

**PART 2**  
**COMMISSIONER'S REGULATIONS**

**DRIVER EDUCATION**  
**IN**  
**HIGH SCHOOLS**  
**AND**  
**COLLEGES**

**(Statutory Authority: V & T Law Sections 215, 501, subd. 4, par.c)**

## PART 2

### REGULATIONS OF THE COMMISSIONER OF MOTOR VEHICLES Driver Education in High Schools and Colleges

[Statutory Authority: Vehicle and Traffic Law Sections 215, 501, subd. 4, par.c]

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## **Section 2.1 Approval of instructors.**

- (a) Approval shall not be granted for any driver education course where the instructor receives any fee directly from a student.
- (b) Instructors must have been continuously licensed for a period of at least two years immediately preceding approval of an application.
  - (1) If during such period a person was licensed in another jurisdiction, an abstract of the driving record for such period must also be attached to the instructor's application showing the driving record from the licensing agency of the jurisdiction in which he was so licensed.
  - (2) Instructors whose address on application differs from address on license must make notation of address as appearing on license for purpose of searching department files for verification.
- (c) The driving record of an instructor must be such as to indicate that he is qualified to operate a motor vehicle upon the highways with safety. Final approval is contingent upon Department of Motor Vehicles' approval of applicant's driving record. Applicant must list all accidents and convictions. Failure to do so may result in rejection of application.
- (d) Obtain applications for instructor from the State Education Department.
- (e) Reserved. (Amended 7/28/10)
- (f) After approval of application, an instructor's certificate (form MV-283) will be mailed to the current address on the Department of Motor Vehicles' driver license file for the applicant. Form MV-283 must be carried at all times while giving behind-the-wheel instruction. (Amended 7/28/10)
- (g) Forms MV-283 will be issued on a Statewide basis rather than for any designated school.

## **2.2 Instruction vehicles**

- (a) All motor vehicles used for instruction purposes must be dual-controlled and equipped in accordance with the requirements of the Vehicle and Traffic Law.
- (b) No motor vehicle used for instruction purposes shall be used in any area designated by the commissioner as a road test area.

- (c) All motor vehicles used for instruction purposes must display a sign or signs containing the words "STUDENT DRIVER" in letters no less than two inches in height and one-fourth inch stroke, against a background of a contrasting color, visible from both the front and the rear, and not obstructed by any other sign. The sign must contain all the letters of the words "STUDENT DRIVER". The sign or signs may be one two-faced roof sign, or two roof signs, or a sign on the front and a sign on the rear, or front and rear bumper stickers. The sign may be either permanent or removable. The sign may contain advertising material.

### **2.3 Student requirements.**

- (a) Students must pass vision, knowledge and traffic sign and symbol tests given by the instructor before commencing the instructions. These tests shall be equivalent to tests given by the Department of Motor Vehicles.
- (b) Students must not have any physical or mental handicap which would interfere with the safe operation of a motor vehicle. If in doubt, make inquiry of this department.
  - (1) The Vehicle and Traffic Law requires that a person must be at least 16 years of age in order to legally operate a motor vehicle upon the highways of New York State.
  - (2) Under regulations established jointly by the Department of Motor Vehicles and State Education Department, students who are to be enrolled in driver education classes may not be given behind-the-wheel instruction until 16 years of age and must be 16 years of age on or before the following dates:
    - (i) September 15 for those enrolling in the fall semester course;
    - (ii) February 2 for those enrolling in the spring semester course.
  - (3) Schools which during the regular school year offer approved high school or college driver education courses that are not operated on a semester basis must apply to the State Education Department for specific dates on which students must be 16 for entrance in the course. Such letters should be mailed at least three weeks prior to beginning of courses and should indicate when course begins, how long it will continue, and how time requirements are to be met.
  - (4) No exceptions will be granted to the requirements set forth in this section.

## **2.4 Issuance of student certificates.**

- (a) The superintendent, principal, or chief administrative officer must, if student certificates are desired, submit a complete list of names of all students expected to complete the course successfully. This request should be on forms prepared and furnished by the State Education Department. This form must contain the names, addresses and dates of birth of all students whose names appear on the list, also the number of hours of classroom instruction, the number of hours of in-car observation, and the number of hours of behind-the-wheel instruction. This list must not contain "nicknames" or abbreviated names. Motor vehicle issuing offices will not honor student certificate (form MV-285) when holder applies for license unless proper name appears on form MV-285. This list should be forwarded approximately four to six weeks prior to close of semester to the Driver Education Unit, Department of Motor Vehicles, Swan Street Building, South Mall, Albany, New York 12228.
- (b) A student certificate (form MV-285) will be forwarded by the department for each student listed. Forms MV-285 will be blank and must be prepared by the school for the superintendent, principal, or chief administrative officer to countersign preparatory to distribution to students. Numbering of forms MV-285 may begin with number 1 each semester or may run continuously from semester to semester, at discretion of the school.
- (c) After student certificates (form MV-285) have been completed, numbered and issued, the following information must be added to the original request which was returned to the school with the blank certificates from the department:
  - (1) number on form MV-285 issued to each student;
  - (2) passing grade of each student;
  - (3) The name of any student failing to complete the course shall be crossed off the list and unused form MV-285 returned with final report to the department;
  - (4) fill in date of issuance of forms MV-285 in proper space on form;
  - (5) return form with unused forms MV-285, voided or spoiled forms MV-285 to the driver education unit, Albany, for filing.
- (d) Failure to return this list will be grounds for refusal of any student certificates until compliance has been made with this procedure.

