



Department of Motor Vehicles

PART 141 COMMISSIONER'S REGULATIONS

Motor Vehicle Accident Prevention Course by Internet or Other Technologies (Alternate Delivery Methods)

PART 141

REGULATIONS OF THE COMMISSIONER OF MOTOR VEHICLES Motor Vehicle Accident Prevention Course by Internet or other Technologies (Alternate Delivery Methods)

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**Motor Vehicle Accident Prevention Course by Internet or other
Technologies
(Alternate Delivery Methods)**

141.1 Introduction.

Section 2336 of the Insurance Law provides that the Department of Motor Vehicles will approve and monitor motor vehicle accident prevention courses for liability and collision insurance premium reduction. A course which has been approved by the Department for liability and collision insurance premium reduction shall also be eligible to provide point reduction pursuant to the provisions of this Part and Part 131 of this Title. Article 12-B of the Vehicle and Traffic Law sets out certain standards for preserving the quality and efficacy of the accident prevention course program. Article 12-C provides that the Commissioner shall establish and implement a comprehensive pilot program to review and study the Internet, and other technologies as approved by the Commissioner, as a training method for the administration and completion of an approved accident prevention course for the purposes of granting point and insurance reduction benefits. Courses approved under Article 12-C are eligible for the same point and insurance reduction benefits as those approved under Article 12-B. The pilot program shall continue for five years after the date that the pilot program is established and implemented.

141.2 Definitions.

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

- (a) Department shall mean the New York State Department of Motor Vehicles.
- (b) Commissioner shall mean the Commissioner of Motor Vehicles.
- (c) Sponsoring agency or Sponsor shall mean an organization which owns an approved motor vehicle accident prevention course approved by the Commissioner pursuant to this Part and Part 138. A sponsoring agency shall be responsible for the delivery and administration and compliance with all applicable laws, rules, and regulations relative to the motor vehicle accident prevention course.
- (d) Accident prevention course or course shall mean the motor vehicle accident prevention course that has been approved by the Department in accordance with standards set forth in this Part and Part 138.
- (e) Part 138 refers to 15 NYCRR Part 138.
- (f) ADM Technical Specifications Document shall mean Appendix A, which provides technical policies, procedures and standards related to the application and administration of ADM courses.
- (g) Alternate Delivery Method, ADM Course and ADM shall mean the motor vehicle accident prevention course approved by the Commissioner and delivered by the Internet, interactive programming or other alternate delivery method as defined in this part.

- (h) Point and Insurance Reduction Program (PIRP) is a commonly used reference to the motor vehicle accident prevention course, and is based on the primary course benefits. DMV publications and advertising generally refer to the course as the PIRP course.
- (i) IPIRP shall refer to the Internet Point & Insurance Reduction Program, a commonly used reference to the motor vehicle accident prevention course taught by Internet or other technologies determined by the Commissioner of Motor Vehicles.
- (j) Delivery agency shall mean an organization approved by the sponsoring agency and the Department to deliver the Sponsor's DMV approved ADM course in accordance with this part.
- (k) Pilot program or pilot shall mean the Department's five year study of the use of Internet and other technologies to deliver motor vehicle accident prevention courses for point and insurance premium reduction benefits (ADM courses). The five-year period will begin on a date to be determined by the Commissioner. This date shall be known as the implementation date.
- (l) Personal validation shall mean a method or methods used to positively identify the person registering for, participating in and completing the motor vehicle accident prevention course.
- (m) Proctored examination shall mean that the student appears in person at a location approved by the sponsor and the department to prove their identity and validate their participation throughout the ADM course by completing a final examination.
- (n) Suspension shall mean the withdrawal, for a definite period of time, of a sponsoring agency's approval by the Department to conduct the motor vehicle accident prevention course.
- (o) Revocation shall mean the permanent withdrawal of a sponsoring agency's approval by the Department to conduct the motor vehicle accident prevention course.
- (p) Completion certificate shall mean a document which cannot be altered and which is provided to the student who successfully completes the motor vehicle accident prevention course. ADM course certificates will specifically identify the means by which the course was delivered.

141.3 Point reduction benefits.

Article 12-C permits drivers to be eligible for point reduction if they have completed an approved ADM course. Upon receipt of electronic student completion data and eight dollars (\$8) from the sponsoring agency, notice of program completion will be entered on a motorist's driving record. The Department will enter a maximum reduction of four points on the driving record for each motorist certified as having attended and completed an approved motor vehicle accident prevention course, in accordance with the provisions of Part 141.5 of this Title. All required documentation must be transmitted by the sponsoring agency to the Department in a manner prescribed by the Commissioner.

141.4 Eligibility to deliver an ADM course.

- (a) An accident prevention course may be delivered by a sponsoring agency using an alternate delivery method that does not require students to be present in a classroom. The Commissioner may approve such method if it can be determined that the sponsor is capable of delivering the course via an alternate method that includes testing and security measures that are at least as secure as those present in the classroom course, as established in Part 138.
- (b) General criteria. The Department shall review each application to assess the methodology, the sponsor's mastery of the ADM, its internal controls and its overall ability to successfully deliver the course in a manner consistent with consumer service and the aims of the motor vehicle accident prevention course. Approval of one sponsor's ADM does not constitute approval of the same delivery method by a different sponsor.
- (c) Applicants may apply immediately upon the date this part takes effect. No course will be approved until the completed application is received, reviewed by the Department and a determination to approve it has been made.
- (d) An ADM course applicant must be an active sponsoring agency that had a classroom course approved by the Commissioner pursuant to Article 12-B of the Vehicle and Traffic Law and Part 138 prior to April 16, 2005. The Commissioner may, in his or her discretion, approve ADM course applications that have received classroom course approval after such date and such applications must meet the criteria set forth in subdivision (g) of this section..
- (e) The Commissioner may, in his or her discretion, require that sponsoring agencies continue to deliver their DMV approved classroom course throughout the duration of their approval to conduct an ADM course.
- (f) The Department reserves the right to deny participation in the ADM pilot if adverse material is uncovered during the application review process which indicates that the sponsor is not of the high moral and financial character required to operate an ADM course.
- (g) ADM course applicants that did not have a classroom course approved by the commissioner prior to April 16, 2005, must meet the following requirements:
 - (1) The course must be approved as a classroom course pursuant to Article 12-B of the Vehicle and Traffic Law and such course must have been in existence for a minimum of one year, with at least 20 classes conducted, prior to applying for ADM course approval.
 - (2) The course may not be delivered via the internet based course, but rather, must involve the use of one or more of the following: DVDs or CDs, pay-per-view television through a cable television provider, or other delivery method approved by the Commissioner.
 - (3) One or more of the following identity and participation validation methods must be used by the course provider: fingerprints, handprints, facial recognition, ear scan, iris or retina scan, in-person contact, pay per view buttons, proctored exams, or other methods that may be approved by the Commissioner. (Added 2/8/12)

141.5 ADM Course Approval.

- (a) An organization which proposes to offer an ADM course for point and insurance reduction benefits must submit a completed application to the Department for approval in accordance with standards set forth in this Section. An application shall not be considered to be complete until all information, materials and fees required by this Part and Article 12-C of the Vehicle and Traffic Law have been submitted.
- (b) To be approved by the Department, an ADM course shall meet all of the following criteria:
 - (1) Sponsors must establish ownership rights to the ADM course they plan to deliver in New York State. Once approved, that ADM course may not be delivered in New York State by any other sponsor.
 - (2) The course shall provide a minimum of 320 minutes of instruction. The instruction must include active learning techniques (i.e., requiring student participation).
 - (3) The ADM course must provide instruction in the following subject areas:
 - (i) Collision prevention, including a discussion of the factors involved in traffic situations.
 - (ii) Alcohol and drug use as a contributing factor in motor vehicle collisions.
 - (iii) Accident prevention techniques.
 - (iv) The use of occupant restraints.
 - (v) The risk factors involved in driver attitude that trigger behavior such as speeding, reckless and aggressive driving, and improper lane use.
 - (vi) Traffic laws in New York State.
 - (vii) Physical and mental condition of drivers (i.e., age, vision, hearing, mobility, illness, and fatigue).
 - (viii) Conditions and strategies of driving.
 - (ix) City versus suburban driving and rural versus expressway driving.
 - (x) Work zone safety and aggressive driving recognition and avoidance.
 - (4) Sponsors shall provide a detailed transcript of the course, including all content, sections, logical breaks, internal controls, proposed audio/video clips (including time duration). Course topic sequencing may be different from the approved classroom course as long as it does not detract from the logical flow and educational value of the course.
 - (5) Sponsors shall provide test questions, including 30 personal identity validation questions, 100 content/environmental questions, as well as 100 proctored exam questions (where applicable), as defined in Section 141.8 of this part. Additionally, sponsors shall provide information on when validation will occur and what validation methods they propose to use.
 - (6) Each sponsoring agency shall submit no more than one ADM course to the Department for approval at a time. When the sponsor's primary ADM course has been reviewed and approved or denied by the Department, the sponsor may submit a separate new application for the additional ADM in accordance with the standards set forth in this part.

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- (7) Advertising shall not appear during any part of the ADM course, including, but not limited to the registration, instruction, testing, validation or completion periods, nor shall any distracting material that is not related to the topic being presented, in accordance with Section 141.5 of this part and Part 138 of this title be permitted.
- (8) Sponsors shall provide DMV with appropriate access to the course for the purposes of reviewing the materials and internal controls. All changes to course material must be approved in accordance with Section 141.9 of this part, prior to implementation by the sponsor. Once approved, the sponsor must provide a new course transcript script to be used in the monitoring of course.
- (9) Application forms and supporting materials. The ADM course application form shall be prescribed by the Commissioner, and shall include, but not be limited to the following:
 - (i) Business ownership information
 - (a) Sponsor Name and NYS location of operation
 - (b) PIRP sponsoring agency code
 - (c) Business Federal Employer Identification Number and legal form of business i.e. corporation, partnership, D/B/A, etc.)
 - (d) Name, title, role and legal residential mailing address of all owners, operators, managers, partners, officers and directors of the sponsoring agency. If these individuals have been known by another name, submit the alternate name. Individuals, such as managers, operators, partners and officers, who actively participate in the operations and management of the business must be identified. Controlling shareholders must be identified. Not-for-profit corporations that are incorporated with the New York State Department of State, and which include businesses beyond the motor vehicle accident prevention course, may provide information on their most recent IRS Form 990, Parts V-A and V-B, in lieu of providing residential mailing addresses.
 - (ii) Contact Information
 - (a) Name of application contact person.
 - (b) Mailing address of contact person.
 - (c) Office phone and alternate phone number of contact person.
 - (d) E-mail address of contact person.
 - (e) Name of alternate contact if primary contact person is not available.
 - (f) Phone number and e-mail of alternate contact person.
 - (g) List of sponsor approved delivery agents (if applicable) to offer alternate delivery method.
 - (h) Proposed NYS specific registered domain name that has at least one of the principals listed as a point of contact and approved name of the sponsoring agency as the site registrant

(iii) Required fees

- (a) Non-refundable application fee of seven thousand five hundred dollars (\$7,500) must be submitted with each application in the form of a certified check. The proceeds from such fee shall be deposited in the accident prevention course internet technology pilot program fund as established by Section eighty nine-g of State Finance Law.
- (b) An initial bond, or a letter of credit, in the amount of \$100,000 naming DMV as the beneficiary, which would be paid to the sponsor in the event of a security or data breach or to DMV in the event the sponsor ceases doing business in NYS during the pilot period, and/or to reimburse fees paid by students in cases where the sponsor is unable to provide the course. Applicants need not provide the bond or letter of credit with their initial application materials, though this requirement must be satisfied before DMV will grant final approval to conduct an ADM course. Sponsors that do not provide the bond or letter of credit with application materials will be advised in writing by DMV when all other application requirements have been satisfied and approval is imminent. The sponsor must then submit the bond or letter of credit in order to be finally approved. DMV will notify the sponsor when course delivery may commence. The sponsors must submit proof of bond renewal on an annual basis.

