

Chapter MVD 19

LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS

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MVD 19.01 Application form for driver school and/or instructor's license (sections 343.61 and 343.62, Wis. Stats.). (1) The following substantive information shall be required in the application for licenses:

- (a) Names of the applicant
- (b) Present address of applicant
- (c) Previous addresses of applicant in the past 5 years
- (d) Description of applicant
- (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.

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

(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, December, 1968, No. 156, eff. 1-1-69.

MVD 19.02 Examination of applicants for instructor's license (section 343.63, Wis. Stats.). (1) The road test shall be scored in the manner set forth in section MVD 14.03 and shall also include an actual demonstration of procedures and techniques utilized in instructing drivers.

(2) The statement submitted by the physician required by section 343.63 (4) Wis. Stats., shall be on a form supplied by the division of motor vehicles.

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

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

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69.

MVD 19.03 Determination of satisfactory driving record and moral character (section 343.65 (2), Wis. Stats.). (1) A person's driving record shall not be considered satisfactory to hold an instructor's license if:

(a) He has accumulated more than 6 demerit points under section 343.32 (2), Wis. Stats., during any one year period in the past 3 years.

(b) He 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) He has had his operator's license revoked, suspended, or cancelled at any time during the past 4 years.

(2) To determine good moral character, the administrator will consider all arrests on record, contact at least 2 character references of the 3 named by the applicant, and make such further investigations and checks as are deemed necessary.

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69.

MVD 19.04 Loss or surrender of license. (1) Application for a duplicate of a lost or destroyed license shall contain the information set forth in section MVD 19.01 (1) and shall be accompanied by certification of lost or destroyed license.

(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 division for cancellation.

(3) If an instructor terminates his employment with a driver school, he shall notify the division of such termination and forward such license to the division for cancellation.

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69.

MVD 19.05 Driver schools to maintain records. (1) The records required by section 343.71, Wis. Stats. shall be made available for inspection at all reasonable times to the administrator of the division of motor vehicles or his authorized representative.

(2) The records required by section 343.71 (1), Wis. Stats., shall be in the form of a permanently bound book and have pages consecutively numbered, and set forth the last name, first name, middle initial, date of birth, address, and contract or agreement number of every person given lessons, lectures, tutoring, instructions of any kind, or any services relating to instruction in the operation of motor vehicles. The information required by this section shall be entered in said book within one working day following the signing of a contract or agreement between the school and the person to be given service as outlined above.

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(3) The records required by section 343.71 (2), Wis. Stats., shall be in the form of an individual permanent student record card on each person listed in the record book required by section 343.71 (1), Wis. Stats. Such record card shall show the student's name, date of birth, and address, the 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 said student record card within one working day after the completion of each lesson.

(4) To be approved, the agreement from required to be filed by section 343.71 (3), Wis. 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 authorized representative.

(5) All records required by section MVD 19.05 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 which are set forth in section MVD 19.05 shall be reported immediately to the administrator by affidavit, stating:

- (a) The date such records were lost, destroyed, or mutilated
- (b) The circumstances involving such loss, destruction, or mutilation
- (c) The name of the law enforcement or fire department official to whom such loss was reported, and the date of such report.

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69.

MVD 19.06 General rules for conducting driver schools. (1) Licensees shall issue receipts for all fees collected.

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

- (a) Be owned or leased by the driver school and used exclusively by that driver school.
- (b) Be in an area zoned to permit this type of business. The division may require the applicant to furnish written proof thereof from the municipality where the driver school is located.

(c) Contain sufficient space, described in the application, designated as the office facility, with equipment and personnel to prop-

erly maintain and secure the records required by section 343.71, Wis. 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 division. Authorization by the division does not supercede 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 division 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) Licensees shall not post advertising or solicit business within 1500 feet of any division of motor vehicles office where official road tests are given.

(5) Licensees not authorized to teach students per section MVD 19.07 shall not advertise in a manner that implies provision of this service.

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

(7) Licensees shall supply the information required by section 343.72 (11), Wis. Stats., to the attention of the bureau of driver control immediately upon purchase or lease of each driver training car.

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

(9) Approved dual controls required by section 343.72 (12), Wis. Stats., includes but is 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 within 30 days of purchase or lease by the school and each year thereafter. The original inspection shall be made by the administrator or his authorized representative. A current inspection sticker, issued in accordance with chapter MVD 5, shall be required for renewal inspections. The administrator or his authorized representative shall make random inspections to assure compliance with this order.

(10) 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 division of motor vehicles. To qualify for this exemption, the vehicle must be owned by the student or a member of his immediate family.

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69. am. (2) and r. and recr. (3), Register, May, 1977, No. 257, eff. 6-1-77.

MVD 19.07 Special rules for instruction of students under 18 years of age required by section 343.06 (3), Wis. Stats. The administrator may permit licensees to instruct students under 18 years of age in either a complete course of instruction or in a behind-the-wheel course only subject to the following conditions in addition to licensing by sections 343.60 through 343.72, Wis. Stats.

