**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT**

**595:40-1-2.** **Definitions**

     The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Career and Technology Education"**means any school that is governed by the Oklahoma Department of Career and Technology Education.

**"Credential"**means endorsements, major and/or minor teaching areas, licenses, as well as professional, standard, provisional, temporary, and emergency certificates.

**"Commercial driver education course"**means a course of study including highway signs, signals, markings and design, rules of the road, state laws, local ordinances, basic driving maneuvers, and safe operation of motor vehicles on streets and highways.

**"Commercial driver education school"**means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of fifteen year old or older students for a class D driver license and charging a consideration or tuition for such services.

**"Commercial motorcycle driver training instructor"**means a qualified instructor of Motorcycle Safety Foundation curriculum and certified by the Department of Public Safety

**"Commercial motorcycle driver training schools"**means a business enterprise conducted by an individual, partnership, or corporation for the education and training of motorcycle drivers.

**"Commercial School"**means a "Commercial driver education school" or "Commercial Motorcycle driver training school."

**"Commercial Instructor"**means a qualified Driver Education Instructor or a qualified Commercial motorcycle driver training instructor.

**"Driver Education Instructor"**means a qualified instructor who provides instruction to, demonstrating to, or supervising students seeking a driver license according to the rules set forth in this chapter. For the purposes of 47 O.S. § 6-110(E)(3), commercial school driver education instructor includes the terms "driver education instructor" and "driver training instructor".

**"Endorsements"**means credentials placed on valid licenses/certificates to indicate that the holder is eligible to teach specific subjects. An endorsement qualifies the holder to teach a full day in the subject of the endorsement.

**"High School or Secondary School"**means a school offering continuous programs of general education for regularly enrolled full-time students including grades nine through twelve.

**"Private, parochial and non-public high school"**means any high school or secondary school which is not a public school supported with public funds and/or does not meet the definition of a Commercial School under Title 47, Chapter 69.

**595:40-1-3.** **Driver education instructor permit/license**

(a)    **Requirement of Driver Education Instructor Permit/license.**A Driver Education Instructor Permit/license is required for instructors who teach Driver Education as prescribed under 47 O.S. §6-105 (D) and 47 O.S. § 801, who offer behind the wheel instruction to students who do not possess a valid Oklahoma driver license.

(b)    **Application for Driver Education Instructor permit/license.**

(1)    **Public schools.**The State Department of Education, Comprehensive Health/Driver and Traffic Safety Section, shall provide an application for Driver Education instructor permits/licenses and renewal permit/licenses for public schools upon request.

(A)    The instructor shall make application to the State Department of Education by mail to: State Department of Education, Comprehensive Health/Driver Education, Room 314, 2500 Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

(B)    The State Department of Education shall review the application as to teacher qualification and prescribed course of study and forward the application to the Department of Public Safety.

(C)    Driving privileges of the applicant shall not be under suspension, revocation, denial, or cancellation at the time of original or renewal application.

(2)    **Commercial schools - original application.**

(A)    All applications for an original commercial school license shall be made on a form provided by the Department. The term of each original commercial school license shall be for a period of one (1) year. Each place of business and/or location shall be considered a separate commercial school and require a separate license.

(B)    Each application for an original commercial school license shall be accompanied by:

(i)    a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check,

(ii)    a class curriculum, and

(iii)    an e-mail address.

(C)    Each applicant shall maintain and have available for audit and inspection by the Department:

(i)    certificates of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage, as required by OAC 595:40- 1-12,

(ii)    the make, model, vehicle identification number, and ~~registration~~license plate number of each vehicle used for training purposes, except motorcycles used for motorcycle training, and

(iii)    school brochures, contracts of all agreements, and a schedule

of fees and charges.

(D)    No license fee shall be refunded in the event the license is rejected, suspended or revoked by the Commissioner of Public Safety.

(E)    All applications must be approved by the Department before a school will be permitted to open for business.

(F)    Every operator of a Commercial Driver Education school shall be required to have a Commercial Driver Education Instructor License.

(G)    Application for Driver Education Instructor license for non-public schools may be obtained from the Department of Public Safety, at: Driver License Services Division, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, or on the website of the Department, www.ok.gov/dps/.

(H)    All commercial schools shall meet the requirements of OAC 595:40-1-15.