(iv) Application materials

- (a) Online curriculum viewable at the domain name proposed, if applicable.
- (b) Sample curriculum in the non-Internet medium proposed (Video, CD Room, other), if applicable.
- (c) Written statement indicating ownership of the curriculum and ownership or usage rights to the methods that will be used to deliver the program (i.e. if using proprietary biometric technology to validate identity and participation, sponsor must provide evidence that they have rights to use that proprietary technology for this purpose).
- (d) Ten sets of user names and passwords that will be valid throughout the pilot review phase by DMV and or designated monitoring agents to review and approve content.
- (e) Phone number where customer service will be available.
- (f) Hours of operation of customer service (online and via toll free number).
- (g) Plan on offering customer service and technical assistance (online and via toll free number).

- (h) A detailed description of how the sponsor will ensure identity authentication at the time of registration and throughout the course, including proposed test bank of questions and answers.
- (i) Security and risk management plan. Sponsor's policy on how student information will be safeguarded, policies regarding record keeping, data use, retention, storage, security, backup and recovery.
- (j) Sponsor's method to secure confidential student information, and to ensure continuous Internet or other ADM course delivery.
- (k) Proposed policy/procedure for participation, hardware/software requirements, method of payment, C-32A brochure, privacy policies and penalties for fraudulent activity by the student that will be disclosed to the student before they are allowed to enroll.
- (l) Sponsor's authorized signature, indicating agreement to terms and conditions of the pilot, and agreement to financial and background check of the principals and the sponsoring agency.

(c) Disqualifying application information

- (1) An application will be denied or prior approval will be suspended or revoked if any person listed on the application has been convicted of a felony or any other crime involving fraudulent activity or violence.
- (2) If it is established that any information provided in the application is fraudulent, the application shall be denied, or, if previously approved, sponsoring agency approval will be revoked. In either case, the applicant shall not be permitted to file an application for ten (10) years from the date of denial or revocation.

(d) Non-transferability. Sponsoring agency approval to conduct an ADM course is not transferable under any circumstances. Both the sponsoring agency approval and ADM course approval are tied directly to the sponsoring agency business named on the application form, including all ownership information. An organization that acquires another sponsor's course must submit an application and seek approval in accordance with the standards set forth in this part.

(e) Change of officers, contact persons, contact information or address.

- (1) The Department must be notified in writing within ten (10) days of any change of any information provided on the original application forms. An amended application form, with signature, must be submitted with the written notification of change.

- (2) The Department must be notified in writing within ten (10) days of any changes in any owners, operators, managers, partners, officers and directors or controlling shareholders of the sponsoring agency.
- (3) Failure to notify the Department of such changes shall be grounds for immediate suspension of sponsoring agency approval.
- (4) Transfer of ownership will require the new owner(s) to file a new application with the Department in accordance with the eligibility requirement and approval standards set forth in Sections 141.4 and 141.5 of this Part. The transferred course may not be delivered until the Commissioner has approved the new application. The prior owner's ADM course approval shall be revoked immediately upon transfer of ownership.

141.6 Monitoring ADM courses.

The Department shall maintain high course standards to insure the integrity of the program. Sponsoring agencies shall allow and cooperate with the Department's, or the Department's designee's supervision and monitoring of motor vehicle accident prevention courses conducted for point and insurance reduction benefits. Sponsors must allow the Department or its designee to make periodic unscheduled inspections of all sponsor facilities and records related to the delivery and administration of the ADM course.

- (a) The Department, the Department's third party monitor, if one is selected, and the sponsors shall monitor the following areas:
 - (1) The parameters of program delivery and adherence to a sponsoring agency's approved course, to timeframes and internal controls and other measures to ensure that the participant receives a complete and effective course in full compliance with all applicable laws and regulations.
 - (2) Sponsoring agencies are responsible for policing their own program, in addition to any monitoring conducted by the Department or a third party monitor selected by the Department. Sponsors shall implement sufficient controls to ensure that the approved ADM course, including any time frames, testing, identity and participation validation techniques, as well as customer service and support functions, remain accurate and functional at all times. System failures, unapproved changes, or absence of internal controls may result in suspension of the sponsor's ADM course.
- (b) If the Department is unable to engage a third party monitor, the sponsoring agencies shall procure an independent third party monitor to ensure program integrity at their own expense. The Department will notify the sponsors when they will be required to procure a monitor or when a Department monitor has been secured.

- (1) A third party monitoring contract may include, but not be limited to the following types of oversight, as determined by the Commissioner:
 - (i) Third party monitor visits the sponsor locations on an annual basis to review compliance with DMV course requirements.
 - (ii) Sponsors will give the third party access to information consistent with that provided to DMV.
 - (iii) Third party monitor completes each course offering twice per quarter so as to verify all requirements are being met.
 - (iv) Third party monitor receives regular data transmission according to a defined record format of student reporting requirements for ADM. The monitor will analyze data for trends and patterns of abuse.
 - (v) At least two onsite audits of the sponsor's data hosting/reporting process, policies and implementation, during the 1st and 3rd year of the pilot to ensure data collected, stored and reported is consistent with what the sponsor received.
 - (vi) During the onsite audit, third party monitors will review Sponsor's security of motorist personal information to ensure adherence to security policies defined in Appendix A.
- (c) In the event that a course is monitored and found to be deficient, a review of data transmission is found to be suspect, or the review of the sponsor's hosting/reporting or security process appears deficient, a report of such deficiencies shall be reported in writing to both the Department and sponsor within 24 hours of identification. When notified of a deficiency, sponsors must investigate, and where a deficiency is confirmed, provide the DMV with a remediation plan within 10 business days. The Sponsor shall have 30 calendar days to correct the deficiency.
- (d) DMV may periodically audit any and all sponsor records and third party monitor records related to the ADM course.
- (e) DMV may, in the discretion of the Commissioner, approve all third party monitors, including those procured by the sponsor. Monitors shall cooperate with the Department's supervision and monitoring of ADM courses and shall allow the Department access to all records related to such courses. DMV shall have the ability to contact sponsor's third party monitors directly, without prior approval of the sponsor.
- (f) DMV reserves the right to review and approve the use of a third party database information for the purpose of validating student identity, including any contracts, agreements, security protocols and policies, and may consult the third party credit bureau or government data provider without permission from the sponsor.

141.7 ADM Course Evaluation.

- (a) Consistent with the requirements in 138.4(e), sponsors will be required to evaluate the effectiveness of their ADM course, as well as their classroom based course. The timing of when the evaluation must be done may occur anytime within the five year period, when the number of students have completed the course provides a sufficient sample to evaluate per Section 138.4(e). Sponsors are expected to evaluate their ADM course once over the 5 year period. In the event sufficient sampling cannot be done due to the number of students completing the course, DMV will accept a smaller ADM sample. Course effectiveness documentation must be completed and submitted to the Department no less than 60 business days prior to the end of the pilot program.
- (b) In order to evaluate motorists' responses to the ADM delivery methods, sponsors will be required to collect data for each student completer for these factors:
 - (1) Overall course satisfaction.
 - (2) Perception that course was interesting.
 - (3) Perception that course was easy to use.
 - (4) Perception that the course will positively influence their future driving performance.
- (c) Appendix A defines the student completion data requirements in detail.
- (d) The student completion information, as described in this section and in Appendix A, shall be reported in a manner prescribed by the Commissioner.

141.8 ADM Course Requirements.

- (a) **Course Timing.** The ADM course shall include built-in timers to ensure that 320 minutes of instruction have been attended and completed by the student. Timers shall be built into online and interactive courses in order to prevent a motorist from advancing to the next page or section in less than the amount of time it would take the average person to read or be exposed to that page or section. Timers shall be incorporated into the verification process so that if a telephone verification system is used, the student cannot complete the validation piece of each section until the amount of time that it would take an average person to complete such section has passed.

Each sponsoring agency application, submitted in accordance with section 141.5, must include a specific plan for how instruction time will be calculated. In addition, a record of such calculations, including all instruction time, will be recorded and stored by the sponsor and made available to the third party monitor and the Department for monitoring and quality control purposes. This information, as part of each student's completion record, must clearly differentiate actual interactive instruction time from non-instruction time such as log-in procedures, administrative tasks, help functions, validation processes, and audio/visual media download times. This information shall also be used by the sponsor in fulfilling its monitoring responsibilities as defined in section 141.6 of this part. The sponsor shall store this data for a minimum of five (5) years.

- (b) In-person testing alone shall not be sufficient proof that the motorist participated in the 320-minute course.
- (c) The ADM course shall use the following methods to ensure that the course instructional time will take 320 minutes. In order to demonstrate that the course provides sufficient content, the ADM shall use the following methods:
 - (1) Word count. The sponsor shall count the total number of words in the text or written sections of the course and divide by 100, the estimated number of words a student can read per minute. The result will be total minimum time for written material.
 - (2) Multimedia presentations. For audio/visual presentations, the total time, in minutes, it takes the multimedia presentations to play.
 - (3) Charts and graphs. The ADM can allow one minute for each chart or graph.
 - (4) Simulations and Exercises. The calculated time of simulation or exercise, allowing sufficient time for the user to follow along at the required pace.
 - (5) Personal and Content Questions. The sponsor may allow up to 45 seconds for personal question responses and up to 60 seconds for content question responses.
 - (6) Sponsors can propose alternate time calculation methods so long as sponsors can demonstrate that the course meets the 320 minute minimum requirement.
- (d) Customer service and support.
 - (1) ADM courses shall provide toll free telephone lines staffed by knowledgeable customer service staff that can assist with routine questions. Staff shall be knowledgeable about policy, procedural, technical and content matters.
 - (2) ADM courses delivered exclusively online shall also provide online assistance, in addition to telephone support, through the use of frequently asked questions and/or online chat access or equivalent real time communication.
 - (3) ADM courses delivered exclusively by interactive means, other than the Internet, shall also provide interactive assistance, in addition to telephone support, through the use of frequently asked questions and/or real time interactive communication.

(e) Identity Validation

- (1) Sponsors are required to validate a student's identity as part of the ADM. The specific methods chosen are based on each sponsor's solution, and are based on points assigned to each method, as determined by the Commissioner and as set forth in Appendix A:
 - (i) Biometrics must include methods such as facial recognition, key stroke analysis, voice print or fingerprint.
 - (ii) Proctored examination after the 320 minute course.
 - (iii) In person contact at the time of registration or at delivery agent location for course delivery.
 - (iv) Phone contact by prompting students to contact sponsor during course delivery to answer personal or content questions.
 - (v) Third party database questions are answered by the student against a third party credit bureau or government database as a means to validate identity only.
 - (vi) Online/Instant message by prompting student using internet or PC based training to join a discussion group or answer validation questions.
 - (vii) Personal questions are answered by student as a means to validate identity.
 - (viii) Content questions are answered by student as a means to validate participation.
 - (ix) Pay per view buttons uses features of digital cable TV to have a user interface for students to answer validation questions during the course.
 - (x) E-mail can be used to transmit user name and password or to provide a link to the user for course access
- (2) Sponsors shall choose a minimum combination of validation techniques (from section b above) in designing their ADM course. The Department, as set forth in Appendix A, shall assign relative point values to each technique to assess the security and integrity of each sponsor's validation solution.
- (3) In the event sponsors have alternate validation techniques, DMV shall review such alternates and determine if they will be added to the list of techniques in paragraph (1) above.

(f) Personal validation for purposes of identity and participation for ADM courses.