## **2.5 Effect of student certificate.**

- (a) A student presenting a student certificate to the department within two years after issuance shall not be required to pass the written test and traffic sign and symbol tests in applying for a license. However, the passing of the road test and vision test shall remain a requirement.

- (b) To be exempt from the written and traffic sign and symbol tests, the student certificate (form MV-285) must be presented at time of tests.
- (1) Any student between the ages of 16 and 17 may file an application for a Class DJ license provided a parent or guardian signs the statement of consent on the application. For exemption from the written and traffic sign tests, form MV-285 must be shown as stated in the preceding paragraph. (Amended 2/19/91)
  - (2) Any student who has reached his 17th birthday but has not attained the age of 18, may obtain a Class D license. If the student already holds a Class DJ license, he must surrender the Class DJ license and the student certificate (form MV-285) to the Department of Motor Vehicles. After filing proper forms a Class D driver's license will be issued upon payment of the proper fee. The fact that a student possesses form MV-285 and a Class DJ license, although 17 years of age, will not exempt the student from the provisions of the Class DJ restrictions. Any student not holding a Class DJ license at the age of 17 may file an application for a Class D license, surrender form MV-285, pay proper fee and must successfully pass the vision test and driving test. The holder of a Class D license at the age of 17 may legally operate a motor vehicle any place in the State of New York and such operation is legal at any hour, day or night, without the holder of the license being accompanied by a licensed driver 18 years of age or over, or a parent, guardian or one in loco parentis to the licensee. (Amended 2/19/91)
  - (3) Any student 18 years of age or over desiring a license, by filing proper application, may obtain a Class D license after passing the road test and vision test. (Amended 2/19/91)
- (c) The procedural provisions of subdivision (b) of this section relating to the change from a class DJ to a class D driver's license would also apply to the change from a class MJ to class M driver's license if applicable. (Amended 2/19/91)

## **2.6 Duplicate student certificates.**

- (a) Any student losing student certificate (form MV-285), or when mutilation requires replacement, may obtain a duplicate by having the superintendent, principal or chief administrative officer of the school verify to the driver education unit in Albany the date course was completed, the student's name and address and number of form MV-285 issued originally. Duplicate forms MV-285 must be issued by the driver education unit, Department of Motor Vehicles, only.
- (b) Student certificate (form MV-285) is evidence of the successful completion of the high school driver education course. After form MV-285 has been surrendered to the Department of Motor Vehicles, in order to obtain a class D (or class M, if applicable) license at the age of 17, a duplicate form MV-285 will not be issued by this department. Any attempt to obtain a duplicate form MV-285 after surrender of the original may result in suspension or revocation of a driver's license. (Amended 2/19/91)

- (c) Student certificates (form MV-285) must not be used as evidence to insurance companies for purpose of obtaining reduction in insurance rate because of successful completion of a driver education course. If form MV-285 is used for this purpose and not returned by the insurance company, do not request a duplicate form MV-285 from the department since it will be refused. Evidence for insurance reduction must be furnished by the high school or college in which the course was completed on school letterhead giving required information and signed by proper authority.

## **2.7 Summer school.**

- (a) Any school desiring approval for summer school course must request necessary forms from the Education Department. Approval for summer school will not be forthcoming from the Commissioner of Motor Vehicles. Course of study approval from the Education Department will be received, notice of which will be forwarded to the Department of Motor Vehicles by the Education Department for record.
- (b) Instructors in summer school courses will not be issued new instructor's certificate (form MV-283) for summer school assignment. The approval for the regular school year, whether the same or different school, will suffice. An approval, however, is necessary where instructor is interested in giving summer school driver education instruction only and not during regular school year.
- (c) Rules and regulations established for the regular school year shall apply for enrollment and obtaining student certificates (form MV-285) except as follows:
  - (1) Students enrolling in summer school courses must be 16 years of age on or before the fifth day of the beginning of the course, providing the course starts immediately after close of regular school session. If the course does not begin until after July 1, the student must be 16 years of age on or before the 1st day of July.
  - (2) Requests for form MV-285 should be made three weeks prior to the close of session. Follow instructions outlined in subdivision (a) of section 2.4 of this Part, of procedure governing issuance of form MV-285 to students.