(3)    **Commercial schools - renewal application.**

(A)    All applications for a renewal ~~school~~commercial driver education school license shall be made on a form provided by the Department of Public Safety. The term of each renewal ~~school driver education license~~ shall be for a period of one (1) year. Each place of business and/or location shall be considered a separate commercial driver education school and require a separate ~~driver education~~ license.

(B)    Each application for a renewal commercial ~~school~~ driver education school license shall be accompanied by:

(i)    a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check,

(ii)    a schedule of fees and charges, if any changes have been made since the last license issuance, and

(iii)    an e-mail address.

(C)    Each school desiring to renew shall submit a DPS approved application to each licensee at the school and shall remit all fees and submit all applications to the Department no later than November 15 of the year of expiration. If application for renewal is not received by the required date and the Department is unable to process and approve the application by December 31 of the year of expiration, the commercial school shall cease operation on January 1 of the year following the year of expiration and shall not resume operation until the application for renewal is processed and approved by the Department.

(4)    **Commercial instructors - original applications.**

(A)    All applications for an original driver education instructor license shall be made on a form provided by the Department. The term of each original driver education instructor license shall be for a period of no more than one (1) year. A driver education instructor shall make application for each Commercial Driver Education School he or she is employed and will be instructing. A driver education instructor license is valid at all locations of the same Commerical Driver Education School as defined in 595 O.A.C. 40-1-2. A driver education instructor license shall become invalid upon termination of employment with the school. If a driver education instructor accepts employment with another school, the driver education instructor license is not transferrable, and the driver education instructor shall apply for an original license as a new employee of the other school.

(B)    Each application for an original driver education instructor license shall be accompanied by:

(i)    documentation required by OAC 595:40-1-4, and

(ii)    a fee of Five Dollars ($5.00) [47 O.S. § 805], which shall be paid by the commercial driver education school to the Department ~~by~~in the form of a money order, cashier's check, or business/personal check.

(C) Upon initial review of a completed application the Department will provide the applicant with instructions to obtain a current electronic national criminal history record check in accordance with the Oklahoma Statutes.

(D) A current electronic national criminal history record check, for a driver education instructor license, is required:

(i) When an applicant has any break in licensing and the result of the previous electronic national criminal history record check on file with the Department for the commercial school employee is more than one (1) year old;

(ii) If the applicant changes employment to a commercial school with a different owner and it has been more than one (1) year since the last electronic national criminal history record check was completed; or

(iii) If an electronic national criminal history record check was not previously required of the commercial school employee.

(5)    **Commercial instructors - renewal applications.**

(A)    All applications for a renewal driver education instructor license shall be made on a form provided by the Department. The term of each renewal driver education instructor license shall be for a period of one (1) year. ~~A driver education instructor shall make application for each Commercial School location where he or she will be instructing.~~ A driver education instructor license shall become invalid upon termination of employment with the school or schools of a singleowner. If a driver education instructor accepts employment with another school, the driver education instructor license is not transferrable, and the driver education instructor shall apply for an original license as a new employee of the other school.

(B)    Each application for a renewal driver education instructor license shall be accompanied by~~:~~

~~(i)~~    ~~a full certified finger print based criminal history background investigation from the Oklahoma Bureau of Investigation certified~~ ~~within the immediately preceding thirty (30) days, and~~

~~(ii)~~ a fee of Five Dollars ($5.00) [47 O.S. § 805], which shall be paid ~~to~~by the commercial driver education school ~~which employs the driver education instructor and the school shall remit the Five Dollar ($5.00) fee~~to the Department ~~by~~in the form of a money order, cashier's check, or business/personal check. If the driver education instructor is licensed at multiple commercial driver education schools, a fee of Five Dollars ($5.00) shall be paid for each school.