- (1) When sponsors elect to use personal and/or content questions as defined in Section 141.8(c)(5), the validation system shall incorporate the following requirements:
 - (i) Sponsors shall maintain a test bank of not less than thirty (30) personal validation questions.
 - (ii) The ADM course shall ask a minimum of ten (10) personal validation questions throughout the course. Questions shall be generated randomly from the test bank for each student and shall not be repeated.
 - (iii) Personal validation questions will be asked throughout the course, at a minimum at the beginning of each session and at appropriate intervals during the course. At least one personal validation question shall appear in each major unit or section, not including a final examination.

- (iv) The student must correctly answer the personal validation question within forty five (45) seconds for Internet/interactive validation and thirty (30) for telephone validation.
- (g) In order to ensure that a student has participated throughout the course, sponsors shall maintain a bank of one hundred (100) content and environment questions relating to the material presented in each section. The ADM course shall ask a minimum of twenty (20) content and environment questions throughout the course. Questions shall be generated randomly from the test bank for each student.
- (1) The content/environment questions shall be short answer, multiple choice, or a combination of these forms. The questions shall be designed so the answer may not be determined by the student without having viewed the actual the material presented in each section or sub section.
 - (i) The student must correctly answer the content/environment questions within sixty (60) seconds for Internet/interactive validation and forty five (45) seconds for telephone validation.
 - (ii) In no case may a personal or content/environment question identify, in any way, the correct answer to the question.
 - (iii) Students who, in their first attempt, fail to answer the minimum number of content/environment questions correctly may be asked additional questions (adding to the minimum time requirement) so long as they answer at least 75% correctly in one of the two subsequent attempts that will be permitted in the Internet course. If proctored testing is used, students who fail to answer the minimum number of content/environment questions correctly are allowed one (1) subsequent retest. Students who fail to correctly answer any personal identity question in the Internet course shall have one (1) subsequent attempt to answer the question before being excluded from the course. The same standard will apply to personal identity questions in the proctored test environment.
 - (iv) In such case where a student is allowed to retake any content/environment question in an effort to answer 75% of the questions correctly, the ADM course shall present a different question from its test bank.
 - (v) Students shall not be permitted to attempt the same question in any subsequent attempt. The ADM course may not repeat a content/environment question until it has asked all the questions from its test bank.
 - (vi) The student shall be excluded from the course if they fail to answer at least 75% of the content/environment questions correctly after three (3) attempts at taking the test online or two (2) attempts at taking the proctored exam (including initial test and one retest). Retests must be completed within 28 days from the initial completion of the education portion of the course. A student that has been excluded from the course for failing to attain a passing score shall, in the discretion of the sponsor, be eligible to enroll in and start a new course. The sponsor may, in its discretion, choose to waive a fee or allow the student to enroll in a new course without paying an additional course fee. Students who have been excluded from the course and are allowed to enroll in a new course must complete the entire course.

- (vii) Students shall be excluded from the course where the sponsor's DMV approved biometric identification methods cannot verify student identity in two attempts. Failure to confirm identity after two (2) attempts shall result in the motorist being excluded from the program. If the identity verification is not made due to a technology failure, the student shall not be excluded from the course. The sponsor shall address the technology failure and allow two (2) opportunities for biometric identity verification to be made. If the identity verification is not made and the student has been excluded from the class, the sponsor may, in its discretion, choose to waive the course fee or allow the student to enroll in a new course without paying an additional course fee. Students who have been excluded from the course and are allowed to enroll in a new course must complete the entire course.
- (2) Proctored testing requirements. If proctored testing is used by a sponsor as a means of validating student identity and participation, the sponsor must apply for approval in a manner prescribed by the Commissioner. Standards may include but not be limited to:
 - (i) Locations must be approved by the Department.
 - (ii) Proctors must have an independent relationship with the sponsor, as well as those taking the test.
 - (iii) Students must present two forms of identification, one being their NYS driver's license photo identification
 - (iv) Students must sign in, indicating agreement with the sponsor's terms and conditions, including identity and participation validation questions as outlined in Section 141.8 of this part.
 - (v) Proctors must monitor student testing in person. Testing must be completed within 30 calendar days of completing the instructional portion of the ADM course.
- (h) Internet/interactive delivery specific requirements
 - (1) A student receipt shall be displayed online and available for printing, whether such receipt is provided at the time of in person registration or e-mailed to the student. The receipt is not proof of official course completion, which must be mailed to the student via regular or express mail. The receipt is only intended to show payment for course and must state so.
 - (2) Students must complete the ADM course within 30 calendar days of registration. Students who do not successfully complete the course shall be excluded from the program for non-completion and shall forfeit course fees. The sponsor may, in its discretion, choose to waive a fee or allow the student to enroll in a new course without paying an additional course fee. Students who have been excluded from the course and are allowed to enroll in a new course must complete the entire course.
 - (3) In cases where an online course requires in-person validation and/or testing, the motorist must appear and complete that requirement within 30 calendar days of completing the instructional portion of the ADM course.

- (4) Sponsors shall accommodate various Internet connection bandwidth rates so the program is accessible to the greatest number of motorists statewide. Bandwidth and processing speed may affect download times for multimedia presentations. Download and processing time shall not be factored into the overall minimum instruction time.
- (5) The graphical interface shall be user-friendly. Scrolling should be limited to up and down; students shall have the ability to log on and off and navigate freely to previously viewed material.
- (6) Consistent with NYS Americans with Disabilities Act (ADA) Web Requirements, whenever video or audio is playing, a text stream of the spoken word will be visible where appropriate.
- (7) Each sponsor must offer the ADM from a single Uniform Resource Locator (URL)/global address on the world wide web. The sponsor can accept students directed from another site, so long as it is clear on the ADM's website who the ADM sponsor is. Sub-domains of the ADM's registered domain may deliver content as long as the sub domain is registered to and hosted by the ADM sponsor.
- (8) Sponsors must make available printable fact sheets (in lieu of a workbook) that summarize key learning points from each module.
 - (i) Additional requirements for video/non-interactive courses.
 - (a) A video ADM course shall be subject to the same identity and participation validation criteria required of Internet/interactive courses as defined in Section 141.8 of this Part.
 - (b) In addition, all ADM courses that do not use the Internet, or other interactive delivery and Biometric identification validation will be required to include a proctored exam, in addition to the personal and/or content questions asked during the course.
 - (c) All video ADM courses will also provide a workbook, or summary of key learning points from each module that the student will be allowed to carry into the proctored exam.
 - (d) A video/non-interactive ADM course is exempt from the 25% maximum timeframe for audio/visual content required in this Part.

141.9 Change Control.

- (a) Changes to the ADM curriculum or internal controls shall not be made by the sponsor without prior approval of the Department.
 - (1) A sponsor that wishes to change their course must request such change in writing. A request must include:
 - (i) Reason for the change
 - (ii) Complete description of the change
 - (iii) The impact of the change on the 320 minute course requirement, on the content of the section in which it is placed, and on the overall course.
 - (iv) The impact of the change on course delivery, security, and validation.
 - (2) The Department will review the change to determine if it is warranted. Changes impacting timeframes, delivery method, and security must be tested prior to approval. Changes may be implemented immediately upon approval.
 - (3) Implementing any change without prior written approval from the Department shall be grounds for suspension of approval to deliver the ADM course or of sponsoring agency approval.
 - (4) The Department may request additional information relating to proposed changes described in this section.
 - (5) The Department may periodically require that updates to the course curriculum be made by the sponsor, particularly in relation to changes in law, statistics and traffic safety trends.
 - (i) Sponsors are encouraged to update their course curriculum on an annual basis to include the latest laws, statistics and traffic safety trends.

141.10 Information Security Guidelines.

- (a) Protection of student confidential information is of paramount importance to the Department. Sponsors and their delivery agents where applicable, must ensure client information is kept confidential and secure. This includes securing purchase information (such as credit card), identity information (such as motorist ID, personal information questions and answers), and records maintained to validate student/sponsor compliance with the requirements, including any client reported information on tests and surveys.
- (b) Sponsors and their delivery agents, where applicable, must comply with the Driver Privacy Protection Act (DPPA). Violations of the New York State Personal Privacy Protection Law and the Driver Privacy Protection Act (DPPA) may result in sponsor suspension and may result in federal prosecution. In addition, sponsors and their delivery agents must also comply with NYS Information Security Breach and Notification Act, Sec 208, NYS Technology Law, and Sec. 899-aa NYS General Business Law.

- (c) If there is any breach of security, the affected sponsor and/or delivery agent must notify the Department as soon as practical after the security breach, providing details of the incident(s) and what steps were taken to address the security breach in a timely manner.
- (d) DMV Information Security officials will review each sponsor's security plan prior to course approval. After approval has been granted, the Department, the sponsor's monitor or a third party under contract to DMV reserves the right to audit the sponsor's ADM information security practices, security of office sites, systems and test areas on a periodic basis, or when circumstances warrant.
- (e) Sponsors shall maintain records for the ADM course separately from their classroom course data, or structure their data systems to differentiate between the courses. Course records and data, with the exception of biometric data, shall be retained by the sponsor for a period of not less than five (5) years from the date of course completion. Biometric data shall be retained by the sponsor for a minimum of five (5) business days, and no longer than thirty (30) calendar days from the date of course completion.
- (f) Sponsors that are approved to offer more than one ADM course must be able to delineate between the courses.

141.11 ADM Course Administration.

An approved sponsoring agency must:

- (a) perform all administrative functions in connection with the course in accordance with this Part and applicable laws;
 - (1) Provide student participation data in a manner prescribed by the Commissioner.
 - (2) Provide, for the Department's approval, a sample course completion certificate which is designed to and capable of preventing fraud and forgery, and which designates the type of ADM course completed, and which shall be used to verify course completion for submission to insurance companies.
 - (3) Establish appropriate lines of communication with the Department in order to provide efficient and effective administration of the course.
 - (4) Keep program records open to the inspection of the Department during the sponsoring agency's normal business hours, or by appointment at a time and place acceptable to the Department.
 - (5) Submit copies to the Department of any and all written policies and procedures related to the administration of the program.
 - (6) Maintain student completion records, including footprint data, for a period of five (5) years and provide duplicate completion certificates, if necessary, upon request. Student records shall include the items related to course completion as set forth in Appendix A.
 - (7) Issue course completion certificates within fourteen (14) business days of course completion to each and every motorist who successfully completes the course.
 - (8) Report each and every motorist who successfully completes the course to the Department within thirty (30) business days of course completion.

- (9) Notify student in advance of all of the requirements necessary to successfully complete the course, including technical requirements and final date for completion. The completion date on the certificate is the date when all requirements have been met.
- (10) Publish privacy rights at the beginning of the course materials.
- (11) For internet courses, motorists must type "I Agree" to acknowledge and agree to all course completion requirements and the sponsor's privacy policy information required under Sections 141.5 and 141.10 of this Part. For in person registration or during the proctored test, students must sign an agreement acknowledging and agreeing to all course completion requirements and the sponsor's privacy policy information required under Sections 141.5 and 141.10 of this Part.
- (12) Provide an enrollment contract that student must read and acknowledge prior starting instruction, where appropriate. Enrollment contract shall explain the course, minimum instruction times, all fees associated with the course, completion procedures, minimum technology requirements and other relevant information as prescribed by the Commissioner, including the course benefits and limitations as described in the Department's C-32A publication. The contract will also include an affirmation by student that they will complete the entire course without assistance; will abide by all terms of the contract; will not knowingly accept a course completion certificate if the course has not been completed
- (13) In any case where a sponsoring agency is unable to provide the course or any part of the course, the student must be given the option of receiving a full refund of all course fees. In addition to the option of a full refund, students may be given the opportunity to reschedule the course if and when it becomes available.

