | language and tone of voice
alertness
poise |
| c. Behavior to Student | ability to put the student at ease
courtesy
attentiveness to communications and to needs of the student and other people
use of humor |

The student's need for personal space must be considered at all times. The instructor must be guided by the physical space the student establishes for him/herself. Physical touching is to be avoided except when absolutely necessary or appropriate, such as shaking hands.

- d. Teaching
- preparedness
 - "take charge attitude"
 - teaching techniques
 - competence
- e. Other
- Some characteristics that may be significant to the student are out of the instructor's control at the time of the first meeting with the student. That makes it more important for the instructor to concentrate on the behaviors and characteristics that s/he can control.
3. Exchanging Information
- The student and instructor get acquainted by exchanging information.
- a. The Student's Need for Information
- Information is an essential ingredient in the student's development of comfort with and respect for the instructor. These, in turn, increase the instructor's value to the student as a resource in learning to drive.
- Information that contributes to the student's respect for the instructor relates to the instructor's knowledge, experience, and ability to communicate explanations and instructions so they are useful to the student.
- The student should receive information about: the purpose and scope of in-car lessons; the basic procedure and format for each lesson; and the instructor's expectations.
- The instructor will use the dual controls as necessary to prevent a crash, or in an emergency. When the dual controls are used, the instructor must explain to the student what happened..
- The student gathers information about the instructor largely through observation, statements made by the instructor, the instructor's answers to questions, conversations, and from other students.
- b. Information Gathering by the Instructor
- To plan and deliver useful lessons, the instructor needs information about the student.
- The information needed by the instructor in the first meeting is:
- ✓ Physical or handicapping conditions which may affect driving
 - ✓ Medications which would affect driving
 - ✓ Is the student bi-lingual?
 - ✓ Driving experience (how long? which vehicles?)
 - ✓ Previous attempts to learn to drive
 - ✓ Number of previous learner's permits
 - ✓ The kind of vehicle the student will drive
 - ✓ The student's expectations
 - ✓ The student's personal space needs
- The instructor collects information about the student largely through observation, statements made by the student, the student's answers to questions, and through conversation. The instructor does not discuss one student with another student.

B. PARTS OF A LESSON

Each lesson is composed of a number of parts, organized in a standard sequence. Following the correct sequence enables the instructor and the student to focus on the skills, maneuvers, concepts and other information that the student is trying to learn. The sequence of the lesson is:

1. Greeting
Instructor and student (re-)establish their contact.
2. Overview
At the beginning of the lesson, the instructor briefly tells the student what to expect in the lesson. This is based on the plan that the instructor prepared earlier, and reinforces the preview given at the end of the last lesson. The overview includes a statement of the specific learning objectives. From this step on, the student is encouraged to ask questions at any time during the lesson.
3. Review of Last Lesson
The instructor reminds the student what was done and what was accomplished in the last lesson - or asks the student to recall this. The student demonstrates the last skill or maneuver learned.
4. Assessment
The instructor continually assesses the student's performance. Based on this, the instructor decides when to continue practicing the same maneuver, and when to begin learning another.

The student is ready to begin learning a new skill or maneuver when s/he:
 - ✓ knows the components of the maneuver being practiced;
 - ✓ understands how the components function together; and
 - ✓ executes the maneuver properly, even if not perfectly.
5. Introducing New Skill/Maneuver
When introducing a new skill/maneuver to be learned, the instructor explains how this new skill/maneuver fits into the overall goal of learning to drive safely.
6. Demonstrating a Skill
Certain skills/procedures are best taught by demonstration. Successful learning sometimes depends on an instructor's ability to explain and demonstrate the skills used to control a vehicle.
 - ✓ Planning and preparation are essential. The instructor must know if and when a skill needs to be demonstrated, then plan and prepare for each step in sequence. More complicated skills may need to be divided into more than one demonstration.
 - ✓ An explanation of the procedure should precede the demonstration. The instructor explains a new skill/maneuver before demonstrating (or while demonstrating) each step slowly for the first time.
 - ✓ The demonstration should follow the plan step-by-step in sequence, with the instructor slowly performing the procedure first, while describing each step. After the explanation and instructor demonstration, the student should be asked for an explanation in his/her own words.

In demonstrating a new skill/maneuver, the instructor describes it in detail. This is a type of commentary driving, which the instructor continues when the student demonstrates the new skill/maneuver. The instructor encourages the student to take over the commentary driving as soon as the student is comfortable doing so, and to expand it to include attention to the environment and the vehicle as well as the skill/maneuver.

7. Teaching Concepts

The student who understands traffic safety concepts is better equipped to apply newly learned skills in a variety of new situations.

The quality and timing of the instructor's explanation and demonstration of traffic safety concepts are factors in the student's understanding of how and why tasks are performed in certain ways.

Mostly, related concepts are explained before or after the student demonstrates the maneuver, rather than while s/he is doing so.

- ✓ Some concepts are more difficult to understand than others, and must be broken down into small components.
- ✓ The instructor should clearly explain the concept, giving concrete examples as much as possible and associating the concept with the student's prior knowledge or experience. Demonstration of the relative skill or maneuver should accompany or immediately follow the explanation. The student should have an opportunity to identify and discuss any special terminology.
- ✓ Even if all driving situations could be imagined, there would not be time to teach the student about every relevant factor and situation. However, the driving instructor should be well-informed, and adroit enough to identify many risk factors and instruct about them by weaving them in with the skills and maneuvers and concepts that the student is learning.
- ✓ Students should be given the opportunity to explain how the newly learned concept applies in various driving situations.
- ✓ Concepts can come alive for the student through instructor questions.

Examples:

- In which maneuvers is (concept or information) especially important to know?
- What natural laws (or people-made laws) are important in (name of skill or maneuver)?
- What are some natural laws? How do they affect your driving?

Centrifugal force	Gravity	Kinetic energy	
Force of impact	Inertia	Momentum	Friction

- What are some people-made laws/rules? Why are they needed?

Speed limits	Safety belt use	Right of way
Use of lights	Condition of tires	Observe traffic control devices

a. Risk Management

Risk management is a concept that is relevant to every skill and maneuver. Additionally, other concepts and laws should be taught together with the specific skills and maneuvers to which they are most relevant.

For example, the concept of Space Cushion Driving encompasses visual techniques and vehicle positioning skills for achieving a safe distance from other vehicles. These should be taught together with the two-second rule, which the student can later use in every driving situation.

b. Laws

With the various skills and maneuvers, the student should also learn the natural and people-made laws and concepts which address the "why's" of the skills/maneuvers being learned.

8. Practice

The student practices the new skill/maneuver several times. If more practice is needed, the additional practice should include repetition of skills/maneuvers learned earlier, to provide variety and a sense of accomplishment supervised by an experienced licensed driver.

The instructor may encourage the student to practice learned skills on his/her own after the lesson, supervised by an experienced licensed driver.

Commentary Driving

Commentary driving helps to keep attention focused, and it is a form of feedback to the student. The instructor introduces commentary driving as soon as the student has a rudimentary mastery of the new maneuver. While the student practices, the instructor describes what is happening inside and outside the vehicle.

9. Feedback

As the student demonstrates and practices, the instructor continually observes, diagnoses, and gives verbal feedback, to encourage the student and to provide guidance on how to improve the performance. The instructor may also take brief notes.

- ✓ Tell students how they are doing.
- ✓ Reinforce the importance of intermediary tasks/goals.
- ✓ Keep long-term goals in the picture and in perspective.

Student Errors

Students make mistakes as they learn new skills. A mistake handled constructively by the instructor can contribute to the student's learning.