**595:40-1-4.** **Qualifications for instructors**

(a)    **All driver education instructors.**Instructors of commercial driver education schools and ~~public,~~ parochial or private high schools shall submit to the Department of Public Safety, upon application, proof of the following:

(1)    current employment by a school which offers a prescribed course of study;

(2)    a valid and unexpired Oklahoma driver license that is not suspended, revoked, denied or cancelled at the time of original or renewal application;

(3)    attainment of at least twenty-one (21) years of age;

(4)    ~~never been convicted of a felony, have any pending court action that could result in a felony conviction, or any conviction, whether within Oklahoma or in another state, that would result in the applicant having to register according to the Sex Offenders Registration Act, as evidenced by a state and national criminal history background investigation conducted within the immediately preceding thirty (30) days.~~

~~(A)    Once the Department has received the state criminal history background investigation, showing no adverse action, pending or otherwise, the Department will issue a ninety (90) day temporary driver education instructor license to the applicant and the applicant shall be directed to have a national criminal history background investigation conducted by the Federal Bureau of Investigation.~~

~~(B)    The commercial school shall submit the necessary national criminal history background investigation request within ten (10) business days of the issuance of the temporary driver education instructor license and submit proof of the request to the Driver License Examining Division within five (5) business days thereafter. If the national criminal history background investigation is not completed within ninety (90) days of the request for the national criminal history background investigation, the temporary driver education instructor license may be revoked.~~

~~(C)    If either the state or national criminal history background investigation is returned with:~~

~~(i)    no adverse action, the Department will issue the temporary or permanent driver education instructor license; or~~

~~(ii)    adverse action is found on the applicant's criminal history background investigation, the Department will revoke the temporary driver education instructor permit and will not issue another temporary or permanent driver license instructor license to the applicant as long as the adverse action remains on the applicants criminal history; or~~

~~(iii)    if the applicant has pending court proceedings that could result in a felony conviction, the temporary or permanent driver education instructor license shall not be issued until the pending action has been dispensed.~~ a high school diploma or general education diploma, or transcript evidencing completion of high school or general education diploma requirements; and

(5)~~if applicable, have driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired. If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;~~

~~(6)    not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;~~

~~(7)    not more than five (5) point violations on the driving record;~~

~~(8)    no administrative action pending pursuant to 47 O.S. §§ 753, 754, or 754.1;~~

~~(9)    a high school diploma or general education diploma; and~~

~~(10)~~  a motorcycle instructor shall have a valid Motorcycle Safety Foundation instructor's certificate.

(b)    **Public school driver education instructors only.**Qualifications for public driver education instructors are set out in the rules for Oklahoma High School Driver and Traffic Safety Education by the Oklahoma State Board of Education.

(c)    **Non-public school driver education instructors.**Instructors of driver education for private, parochial, or non-public high schools, except commercial driver education schools, shall submit to the Department of Public Safety proof of the following:

(1)    a valid Oklahoma secondary, elementary-secondary, library media specialist, speech-language pathology or technology center school license/certificate,

(2)    credentials in Driver and Traffic Safety Education or five (5) years consecutive experience in driver safety training, and

(3)    a valid and unexpired Oklahoma driver license.

(d)    **Commercial school driver education instructors other than motorcycle training instructors.**Commercial driver education school instructors, other than motorcycle training instructors, shall submit to the Department of Public Safety proof of the following:

(1)    a minimum of six (6) semester hours of Driver Education I and Driver Education II, and a minimum of three (3) semester hours of General Safety Education from an accredited college or university; or

(2)    a course equivalent to that described in paragraph (1) offered by a nationally recognized commercial driver instructor course approved by the Department of Public Safety; or

(3)    certification by the State Department of Education as a driver education instructor, which certification shall be for at least five (5) years ~~immediately preceding application~~ in conjunction with having taught driver education for at least five (5) years in public, private, or parochial school; or

(4)    a minimum of five (5) years of experience as a certified law enforcement officer and possess a certification from an Instructor Development course.

(e)**Commercial motorcycle training school instructor qualifications.**Commercial motorcycle training school instructors shall submit to the Department of Public Safety proof of the following:

(1)    a high school diploma, or equivalent, and

(2)    an instructor's certificate issued by the Motorcycle Safety Foundation.

(f)   **MSF Basic Rider Coach training.**A participant in the MSF Basic Rider Coach training will be exempt from the Oklahoma certification requirement while acting as an instructor under the supervision of a MSF certified Rider Coach Trainer during the Basic Rider Coach training. MSF certification must be signed by the MSF and Oklahoma Certified Rider Coach Trainer.

(g) **Electronic national criminal history record check**. An applicant will not be issued an instructor license if any of the following disqualifying events, from any jurisdiction, are revealed by the electronic national criminal history record check:

(1) any felony conviction;

(2) any pending court action that could result in a felony conviction;

(3) any conviction that would result in the applicant having to register according to the Sex Offenders Registration Act;

(4) any finding of guilt or plea of guilt or plea of no contest or nolo contendere to a misdemeanor possession or use of alcohol or drugs within the past twelve (12) months.