141.12 Suspension or revocation of approval; hearings.

- (a) The Department may suspend or revoke approval of a sponsoring agency or delivery agency, or the approval of an ADM course, for any of the following causes:
 - (1) The Department determines that the sponsoring agency, its delivery agencies or instructors have failed to comply with any of the provisions of this Part, Appendix A or any applicable law, or a sponsoring agency has failed to provide oversight of its program in accordance with this Part;
 - (i) A course, which after evaluation pursuant to the standards contained in section 141.7 of this Part, proves ineffective or which contains any changes which have not been approved.
 - (ii) A sponsoring agency has made a material false statement or concealed a material fact in connection with an application or has knowingly presented false or misleading information to the Department, or to the general public.
 - (iii) Failure or refusal of a manager, owner, operator, officer, partner, or employee of the sponsoring agency, or its delivery agents if applicable, to permit the Department or its representatives to inspect any of the offices, records, or courses.

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- (iv) Failure or refusal of a manager, owner, operator, officer, partner, or employee of the sponsoring agency to report every motorist's completion of an accident prevention course to the Department.
- (v) Failure or refusal of the managers, owners, operators, officers, partners, or employees of the sponsoring agency, or its delivery agents if applicable, to produce any program related records when requested to do so by the Department or by a monitor under contract with the Department.
- (vi) Failure to advise the Department within ten (10) days of a change in the sponsoring agency's ownership, name or address, or any business information defined in section 141.5(J).
- (vii) Failure of the managers, owners, operators, officers, partners, or employees of the sponsoring agency to submit to the Department, upon request, on or before an established deadline, any forms, reports, or approvals to conduct the course, including the intentional manipulation of requested data.
- (viii) Failure to comply with Part 141.9 change control requirements.
- (ix) Provision of a course completion notification to the Department, for a person who has not completed the course in accordance with the standards set forth in this Part.
- (x) Provision of a course completion certificate to a person who has not completed the course in accordance with the standards set forth in this Part.
- (xi) A judgment or conviction for any felony or crime by any manager, owner, operator, officer, partner, employee of the sponsoring agency. At the discretion of the Department, after a review of the crime the factors that lead to a conviction, the Department may issue a waiver.
- (xii) Alteration of ADM participation data collected by the sponsor and reported to the Department in accordance with this Part and its accompanying technical specifications as set forth in Appendix A.
- (xiii) Failure of the sponsoring agency to monitor the delivery of its program and, in cases where evidence of impropriety is discovered, failure to take appropriate steps to correct the impropriety.
- (xiv) The ADM course presentation does not adequately address subject areas set forth in Section 141.5 of this Part.
- (xv) Failure to renew and/or maintain the \$100,000 bond or submit proof of renewal on an annual basis as required in section 141.5 of this Part.

- (xvi) Suspension or revocation of sponsoring agency approval applies to all versions of the course being delivered by the sponsor, including classroom and ADM course delivery.
 - (xvii) Failure to disclose all fees associated with the course, or a change in fees associated with the course, at any time after the motorist agrees to the terms and conditions of the course at the time of registration.
- (2) No approval of a sponsoring agency, shall be denied, revoked or suspended by the Department without an opportunity to be heard, such hearing to be held pursuant to Part 127 of the Commissioner's Regulations and at such time and place as the Commissioner shall prescribe. A hearing must be requested in writing within thirty (30) business days of receipt of notification of denial, suspension or revocation from the Department. Any request filed after the thirty (30) day deadline shall not be considered. If such request for a hearing is made, the suspension or revocation shall be stayed pending completion of the hearing.
- (3) Upon suspension or revocation, the sponsor shall provide any unreported student course completion data, including any footprint information.

141.13 Course advertising.

- (a) Any form of advertising (including verbal or written statements, promotional materials, brochures, leaflets, newspaper and magazine ads, yellow page ads, radio and television publicity, receipts, Internet web pages, pop up ads or any other medium which makes reference to the accident prevention course or point and insurance reduction benefits) by a sponsoring agency and/or delivery agency must conform with the following standards:
 - (1) Advertising shall reflect the serious nature of the motor vehicle accident prevention course and, in no manner, either through the text of the advertisement or through the name of the course, diminish the subject matter or serious nature of the course. Advertising shall not refer to gimmicks or enticements, such as comedy or free gifts, or to any benefits other than point and insurance reduction.
 - (2) The only acceptable reference to the Department is that the sponsoring agency's course is approved by the New York State Department of Motor Vehicles. Words which convey partnership, such as "in cooperation with," "supervised by," "recommended by," or "endorsed by" the Department of Motor Vehicles may not be used. No sponsoring agency may advertise or imply that it is associated with or is an agent or employee of the Department. No representative of the ADM sponsoring agency shall knowingly allow the use of advertising that could lead the public to believe that they or their sponsor are an employee, representative or agent of the Department.
 - (3) No sponsoring agency course shall be permitted to conduct business or advertise under any name that has not been approved by the Department, pursuant to Articles 12-B and 12-C of the Vehicle and Traffic Law. No sponsoring agency or delivery agency may use the words "driving school" in its name in advertising unless it is licensed in accordance with Part 76 of the Commissioner's Regulations.

- (4) No sponsoring agency may advertise in any manner until approved by the Department. No organization shall advertise point or insurance reduction benefits in any manner until such time as the course has been approved by the Department.
- (5) A sponsoring agency is responsible for the content of the advertising of its delivery agencies with regard to the point and insurance reduction program. Sponsoring agencies shall review and approve all delivery agency advertising to ensure compliance with this Part or provide pre-approved advertising materials for delivery agencies to use.
- (6) All advertising must indicate that the course is a minimum of 320 minutes in length.
- (7) Point/Insurance Reduction Program advertising shall not be combined with any other advertising, such as driving school or insurance agency advertising, unless it has been approved by the sponsoring agency, in accordance with this section, in order to protect the public from potentially confusing or misleading information.
- (8) No sponsoring agency may publish, advertise or imply that the completion of the course conducted for point reduction will result in "erasing", "masking" or deleting any information from a motorist's driving record. Communication with course participants must clearly indicate that while certain Departmental administrative actions based upon a motorist's point accumulation may be prevented, all traffic convictions, as well as the points designated for such convictions, will continue to be displayed on the motorist's driving record. Sponsors shall inform students about the New York State Driver Responsibility Assessment (DRA) and indicate that completing a course will not affect mandatory fines or assessments such as the DRA.
- (9) No sponsoring agency or employee may make false or misleading claims or statements in any of its advertisements.
- (10) All course advertising must identify the sponsoring agency and the ADM method.
- (11) Any material contained in literature produced by the Department may be quoted without attribution, provided the quote retains its original meaning. Any presentation of Departmental material which implies or creates a meaning other than the meaning intended by the Department is prohibited.
- (12) No sponsoring agency, delivery agency, or employee shall falsely advertise or represent itself to be an agent or employee of New York State unless the sponsoring agency is a State agency offering a DMV approved course to its employees.
- (13) No sponsoring agency or delivery agency shall conduct business or display or distribute any advertising material within a building owned or leased by the State or county in which motor vehicle registrations or licenses are issued to the public.

- (14) A copy, recording or videotape of any advertisement shall be kept on file by a sponsoring agency or delivery agency for five (5) years along with a record of when and where it was used or distributed.
- (15) Permission to re-publish any content of the Department's web site shall be obtained from the Department's Internet Office. The Department will provide an image to use as a link to the site. The Department's web site may not be placed within any other web site frames.
- (16) Comparative statistics or claims that state or imply that one sponsoring agency is more effective than another are not to be used. The effectiveness of one sponsoring agency's approved course may not be statistically compared to another approved course for advertising and promotional purposes.
- (17) No implicit or explicit claims that are not supported by documentation are permissible. Such documentation and the proposed advertising must be reviewed and approved by the sponsoring agency in accordance with the standards of this section before they may be used.
- (18) The Commissioner may, in his or her discretion, require a sponsoring agency or its delivery agency to modify or discontinue advertising that is deemed inappropriate, false or misleading.
- (19) Sponsoring agencies or delivery agencies should consider including the following topic guidelines in their advertising:
 - (i) Persons are eligible to receive point reduction once in 18 months. Points which are reduced remain on a motorist's record, but are not counted by the Department in determining further administrative actions against the license.
 - (ii) Point reduction does not affect actions mandated by statute, such as license revocation for three speeding convictions within 18 months.
 - (iii) Point reduction does not affect suspensions or revocations already in place.
 - (iv) The only acceptable reference to insurance reduction is that successful completion of the course provides a 10% reduction, for three years, in the base rate of the motorist's current automobile liability, no-fault and collision premiums.
 - (v) Quotes or references to specific dollar amounts saved are not acceptable.
 - (vi) Implicit or explicit claims that reduction may be less than or greater than 10% annually are not acceptable.

- (vii) No implicit or explicit claim may be made that repeating the course more frequently than once every three (3) years yields an improvement over the 10% reduction in liability and collision insurance rates for each three (3) consecutive years.
- (viii) Any statement must include the requirement that the person completing a course must be the principal operator of the insured vehicle in order to be eligible for reduction.

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APPENDIX A

IPIRP Specification Document

Introduction

Background

New York State (NYS) Vehicle & Traffic Law (V&T) was amended to allow the Department of Motor Vehicles (DMV) to conduct a 5-year pilot program to assess the delivery of the Motor Vehicle Accident Prevention Course, commonly referred to as Point and Insurance Reduction Program (PIRP) via Alternate Delivery Methods (ADMs). Approved NYS classroom PIRP Sponsors may participate in the IPIRP pilot by meeting state requirements, included herein, and adhering to regulations set forth in Part 141 of the Commissioner's regulations.

To distinguish the current classroom based program from the Alternate Delivery Method (ADM) Program, NYS is naming this pilot program "IPIRP", to specifically reference the Internet as described in the enabling legislation. NYS is not limiting the pilot methods to the Internet, in the Commissioner's discretion, so long as providers can ensure that all the pilot program requirements are met. NYS has 13 approved public sponsors delivering classroom training. Only approved providers can participate in the IPIRP; although new sponsors wishing to participate can apply to be a IPIRP provider at any time. Application processing preference may be given to existing, approved classroom sponsors.

Requirement Overview

The enabling legislation, Chapter 751 of the Laws of 2005, charged DMV with developing a pilot program that ensures:

- Student identity is validated at registration.
- Student participation is validated throughout the course.
- The 320 minute time requirement for the course is met.
- Students successfully complete the course.

The DMV has established the following general requirements:

- Only approved, existing classroom sponsors will be eligible to participate in the pilot program.
- Approved sponsors want to participate in the pilot must follow the proposed application process.
- Sponsors shall have the responsibility of identity validation, as well as validating course participation.
- Sponsors shall be required to meet information security guidelines.
- IPIRP course delivery shall have specific requirements.
- IPIRP pilot review and study evaluation shall be required.

Goals of the Pilot

The success of the pilot will be based on the following three goals of the program; Interactive Interface, Expansion of Traffic Safety Awareness and Use of Identification Technologies. Each of these goals shall have several measures to evaluate the effectiveness of alternate delivery methods, as described below. Sponsors will use a common set of questions developed by DMV to collect this information from students.

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Interactive Interface shall assess whether a course delivered in a non-classroom environment can engage the course participant. This goal shall be measured as follows:

- Participant satisfaction with the course. This will be measured using a Likert based scale where success will be determined when a participant rates the course good or excellent. Overall, it is expected that this rating will occur at least 80% of the time.
- Participant believes course was interesting. Without an instructor to engage the student, the course material presentation becomes very important. This shall be measured when the participant rates the course as interesting or very interesting using a Likert based scale. Overall, it is expected that this rating will occur at least 80% of the time.
- Participant believes ADM course was easy to use and instructions understandable. Given the independent nature of the course delivery, overall participant satisfaction will be impacted by how easy and trouble free the learning experience was. This will be measured using a Likert scale and success will be measured when the participant selects easy or very easy to use. Overall, it is expected that this rating will occur at least 80% of the time.

