Chapter Trans 105

LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS

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Trans 105.01 Application forms for driver school and instructor licenses (ss. 343.61 and 343.62, Stats.). (1) Information required in the application may include, but is not limited to, the following:

(a) Name of the applicant.

(b) Present address of applicant.

(c) Previous addresses of applicant in the past 5 years.

(d) Description of applicant and description of facilities.

(e) Training or experience instructing drivers.

(f) Character references.

(g) The names of instructors and a list of driver training cars, if applying for driver school license.

(h) Any other information that may be deemed relevant to the decision to grant or deny a license.

(2) Application for a driver school license shall be accompanied by a schedule of maximum fees and charges per hour for instruction of students.

(3) Application for a driver school license shall be accompanied by a copy of the contract or agreement which constitutes the complete agreement for instruction of students.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.02 Examination of applicants for instructor's license. (s. 343.63, Stats.). (1) The road test shall be scored in the same manner as are tests given for regular operator's licenses and shall also include an actual demonstration of procedures and techniques used instructing drivers. Tests required by s. 343.63 (1), (2), and (3), Stats., is required of all applicants for original instructor's license and applicants whose instructor's licenses have lapsed for one or more years. The department may also require retesting of currently licensed instructors either as a

part of a routine retesting program or when it has reasonable cause to doubt the continued competency of any individual instructor.

(2) The statement submitted by the physician required by s. 343.63 (4), Stats., shall be on a form supplied by the department.

(3) If the information filed by the physician is such as to indicate the person is not physically fit to teach driving, the department may require the applicant to submit to further medical examination or deny the license.

(4) An authorized departmental representative may visit classroom sessions and ride in driver training cars during instruction for the purpose of evaluating the teacher's preparation, knowledge of the subject matter, and teaching ability, and determining if the approved course is being followed.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.03 Determination of satisfactory driving record and fitness (ss. 343.64 (4) and 343.65 (2), Stats.). (1) A person's driving record shall not be considered satisfactory to hold an instructor's license if that person:

(a) Has accumulated more than 6 demerit points under s. 343.32 (2), Stats., during any one-year period in the past 3 years.

(b) Has been involved in 2 or more accidents in a one-year period where the accident report indicates that such person may have been causally negligent.

(c) Has had his or her operator's license revoked, suspended or cancelled for a traffic violation other than a parking violation, at any time during the past 4 years.

(2) For the purpose of determining fitness, the department shall consider all relevant arrests and convictions for the past 5 years, and make such further examinations and checks as are deemed necessary.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79; am. (1) (c) and (2), Register, October, 1985, No. 358, eff. 11-1-85.

Trans 105.04 Loss or surrender of license. (1) Application for a duplicate of a lost or destroyed license shall contain the information set forth in s. Trans 105.01 (1) (a), (b), and (d) and shall be accompanied by a certified statement that the original was lost or destroyed.

(2) If a school terminates active participation in the business of teaching driver training for a fee, the school shall immediately forward such license to the department for cancellation.

(3) If an instructor is no longer employed with a driver school or is changing employment from one school to another, the instructor shall notify the department of that fact and forward his or her license to the department for cancellation.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.05 Driver schools to maintain records. (1) The records required by s. 343.71, Stats., shall be made available for inspection at all reasonable times to an authorized representative of the department.

(2) (a) The records required by s. 343.71 (1), Stats., shall be contained in a permanently bound book having consecutively numbered pages, on which are set forth for each person to whom instruction is given:

1. The student's last name, first name and middle initial;

2. The student's date of birth;

3. The student's home address;

4. The contract or agreement number; and

5. The total number of hours of lessons, lectures, tutoring and other instuction or services of any kind relating to motor vehicle operation instructions.

(b) The information required under par. (a) 1 to 4 shall be entered in the book within one working day after the making of a contract or agreement between the school and the student.

(c) The information required under par. (a)5 shall be entered in the book within one working day after the last instruction or other service has been received by the student.

(3) The records required by s. 343.71 (2), Stats., shall be in the form of an individual permanent student record card on each person listed in the record book required by s. 343.71 (1), Stats. Such record card shall show the student's name, date of birth, and address, and contract or agreement number, receipt number, permanent register page number, dates, types, duration and fees charged for each lesson, lecture, tutoring, period of instruction or other service relating to instructions in the operation of motor vehicles; the name and license number of the instructor having given each lesson or period of instruction or service relating to instruction in the operation of motor vehicles, and identification of the vehicle in which any behind-the-wheel instruction was given, including type of transmission. The information required by this section shall be entered on the student record card within one working day after the completion of each lesson.