(h)**Applicant's driver history.**An applicant will not be issued an instructor license unless, upon review of the applicant’s driver history:

(1) Driving privileges must be reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for an action related to driving under the influence or driving while impaired.

(2) If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;

(3) The applicant cannot have more than five (5) points accumulated on the driving record;

(4) The applicant cannot have any administrative action pending pursuant to 47 O.S. §§ 753, 754, or 754.1.

**595:40-1-6. Review of license and school**

(a) Periodic review of all commercial driver education schools and Driver Education Instructor Licenses will be conducted by the Department of Public Safety to determine whether both the driver education instructor and the school remain in compliance with the rules of this Chapter. Failure to respond to a Department of Public Safety communication requesting such a review may result in cancellation of the school's certificate. Failure to remain in compliance may result in cancellation, suspension or revocation of the license.

(b) An employee of the Department may conduct covert and overt observation of classroom and behind-the-wheel instruction as it is being administered for the purpose of auditing compliance with the rules of this Chapter.

~~(b)~~(c) When a driver education instructor's driving record reflects four (4) points, he or she may be issued a warning letter and instructed that additional entries may result in cancellation of his or her driver education instructor's license.

**595:40-1-9.** **Prescribed course of study**

(a)    A prescribed course of study of Driver Education shall be designed to develop knowledge of those provisions of the Oklahoma Vehicle Code and other laws of this state relating to the operation of motor vehicles, acceptance of personal responsibility in traffic, appreciation of the causes, seriousness, and consequences of traffic collisions, and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

(b)    Public Schools must be in compliance with Oklahoma State Board of Education rules and regulations. Non-public/Commercial schools must meet the following requirements:

(1)    Students must be at least fifteen (15) years of age and regularly enrolled and certified by the instructor as taking a prescribed driver education course, certified by the Department of Public Safety.

(2)    Private and Parochial students shall receive a minimum of thirty (30) hours of classroom instruction and a minimum of six (6) hours of actual driving in the Driver Education vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor who is occupying the front seat of the vehicle.

(3)    Each commercial driver education school student, except for commercial motorcycle driver training school students, shall receive a minimum of ten (10) hours of classroom instruction and a minimum of six (6) hours of actually driving the Driver Education vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor who is occupying the front seat of the vehicle.

(4)    Instruction shall include, but not be limited to, the following:

(A)    Signs, signals, highway markings and highway design.

(B)    Rules of the road, state laws, and local ordinances.

(C)    Driving attitude toward motorcyclists, bicyclists, and pedestrians.

(D)    Basic driving maneuvers.

(E)    Operation of motor vehicle on streets and highways.

(F)    Familiarity with the Oklahoma Driver's Manual, distributed by the Department of Public Safety. Copies of this manual are available at motor license agencies or online at www.ok.gov/dps/.

(G)    Insurance laws of the State.

(H)    Financial responsibility.

(I)    Seat belt use and laws.

(J)    Effects of natural laws on driving.

(K)    Alcohol and drug substance abuse and the effect on driving.

(L)    Basic vehicle maintenance including fluid levels, tire pressure and lighting systems.

(M)    Skills:

(i) Starting.

(ii) Parallel parking.

(iii) Hill parking.

(iv) Starting on hill.

(v) Intersection movement and observance.

(vi) Lane observance and changing.

(vii) Left and right turns.

(viii) Pedestrian and vehicle right-of-way.

(ix) Proper use of automatic and/or standard transmission.

(x) Use of brake and accelerator.

(xi) Traffic lights or signals.

(N)    The dangers of handheld electronic devices while driving.

(5)    All passengers, students and instructors in the driver education vehicle shall comply with the Oklahoma Mandatory Seat Belt Use Act, 47 O.S. §§ 12-416 through 12-420, whenever the vehicle is in operation.

(6)    Maintain and file with the Department of Public Safety a student roster list (paper or electronic) of students that are receiving or will be receiving behind-the-wheel instruction before such instruction begins.