The goal of Expansion of Traffic Safety Awareness recognizes that if a course is made available using alternate technology and it is convenient for the participant, there will be an increase in the number of completers of Accident Prevention Courses. This goal will be measured as follows:

- Number of New Completers. This will be measured based on the number of actual completers of alternate technology. This shall be measured by the number of completers for each sponsor for both ADM and classroom based offerings. A measure of success shall be that the ADMs experience double digit growth (as a % of all offerings) each year they are available.
- Impact of Course. This will be measured by the completer's opinion on whether the course is likely to influence how they will drive in the future. This will be measured using a Likert based scale where success is determined when a participant indicates the course will improve their driving some or very much. Overall, it is expected that this rating will occur at least 80% of the time. DMV shall develop a uniform survey instrument for this purpose that all Sponsors shall use.
- Impact/Improvement. This shall be measured by the sponsors when they complete their PIRP effectiveness studies at the end of the 5 year pilot, or when due, depending upon the requirements spelled out in this Part, in Vehicle & Traffic Law, Article 12-B and also in Commissioner Regulations, section 138. Each sponsor will be required to demonstrate the effectiveness of its ADM course, as is also required for classroom courses, by measuring a significant impact in accident and conviction reduction in the 18 months after completing the course. Depending upon the number of completers, DMV may accept a smaller population than is required in the regulations if an insufficient number of completers is available.

The goal of Evaluate Identification Technologies is to measure usage with a variety of alternate instructional delivery methods. DMV shall measure this goal as follows:

- Number of alternate techniques employed. This shall be measured based on the number of different types of technologies employed by the various sponsors. Technology usage shall cover both the delivery method (internet, CD, etc.) as well as types of validation techniques used by each sponsor. A measure of success shall be the number of multiple media and validation techniques employed by all sponsors. The more variation employed by sponsors, the more successful the pilot will be deemed in terms of this measure.

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- Robustness/reliability of various methods. This shall be measured based on whether the sponsor continues to offer a particular media or technique from the beginning of the pilot, until the end of the pilot and shall be partially based on consumer use and satisfaction. If a technology is robust enough, it is likely to be continued throughout the pilot period and over time, have more and more participants being drawn to the technology. Overall, it is expected that all approved pilot programs continue for the 5 year pilot as initially approved (except for content updates), and that consumer satisfaction with alternate techniques does not decline over the 5-year period.

Both the state and the sponsors will compile these measures during and at the conclusion of the pilot as appropriate. These goals and measures shall be the basis for the DMV’s report to the Legislature and Governor at the conclusion of the pilot.

Data/Security Requirements

General Requirements

The data security of the administration of the overall Motor Vehicle Accident Prevention Course program in NYS is guided by a variety of regulations at both the Federal and State level. Generally all of the regulations and standards are consistent with each other. In any instance where they may be disparate, the more stringent standard will preempt the lesser standard. Recognizing that technology and standards evolve over time, NYS shall require sponsors to adhere to promulgated rules and regulations and state standards governing the program and strive to adhere to national standards and guidance documents related to this program. The actual standards that apply shall be based on each individual sponsor’s solution. In the event conflicting requirements appear or sponsors require additional guidance as to which standards apply specifically to their solution, contact Driver Training Programs (see contact information in closing section) for clarification.

Federal Regulations

Federal regulations detailing the Driver’s Privacy Protection Act are contained under 18 USC §2721 et. seq., which are available on DMV’s website at www.dmv.ny.gov. These rules detail permissible uses of personal information that is disclosed for use in motor vehicle accident prevention courses, as well as other uses. All sponsors and their agents participating in the program shall be required to execute a Non-Disclosure Affidavit with DMV as part of the application process.

Federal regulations related to fraud and related activity in connection with computers are contained under Title 18 of the United States Code, Part 1, Chapter 47, section 1030. These rules detail types of computer related offenses that will be punishable if found to occur during the pilot period.

National Standards

National organizations that promulgate standards related to this pilot program, and specific standards, include, but are not limited to:

National Institute of Standards and Technology (NIST) www.nist.org

800-76	Biometric Data Specification for Personal Identity Certification
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Inter National Committee For Information Technology Standards (INCITS) www.incits.org

377	Information Technology – Finger Pattern Based Interchange Format
379	Information Technology – Iris Image Interchange Format
385	Information Technology – Face Recognition Format for Data Interchange
395	Information Technology – Biometric Data Interchange Formats – Signature/Sign Data (Project 1603)
396	Information Technology – D Hand Geometry Format for Data Interchange (Project 1643)
398	Information Technology – Common Biometric Exchange Formats Framework (Project 1622)
409.1:200x	Information Technology – Biometric Performance Testing and Reporting – Part 1: Principles and Framework (Project 1602)
409.2:200x	Information Technology – Biometric Performance Testing and Reporting – Part 2: Technology Testing and Reporting (Project 1602)
409.3:200x	Information Technology – Biometric Performance Testing and Reporting – Part 3: Scenario Testing and Reporting (Project 1602)

State Laws - DMV

The general legal authority for the Department of Motor Vehicles to require and implement the IPIRP pilot exists under Article 12-C (Accident Prevention Course Internet Technology Pilot Program) of the New York State Vehicle and Traffic Law (V&T). Given the use of personal identification information, sponsors shall also be subject to New York State Technology Law §208, the Information Security Breach and Notification Act, which requires notification when a person without valid authorization has acquired personal information.

State Regulations – DMV

The NYS Department of Motor Vehicles regulations are referred to as 15 NYCRR Part 138, related to the classroom course and 15 NYCRR Part 141, the PIRP Internet/ADM pilot.

State Standards – OITS & CSCIC

The NYS Office for Technology (OITS) and NYS Office of Cyber Security and Critical Infrastructure Coordination have established Information Technology and Security policies and standards as they relate to developed systems in NYS, whether done in-house or by an outside entity.

OITS policies can be found at the following URL: www.its.ny.gov and include the following:

G02-001 – Guidelines for Internet Privacy

P04-002 – Statewide Technology Policy - Accessibility of State Agency Web-based Intranet/Internet Information and Applications

S04-001 – NYS Mandatory Technology Standard - Accessibility of State Agency Web-based Intranet/Internet Information and Applications

CSCIC policies can be found at the following URL: www.dhses.ny.gov and include the following:

P03-002 v.2.1 “Information Security Policy”

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Sponsors participating in the pilot shall comply with the entire Information Security Policy, and the DMV policies listed below, except for those elements that clearly apply to state employees only. DMV will provide copies of the confidential DMV policies to sponsoring agencies upon receipt of a signed Non-Disclosure Affidavit, so as to ensure confidentiality of information contained in these policies.

DMV Policies

The following is a summarized list of confidential DMV policies that shall be adhered to by the sponsors. DMV may, over the course of the pilot, add other DMV or NYS security requirements as new related and applicable policies are issued. These documents are not to be shared outside of the sponsor’s organization or to be used for any other purpose than IPIRP.

Modem Policy	Connecting a dial-up modem (a device computers use to transfer data using telephone lines) to a computer system on the DMV network, even when approved, can be a potential security risk. When modem usage is approved certain guidelines must be followed when technically feasible. Exemption from these guidelines may be approved in writing when it is not technically feasible to follow. This will apply to transmission of completer data if File Transfer Protocol (FTP) is utilized during phase 2 (see later section on data transmission).
Equipment Disposal Policy	There is a risk of disclosure of sensitive information through careless disposal or re-use of equipment. Storage devices such as tape, diskettes or CDs, containing sensitive information must be physically destroyed or securely overwritten to prevent the unauthorized disclosure of sensitive DMV information, depending on the sensitivity level of the data stored thereon. Storage Devices at the very minimum must be re-formatted before disposal or reuse by another user.
User Password Security Policy	<p>Password protection ensures the integrity of the files and applications by protecting against unauthorized access to programs and data.</p> <p><i>Example: If a PC is left unprotected, unauthorized persons gaining access could read, add, delete, or change data records or make changes to the data files or applications.</i></p> <p>It is the responsibility of each sponsor to reasonably protect against unauthorized activities performed by their employees’ user IDs. Each user is responsible for the data that resides on his/her computer and for any activities performed through use of that computer or other password protected device.</p>

Guidance Documents

The following organizations have proposed related standards that are included here as recommended best practices.

Top 10	Open Web Application Security Project available at: http://www.owasp.org/index.php/OWASP_Top_Ten
17799-2005	Information Technology – Code of Practice for Information Security Management (INCITS/ISO/IEC) available at www.incits.org
800-26	NIST: Guide for Information Security Program Assessments and System Reporting Form available at www.nist.org

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Data Collection Requirements

ADM Participation Data

NYS is requiring all sponsors to collect and report certain standardized data on each course participant for the duration of the pilot. The data captured must be reported to DMV in an un-altered manner, based on how it was captured from the students. Data found to be altered shall result in sponsors being suspended or revoked. Data will be collected on the following:

- Sponsor & Delivery Agency Code
- Motorist Identification
- Course Start & End Date and Time
- Length of PIRP course
- Number of Sessions
- Validation Method Used
- Participant Questions and Answers
- Type of Alternate Training
- Participant Satisfaction with Training

All data listed under “IPIRP Student Participant Information” shall be required to be retained by the sponsor from the beginning of the pilot program to the end of the 5 year study, except where otherwise specified. DMV may add additional values or elements once sponsors submit applications for their unique course. The initial data dictionary of the required retained elements is below:

“IPIRP Student Participant Information” – Data Dictionary

Data/Column Name	Data Type – Length - Value	Description
Sponsor Code	Char (2)	Sponsor Code on License File
Delivery Agency Code	Char (3)	Agency Code on License File
Motorist Last Name	Char (25)	Last Name of motorist as appears on the photo driver license
Motorist First Name	Char (25)	First Name of motorist as appears on the photo driver license
Motorist Middle Initial	Char (1)	Middle Initial as appears on photo driver license
Motorist Client ID	Char (9)	ID From NYS driver’s license
Motorist Date of Birth	Char (10) (mm/dd/yyyy)	Check DOB w/CID to ensure accurate posting of completion information to license file trailer.
Start Date	Char (10) (mm/dd/yyyy)	Date Motorist Started Course
Start Time	Char (6) (hhmm AM/PM)	Start Time of IPIRP Course
End Date	Char (10) (mm/dd/yyyy)	Date Motorist Ended Course
End Time	Char (6) (hhmm AM/PM)	End Time of IPIRP Course
Total Time	Num (4)	Total Time in Minutes Start to End
Number of Sessions	Num (2)	Total number of user sessions from start time to end time
Date Reported to DMV	Char (10) (mm/dd/yyyy)	Date the completer data was reported to DMV by the sponsor
Completed Course	Logical (1)	Y=Yes, N=No

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Data/Column Name	Data Type – Length - Value	Description
Method of Validation 1	Char (2)	Initial Acceptable Values: 01 = Biometric – face recognition 02 = Biometric – key stroke 03 = Biometric – fingerprint 04 = Biometric – voice print 10 = Proctored Test 11 = In person 12 = Third Party Database questions 13 = Phone contact 14 = Online / Instant messenger tools 15 = Personal questions 16 = Content questions 17 = Pay per view “remote buttons” 18 = Email
Method of Validation 2	Char (2)	Initial Acceptable Values: 01 = Biometric – face recognition 02 = Biometric – key stroke 03 = Biometric – fingerprint 04 = Biometric – voice print 10 = Proctored Test 11 = In person 12 = Third Party Database questions 13 = Phone contact 14 = Online / Instant messenger tools 15 = Personal questions 16 = Content questions 17 = Pay per view “remote buttons” 18 = Email
Method of Validation 3	Char (2)	Initial Acceptable Values: 01 = Biometric – face recognition 02 = Biometric – key stroke 03 = Biometric – fingerprint 04 = Biometric – voice print 10 = Proctored Test 11 = In person 12 = Third Party Database questions 13 = Phone contact 14 = Online / Instant messenger tools 15 = Personal questions 16 = Content questions 17 = Pay per view “remote buttons” 18 = Email
Valid Question 1*	Char (3)	Unique sponsor question code approved by DMV
Student Answer 1	Char (1)	Student Answer to unique question
Valid Question 2	Char (3)	Unique sponsor question code approved by DMV