- ✓ The instructor tells the student near the beginning of the first lesson that the instructor may manually assist at any time.
- ✓ The instructor keeps alert in order to anticipate student errors and prevent those that might have serious consequences.
- ✓ At the first opportunity after the error, identify for the student what s/he did well. Then describe the error. Before the student tries the skill again, the instructor ascertains that the student knows what was wrong and how to do it right.

10. Summary

Near the end of a lesson, or before moving on to another step or another skill/maneuver, the instructor summarizes what was just learned. By mentioning the difference in the student's competence before and at the end of the lesson, the summary can give the student a sense of accomplishment. It also reinforces the learning.

The summary is an opportunity for the student to comment on the just-completed lesson and/or to ask questions. This can provide needed clarification for the student and feedback for the instructor.

The summary offers a few minutes for winding down, giving the student satisfying closure to the lesson experience and contributing to a smooth transition to other activities.

11. Preview Next Lesson

This is the time to confirm the next appointment. The instructor tells the student what the focus will be in the next session. The preview helps both student and instructor.

Knowing what to expect reduces the fear that the student may have about the next lesson.

Having some information about the next lesson can contribute to a sense of progress, and to the student's looking forward to the next lesson.

If the student has questions or objections to the instructor's plan, they can be addressed at this time.

Both student and instructor become committed to the plan. This is an added stimulus for the instructor to prepare for the next lesson.

12. Planning

Planning can help the instructor focus the lesson appropriately for the individual student. It also can help both the instructor and the student make the best use of the lesson time. It also indicates to the student that the instructor respects the student's desire or need to learn to drive.

After the initial assessment, the instructor must work on keeping the student focused on activities that relate to observable and measurable tasks. This requires setting goals and formulating a plan of action.

Lesson Plan

A lesson plan should specify to the instructor what to do and where, when and how to do it (for example, the best location for the lesson, anecdotes that will be meaningful to the particular in-car student, audio/visual aids). The instructor may even wish to include notes on what the student-driver did in the previous lesson, if mentioning this to the student may help this student to learn. After a lesson, and considering the student's performance, the instructor prepares the written plan for the next lesson.

The instructor's plan must also include follow-up assessment of the student's mastery of a skill. This should be done first in the same lesson during which the student first learned the skill, and also in the following lesson, before introducing another skill. The instructor's recall about the student is used as a basis for selecting the correct approach for that student in the next lesson. The pace of earlier learning, that student's physical characteristics which may constitute a need for "extras" - this and other relevant information will be considerations in the instructor's plan for the next lesson.

Discuss the plan with the student at or near the beginning of the lesson.

See sample lesson plan on next page.

SAMPLE LESSON PLAN

Student-Driver: Seymour Rhodes Date: _____

Lesson # _____ Location: 1-4 at curb side; 5-6 at Main Street RR crossing

Topic: Negotiating RR crossing

Objective: Students will learn about hazards of negotiating RR crossing and will demonstrate safe crossing of the tracks.

Materials: Driver's Manual, RR crossing diagrams, clipboard, Textbook references

<u>WHAT SHOULD BE LEARNED:</u>	<u>WHAT STUDENT AND INSTRUCTOR WILL DO:</u>
1. Hazards of RR crossings	1. Tell student about hazards, and discuss.
2. About this lesson	2. Preview this lesson and its purpose.
3. Types of RR crossings, signs, signals and markings	3. Discuss each, making sure student understands meanings and locations.
4. Use of SIPDE and commentary driving	4. Review SIPDE principles. <ul style="list-style-type: none"> ◆ Tell student to use SIPDE process and to narrate approach to RR crossing. ◆ Advise student of lesson route.
5. When it's safe to cross	5. While driving, student will describe location and meaning of signs, signals and markings. Instructor assists as needed: <ul style="list-style-type: none"> ◆ Student will slow before reaching the crossing to scan and listen. ◆ Instructor will scan and keep "ready position." ◆ If stop needed, should be 15+ feet from tracks. ◆ Allow student to cross only when vehicles in front have cleared and no train is coming.
6. Proper crossing technique	6. Monitor student's speed, and advise if correction is needed. <ul style="list-style-type: none"> ◆ Do not allow student to stop on tracks or attempt to cross when not safe.

Notes: Advise student about what to do if stalled or stuck on tracks.

C. PRINCIPLES - GENERAL

1. Observation

The instructor's constant and close attention to the student's statements and actions is essential for providing useful feedback and for taking over control of the vehicle if necessary. An instructor must always be in the "ready position", right foot on the floor close to the brake and left arm in a position to easily reach the steering wheel.
2. Individualization

Everything the instructor does must be planned and implemented to be useful for each individual student. For example: one student may usually need some repetition of an explanation, while other students may not.
3. Timing

The instructor's explanations, statements, demonstrations, directives and instructions must be timed so the student has enough time to hear and grasp what is meant, and then do what is indicated. For example a student should be informed at least a block in advance about an expected turning maneuver. There should not be so much time between instruction and action that the student forgets the instruction before applying it.

While the student is necessarily focusing on the practice of a new skill/maneuver and the driving environment, explanations from the instructor may distract rather than assist.
4. Sequence

Simple maneuvers must be taught first, complex ones later. Also, start each lesson with previously learned skills, then introduce new skills.
5. Location

The street location of the lesson must be chosen so it promotes learning, or at least does not cause unnecessary problems. For beginners, avoid difficult locations and high speeds until control can be demonstrated at lower speeds and in less demanding road and traffic conditions. The first lesson should be located in a low-traffic area, where the student will have exposure to one-way and two-way streets, and various signs and signals.
6. Communication

Give close attention to communications from the student, both verbal and non-verbal.

Use words which the student understands, and explain simply the meanings of necessary new words.

Words with more than one meaning, such as "right" (meaning the direction of a turn, or correct) may be confusing. Be sure the student understands the intended meaning.

Avoid words to which the student is likely to respond emotionally, because of cultural or personal experience. Avoid politically incorrect words.

Give the student the information s/he needs and can grasp, for the learning task at hand - not more, not less. Too much information or instruction at once can be as problematic as insufficient instruction.

Speak loudly enough so the student hears the first time, but not louder.

Non-Verbal: As instructors get non-verbal messages from students, so do students get messages from instructors' posture and movements, and from what instructors do not say. Counter-productive feelings (for example, boredom, impatience, frustration) may be unwittingly expressed without speaking. Instructors' alertness to their own non-verbal communications is essential.

Visual Aids: Visual aids are used to support verbal communications. Visual aids are especially important for hearing impaired or language-deficient students.

The student may learn more easily and/or more quickly if the instructor uses pictures, diagrams, models, charts, etc., in addition to verbal explanations and descriptions. At least one such device should be used in every in-car lesson.

Some concepts may be more readily grasped if the instructor shows a picture.

Some situations cannot be demonstrated, but they can be shown by use of models.

Using visual aids adds variety to the lesson, which may raise a student's attention level.

Some materials that should be available for use in all lessons are: a small chalkboard, chalk, a clipboard, paper and pens, and a few small model vehicles. Instructors can add other items if they think they will be helpful.

7. Pacing

The student should proceed to the next step after demonstrating a good and growing mastery of the present step. A student should be able to demonstrate competence several times, but does not have to be perfect.

8. Feedback

The instructor gives feedback to reinforce the student's correct actions, to correct errors, and to contribute to the student's motivation towards further efforts to succeed.

Often, a single sentence or even a gesture immediately after the student performs well is enough to communicate approval.

When a student makes a mistake, the instructor's feedback should start with identification of what was done correctly, then proceed to pointing out the mistake. The instructor should give another explanation and/or demonstration, if needed. Then the student should explain and demonstrate, to show that s/he understands what is being discussed, before practicing the skill/maneuver again.