~~(7)    Driving instruction shall not be conducted within a one mile radius of the Department of Public Safety or any district office thereof.~~

(c)    The most recent version of the Motorcycle Safety Foundation Curriculum (MSFC) is hereby adopted by reference, and it shall be the only course of instruction used by motorcycle education instructors certified by the Department of Public Safety.

~~(1)~~A copy of the curriculum is available at the Department of Public Safety ~~Driver License Examining Division~~.

~~(2)    Every school shall develop written and driving examinations to determine the students knowledge and performance in accordance with the prescribed curriculum.~~

 **595:40-1-15.** **Requirements for all driver education schools and classrooms except public schools**

(a)    **Location and classroom facility of commercial driver education schools.**~~An application for a Commercial Driver Training School license shall not be approved if the school is located or driving instruction is conducted within one (1) mile, using the most direct driving route, of the Department of Public Safety or any district office thereof. The school~~A Commercial school shall:

(1)    have at least one (1) permanent classroom. Each classroom shall be used exclusively for classroom driver education instruction during the time of such instruction. A classroom shall not be located in:

(A)    a residence or residential facility or complex,

(B)    a motor vehicle, or converted motor vehicle,

(C)    a hotel or motel, or

(D)    any other facility which has a bar, lounge, or other business which sells alcohol for public consumption on the premises;

(2)    display its current and valid Commercial Driver Training License in the licensee's principal place of business when classes are in session. The school's and driver education instructor's license or a copy of the license shall also be made available for inspection to students, or prospective students and their parents;

(3)    comply with all local municipal ordinances. Separate restroom facilities shall be provided for males and females, shall be fully plumbed with at least one toilet and one sink in each restroom, and shall be located in the same building as the classroom. The requirement for separate restroom facilities may be waived if a single restroom facility is provided that has a door which is capable of being locked from the inside;

(4)    have adequate room for equipment such as chalkboard, projector, tables and chairs. Tables and chairs will be provided for the number of students enrolled in the class being taught at the time;

(5)    when moving locations the school shall be responsible for notifying the Department of Public Safety Driver License Examining Division in writing no later than two (2) weeks prior to the relocation. The Division shall schedule with the school an appointment for inspection of the new location. Use of the new facility will not be allowed until the inspection is complete; and

(6)    if the commercial driver education school is located in a public school, the commercial driver education school shall present to the Department upon application and upon every renewal a current contract with the school district signed by the superintendent of the district. The contract shall stipulate that:

(A)    the presence of the commercial driver education school on the public school property is in compliance with state law and specifically in compliance with 70 O.S. § 5-130, and

(B)    any public school in the school district, including the public school where the commercial driver education school named in the contract is located, is available on an equal and non-discriminatory basis to any other commercial driver education school desiring to conduct business on public school property in the school district on the same terms and at the same time as the commercial driver education school named in the contract as required by *Hennessey v. ISD No. 4*, 552 P.2d 1141 (Okla. 1976), and

(C)    should the school district refuse to allow another commercial driver education school to conduct business on public school property within the school district, whether at the same public school as the commercial driver education school named in the contract or any other school in the district, the contract shall be null and void upon the date of the refusal, and the school district and the commercial driver education school named in the contract shall both agree to notify the Department of Public Safety of the voiding of the contract.

(7)    Motorcycle Range Facility and Equipment for Motorcycle Classes

(A)    The Motorcycle Range must adhere to standards related to participant safety and have equipment to ensure safe instruction.

(B)    The motorcycle range facility should be maintained and be free from all obstacles/potential obstacles or problematic surface conditions and there must be a minimum 20 foot paved buffer from any obstacles.

(C)    The range must be free from pedestrian, animal or vehicle traffic. The pavement needs to be kept suitable for riding maneuvers such as sharp turns, braking and safe vehicle travel.

(D)    The surface must provide good traction and there must not be any obstacles that present an unsafe environment.

(E)    Ranges must be correctly laid out to meet curriculum and safety standards. The surface and markings need to be maintained for proper instruction and safety.

(F)    Motorcycles must be properly maintained in safe operating condition for the safety of the students.

(b)    **Advertising.**

(1)    No Commercial Driver Education School shall use or conduct any business under any name other than its fully licensed name.

(2)    A sign reading "This school is licensed by the Department of Public Safety, State of Oklahoma" or similar language may be displayed on the school premises.