(1) A complete course of instruction shall be as required by the department of public instruction. This course now consists of 30 clock hours in the classroom, 6 clock hours observing in the car, and 6 clock hours behind-the-wheel. To allow for unusual situations behind-the-wheel instruction may be substituted for observation, on an hour for hour basis up to a maximum of 2 hours. (Example, 7 hours behind-the-wheel and 5 hours observation or 8 hours behind-the-wheel and 4 hours observation.) Schools providing a complete course of instruction must have submitted their request for approval to the division where it will be forwarded to the department of public instruction for approval or disapproval. No licensee shall begin teaching a complete course of instruction until notified of approval. The course outline shall include a lesson plan for each hour of the 30 clock hours of classroom instruction, 6 clock hours behind-the-wheel, and 6 clock hours observation. It shall also include name of textbooks, movies, film strips, slides, charts, and other teaching aides to be used. The classroom phase shall extend over a minimum of 3 weeks for each student at no more than 2 clock hours per day. The practice driving phase shall extend over a minimum of 3 weeks for each student with no more than 1 clock hour of actual driving and 1 clock hour observation per day. It is recommended that this be accomplished with ½ hour behind-the-wheel, ½ hour observation, then repeat it. Classroom instruction and behind-the-wheel instruction may be given concurrently only if both phases are given by the same school. Students under 18 years of age who satisfactorily complete said approved course shall be given certification of such completion on a form provided by the division and said form shall be signed only by licensees approved by the administrator to conduct a complete course of instruction.

(2) A behind-the-wheel course shall be as required by the department of public instruction. This course now consists of 6 clock hours observing in the car and 6 clock hours behind-the-wheel. Behind-the-wheel instruction may be substituted for observation, on an hour for hour basis up to a maximum of 2 hours. (Example, 7 hours behind-the-wheel and 5 hours observation or 8 hours behind-the-wheel and 4 hours observation.) Schools providing behind-the-wheel instruction only must have submitted their request for approval to the division where it will be forwarded to the department of public instruction for approval or disapproval. No licensee shall begin teaching a behind-the-wheel course until notified of approval. The course outline shall include the lesson plan for the 6 clock hours of behind-the-wheel and 6 clock hours of observation. The practice driving phase shall begin after the classroom phase and shall extend over a minimum of 3 weeks for each student with no more than 1 clock hour of actual driving and 1 clock hour observation per day. It is recommended that this be accomplished with $\frac{1}{2}$ hour behind-the-wheel, $\frac{1}{2}$ hour observation, then repeat it. Licensees may offer students under 18 years of age behind-the-wheel instruction only if the student presents a classroom certification form, provided by the division, from a school teaching an approved classroom course. Said classroom certification form shall be filed by the school with the contract or agreement between the school and the student. Students under 18 who satisfactorily complete said approved behind-the-wheel course shall be given certification of such completion on the certification form, previously presented by the student for the classroom course, and shall be signed only by the licensee approved by the administrator to conduct a behind-the-wheel course.

(3) Licensees not meeting the requirement of section MVD 19.07 (1) and (2) shall be restricted to instruction of students who are 18 years of age or over. Licensees meeting the requirement of section MVD 19.07 (2) but not section MVD 19.07 (1) shall be restricted when instructing students under 18 years of age to a behind-the-wheel course only.

(4) All applicants for an instructor's license after January 1, 1971 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 having more than one year experience teaching students in a complete course of instruction as set forth in subsection (1) are exempt from this requirement.

(b) Instructors having more than one year experience teaching students in a behind-the-wheel course as set forth in subsection (2) 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.

(5) The administrator may grant a temporary instructor's license to those persons who otherwise qualify by meeting the requirements of sections 343.60 to 343.72, Wis. Stats., and this chapter, except subsection (4), upon a written agreement with the applicant to enroll in the first available course of 100 hour instruction described in subsection (4) given nearest his residence. Said temporary license shall be valid for the period of time set by the administrator, subject to the provisions of section 343.62, Wis. 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 section 343.62, Wis. Stats. The course content must be approved in advance by the division of motor vehicles. 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. Said notification shall be in writing and include the school name, the trainee's full time, address and date of birth also the time and place the instruction is to be given. The administrator or his 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 division shall be forwarded to the bureau of driver control, commercial driver schools unit immediately upon completion of the course. Said 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. Also a record of instruction including date, time, specific subject covered, and duration of each lesson.

(b) Subject to a hearing as provided by section 343.69, Wis. Stats., the administrator may cancel and require the temporary license to be surrendered to the division immediately upon commencement of a course described in subsection (4), if the holder of the license is not enrolled in the first available course or upon withdrawal or failure to complete the course. Such person shall not again be entitled to a temporary license unless the administrator 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 subsection (4) has been available to the licensee in the area near his residence and he otherwise meets the requirements of sections 343.60 to 343.72, Wis. Stats., and this chapter.

History. Cr. Register, December, 1968, No. 156, eff. 1-1-69; r. and recr. (4) and cr. (5), Register, January, 1971, No. 181, eff. 2-1-71.

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