Students should be encouraged to evaluate their own performance during in-car lessons, and also while practicing skills and maneuvers between lessons.

D. DIAGNOSTIC-PRESCRIPTIVE APPROACH

The diagnostic-prescriptive approach is named for its emphasis on two components: 1) assessing (diagnosing) the student's abilities and needs through continuous observation of the student's performance, and 2) determining next steps to facilitate the student's progress (prescribe).

The instructor uses this approach as a mental checklist, to ensure that essential elements of the training are all present in lessons. The approach consists of several parts:

1. **Diagnosis (assessment of the student's abilities and needs)**
 In the first lesson, before planning how to teach the individual beginning student, the instructor collects and evaluates information about the student's readiness for training, including:
 - ✓ Experiences with driving
 - ✓ Reasons for taking lessons
 - ✓ Present skills
 - ✓ Student's own assessment of skills
 - ✓ Temperament
 - ✓ Special needs

2. **Prescription (Planning)**
 Using the information received from the student, the instructor prescribes (plans) and presents first skills and concepts in ways that are relevant for the student.

3. **Flexible implementation of plans**
 Based on the student's performance, the instructor continues to diagnose and prescribe, adjusts the instructional plan, and delivers feedback and new instruction in ways that are useful for this student.

4. **Assessment continues throughout the lesson, during each new step.**
 This means staying alert constantly during the lesson, and picking up clues that indicate the student's levels of skills and needs.

5. **Student Errors**
 When the student makes an error, the instructor diagnoses the reason(s). Further instruction must be based on this diagnosis.
 - ✓ If the student does not grasp what the instructor is trying to teach, it may be that the instructor is giving too much information at once. Divide the information into parts, and offer one part at a time.
 - ✓ If a student error is due to lack of proficiency, the instructor first makes sure the student understands what is wanted, then allows plenty of time for practice during the lesson.
 - ✓ If a student makes a mistake due to stress, the instructor tries to lower the student's stress level. Some ways to reduce stress are: reassure the student that there is nothing unusual about the error and that the student is capable of correct performance; tell an anecdote; have the student breathe deeply for a minute or so; etc. Continue when the student is ready to continue.
 - ✓ If the student repeats the same error several times, it may be that the instructor's guidance is incomplete, unclear or misunderstood. The instructor should try different words, and maybe demonstrate the skill again slowly. If the same errors continue to recur, the instructor should ask the student to explain the problem, then try different approaches.

SUMMARY

The summary is based on the assessment (diagnosis) of the student's last skill performance, and it completes a circle with the earlier diagnosis. It is followed again by planning, etc. If the summary is at the end of the lesson, this is what the student takes away with him/her, and maybe uses as guidance between lessons. Therefore, the end-of-lesson summary is useful for giving guidance regarding the next lesson.

Part 76
Drivers' Schools
(Statutory Authority: VTL Sections 215, 394)

Sec.

Registration Procedure

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Registration Procedure

Section 76.1 Applications. (a) Every person desiring to engage in the business of conducting a drivers' school shall, prior to engaging in such business, secure a license for such purpose. Applications for a license, either original or renewal, must be made on forms prescribed therefore by the Commissioner of Motor Vehicles. Such forms may be obtained from the drivers' school unit in the central office of the Department of Motor Vehicles, Albany, New York.

(b) Applications should be filed at the drivers' school unit in the central office of the Department of Motor Vehicles, Albany, New York.

(c) Contents of application. (1) If an application is made by an individual, it must be signed and sworn to by such individual. In the case of a corporation, the application must be signed and sworn to by an officer and the holders of 20 percent or more of the shares thereof, and shall have attached thereto a list of the directors and such shareholders with their names and addresses. In the case of an association, the application shall be signed and sworn to by the president or other chief officer of the association and by the secretary thereof. In the case of a partnership, the application must be signed and sworn to by all partners.

(2) Each application shall also set forth the name and address of a person designated as the manager of the business, who shall be responsible for the daily operation of the drivers' school; and the application shall also be signed by him unless he shall be one of the same persons otherwise required by the provisions of the

preceding paragraph to sign the same. In the case of an individual proprietorship, the proprietor, and in the case of a partnership, one of the partners, may be designated as the manager; in all other cases, the person designated as the manager shall be a regular employee of the applicant, whether as an officer thereof or otherwise, performing the functions of a manager of the business.

(3) The application must be fully completed including the names and addresses of all licensed instructors and, if the applicant, officer, partner, manager or other person signing the same as required has ever used or has ever been known by another name, such name or names must be listed on the application.

(4) A copy of each form used or required pursuant to section 76.8 of this Part must be submitted to the department for approval when application is made.

(5) On an original application, a certified copy of certificate of assumed business name, or copy of the filing receipt obtained from the Secretary of State's office, must be submitted in the event that the business is to be conducted under an assumed name. On a renewal application, such certificate or filing receipt must be submitted only in the event that the business is to be conducted under an assumed name different than the name under which the business was previously conducted.

(6) Unless such drivers' school shall have been so licensed prior to the effective date of this Part, no license will be issued to a drivers' school under a name or title which is the same as the name or title of any other school holding a license or is a name or title so similar to the name or title of a school holding such license as to tend to confuse or deceive.

(d) Fees. (1) Each original application for a license to conduct a drivers' school must be accompanied by the appropriate application fee, which shall in no event be refunded.

(2) After approval of an original application, a license will be issued upon payment of the appropriate license fee.

(3) The appropriate fee for a renewal of a license must accompany the renewal application. Such renewal of a license shall be for the period ending on the second 30th day of June following expiration of the last preceding license or renewal.

(4) All fees must be paid by check or money order.

(5) Neither surrender nor revocation or suspension of a license during any license or license renewal period shall entitle the holder to any refund on account of the fees paid therefore.

(e) A drivers' school, which has been licensed for at least five years without any suspension or revocation of its license by this department and which has conducted the three hour pre-licensing course or other governmental authorized educational program, in each of the five years preceding the date of application to self-certify and to offer the 30 hour course, may apply to administer the instructor's written test, road sign and road tests, to collect a visual acuity report conducted by a health care professional listed in Section 5.2(d) of these regulations, and to certify that an applicant for a Drivers' School Instructor's Certificate (MV-524) has passed such tests. Such application shall list the names and addresses of all instructors who shall administer such tests and shall be amended whenever an instructor is added to or deleted from such list. The thirty-hour course shall be conducted according to a curriculum supplied and monitored by the department.

76.2 Licenses. (a) Upon approval of an application and of the place of business of the applicant, the commissioner will issue a license to the applicant. Such original license shall be valid until the 30th day of June following the date of its issuance. Such license or current renewal thereof must be conspicuously displayed in the licensee's principal place of business at all times. At the time of issuance of such license or of the first renewal of a license, a permanent license number will be assigned to the applicant which will be inscribed on such license or renewal license and thereafter on each and every renewal of the same.

(b) No such license shall be issued unless every applicant, officer, partner, manager, shareholder or other person signing the application for license, as required, has furnished satisfactory evidence of good character, reputation, fitness and ability to comply satisfactorily with the regulations affecting drivers' schools.

(c) Except as provided in subparagraph (3) of this subdivision, no license will be issued for a drivers' school or a branch thereof:

(1) if the place of business is within 1,500 feet of a building owned or leased by the State or county in which motor vehicle registrations or licenses to drive motor vehicles are issued to the public;

(2) if the drivers' school is within 1,500 feet of an official New York State road test post in use at the time of the application therefore; nor

(3) if at the time of application for a new license, it shall appear that during the preceding license period a building owned or leased by the State or county in which motor vehicle registrations or licenses to drive motor vehicles are issued to the public or an official New York State road test post has been established within 1,500 feet of such drivers' school or branch thereof, the commissioner may upon consideration of all of the circumstances, including but not limited to the relative location and a reasonable distance, less than 1,500 feet, of such building or road test post and the obligations of any lease of the premises occupied by such drivers' school or branch, waive the requirements of subparagraphs (1) and (2) of this subdivision or give such drivers' school, in conjunction with the issuance of such renewal license, a reasonable time to relocate.