(3)    The school may place language such as "This school is licensed by the Department of Public Safety, State of Oklahoma" in any advertisements and publications of the school. However, a school may not use advertisement or publicity that states or implies that the school is specifically or uniquely recognized, recommended, or endorsed, or directly supervised by the Department of Public Safety.

(4)    No fraudulent or deceptive statements shall be used on any sign or in advertisement, whether written or oral. If a promotion or fee incentive is used for an applicant, the school shall attach a copy of the promotion or fee incentive to the contract.

(5)    No school shall advertise, by any means, or otherwise state or imply that a driver license or permit is guaranteed or assured to any student or individual who will take or complete any instruction offered by the school.

(c)    **Agreements and schedule of fees.**

(1)    A sample copy of all contracts or agreements with students must be submitted to the Department with the application for licensing.

(2)    Prior to enrollment or payment of fee all prospective students shall be provided the following information, in writing:

(A)    the type of instruction offered, whether classroom or behind the wheel;

(B)    length of each lesson;

(C)    rate per lesson;

(D)    rate for use of school vehicle for road test, if extra charge is made;

(E)    terms of payment and disclosure of any interest charged;

(F)    a statement indicating the specific date and time when instruction is to start.

(3)    The schedule of fees shall be posted in easy view of students and prospective students.

(4)    If any school fails to comply with the provisions, the school shall refund, on a prorated basis, all monies collected from the student.

(d)    **Records to be maintained.**

(1)    Each school shall maintain a permanently bound book with pages consecutively numbered or a computer spreadsheet/database, setting forth the name of the school; the name of the student; the contract or agreement number; the type and date of instruction given, whether classroom or behind-the-wheel. If information is kept in a bound book, all entries shall be made in ink.

(2)    All student instruction records, including a duplicate copy of each contract or agreement entered into between the school and the student (the original must be given to the student) must be kept on file in the office of each school or at the primary office of multiple site schools owned by one individual for a period of (1) calendar year after the student has concluded instruction at or with the school. Each school shall furnish the student, if requested, a duplicate of his/her instruction record when all of the contracted courses are completed or the student otherwise ceases taking instruction at or with the school.

(3)    The student instruction record shall contain a copy of a receipt for any monies paid to the school by the student. The receipt, in a format prescribed by the Department, shall contain:

(A)    The name of the school.

(B)    The name of the student.

(C)    The date of payment.

(D)    The amount of payment.

(4)    The student instruction record file maintained by the school shall be available at all times for inspection or copying by an authorized representative of the Department of Public Safety.

(e)    **Completion certificates.**A completion certificate, in a preprinted format prescribed by the Department, shall be provided and issued by the Commercial School to each student upon the successful completion of course work (both classroom and behind the wheel). The certificate shall contain the following:

(1)    Name of the provider;

(2)    Full legal name of student;

(3)    Language substantially similar to "Completed a minimum of ten hours of classroom instruction and six hours of behind-the-wheel instruction."

(4)    Date of completion;

(5)    Signature of a person employed by the school authorized to access student records (a digital signature is acceptable).

Motorcycle Safety Foundation completion cards are to be issued to each student upon successful completion of a course.

**595:40-1-16.** **Prohibited acts; conduct**

(a)    No school owner, agent, instructor or employee shall:

(1)    solicit any individual for the purpose of enrolling the person in any driver education program ~~within fifteen hundred (1,500) feet of~~on any premises owned, leased, rented, or used by the Department of Public Safety;

(2)    instruct on or near the driver testing route used by the Department of Public Safety or an approved route by the Department for use by designated examiners;

(3)    distribute or use, for any purpose, any test or examination designed or used by the Department;

(4)    use, or permit to be used, any form of alcoholic beverage or drugs in or about the premises of the school or a motor vehicle being used for driver education;

(5)    engage in any conduct involving moral turpitude;

(6)    commit or omit any act which constitutes a violation of any of the rules of this subchapter or the laws of this state governing school, instructor or designated examiner certification;

(7)    charge a fee to conduct driver education unless they are a certified driver education instructor;

(8)    prevent instructors or designated examiners from communicating with Department auditors; or

(9)    seek to influence designated examiner scoring of the State skills test.

(b)    Instructors shall at all times be cognizant of their primary obligation to render impartial, efficient, and effective service to the public in the discharge of their duties and to always regard their position as a public trust.