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Data/Column Name	Data Type – Length - Value	Description
Student Answer 2	Char (1)	Student Answer to unique question
Valid Question 3	Char (3)	Unique sponsor question code approved by DMV
Student Answer 3	Char (1)	Student Answer to unique question
Valid Question 4	Char (3)	Unique sponsor question code approved by DMV
Student Answer 4	Char (1)	Student Answer to unique question
Valid Question 5	Char (3)	Unique sponsor question code approved by DMV
Student Answer 5	Char (1)	Student Answer to unique question
Valid Question 6	Char (3)	Unique sponsor question code approved by DMV
Student Answer 6	Char (1)	Student Answer to unique question
Valid Question 7	Char (3)	Unique sponsor question code approved by DMV
Student Answer 7	Char (1)	Student Answer to unique question
Valid Question 8	Char (3)	Unique sponsor question code approved by DMV
Student Answer 8	Char (1)	Student Answer to unique question
Valid Question 9	Char (3)	Unique sponsor question code approved by DMV
Student Answer 9	Char (1)	Student Answer to unique question
Valid Question 10	Char (3)	Unique sponsor question code approved by DMV
Student Answer 10	Char (1)	Student Answer to unique question
Valid Question 11	Char (3)	Unique sponsor question code approved by DMV
Student Answer 11	Char (1)	Student Answer to unique question
Valid Question 12	Char (3)	Unique sponsor question code approved by DMV
Student Answer 12	Char (1)	Student Answer to unique question
Valid Question 13	Char (3)	Unique sponsor question code approved by DMV
Student Answer 13	Char (1)	Student Answer to unique question
Valid Question 14	Char (3)	Unique sponsor question code approved by DMV
Student Answer 14	Char (1)	Student Answer to unique question
Valid Question 15	Char (3)	Unique sponsor question code approved by DMV
Student Answer 15	Char (1)	Student Answer to unique question
Valid Question 16	Char (3)	Unique sponsor question code approved by DMV
Student Answer 16	Char (1)	Student Answer to unique question
Valid Question 17	Char (3)	Unique sponsor question code approved by DMV
Student Answer 17	Char (1)	Student Answer to unique question
Valid Question 18	Char (3)	Unique sponsor question code approved by DMV
Student Answer 18	Char (1)	Student Answer to unique question
Valid Question 19	Char (3)	Unique sponsor question code approved by DMV
Student Answer 19	Char (1)	Student Answer to unique question
Valid Question 20	Char (3)	Unique sponsor question code approved by DMV
Student Answer 20	Char (1)	Student Answer to unique question
Valid Question 21	Char (3)	Unique sponsor question code approved by DMV
Student Answer 21	Char (1)	Student Answer to unique question
Valid Question 22	Char (3)	Unique sponsor question code approved by DMV
Student Answer 22	Char (1)	Student Answer to unique question
Valid Question 23	Char (3)	Unique sponsor question code approved by DMV
Student Answer 23	Char (1)	Student Answer to unique question
Valid Question 24	Char (3)	Unique sponsor question code approved by DMV
Student Answer 24	Char (1)	Student Answer to unique question

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Data/Column Name	Data Type – Length - Value	Description
Valid Question 25	Char (3)	Unique sponsor question code approved by DMV
Student Answer 25	Char (1)	Student Answer to unique question
Valid Question 26	Char (3)	Unique sponsor question code approved by DMV
Student Answer 26	Char (1)	Student Answer to unique question
Valid Question 27	Char (3)	Unique sponsor question code approved by DMV
Student Answer 27	Char (1)	Student Answer to unique question
Valid Question 28	Char (3)	Unique sponsor question code approved by DMV
Student Answer 28	Char (1)	Student Answer to unique question
Valid Question 29	Char (3)	Unique sponsor question code approved by DMV
Student Answer 29	Char (1)	Student Answer to unique question
Valid Question 30	Char (3)	Unique sponsor question code approved by DMV
Student Answer 30	Char (1)	Student Answer to unique question
Valid Question 31	Char (3)	Unique sponsor question code approved by DMV
Student Answer 31	Char (1)	Student Answer to unique question
Valid Question 32	Char (3)	Unique sponsor question code approved by DMV
Student Answer 32	Char (1)	Student Answer to unique question
Course Reason Code	Char (1)	Acceptable Values I = Insurance Reduction P = Point Reduction B = Both Points/Insurance Reduction T = Traffic Safety Awareness C = Court Mandated D = Court Mandated/Point Reduction R = Court Reduced Infraction O = Other
ADM Delivery Method	Char (1)	Acceptable Values 1 = Internet 2 = DVD/CD/VHS Sale 3 = DVD/CD/VHS Rental 4 = Pay Per View 5 = PC at Delivery Agent/Equivalent
Previous PIRP Experience	Char (2) Acceptable Values 0-99	Number of Times Student has taken Accident Prevention Course Before
Satisfaction Code – Method	Char (1)	Acceptable Values 1 = Really Like ADM Over Classroom 2 = Like ADM Over Classroom 3 = No Preference 4 = Like Classroom over ADM 5 = Really Like Classroom over ADM 6= First time attendee/not applicable
Satisfaction Code – Course	Char (1)	Acceptable Values 1 = Excellent Course 2 = Good Course 3 = Average Course 4 = Poor Course 5 = Worst Course Ever

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Data/Column Name	Data Type – Length - Value	Description
Impact Code – Course Effectiveness	Char (1)	Acceptable Values 1 = Will Improve Driving Very Much 2 = Will Improve Driving Some 3 = Little Impact on Driving 4 = No Impact on Driving
Participant Interest Code - Course	Char (1)	Acceptable Values 1 = Very Interesting Course 2 = Interesting Course 3 = Average Course 4 = Boring Course 5 = Very Boring Course
Ease of Use Code – Course	Char (1)	Acceptable Values 1 = Very Easy to Use 2 = Easy to Use 3 = Neither easy or difficult 4 = Hard to Use 5 = Very Hard To Use

*Valid Question X number will be obtained from sponsor provided list of unique questions asked during the course, where required.

As per section 141.5 and 141.8 of this Part, each sponsoring agency application must include a specific plan for how instruction time will be calculated. A record of such calculations, including all instruction time, will be recorded and stored by the sponsor and made available to the third party monitor and the Department for monitoring and quality control purposes. This information, as part of each student’s completion record, must clearly differentiate actual interactive instruction time from non-instruction time such as log-in procedures, administrative tasks, help functions, validation processes, and audio/visual media download times. Such record shall be maintained for five (5) years.

Data Submission

In the event a student begins, but does not complete the course, sponsors will complete as much information as possible (for example, start date and start time). DMV strongly recommends that sponsors DO NOT collect social security numbers, as they are not needed to match to the license record. As part of pilot participation, sponsors will be expected to transmit the required data either to DMV and/or a third party under contract to DMV. Data transmission is to be achieved in a manner and frequency to be determined by DMV. A sponsor’s ability to properly collect, store and report this data shall be validated during the sponsor IPIRP curriculum review and approval process. Depending upon the format selected by the sponsor (internet, DVD or other), sponsors shall be required to capture, store and report additional information such as student footprint data or monitored exam data. DMV anticipates the process for completer data transmission to be implemented in a phased approach as follows:

Phase 1 – The completer data will be sent in the existing (pre-IPIRP) format either via existing methods or via Secure FTP. The elements submitted to the DMV will be the same elements that are currently submitted to the DMV. However, the entirety of the elements listed above under “IPIRP Student Completer Information” must be retained. Sponsors shall use a unique delivery agent code to delineate the IPIRP completer from the traditional classroom completer. Failure to correctly delineate the IPIRP completer from the traditional classroom completer may result in sponsor suspension.

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Phase 2 – The completer data will be submitted to the DMV or a third party approved by DMV. The elements of the data that need to be submitted shall conform to ALL of the elements listed under “IPIRP Student Completer Information”. The format and data transmission specifics will be published by DMV under a separate “Technical Interface” document prior to Phase two to all participating IPIRP sponsors.

Student Footprint Logs (Internet/Phone Based Only)

To facilitate DMV’s ability to audit the 320 minute time requirement, sponsors that offer computer based training shall be required to collect and store logs of student activity as they progress through the training. Data stored for each student, during each session must include:

Data/Column Name	Data Type – Length – Value	Description
Motorist Client ID	Char (9)	ID From NYS driver’s license
Start Date	Char (10) (mm/dd/yyyy)	Date Motorist Started Course
Start Time	Char (6) (hhmm AM/PM)	Start Time of IPIRP Course
End Date	Char (10) (mm/dd/yyyy)	Date Motorist Ended Course
End Time	Char (6) (hhmm AM/PM)	End Time of IPIRP Course
Total Time	Char (5)	Calculated based on End Date/Time – Start Date/Time. Captures overall time from registration through completion, including proctored testing if required.
Last Module Completed	Char (2)?	Sponsor designated code for where in application student ended session
Total Instruction Time in Minutes	Char (3)	Calculated based on sponsor’s approved calculation method. Excludes non-instruction time such as log-in procedures, administrative tasks, help functions, validation processes, and audio/visual media download times.

Sponsors will not be required to transmit this data, but are expected to store it and make it available to DMV, upon request, as needed. The logs must be stored in the format above and must be human readable.

Proctored Exam Logs (DVD/VHS/CD Formats)

Data/Column Name	Data Type – Length – Value	Description
Motorist Client ID	Char (9)	ID From NYS driver’s license
License Document Number	Char (8)	Document number on lower right hand corner of front of license
Date of Exam	Char (10) (mm/dd/yyyy)	Date Motorist Started Exam
Start Time	Char (6) (hhmm AM/PM)	Start Time of Exam
End Time	Char (6) (hhmm AM/PM)	End Time of Exam
Total Time	Char (5)	Calculated based on End Date/Time – Start Date/Time
Person Validating Identity	Char (4)	Unique code identifying person who validated student identity at time of exam
Testing Facility Used	Char (4)	Unique code identifying the testing facility where exam administered

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Monitoring Method 1	Char (1)	Type of monitoring used during proctored exam (1 st method) using the following codes 1= Biometric Sample Collected 2= Student monitored by video 3=Student monitored by person
Monitoring Method 2	Char (1)	Type of monitoring used during proctored exam (2nd method) 1= Biometric Sample Collected 2= Student monitored by video 3=Student monitored by person

Storage of any biometric samples collected, or video of the exam completion, shall be maintained by the sponsor for a minimum of 5 business days from course completion but no longer than 30 calendar days from course completion. These materials shall be made available to DMV and their representatives upon request.

Data Security Requirements

Personal Identification Information

Information that is considered personal information includes, but is not limited to, participant name, address, date of birth, motorist identification number, client identification number, social security number (if collected), credit card information, answers to personal and content questions, and biometric samples. Computer systems storing this information shall be protected against data theft and loss. Financial transactions shall be conducted securely, so that theft of personal identification information is unlikely. In the event this information becomes compromised, sponsors are required to investigate the incident and determine what data has been compromised. Suspected or confirmed inappropriate access to or disclosure of personal identification data collected for IPIRP shall be reported to DMV’s Director of Audit Services or designees by phone within 1 hour of detection. This notification shall be followed up in writing by fax or email within 24 hours of detection. The sponsor shall fully investigate the compromise and report the circumstances as well as the steps taken or proposed to be taken to prevent similar instances in the future. Failure by the sponsor to notify DMV of disclosure of participant personal information, as specified, will result in Sponsor suspension or revocation. Notification must be made to the following individuals:

DTP – Director, Driver Training Programs (518) 473-7174
Field Audit – Director or designee (518) 474-0881

If personal identification information has been compromised, the sponsor must provide assistance and information regarding identity theft, how the student can monitor their credit report and what resources exist for preventing and/or identifying and reporting any potential identity theft. In the event of a security breach, DMV will allow sponsors access to their bond for the purposes of breach notification and necessary follow through.