(d) No original license will be issued on or after the effective date of this Part for conducting a drivers' school in a city having a population of 250,000 or more unless the place of business is located in either:

(1) a portion of a building;

(2) a store; or

(3) an office devoted exclusively to nonresidential use, except if, through no fault of his own, the licensee is forced to leave his place of business, he shall have three months to relocate at another fixed location and during this interim period he may locate temporarily in quarters which will serve as a place of business upon the approval of the commissioner even though such temporary place of business may not conform to the requirements of this Part. If a portion of a building, store, or office devoted to nonresidential use is required, such facilities must be open to the public for service at definite stated hours. The hours during which such facilities are open to the public for service must be listed with the commissioner and prominently displayed on the front door or front window of the drivers' school. Such facilities shall be manned by personnel whose names and addresses must be on file with the commissioner. If the facilities are shared with another business and are not reasonably free from other visible and/or audible activities, there must be a permanent wall or partition separating the two. The premises must be located in well lighted, easily accessible permanent structure and maintained in a neat, businesslike manner with adequate seating space and furniture provided for the use of the students patronizing the school.

(e) No license shall be issued for conducting a drivers' school where the place of business is conducted from a house trailer, tent, temporary stand, temporary address, a residence room or residence rooms in a hotel, a bar or grill, billiard hall, gasoline station, garage, through the exclusive facilities of a telephone answering service, or from any other location which in the discretion of the commissioner is not considered to be a suitable facility for the conducting of a drivers' school. A telephone answering service can only be used as an adjunct to a school conducting its business at regularly licensed premises. In the case of a drivers' school dealing exclusively in motorcycle instruction, the place of business may be in a bona fide motorcycle dealer's headquarters, but not in the repair service area, provided that all other provisions of this Part are complied with.

(f) No original application nor application for change of location will be approved unless the place of business has adequate office space, a minimum of 50 square feet. If classroom facilities are combined with office space, such total space must be at least 200 square feet. Maximum capacity will be calculated on the basis of 200 square feet for the first ten or fewer students and 20 square feet for each additional student, with no more than 36 students in any class.

(g) No drivers' school may change its location without prior permission from the commissioner.

(h) No original license will be issued unless there shall be presented therewith evidence of the ownership by the applicant of the premises at which the business of the drivers' school is to be conducted or of a lease or rental agreement with the applicant covering the use of such premises for such business.

(i) No original license will be issued on or after the effective date of this Part unless the applicant or at least one instructor employed by the applicant currently has an MV-524 endorsed for vehicular instruction, has given at least 1,000 hours behind-the-wheel instruction, and possesses a current valid driver's license. If any applicant or instructor employed by such applicant does not possess such 1,000 hours of behind-the-wheel instruction, he may apply to the commissioner for a waiver. For schools teaching motorcycle operation only a valid certificate of instructor training issued by the Motorcycle Safety Foundation, or any other form of instructor training approved by the Commissioner, shall be deemed adequate minimal certification for the applicant or any instructor employed by the applicant.

(j) Licenses are not transferable. (1) In the event of any change of ownership or interest in a business licensed as a sole proprietorship or partnership which enlarges or brings new persons into the business, a new application for a license must be filed immediately. Such application shall be considered as an application for renewal so long as one or more of the original licensees remains a part owner of the business. There shall be payable upon the filing of such application a license fee at the rate of \$5.00 for each month or fraction thereof from the date of issuance to the second 30th day of June thereafter, which shall not, however, exceed in total amount the sum of \$100, against which there shall be credited, if such application is considered an application for renewal as hereinbefore provided, such amount if any as is arrived at by multiplying by \$5.00 the number of full months remaining to the date of expiration of the current prior license or renewal issued after November 1, 1977.

(2) In the event of a change through a death or dissolution of a partnership and there is no replacement made, the remaining partner or partners may, upon notifying the district office of the Department of Motor Vehicles, continue in business under the current license. If a new partner or partners are subsequently added, the provisions of paragraph (1) of this subdivision shall apply.

(3) The district office must be notified immediately in the event that arrangements are made for the disposal of the business or the controlling interests therein, by sale or transfer of shares or otherwise, to any person or persons not named in the application for the last current license or renewal license of the business as the owner or co-owner or a controlling shareholder thereof. The commissioner in a proper case may permit continuance of the business by the current licensee, pending processing of the application made by the person or persons to whom the business or any such license therein is to be transferred. Such application by the transferee of such business or interest therein shall be considered as an original application for license and shall comply with all of the provisions of these regulations regarding the application for and issuance of an original license.

(4) Upon the issuance of the new license, the prior license, together with all instructors' certificates issued thereunder will become void and must be surrendered to the district office immediately. With such surrender of license, there shall also be filed a notice on form MV-526 signed by the school manager for each and every instructor whose certificate is so voided, setting forth the name, address and certificate number of such instructor and the total amount of logged time rendered by such instructor in behind-the-wheel instruction for the account of the school.

(k) If the license is lost or destroyed, a duplicate will be issued by the district office upon proof of the facts and payment of the fee of two dollars. Such proof shall consist of an affidavit indicating:

- (1) date the license was lost or destroyed; and
- (2) the circumstances involving the loss or destruction.

(l) In case of mutilation of a license, a duplicate will be issued by the district office upon surrender of such mutilated license and the payment of a fee of two dollars.

(m) In order to ensure continuity of licenses, a renewal application must be submitted not more than 60 days but at least 30 days prior to the date of expiration of the license being renewed. Failure to file a renewal application within the period specified herein may result in a delay in the issuance of the renewal license, and a period of time in which the applicant would be unlicensed. No renewal application will be accepted after the expiration date of the expiring license.

(n) A license may be surrendered for cancellation, or deposited for safekeeping, at the district office of the Department of Motor Vehicles issuing the license. In all such cases the licensee is required to state in writing the reason for such surrender or deposit.

76.3 Changes in officers and addresses. (a) The district office of the Department of Motor Vehicles must be notified by the licensee in writing within 10 days if there is a change in the residence address of any individual owner, partner, officer, manager, director, majority shareholder or employee of any drivers' school.

(b) The district office of the Department of Motor Vehicles must be notified by the licensee in writing within 10 days of any change in the officers, directors or shareholders of any corporation holding a license. Such district office shall also be notified in writing within 10 days of any change in the identity of the manager of the business of the licensee or of a branch office of the licensee. In such case, there shall be supplied in writing with such notice and as to each new officer, director, shareholder or manager the same information as would be required on an original application for a license.

76.4 Branch offices. (a) A branch office of a drivers' school is an office in a building other than the main office, utilizing the same business name, where some of the business functions of the drivers' school are transacted. A drivers' school desiring to open one or more branch offices must do so by filing an application for permission to operate a branch office. If the application is approved, the commissioner will issue a branch office license which must be permanently displayed in such office at all times. Such branch office license will be issued for a period expiring at the same time as the license of such drivers' school; and for the issuance and each renewal thereof there shall be paid a fee of \$1.50 for each full year or any part thereof. Such branch office license shall bear the same permanent number assigned to such school and appearing on such school's original license.