(4) To be approved, the agreement form required to be filed by s. 343.71 (3), Stats., shall be consecutively numbered, contain the date of application, name of school, type or types of lessons, lectures, tutoring or instruction to be given, fee to be charged or the word none if no charge, the statement, "This constitutes the entire agreement between the school and the student and no verbal statement or promises will be recognized," signature of student, address of student, and signature of owner of school or his or her authorized representative.

(5) All records required by this section shall be retained for 6 years from date of origin and maintained in a businesslike manner. All entries shall be made in ink and corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used.

(6) The loss, mutilation, or destruction of records required under this section shall be reported immediately to the department by affidavit, stating:

(a) The date such records were lost, destroyed, or mutilated;

(b) The circumstances involving such loss, destruction, or mutilation; and

(c) To whom and when the loss was reported, if the circumstances of the loss warranted a report to the local law enforcement agency or fire department.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.06 General rules for conducting driver schools. (1) Licenses shall issue receipts for all fees collected.

(2) To be approved by the department, a driver school's specific place of business required by s. 343.72 (5), Stats., shall:

(a) Be owned or leased by the driver school and used exclusively by that driver school, except that classroom facilities need not be used exclusively for driver education if other uses do not interfere with the proper conduct of instruction.

(b) Be in an area zoned to permit this type of business. The department may require the applicant to furnish written proof thereof from the municipality where the driver school is located.

(c) Contain sufficient space, designated as the office facility, with equipment and personnel to properly maintain and secure the records required by s. 343.71, Stats., and this chapter.

(d) Not consist of a tent, temporary stand, house trailer, hotel room, room in a rooming house or temporary address.

(e) Not consist solely of a telephone answering service. A telephone used in the driver school business for incoming calls shall be located in the office facility.

(f) Not consist of or include a single or multiple family residence, unless it is separated from residential use by a door or partition and it can be reached from the outside without entering the residential rooms of the building. Driver schools licensed prior to January 1, 1969 are exempt from this requirement until either the location or ownership is changed.

(3) Any facility to be used as a classroom shall be designated in writing by the licensee, and no instruction shall begin without written authorization by the department. Authorization by the department does not supersede local ordinances or the building, heating and ventilation code established by the department of industry, labor and human relations relating to public health, safety and sanitation. The department shall consider the following criteria in determining the suitability of the classroom learning environment:

(a) Size of room at least 20 square feet per occupant.

(b) Cleanliness.

(c) Absence of conflicting noise, disturbances or distractions.

(d) Audio-visual aids.

(e) Adequacy of lighting, heating and ventilation.

(4) No more than 35 students may be placed in any class section without the department's approval. Class sections in excess of 35 students

may be allowed only when facilities and lesson plans justify such instruction.

(5) Licensees may not post advertising or solicit business within 1500 feet of any department of transportation office where official road tests are given.

(6) Licensees not authorized to teach students under 18 years of age may not advertise in a manner that states or implies that such services are provided.

(7) Licensees may advertise only by the school name and specific street address shown on its license.

(8) Licensees shall supply the information required by s. 343.72 (11), Stats., to the attention of the department immediately upon purchase or lease of each driver training car.

(9) Licensees may not charge fees in excess of those on file with the department. Fees may be amended at any time, provided such changes are filed with the department not later than the day they become effective.

(10) Approved dual controls required by s. 343.72 (12), Stats., include but are not limited to a separate brake for the instructor which is located on the right side of the car so the instructor can operate it with the foot normally used to operate the brake and accelerator and a separate mirror on the right, outside of the car, positioned so the instructor can view traffic to the rear. To assure the safety of students and the public, all driver training cars shall be inspected by the department within 30 days of purchase or lease by the school and, at the department's discretion, may be inspected each year thereafter. An authorized representative of the department may make random inspections to assure compliance with this subsection.

(11) Licensees shall give behind-the-wheel instruction only in driver training cars, except such instruction may be given to persons who now hold or previously held an operator's license or have completed 6 clock hours of behind-the-wheel instruction given by a high school, school of vocational, technical, and adult education, institution of higher learning, or school licensed by the department.