Security Reviews

Sponsors shall be required to undergo a security review as part of the sponsor approval process. DMV personnel will complete this security review, and it will involve a site visit and a series of interviews via telephone and/or email.

The Division of Field Investigation site visit will focus on a review of physical security and computer system access. The sponsor shall pay all costs for travel and lodging incurred by the Department of Motor Vehicles in connection with all security reviews.

The Information Security Office interviews will, at a minimum, review:

- System Description
 - Diagrams of the system, including data connections.
 - Where and how any custom source code is stored and secured.
 - An inventory of data stores, such as files and databases
 - An inventory of sensitive or confidential data that is stored, processed or transmitted by the system.
- Security and Risk
 - A list of the DMV and vendor contacts in case of a security incident.
 - An inventory of the system vulnerabilities and what protection will be in place for each of the vulnerabilities.
 - Review of how DMV private or sensitive data is secured.
 - Procedures if secured DMV data is compromised or lost.
- Backup and Recovery
 - Review of the vendor's backup plan.
 - Procedure for reconstructing data from other sources, if available.
 - Estimate of the recovery time from a disaster (“how soon do they need to come back up?”) and the recovery steps.
 - The business continuity plan.
 - The disaster recovery plan for this application.
- Disposal
 - Procedures for disposing of confidential information, both paper and electronic.

The security review may include the release of sensitive information (e.g., a description and diagram of your system) as applicable.

Sponsors shall be provided with an opportunity to correct significant security vulnerabilities noted during the security review and a follow-up visit and/or other type of confirmation will occur to confirm that deficiencies have been remediated.

Sponsors that do not pass a security review shall not be allowed to offer courses via IPIRP/ADM until they do pass a security review. DMV reserves the right, over the course of the pilot, to conduct follow-up reviews to ensure that security standards identified during the original review continue to be maintained.

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User Interface Requirements

NYS desires IPIRP courses that engage the user in the learning experience. Courses that are reviewed which do not require the student to “participate” in some fashion will not be approved. The user’s graphical interface must be user friendly, which is demonstrated through:

- Ease of use.
- Length of time it takes for pages to load.
- Ability to play multimedia during the course (assuming student has appropriate hardware and software installed).
- Ability to log on and off the course site (or stop and start computer or video based courses), and navigate easily and freely to material previously covered.
- Easily understood policies & procedures regarding course and usage during the signup process.
- Scrolling should be limited to up and down where appropriate, versus also requiring the user to scroll left to right.
- No advertisements (including pop-ups) will be allowed during the entire course (including sign up, login, and course completion).

In an effort to encourage innovation and alternative methods, NYS will allow sponsors to choose which mandatory elements they will incorporate in their course delivery, within certain parameters, as defined below:

Audio/Visual Requirements

Participants will have varying Internet connection bandwidth rates, which must be taken into account in the overall ratio of multimedia to alternate content delivery (e.g. chart with text), where possible.

Timing requirements, as outlined in the table below, are based on successful completion of the minimum course duration of 320 minutes. DMV anticipates the course to be broken into 6-10 sections that can be completed at a reasonable pace. These sections would be logical groupings of material from the approved classroom curriculum. Minimum content will be determined based on the following methods as described below:

Timing of Content to Determine Minimum Time Requirements Met

Type of Content	Types of Materials / Specifications	Amount of Time Allowed
Multimedia	Audio and/or visual clips, where possible. Audio/visual should be in sync. Each clip shall be no more than 6 minutes in duration, except where approved by the department. Material in written text can also be available as audio (verbatim or ad lib), to be played at the students option, which will determine course timing. The total video should not exceed 25% of allowed time for online courses. Audio/visual clip download time shall not be unnecessarily long so as to disrupt the flow of the course or diminish the student’s course experience.	Actual play time of all audio/visual material.
Simulations & Exercises	This can be “follow along” video or interactive audio/video that engages the user to evaluate a key learning point from the training (e.g. response time, range of motion, visual acuity, etc.)	Actual time of simulation or exercise, allowing sufficient time for user to follow along at required pace.

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Type of Content	Types of Materials / Specifications	Amount of Time Allowed
Charts & Graphs	Statistics included must be the most current available, and are expected to be updated annually at a minimum.	Allow 1 minute for each chart or graph.
Personal Questions	Collected from 3 rd party database, DMV license file (if approved), or as collected by the Sponsor at time of application.	Allow 45 seconds to answer each personal question.
Content Questions	Test bank questions are developed by the sponsor and approved by DMV.	Allow 60 seconds to answer each content question.
Written text	Including bulleted lists, captions, paragraphs, and other written material. Time allowed will be a word count, when audio augmentation is not available, will be based on a physical word count. The word count shall be divided by 100 words per minute.	The result of total words divided by 100. This will be the time allowed.

Recognizing that material on the Internet can vary widely, and that the emphasis is on student learning, DMV will consider alternate time calculation methods, at their discretion, so long as sponsors can demonstrate that the course meets the 320-minute requirement.

The responsibility for validating student identity, as well as student participation, shall be with the sponsors, and their delivery agents, if applicable. While DMV intends to monitor sponsor compliance through existing resources, and/or through a third party contractor, the sponsor shall be accountable for their compliance. Given that a variety of content delivery/validation methods exist today, and more are expected over the course of the pilot, DMV will set an initial, minimum threshold, which is as secure as the existing classroom course.

Customer Service Requirements

DMV shall require that:

- The cost of all services is spelled out to the motorist at the point of sale (course cost, customer service fees, certificate costs, technology costs, proctored exams, etc. where applicable). There shall be no hidden fees and fees shall not change after the student registers for the course and accepts the terms and conditions required by the regulation.
- The course delivery and participation validation method, and terms and conditions of course and course payment/refund policies shall be described to the participant prior to the sale.
- Customers shall agree to the terms and conditions, including language to be provided by DMV, by typing “I Agree” prior to the course commencing (or by signing agreement in person either at point of sale or during proctored exam after identity validated).
- Sponsors shall provide customer service telephone support, that is at a minimum, Monday through Saturday from 8 am to 4 pm EST. DMV will consider sponsor proposals to utilize an interactive voice message system in place of live contact or in conjunction with live contact. DMV will revisit this requirement after the pilot program has been operational for 6 months.
- Sponsors shall incorporate the contents of the DMV C-32A brochure, described in Part 138.11 of the Commissioner’s regulations, into the course material. This can be covered during registration if desired.
- Sponsors shall make available a printable version of key learning points covered during the training to participants so that they may have a ready reference if desired.

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Participant Validation

In order to meet the legislative intent, and to assure that rigorous course requirements are met (including identity validation and student participation), while allowing multiple delivery methods to be employed, DMV has assigned “point” values to the following validation techniques:

Participant Validation Technique Options Available To Sponsors In Designing Program

Method of Validation	Examples/Parameters of Validation Method	Points Assigned
Facial Recognition	Biometric – Hardware provided by sponsor and included in cost of course	6
Fingerprint	Biometric -- Hardware provided by sponsor and included in cost of course	6
Handprint	Biometric -- Hardware provided by sponsor and included in cost of course	6
Retina or Iris Scan	Biometric -- Hardware provided by sponsor and included in cost of course	6
Ear Scan	Biometric -- Hardware provided by sponsor and included in cost of course	6
Keystroke Analysis	Biometric – Software provided by sponsor and included in cost of the course	5
Voice Print	Biometric - Software provided by sponsor and included in cost of the course	6
Other Biometric	Prior DMV approval required	To Be Determined
Proctored Exam	Students must pass a multiple choice test with a correct score of 75% or better in order to obtain a certificate. Students will be permitted to bring in sponsor provided material into the exam.	5
In Person Contact	Identity validated at time of registration, or if set up as a computer based training at delivery agent site, delivery of training	3
Phone Contact	Prompting student to dial an 800 number to answer content or identity questions.	2
Third Party Database	Using individualized questions based on data stored in a credit bureau or government database (this is unrelated to and separate from a 3 rd party monitoring organization)	2
Online / Instant Message	Prompting student to answer questions through an online chat discussion group or when online technical assistance requested.	1
Personal Questions	Questions aimed at authenticating identity.	1
Content Questions	Questions aimed at determining student participation.	1
Pay Per View Buttons	Using features of cable TV to have user interface for answering personal or content questions.	1
Email	Sending technical assistance response or user names and password for site access. If both user name and password are transmitted in the same email, password must be changed when the participant first logs on.	1
Other Techniques	Prior DMV approval required	To Be Determined

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Sponsors seeking approval for their IPIRP courses must have a minimum total of seven (7) or more points, using two or more of these techniques provided, however, that one point must be for content questions. The content questions may be asked at random points throughout the course or at the end of each chapter or unit. Such questions do not need to be in the form of a final exam. Sponsors are free to suggest alternate techniques, although the actual points assigned will be based on a determination by DMV. Depending upon the robustness of the solution offered by the sponsor, DMV reserves the right to increase or decrease the point values above to reflect the quality of a particular sponsor's solution in meeting or exceeding the validation requirements. Participant private information, as defined in the personal identification section shall be encrypted. All authentication information shall be protected; for example, it should not be stored or transmitted in clear text.

Validation Requirements

This section details requirements not otherwise detailed in the previous sections, and focuses primarily on requirements for participant validation, and also data storage. Participant validation will focus on Biometrics, Proctored Exam, In Person Contact, Telephone Contact, Online Chat/Discussion Group, Personal and Content questions, Pay Per View and Email Requirements.

Biometrics

DMV shall allow a variety of Biometric Data Formats, so long as initial sample collection and periodic validation of ongoing participation against the original sample occur throughout the course at random intervals. DMV recognizes that many biometric standards are relatively new and that some available technologies in the marketplace may not strictly adhere to the standards. DMV expects the ADM pilot will allow sponsors the opportunity to explore alternate validation techniques, in lieu of requiring a proctored exam.

If a sponsor selects Biometrics as a validation technique, they will be required to capture at least 7 biometric samples over the 320 minutes of instruction. These 7 samples shall be stored for a minimum of 5 business days from course completion, and no longer than 30 calendar days from course completion, and shall be subject to DMV review. In the event DMV elects to review samples, the sponsor must provide the appropriate hardware and software in which to allow DMV to verify that validation was correct. This information shall be considered "personal information" and must be kept securely. For each sample, the sponsor must also associate the client identification number on the motorist's driver's license, date and time the sample was collected and by whom the sample was collected and/or verified by (as appropriate). Sponsors shall ensure that their biometric validation technique(s) is calibrated to be at least 90% accurate. Students who fail to have their identity verified by the biometric technique after two (2) attempts shall be excluded from the course.

Proctored Exam

Unless biometrics are used in the ADM course, or sponsors can prove to DMV's satisfaction that rigorous identity validation and participation techniques are employed, a proctored exam shall be required.

Requirements for the proctored exam are as follows:

- Exam locations shall be approved by DMV, and can be provided as part of the sponsor application process. It is preferred that tests be administered at colleges, universities and other testing facilities that routinely offer proctored exams, however delivery agencies may also administer the proctored exam.
- To the degree possible, proctors shall be independent of the sponsor, as well as with those taking the test. Typically, exam proctors are educators, law enforcement personnel, supervisory administrative staff, lawyers, engineers, etc. that have no stake in the outcome of the exam. Delivery agencies may also administer the proctored exam.