(b) Where the applicant for a branch office is conducting business under an assumed name, and the branch office is to be located in a county other than that in which the business is presently located, the applicant must submit with his application a copy of the certificate of assumed business name, certified by the clerk of the county in which such branch office is to be located, or a copy of the filing receipt obtained from the Secretary of State's office.

(c) No branch office may be removed to a new location without prior permission from the commissioner. If a branch office is discontinued, the license must be surrendered within 10 days after termination of business to the district office which issued such license, together with all certificates of instructors, if any, whose employment by or association with the licensee has been terminated upon the discontinuance of such branch office; there should also be filed a notice on form MV-526 signed by the school manager for each and every instructor whose certificate is so voided, setting forth his name, address and certificate number and the total amount of logged time rendered by such instructor in behind-the-wheel instruction for the account of the school.

(d) Each branch office must be equipped to, and shall, perform at such location substantially the same services as are supplied at the principal place of business.

(e) No branch office license will be issued unless there shall be designated in the application therefore a manager of such branch who shall not be the manager of the main office or of another branch. However, in the case of an individual proprietorship, the proprietor, and in the case of a partnership, one of the partners, if to be actively engaged as the manager of such branch, as certified by the application for such branch license, may be designated as such branch manager.

(f) The issuance of any branch license shall be subject to each and every of the same requirements and conditions as are set forth in section 76.2 of this Part.

76.5 Private service bureau functions. (a) The business of a private service bureau is that of assisting for hire in securing licenses to drive motor vehicles, including learner's permits, or registrations or titles of motor vehicles as distinguished from giving instructions for hire in the operation of motor vehicles or motorcycles.

(b) Licensed drivers' schools are not required to obtain a private service bureau license in order to exercise the functions of a private service bureau. However, in order to do such school must notify the commissioner thereof, and must comply with the rules and regulations governing private service bureaus.

Required Records

76.8 Records and contracts. (a) Every licensee shall maintain the following records and shall keep them current by posting each transaction by the close of the third business day following the date of the transaction:

(1) A student record card for each student, which must contain the complete name, address and telephone number, if any, of such student, the number of each written contract entered into by him, if any, description of services rendered with date and time thereof, name of the instructor performing such services, and number of each receipt given to the student. Such cards must be filed and maintained in alphabetic order, but may be maintained in two parts, active and inactive. The student record card may not be removed from such file except for posting transactions.

(2) A permanently bound book, with pages consecutively numbered, to be known as the cash book, to record receipts and disbursements. Such book may be maintained either as one or two volumes. If maintained in two volumes, one volume must be maintained for receipts and the other for disbursements. The date of each receipt, name of the student from whom received, receipt number, and amount received must be entered therein; and the date of disbursement, name of payee, description of each disbursement, and the amount of payment must be entered therein. All copies of receipts, and the invoices relating to such disbursement must be retained by the licensee in support of such entries for a period of at least three years. In the case of a school with one or more branch offices, disbursements and invoices may be maintained at the main office and not at each branch office.

(3) A receipt is to be issued each time monies are paid to the school for instruction, training, materials, or for any service for which it is licensed and may make a charge. Such receipts must show the name and address of the school, the receipt number, the name of the student making the payment, the date of payment, amount paid, service rendered, contract number, if any, and duration of each lesson and be signed by an authorized representative of the school. The name and address of the school and the receipt number must be reprinted. Receipt numbers must be in sequence and repetition of numbers is not permissible. The original of each receipt is to be given to the student or person receiving the service, and the duplicate is to be retained by the school in numeric order.

(4) A licensee may substitute for the entries in the cash book with respect to receipts, as required by paragraph (2) of this subdivision, consolidated entries showing the totals of named instructor's or receiver's duplicate receipts for any one day, provided the entry shows the first and last number of the receipts so issued by any one instructor or receiver. Only one system of record keeping of receipts in the cash book, either as provided for by paragraph (2) of this subdivision or as provided for by this paragraph, may be used by any one licensee.

(b) A licensee may, if desired, contract in writing for the furnishing of lessons and other services to a student, but for such purpose may only use a form of contract which has been approved by the commissioner, and shall number and issue such contracts in consecutive numerical order maintaining on file in such numerical order a duplicate of each thereof; and shall enter the number of such contract on the student record card of the student named therein.

(c) No form of contract will be approved by the commissioner unless it contains, preprinted thereon:

(1) the complete name and address of the school and, if the school is operated under a corporate or an assumed name, the name of the proprietor or principal officer thereof;

(2) the contract number;

(3) a statement concerning the number and duration of classroom and behind-the-wheel lessons to be given, other than the three-hour prelicensing course, except that spaces may be provided for those portions which may vary on each individual contract. If the school offers a three-hour prelicensing course, the contract must state that the contract price does not include the fee for the three-hour prelicensing course;

(4) provision for the use of a vehicle, or vehicles, for the student's road test;

(5) a statement of the terms or alternative terms for payment of the tuition fee and for payment of any enrollment or registration fee;

(6) provisions for the insertion of the name and address of the student, the date of the contract, and for the signatures of the student and the licensee; and

(7) the following statement: "This agreement constitutes the contract between the school and the student, and no verbal statements or promises will be recognized."

(d) Each written contract made with a student, or if no contract shall be made each receipt issued to a student, shall set forth the following provisions for a refund:

(1) Except for contracts executed by schools licensed by the New York State Education Department and subject to the refund provisions of regulations promulgated by that Department, prepayment for lessons and other services shall be subject to refund as follows: if the student, having given prior notice of at least 24 hours, withdraws from or discontinues a prepaid course of instruction or series of lessons before completion thereof, or from any other service for which prepayment has been made, or if the school is unable or unwilling to complete such prepaid course of instruction, or series of lessons, or to provide such other prepaid service, all payments made by the student to the school shall be refunded except:

(i) an amount equal to the enrollment fee, if any, specified in the contract or expressly received for, not to exceed the sum of \$10 or 10 percent of the total, whichever is greater, specified cost of such course of instruction or series of lessons; and

(ii) the school's per-lesson tuition charge for each lesson already taken by the student, which charge shall be determined by dividing the total cost of such course of instruction or series of lessons by the number of lessons included therein.

(e) A duplicating process such as ditto or mimeograph will not be considered to constitute preprinting for the purposes of this section.

(f) The instructor is required to ascertain, before giving behind-the-wheel training, that a student possesses a learner's permit or a driving license.

(g) If behind-the-wheel instruction is carried on in groups rather than with individual students, all contracts and advertisements of the driver training school must so indicate. No more than four persons, including the instructor, may occupy any motor vehicle during a behind-the-wheel instruction period.

(h) No school shall represent or agree, orally or in writing, to give instructions until a license is obtained by the applicant, as a part of an inducement to perform.

(i) If the licensee performs the functions of a private service bureau, records as required in section 77.5 of this Chapter, with respect to private service bureaus, must be maintained.

(j) The loss, mutilation or destruction of any records which a drivers' school is required to maintain under this Part must be reported to the commissioner immediately by affidavit stating:

(1) the date such records were lost, destroyed or mutilated;

(2) the circumstances involving such loss, destruction or mutilation; and

(3) the name of the precinct, police officer or police department to which such loss or destruction was reported, and the date of such report.

(k) All records and contracts must be retained for three years during which period they shall be subject to inspection by the commissioner or his duly authorized representative at all times during regular stated hours or upon the department's request.