(12) The department may deny the application if it determines the school name could be duplicative, confusing or fraudulent. Any change of the school's name, address, or ownership must be approved in advance by the department.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.07 Special rules for instruction of students under 18 years of age. (1) (a) Except as otherwise provided by this section, a licensed driver school may not offer courses in driver education specified in s. 343.06, Stats., without first obtaining the department's approval which shall be evidenced by an endorsement on the license certificate. The endorsement shall specify whether the licensee is authorized to provide classroom instruction or behind-the-wheel instruction, or both to persons under 18 years of age.

(b) Requests for initial approval under this section shall be accompanied by a course outline with lesson plans. After the course outline with

lesson plans has been initially approved, the licensee must submit to the department for approval any proposed changes prior to their implementation.

1. The course outline shall specify a minimum of one main topic or more for each hour and be arranged chronologically in the order of presentation. The classroom course shall cover, but is not limited to the following:

a. Evolution and impact of vehicles and highways.

b. Responsibility of vehicle operation.

c. Mechanical and control features of the vehicle.

d. Environmental dynamics of driving.

e. Driving procedures: Pre-driving skills and basic maneuvers.

f. City driving.

g. Rural driving.

h. Freeway driving.

i. Psychophysical aspects of driving.

j. Vehicle ownership.

k. Traffic citizenship and highway safety progress.

2. The behind-the-wheel course shall cover, but is not limited to the following:

a. Introduction to the automobile.

b. City driving.

c. Left and right turns.

d. Backing and Y turns.

e. Parking.

f. Rural driving (including multiple lane and freeway if possible).

3. Each classroom lesson plan shall cover no more than two hours. Each behind-the-wheel lesson plan shall cover no more than one hour. The lesson plan shall specify the following:

a. Title of lesson.

b. Session number.

c. Time allotted to this lesson.

d. Type of lesson (method; such as lecture, demonstration, informal discussion, role playing, laboratory, drill and practice, test, etc.).

e. Training aides (chalkboard, slide projector, etc.).

f. Statement of objectives.

g. Reference material (textbooks, pamphlets, movies, film strips, slides, charts, etc.).

h. Detailed lesson outline (which includes an introduction, development and summary with assignment for next lesson).

(c) Students under 18 years of age who satisfactorily complete the approved course shall be given a certificate of completion on a form approved by the department.

(2) (a) In order to be eligible for approval under this section, a classroom phase of instruction shall consist of 30 clock hours in the classroom, extending over a minimum of 3 weeks for each student at no more than 2 clock hours per day. A course is not approved when students begin the class on alternate days. All students must be present for every session except if a student is absent for any legitimate reason, the absence must be marked on the student's record card and the sessions missed must be made up. The maximum number of hours that may be made up is 4. A student who is absent for more than 4 hours cannot continue with that group. Classroom instruction and behind-the-wheel instruction may be given concurrently only if both phases are given by the same school.

(b)1. In order to be eligible for approval under this subsection, a behind-the-wheel phase of instruction shall consist of 6 clock hours of observation in the vehicle and 6 clock hours of actual vehicle operation. This phase shall extend over a minimum of 3 weeks for each student with no more than 1 hour of behind-the-wheel driving and no more than 2 hours of observation each day.

2. Behind-the-wheel instruction may be substituted for observation if the agreement specifies the hours and cost of both the basic course and the alternate. This substitution may be on a ratio of 1 hour of driving to 2 hours of observation.

Note: Example: 7 hours driving and 4 hours observation or 8 hours driving and 2 hours observation or 9 hours driving and no observation.

(3) Licensees may not enroll students for only the behind-the-wheel phase unless certified proof of completion of an approved classroom phase, on a form provided by the department, is on file with the agreement in the licensee's office. However, this subdivision does not apply if the student is either enrolled in an approved behind-the-wheel phase at a different school or has completed the approved course, and the agreement specifies that the instruction does not qualify the student to apply for a license under s. 343.06 (3), Stats.

(4) (a) Licensees not meeting the requirements of sub. (2) (a) and (b) shall be restricted to instruction of students who are 18 years of age or over.

(b) Licensees meeting the requirement of sub. (2) (b) but not (2) (a) shall be restricted when instructing students under 18 years of age to a behind-the-wheel course only.

(c) Licensees may employ instructors who are licensed to teach adults only, so long as those instructors are not involved directly or indirectly in the instruction of persons under 18 years of age.