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- Students taking the proctored exam must present two forms of identity, with one being their NYS Driver's license photo identification. These must be validated against the schedule (name, motorist ID) and also visually against the photograph. Students must sign in, indicating agreement with the test requirements. Signatures must be validated against signatures on the student IDs. Students without proper identification, or who appear to be presenting false identification must be refused entrance into the test.
- During the exam, proctors must monitor student exam completion by either being in the room, in a different room separated by a glass window or via video monitoring.
- The exam location must be closed to the public and be free from distractions.
- Students will be given a sponsor developed multiple-choice exam. These exams will be uniquely generated from a random pool of 100 test questions, which are developed by the sponsor and approved by DMV. When submitting test questions for approval, sponsors shall identify where in their course curriculum the answer is contained. Sponsors are required to refresh questions every 6-12 months. Students must receive a passing score of 75% correct to pass the course. Students that fail the exam will be allowed one additional opportunity to pass the exam, which will be considered a "retest". Students will be allowed up to 60 minutes to take the exam and will be allowed to bring in materials printed from the sponsor's course.
- Students shall complete the proctored exam within 30 calendar days from completing the course, although within 1-14 days is preferable. Retests can be completed within 30 calendar days from the date of initial completion.

In Person Contact

This identity validation method refers to face-to-face contact between the student and either the sponsor staff or the delivery agency staff, identified in the sponsor's application. This can be at the point of sale or course delivery (computer based training). During this contact, sponsor staff is required to:

- Ask students to present two forms of identity, with one being photo identification in the form of a government issued driver's license or non-driver ID.
- The motorist must be validated visually against the photograph.
- Students must sign an agreement, indicating willingness to comply with course guidelines.
- Signatures must be validated against signatures on the student's government issued drivers license or non-driver ID.
- Students without proper identification, or who appear to be presenting false identification must be refused entrance into the course.

Phone Contact

Phone contact, for the purpose of this identity validation method, does NOT include customer service phone support described earlier in this document. This phone contact is selected by the sponsor as an additional validation/participation method. This method can either be the sponsor contacting the student while the course is being delivered, or by prompting the student to contact the sponsor at a toll free number.

Once the student contacts the sponsor, the student's identity is validated using personal questions and/or the student's participation is validated using content questions. These questions would be in addition to the proctored exam. In addition, the questions used for phone validation cannot be the same as those included in a proctored exam. It is preferred that when phone contact is initiated by the student, when prompted, that a live operator be available to answer the phone within a minute. Recognizing that 24 x 7 service may not be practical, sponsors can elect to utilize an automated service outside of the core customer service hours. See personal and content questions for more guidance on these requirements.

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Sponsors shall be expected to capture specific data on each of these contacts, including participant identity information, date/time of contact, operator guiding the call and answers to personal/content questions as part of ADM participant information. This information should be stored electronically and be available for the entire 5 year pilot period. Sponsors shall implement security measures to ensure that personal validation information cannot be retained by operators or by contracted services, such as outsourcers in other countries.

Third Party Database Questions

This method refers to the sponsor's use of data elements from a third party database, primarily that of a credit bureau or a government agency, to develop individualized questions to be used in validating the identity of a student. Data sets may be made available to the sponsor for direct verification but the sponsor assumes the risks and responsibilities associated with securing this data, so it is preferable that the sponsor utilize the services of the data provider where verification can be made without the sponsor accessing the personal data from the third party database. At least one of the national credit bureaus is known to provide an identity verification service where verification is made without personal information being released by the credit bureau. Sponsors are expected to capture each third party validation question and whether the question was answered correctly, including a date and time stamp. Verification transaction information must be stored electronically and available to the Department for the 5 years of the pilot study. Sponsors must implement security measures to ensure that personal validation information is secured.

DMV reserves the right to review and approve the use of a third party database information for the purpose of validating student identity, including any contracts, agreements, security protocols and policies, and may consult the third party credit bureau or government data provider without permission from or knowledge of the sponsor.

Personal/Content Questions

Should sponsors opt to utilize phone contact, online personal or content questions or utilize "pay per view" cable buttons, students will be required to answer authentication questions correctly and within the prescribed timeframes as follows:

Proposed Validation of Student Identity & Participation

Type of Question	Number In Test Bank	Minimum # In Course	Correct Responses Required	Amount of Time To Read & Answer – PC Format	Amount of Time To Ask & Answer – Phone Contact
Personal identity	30	10	7	45 seconds	30 seconds
Content/environment	100	20	14	60 seconds	45 seconds

Personal questions may be asked throughout the course, and at a minimum, at the beginning of each session logon. Students are limited by the number of times they can incorrectly answer personal identity and content/environment questions. Questions will be asked as they relate to material presented in each section, and can either be after video clips or at the end of each sub-section or section. Students that fail to answer the minimum number of content/environment questions correctly can have additional questions asked (adding to the minimum time requirement) so as to proportionally be able to answer a correct number of questions in a subsequent attempt as appropriate. Students will have up to 3 complete opportunities (for a total of 10 personal or 20 content questions each) in order to "prove" participation.

E-mail Contact

Should sponsors opt to use email as a validation method, they will need to confirm that the e-mail was “received”, by providing to the student both the hyperlink to “confirm” registration or to link to the course upon acceptance of payment. E-mail contact can also be used to transmit user sign-ons and passwords in order to access the course. The purpose of e-mail contact is to send information necessary to access the course to a participant provided address. The preferred method is for the user name and password to be transmitted in separate emails, but mailing both in a single email is acceptable if a password change is required upon initial log on to the sponsor site.

Online Contact

In the event sponsors wish to use some form of online contact with participants, the requirements of this option are:

- Participants must identify themselves in a manner that will allow them to be linked to the student participation database.
- Online contact can utilize participatory tools available on the Internet including but not limited to instant messaging, online whiteboards and collaboration software.
- During online contact, sponsors can ask personal/content questions or use this to provide online help.
- Sponsors must clearly demonstrate how they plan to implement and use this option, as well as how they plan to protect the information that is transmitted. Sponsors must not transmit private data using clear text; all private data must be encrypted and secured.

Web TV/Pay Per View

Given the advent of interactive TV and the ability to “vote” using digital cable, sponsors who opt to deliver their course as a pay per view option, can use this technology to validate participation. This can be done through the remote control by having students answer multiple choice personal questions or content questions. Participants must be identified in a manner that will allow them to be linked to the student ADM participant database. Sponsors can also consider participants being prompted to call a toll free number to answer personal and content questions at selected intervals during the course.

Other Portable Devices (Cell Phone/PDA)

Although we do not know of an accident prevention course being delivered through a PDA or cell phone, the features and functions of today’s devices seem to support the delivery of a course, albeit the screen display is limited. Sponsors that opt to deliver their courses using this methodology can couple the device with interactive use of phone buttons to have students answer both personal and content questions during the course.

Future Technologies

Recognizing the explosion of portable personal devices, DMV remains open to alternate delivery methods over the duration of the pilot. DMV will continue to accept sponsors’ applications, including technologies not specified herein, for alternate delivery methods throughout the duration of the 5-year pilot.

Sponsor Application Process

Participation in the IPIRP is voluntary; existing sponsors are not required to participate in the pilot. The two-step application process is designed to minimize development costs and potential delays during the review and approval process, while ensuring that the finished product adheres to the mandated requirements.

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Step 1

Approved sponsors that desire to participate in the pilot must:

- Complete an IPIRP application form (to be provided by DMV to all approved classroom sponsors when Part 141 Commissioner's regulations are approved).
- Include a one time, \$7,500 non-refundable application fee in the form of a certified check or money order, payable to the Commissioner of Motor Vehicles- IPIRP Fund.
- Mail the application and fee to:

NYS Department of Motor Vehicles
Bureau of Driver Training Programs, Room 221
6 Empire State Plaza
Albany, NY 12228

The application will be carefully reviewed by DMV associates to ensure completeness and adherence to the IPIRP requirements. It is anticipated that several follow-up discussions with appropriate sponsor staff will occur as a result of the application submitted and that these subsequent discussions will take at least one month. NYS reserves the right to return incomplete applications to sponsors for more information. Sponsors that have their application returned can resubmit their updated application at any time. The \$7,500 non-refundable application fee only needs to be paid once during the pilot program.

Step 2

Once DMV associates have reviewed the application, and all necessary questions have been addressed, the DMV will notify sponsors in writing that they have been approved to proceed with development. Once the sponsor has completed their IPIRP development, they must submit the finished product to DMV as follows:

- If Internet based, sponsors should submit the URL (web address) of the training, and 10 unique user names and passwords that can be used by DMV staff to review the curriculum.
- If an alternate delivery methodology is used, sponsors should submit 10 copies of the alternate medium that can be used by DMV staff to review the curriculum.
- Regardless of method, DMV will be testing the sponsors proposed validation and participation methodologies, so sponsors must submit appropriate materials (hardware, software, phone numbers, questions and answers, etc.) necessary for validation by up to 10 different associates.
- A bond, or letter of credit, in the amount of \$100,000, naming DMV as a beneficiary. Applicants need not provide the bond or letter of credit with their initial application materials, though this requirement must be satisfied before DMV will grant final approval to conduct an ADM course. Sponsors that do not provide the bond or letter of credit with application materials will be advised in writing by DMV when all other application requirements have been satisfied and approval is imminent. The sponsor must then submit the bond or letter of credit in order to be finally approved. DMV will notify the sponsor when course delivery may commence. The sponsors must submit proof of bond renewal on an annual basis.
- The physical location(s) of the data server used to either deliver the course and/or store student participation data (detailed in data collection requirements section) and the responsible person (and their contact information) at this location. If the data server is out of state, NYS reserves the right to require sponsors to reimburse the state for the cost of travel to this site, and to any other site where related data may be stored, to verify security requirements are being met.

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DMV anticipates that this review and approval process could take upwards of 60 days to complete. The length of time will be dependent upon the number of curriculums being reviewed at one time; DMV plans to assign the review to multiple individuals, and will assign based on a first in, first reviewed order.

DMV Review & Approval Process

All applications will be logged-in based on when received and tracked during the various reviews completed (curriculum, security, background, etc.). As stated previously, these will be reviewed in a first in, first out order. Cooperation by the sponsor in answering questions, scheduling and hosting the security review, and providing follow up or supplemental materials requested (if necessary) will assist in getting the application processed as quickly as possible. Continuous delays, errors and omissions in the application package will result in the application process slowing down.

Communication about application and programmatic deficiencies will be reported to the application contact person. If the sponsor would like this communication to go to multiple people, this must be noted on the application form. DMV plans to review both steps of the submission completely, and will note all items found non-compliant upon completion of the review, in writing to the contact person. Once a sponsor has successfully met all pilot requirements described herein, DMV will provide written approval allowing the sponsor to start the IPIRP/ADM course.

DMV reserves the right to deny participation in the ADM pilot if adverse material uncovered during the review indicates that sponsors are not of the high moral and financial character required to operate an ADM program. In the event DMV reaches this decision, written notice will be provided to the sponsor explaining our decision. This decision will be subject to appeal.

Existing approved NYS sponsors are allowed to partner or create a co-venture with another company to provide the ADM course, so long as they have exclusive rights to deliver the course in NYS. In the event the partnership is with a non-NYS approved PIRP provider, the non-NYS provider would not be eligible to offer the same PIRP course, in the event they opted at a future date to apply to become a NYS classroom and/or ADM sponsor.

To the degree possible, DMV prefers to have at least two approved ADM sponsors before authorizing the start of the pilot. The start date selected will be provided in writing to all approved ADM sponsors, and will likely indicate a future date (approximately 14 days from the notice). Once the pilot officially starts, all subsequently approved ADM sponsors can start as soon as course approval has been received. The five year pilot will begin once the start date selected occurs.

Questions About Appendix A

Appendix A will be updated as needed to address DMV's and the sponsors' concerns. Questions about the specification can be put in writing and mailed to:

Bureau of Driver Training Programs – Room 221
6 Empire State Plaza
Albany, NY 12228

Fax: (518) 473-0160
Email: IPIRP@dmv.ny.gov

The sponsor question and DMV response will be mailed to all sponsors with a pending application on file (sponsor is at step 1 or later). In the event the specification document is updated as a result of clarifications (or technology advancements), it will be mailed to all approved public sponsors.