(l) A contract entered into by a drivers' school and by a veteran or other eligible person receiving benefits pursuant to article 34, title 38 of the United States Code, whereby such veteran or other eligible person is a current holder of a certificate of eligibility issued by the Veterans Administration, for a specific course of instruction to be given at such drivers' school, must contain the following statements:

"If a student fails to enter, withdraws, or is discontinued before completion of the course, the sum charged for tuition (fees and other charges) for the completed portion of the course will be: (a) \$10 of the established registration fee; and (b) the stated cost of such textbooks, tools, etc. as have been issued by the school and accepted by the student; and (c) an amount derived from the actual hours of attendance, multiplied by the hourly rate; and (d) an amount derived from such absences as have occurred up to 20 percent of the length of the course multiplied by the hourly rate, except that the hourly rate shall be substituted for such absences as have been made up by scheduled work; and (e) 10 percent of the tuition charged for that portion of the course completed by the student and described in (c) and (d) above. Any money paid to the school by the student, in excess of this sum, will be refunded promptly. A transcript of the student's record will be issued to the student provided all payments have been made in accordance with (a), (b), (c), (d), and (e) above."

The refund provisions so contained in such veteran's contract shall be exclusively applicable thereto and in lieu of the refund provisions otherwise provided for by subdivision (d) of this section.

(m) A licensee may substitute for the cash book required by paragraph two of subdivision (a) of this Section, a computer printout showing receipts and disbursements and all other information required by paragraph two of subdivision (a) of this Section. If the licensee has one or more branch offices, the printout must distinguish the receipts and disbursements of the main office from each branch. A copy of such computer printout must be maintained at the main office. If the licensee maintains its main office out-of-state, a computer printout pertaining to any branch office located in this state must be maintained at such branch office.

(n) A licensee, who is certified to administer the written, road sign and road tests to instructor applicants, must maintain the applicant's written test, report of road test and visual acuity report for three years.

Equipment

76.11 School vehicles. (a) No vehicle owned or controlled by a drivers' school may be used for the purposes of giving driving instruction until the licensee has obtained from the commissioner a school vehicle identification certificate, which certificate shall be carried in such vehicle or, in the case of a motorcycle, on the instructor's person, at all times while such vehicle is being used either for driving instructions or road tests. When a vehicle owned by an instructor is no longer used for instruction, the school vehicle identification certificate must be surrendered to the licensee who shall surrender it to the district office of the Department of Motor Vehicles.

(b) An application for a record of drivers' school certified vehicles must be made on a form prescribed for such purpose by the commissioner.

(c) A record of drivers' school certified vehicles is required for all additional or substitute vehicles.

(d) All drivers' school vehicles, except motorcycles, must be equipped as follows:

(1) with seat belts for both the student and the instructor or a passive in-car restraint as approved by law, Federal regulation, or by the commissioner, additional rear view mirror for the use of the instructor, and otherwise equipped in accordance with the Vehicle and Traffic Law. If the operation of such vehicle requires a class A, B or C license, it must also be equipped with an additional side-view mirror for the use of the instructor. Seat belts are not required on vehicles which may only be operated by a holder of a class A, B or C license, except for school buses, in accordance with Part 49.2 of these regulations; school buses are required to have seat belts as specified in part 49.6 of these regulations, with the number of such seat belts dependent upon the seating capacity;

(2) with dual controls on foot brakes. Tractor trailer combinations owned or controlled by a drivers' school need not be equipped with dual controls on foot brakes. However, such combination must be equipped with some type of device, such as a trolley brake, which will permit the instructor to bring the vehicle to a halt.

(3) with a sign or signs if used for instruction purposes, containing the words "STUDENT DRIVER" in letters no less than two inches in height and one-fourth inch stroke, against a background of a contrasting color, visible from both the front and rear, and not obstructed by any other sign. The sign must contain all the letters of the words "STUDENT DRIVER". The sign or signs may be one two-faced roof sign, or two roof signs, or a sign on the front and a sign on the rear, or front and rear bumper stickers. The sign may be either permanent or removable. The sign may contain advertising material. Notwithstanding the foregoing, compliance with this paragraph shall not be a prerequisite for the issuance of a record of drivers' school certified vehicles.

76.12 Training facilities. If a school is approved to conduct the three-hour prelicensing course, it must meet the requirements of Part 7 of this Title with regard to training facilities.

Instructors and Instruction

76.15 Instructors. (a) No drivers' school shall knowingly employ any person as an instructor or in any other capacity whatsoever, who has been convicted of a felony or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude, unless prior approval of the employment of such person has been granted by the commissioner, upon an affidavit or such other proof of the facts as the commissioner shall require.

(b) Unless otherwise specifically authorized by this Part, no person, including the owner, operator, partner or any officer, manager, employee or associate of the licensee, shall give instruction for hire in the operation of motor vehicles unless such person is the holder of a current instructor's certificate issued for such purpose by the commissioner. Such certificate is to be valid for use only in connection with the business of the drivers' school listed thereon. An original instructor's certificate may only be issued to a person who can comply with all of the following qualifications:

- (1) is the possessor of a driver's license valid for operation in this state, which license shall authorize, but not be limited to, the type of driving which the person shall be teaching;
 - (2) has had at least two years of recent licensed driving experience in New York State or such experience in another state as evidenced by a certified abstract of driving record from such state, which licensed driving experience shall include, but not be limited to, experience in the type of driving which the person shall be teaching;
 - (3) has a high school or high school equivalency diploma or, subject to the conditions contained in subdivision (q) of this section, a military general equivalency diploma;
 - (4) is of sound mind and good moral character;
 - (5) has vision in both eyes, with a minimum of 20/40 corrected vision when looking with both eyes; provided, however, that a person with vision in only one eye may be certified for classroom instruction and may also be certified for in-car instruction if he demonstrates to a license inspector with a student in-car that he has compensated for his loss of vision;
 - (6) has both legs and arms, except that this requirement may be waived in any individual case in the discretion of the commissioner, and a certificate issued subject to any reasonable restrictions;
 - (7) In order to be approved to conduct the written, road sign and road tests and accept visual acuity reports for instructor applicants, an instructor must have an MV-524 (Drivers' School Instructor's Certificate) and must have completed a course in teaching techniques and methodology (30 hours) in addition to the basic thirty hours instructor's course and have five years of experience as a driving instructor, or the instructor may have an MV-283AB (Instructor's Certificate - Permanent) and two years of appropriate experience; and
 - (8) an instructor must be at least twenty-one years of age in order to be the supervising driver giving behind-the-wheel instruction where the student driver is the holder of a learner permit.
- (Added 12/3/03)

(c) Application. (1) Applications for an instructor's certificate must be made by the person desiring such certificate on forms prescribed by the commissioner and must have endorsed thereon the consent of a licensed drivers' school desiring to employ the applicant. Any applicant for an original driving instructor's certificate must successfully complete a course in driver training and traffic safety, approved by the commissioner, consisting of at least 30 hours, prior to the expiration date of the original certificate issued, except that if the original certificate when issued will expire in less than six months, such course must be completed prior to the expiration date of the first renewal certificate issued. The completion of such course in driver training and traffic safety shall not be required if the holder of a current and valid certification by the Education Department is qualified to give driver education and training instruction in the secondary or higher schools of New York, nor shall such course in driver training and safety be required of the holder of a valid certificate of training issued by the Motorcycle Safety Foundation, or other evidence of motorcycle teacher training approved by the Commissioner in order to be engaged in teaching motorcycle operation; and except that where the course is not available within a reasonable distance from the drivers' school, the commissioner may renew the certificate upon the condition that the applicant complete the first available course, but in no event shall such certificate be renewed without such course more than two times.

(i) If an applicant has failed to meet the condition concerning completion of the required course, no subsequent original certificate may be issued until such course has been successfully completed.

(2) Every original application for an instructor's certificate shall be accompanied by the appropriate annual fee, which shall not be refunded and shall be subject to payment of an annual appropriate renewal fee in cash, check or money order.