(5) All applicants for an instructor's license shall have satisfactorily completed 100 clock hours of classroom instruction in safety and driver education as given by an approved college, university, or a school of vocational, technical and adult education, as a minimum requirement to teach students under 18 years of age except that:

(a) Instructors licensed prior to January 1, 1971 with more than 1 year experience teaching students in a complete course of instruction as set forth in sub. (2) (a) and (b) are exempt from this requirement.

(b) Instructors licensed prior to January 1, 1971 with more than 1 year experience teaching students in a behind-the-wheel course as set forth in sub. (2) (b) are exempt from this requirement only to continue teaching a behind-the-wheel course.

(c) Teachers who are at the time of application certified to teach driver education in secondary schools or schools of vocational, technical and adult education by current rules of the department of public instruction or the state board of vocational, technical and adult education are exempt from this requirement.

(d) Instructors who have continuously held a temporary license issued under s. Trans 105.08 for at least 5 years may apply for an exemption to this reqirement if:

1. No 100-hour course has been available near his or her residence during that time; and

2. They furnish evidence of other relevant training with objectives similar to the 100-hour course. The applicant for an exemption under this paragraph must also meet the requirements of ss. 343.60 to 343.72, Stats.

(6) Applicants for instructor's license renewal whose license has been expired for 4 years or more must satisfactorily complete the course specified in sub. (5), unless certified as specified in sub. (5) (c).

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.08 Temporary instructor licenses. (1) The department may grant a temporary instructor's license to those persons who otherwise qualify by meeting the requirements of ss. 343.60 to 343.72, Stats., and this chapter, except s. Trans 105.07 (5), upon a written agreement with the applicant to enroll in the first available course of 100-hour instruction described in s. Trans 105.07 (5), given nearest his or her residence. The temporary license shall be valid for the period of time set by the department, subject to the provisions of s. 343.62, Stats.

(a) In order to qualify for the temporary license the applicant must show proof of at least 40 clock hours of instruction in a course for driver instructors given by an instructor licensed in accordance with s. 343.62, Stats., or equivalent instruction as determined by the department. The course content must be approved in advance by the department. Any driver school which prepares prospective instructors must notify the bureau of driver control, commercial driver schools unit prior to commencement of the course, for each prospective instructor. The notification shall be in writing and include the school name, the trainee's full name, address and date of birth; also the time and place the instruction is to be given. A departmental representative may visit classroom sessions and ride in driver training cars for the purpose of supervising the course. Certification of completion of the course on forms provided by the department shall be forwarded to the bureau of driver control, commercial driver schools unit immediately upon completion of the course. The certification shall be in writing and include the school name, the instructor's full name, the trainee's full name, address and the date of birth, and a

record of instruction including date, time, specific subject covered, and duration of each lesson.

(b) Subject to a hearing as provided by s. 343.69, Stats., the department may suspend and require the temporary license to be surrendered to the department immediately upon commencement of a course described in s. Trans 105.07 (5), if the holder of the license is not enrolled in the first available course or upon withdrawal or failure to satisfactorily complete the course. The person shall not again be entitled to a temporary license unless the department is satisfied there was valid reason for failing to enroll or for dropping the course.

(c) A new temporary license may be issued beyond the expiration date established if no course described in s. Trans 105.07 (5) has been available to the licensee in the area near the licensee's residence and the licensee otherwise meets the requirements of ss. 343.60 to 343.72, Stats., and this chapter.

History: Cr. Register, November, 1979, No. 287, eff. 12-1-79.

Trans 105.09 Time period for review and determination of eligibility. (1) A determination of the eligibility for instructor's license shall be made no later than the close of the business day 5 full business days after the day a complete application is received by the department's bureau responsible for driver schools and instructors. An application is complete when:

(a) All the required sections of the application are accurately completed.

(b) All examinations have been passed.

(c) The official conviction record has been received.

(2) A determination of the eligibility for a driver school license shall be made no later than the close of the business day, 5 full business days after the day a completed application is received by the department's bureau responsible for driver schools and instructors. An application is complete when:

(a) All the required sections of the application are accurately completed.

(b) All the applicable requirements of this chapter including inspection of place of business, required records, driver training cars, insurance policy and driver education program have been completed or are available for review.

(c)The official conviction record has been received.

(3) When a hearing is provided it will be held after the determination of eligibility by the department. Hearings for driver schools and instructors are held by the office of the commissioner of transportation as required by s. 343.69, Stats.

Note: Applications can be obtained from, and should be returned to: Department of Transportation, Bureau of Driver Licensing, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53702.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85.