(3) Applicants for an instructor's certificate will be required to submit two photographs at least one and one-half inches by one and one-half inches in size taken not more than 30 days prior to the date of such application or renewal thereof, and also will be subject to an investigation or required to submit additional information as the commissioner may prescribe.

(d) An applicant for an original instructor's certificate will be required to submit to and pass special eye, written, road sign and road tests which will include a demonstration of ability to instruct, and may be required to submit additional or other proof of his qualifications as an instructor. The written, road sign and road tests, as established by the commissioner, may be given by a motor vehicle employee or a driving instructor approved by the department to give these tests pursuant to paragraph (7) of subdivision (b) of Section 76.15 of this Part. The vision test must be conducted by a health care professional listed in Section 5.2(d) of these regulations. The applicant will be permitted two chances to qualify on each of the tests required on an application except for the road test. A failure on the road test will void the application.

(1) A person holding a driver education instructor's certificate (MV-283) is exempt from the written and road sign tests. Such person, however, is required to take the instructor's road test and vision test.

(2) If an instructor wishes to instruct in a vehicle that requires a higher class license than that which he possesses, he must pass all test requirements in order to obtain the appropriate license. Qualification on the instructor's road test for an appropriate type of vehicle is also required, in all cases, before an instructor's certificate (MV-524) endorsed for instructing on vehicles requiring class 1, 2, 3, 7, 7A, 8 or 8A licenses may be issued.

(e) Instructors' certificates shall be valid until the 30th day of June next following the date of issuance. Upon renewal, the Commissioner may, in his discretion, issue a renewal which shall be valid for a two-year period.

(f) An instructor's certificate must be surrendered by the instructor to the drivers' school employer who shall surrender it to the proper district office of the Department of Motor Vehicles immediately upon termination of an instructor's services with or by any drivers' school designated on such certificate.

(1) At the time of terminating any instructor's services the designated school must submit a notice on form MV-526 provided by the department as to the termination of such instructor's services, which notice shall also set forth on the face thereof the name, address and certificate number of such instructor and the total amount of logged time rendered by such instructor in behind-the-wheel instruction for the account of the school. The reason or reasons for the termination of such instructor's services shall be endorsed on the back of such form along with the particulars thereof. A duplicate copy of such form shall be provided by the school to the instructor so terminated.

(2) The surrendered instructor's certificate will be returned to the instructor by the Department of Motor Vehicles upon request, without testing, if the instructor resumes employment prior to the expiration of the certificate. An instructor's certificate may be renewed, without testing, within the period of one year from its date of expiration only if the instructor resumes employment and submits the proper forms and fee. An application received more than one year from the date of expiration of the instructor's certificate would be considered an original application in respect to the testing provisions of subdivision (d) of this section.

(g) A drivers' school desiring to employ an instructor previously licensed may upon application and payment of a fee of one dollar for each, obtain a copy of the face of any and all notices on form MV-526 previously filed by any other school or schools with respect to the termination of such instructor's services; however, the school may not obtain a copy of the endorsement on any such form or forms setting forth the particulars of the termination of such instructor's services.

(h) Any instructor who loses his certificate must report the loss thereof immediately, in writing, to the proper district office of the Department of Motor Vehicles, and a duplicate will be issued to replace a lost current certificate.

(i) The instructor's certificate must be carried by the instructor at all times while driving instructions are being given or when an instructor is accompanying an applicant for a license to the road test line in a motor vehicle or motorcycle.

(j) The commissioner shall not issue an instructor's certificate to any person who is not employed by or associated with a drivers' school licensed by the commissioner.

(k) No instructor's certificate shall be valid except for the purpose of the giving of instruction by the holder thereof in the course of his employment or association with the drivers' school designated thereon and for the account of such school. The giving of any instruction for hire in violation of the foregoing provisions shall render such instructor's certificate invalid and subject to forfeiture and immediate surrender to the driver's school employer for subsequent surrender to the Department of Motor Vehicles.

(l) Any instructor whose certificate shall be subject to surrender by reason of termination of his services by the drivers' school designated thereon or whose certificate shall be invalidated by reason of violation of the provisions of subdivision (k) of this section, and who shall not promptly surrender such certificate, shall be subject to proceedings upon reasonable notice and departmental hearing for the suspension or revocation of his instructor's certificate.

(m) Qualified and recognized experts in the field of driver training, traffic regulation or motor vehicles may give occasional classroom lectures (not including the three-hour prelicensing course lectures) without holding a valid instructor's certificate. The school shall maintain a record indicating the name, address, qualifications of the expert and lecture date, and shall make all such records available for inspection by the commissioner if he desires to inspect them.

(n) Denials of instructor's certificate. (1) No applicant, except in the discretion of the Commissioner, will be issued an instructor's certificate, or a renewal thereof, who has had his driver's license or his out-of-state driver's privilege suspended or revoked within the 24 months immediately prior to the date of application either in New York State or any other state, except that this provision shall not apply to a temporary suspension. No renewal of an instructor's certificate will be issued to an applicant whose last preceding instructor's certificate or any last preceding instructor's certificate, if he held more than one, was not surrendered in pursuance of the provisions of subdivision (f) or subdivision (k) of this section.

(2) An application for instructor's certificate or a renewal thereof may be denied, if in the discretion of the commissioner, such applicant's driving record indicates a lack of the qualities or competence desirable for a driving instructor. No such denial shall be made for a period of less than 30 days nor more than one year, based upon the same occurrences. Any such denial shall not become final until after a hearing if the applicant requests in writing within five days after receipt of notice of such denial a hearing.

(o) Holders of instructors' certificates may be required to attend a group session at which time the Department of Motor Vehicles will brief applicants on any new changes in the regulations and laws or new training techniques, or it may inform them with printed materials through the mail. The applicants for a renewal of an instructor's certificate may also be required to submit to psycho-physical tests or to a test of their teaching ability. This will be done at the discretion of the commissioner based on the applicant's past record as an instructor.

(p) If an instructor possessing a current instructor's certificate desires to be employed by an additional school or schools, an additional certificate or certificates will be issued for such purpose without fee.

(q) An applicant who does not possess a high school or high school equivalency diploma, but who possesses a military general equivalency diploma, may file an application for an instructor's certificate, provided such application is accompanied by proof that the applicant has filed for a New York State high school equivalency diploma. An instructor's certificate may be issued to such an applicant which shall be conditional upon the applicant submitting proof of having obtained a New York State high school equivalency diploma within six months from the issuance of such certificate.

76.16 Instruction. (a) Drivers' schools licensed by the commissioner shall provide oral instruction during practical training to include subject matter relating to rules of the road, safe driving practices, driver responsibility, pedestrian safety care and use of automobile safety devices. In addition, the practical training shall include demonstration and actual training in starting, stopping, shifting, turning, backing, parking (except that backing and parking shall not be required in motorcycle instruction), steering, driving in both city and highway traffic (where practicable), and in defensive driving. All of the practical training must be in a vehicle which meets the requirements of the Vehicle and Traffic Law and, if a school owned or controlled vehicle, one which meets the requirements of this Part.

(b) The practical behind-the-wheel training consists of actual driving practice while the vehicle is in motion. This will not preclude incidental curbside oral instruction complementing the training being given during the lesson.

(c) No instructor shall give any driving instructions in the operation of a motor vehicle within any area designated by the commissioner as a road test area. However, an instructor may accompany and supervise a student residing within any such road test area from and to his place of residence for the purpose of giving such instruction outside of such road test area without violating the foregoing provisions.

(d) The instruction may periodically be observed by motor vehicle license inspectors and evaluated as to content and standards.

(e) The driving instructor shall, upon the request of his or her student who is the holder of a class DJ or MJ learner's permit, certify on a form prescribed by the Commissioner the number of hours such student has spent operating a motor vehicle while under the immediate supervision of such driving instructor. (Added 12/3/03)

Advertising

76.21 Advertising. Advertising by drivers' schools must conform to the following:

- (a) Schools must not publish, advertise or intimate that a driver's license is guaranteed or assured. The display of signs such as "License or Plates Secured Here" is forbidden, but the words "License Plates Secured" or "License Renewals Secured" may be used, if the intent to operate a private service bureau has been filed with the proper district office of the Department of Motor Vehicles.
- (b) Every advertisement of a drivers' school shall show the name and address of the school. The provision in relation to the address of the school shall not be applicable to a sign displayed on the premises of the drivers' school or on a school car or to radio advertising.
- (c) A drivers' school may exhibit on its premises or through other advertising media, the wording "THIS SCHOOL IS LICENSED BY THE STATE OF NEW YORK". The lettering of such wording shall not be more than one third the size of the lettering of the name of the school as displayed on the sign of advertisement.
- (d) The use of the word "STATE" in any sign or other medium of advertising, except as permitted by subdivisions (c) and (k) of this section, is not allowed.
- (e) No drivers' school shall solicit business or cause business to be solicited in its behalf, or display or distribute any advertising materials within a building owned or leased by the State or county in which motor vehicle registrations or licenses to drive motor vehicles are issued to the public, or within 1,500 feet of the entrance to such a building, or within any designated road test area. If, however, any such display by a sign not immediately removable shall be in existence at a time when any office of the State or county for the issuance of motor vehicle registrations or licenses shall be opened within 1,500 feet thereof or shall be within a road test area subsequently established, a reasonable time, considering any lease or rental provisions and other circumstances relating thereto will be provided by the commissioner for the removal thereof. Notwithstanding the foregoing, a motor vehicle may display the sign or signs required by and described in paragraph 76.11(d)(4) of this Part and subdivision 2.2(c) of this Chapter.
- (f) Notwithstanding the provisions of section 76.21(e) of this Chapter, advertising on school cars is permitted provided it conforms to the other provisions of this Part.
- (g) No individual, partnership, association or corporation licensed as a drivers' school or as a driving instructor may use or allow the use of any advertisement which would reasonably have the effect of leading people to believe that they are an agent, representative or employee of the Department of Motor Vehicles.
- (h) No drivers' school may make any false or misleading claims or statements in any of its advertising.
- (i) In addition to any other sign or signs required by this Part, a drivers' school must display conspicuously a schedule of fees as filed with the commissioner and a sign reading "Applicant must be given a receipt for all payments." All information required to be posted by sign may be incorporated on one sign.
- (j) Except as provided in subdivision (k) of this section, no drivers' school may use any language stating or tending to imply in any manner that it provides driver education as such term is used and applied in reference to the special qualification for earlier licensing upon successful completion of approved courses in secondary schools or colleges in accordance with the requirements of the Department of Education and Department of Motor Vehicles.
- (k) The simple reference by a drivers' school to its membership in or affiliation with a bona fide organization whose legal name contains the words "STATE" or "DRIVER EDUCATION" shall not be considered violative of the provisions of subdivision (d) or (j) of this section; provided that the affiliation of such school with such organization, using the legal organization name or the official emblem of such organization, may be referred to in its advertising only if the lettering of the name of the organization is smaller than that of the name of the drivers' school.

(l) Any advertisement showing the cost of driving lessons must also contain the duration of each lesson and the number of lessons in characters as large as the cost of each lesson.

(m) Any listing and any display advertising must contain the name of the drivers' school exactly as it appears on the license issued by the commissioner. In any display advertising, the name of the drivers' school must be in type of no less than one half the size as used in the letters of the largest word in such display advertising. Moreover, any symbol, emblem or other trademark cannot contain initials if those initials would imply affiliation with another entity unless it states "affiliated with" or similar wording.

(n) The display advertising may contain a description of the services offered but may not contain any unsubstantiated data or claims. Drivers' schools who advertise explicitly or imply that they have more than one office or branch must in fact have such other office or offices or branch or branches. If the department so requests, a drivers' school must substantiate any claims of affiliation, special services, experience or implied promises of particular instructors.

(o) The drivers' school is hereby declared to be responsible for any advertising of it by its affiliate or affiliates.

(p) If drivers' school services are offered in association with any other entity (e.g., retail store, automobile or motor club, religious or fraternal organization, etc.), the name of the drivers' school must appear in type of at least the same size as that used in the name of the associated entity. In addition, the advertisement must contain the words "in association with" or "affiliated with" or similar wording in order to distinguish between the two entities.

(q) No drivers' school may advertise with a name or endorsement which states or implies that the school is, or is affiliated with, or is a division of, or is approved by, a religious or fraternal organization, an automobile or motor club, a nonprofit foundation or any similar body, group, firm or organization, unless it is established that such endorsing or affiliated entity is indeed established and in existence mainly and primarily for the purpose of serving some function other than the endorsement of a driving school, or other than to provide driving instruction unless it is licensed by the Department of Motor Vehicles as a drivers' school. The drivers' school must also show that such entity derives its primary source of revenue from sources other than drivers' school endorsements, or from sources other than driving instruction unless licensed as a drivers' school by the department.

Suspension, Revocation and Refusal to Renew

76.23 Suspension, revocation and refusal to renew. (a) The commissioner, or any employee of the Department of Motor Vehicles deputized by him, may suspend or revoke a license or refuse to issue a renewal thereof for any of the following causes:

- (1) the conviction of the licensee or any partner, officer, agent or employee of such licensee, of a felony or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude;
- (2) where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;
- (3) where the licensee has failed to comply with any of the provisions of section 394 of the Vehicle and Traffic Law or of the rules and regulations of the commissioner made pursuant thereto;
- (4) where the licensee or any partner, officer, agent or employee of such licensee has been guilty of fraud or fraudulent practices in relation to securing for himself or another a license to drive a motor vehicle or motorcycle. The term fraudulent practices as used herein shall include, but shall not be limited to, any conduct or representation on the part of the licensee, or any partner, officer, agent or employee of a licensee, tending to induce another or to give the impression that a license to operate a motor vehicle or motorcycle, or any other license, registration or service granted by the commissioner, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting or collecting money for such purpose; or

(5) the failure of the licensee or any partner, officer, agent or employee of the licensee to conduct the prescribed tests for instructor applicants in the manner authorized by this department and/or the failure of the licensee or any partner, officer, agent or employee of the licensee to conduct the 30-hour course to instructor applicants according to the curriculum supplied by this department and/or for the number of hours required by this department and this Part.

(b) The commissioner may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

(c) The action of the commissioner in refusing to issue a renewal, or revoking or suspending a license or instructor's certificate, may be reviewed in a proceeding under article 78 of the Civil Practice Law and Rules.

Classroom Instruction

76.30 Applicability of drivers' school regulations. Except as provided in this section, this Part shall be applicable with respect to a course given by a drivers' school to a new driver.

(a) The provision of this Part with respect to required records of a drivers' school shall not be applicable with respect to any student who is taking only the three-hour prelicensing course.

(b) For the purposes of school location, a facility used to provide classroom training only shall not be considered a place of business.

(c) Any classroom used in conjunction with the three-hour prelicensing course must meet the requirements of Part 7 of this Title.

(d) An instructor of the three-hour prelicensing course must also meet the requirements of Part 7 of this Title.

76.31 Violations. A violation of any regulation with respect to a classroom training course authorized pursuant to Part 7 of this Title, shall be considered to be a violation of this Part, and shall be a ground for suspension or revocation of a drivers' school license or instructor's certificate.