

COMAR

Code of Maryland Agency Regulations

11.23.01

Driving Schools

COMAR 11.23.01 DRIVER'S SCHOOLS

- .01 Scope
- .02 Definitions
- .03 Driver's School License
- .04 Qualifications for Driver's School License Applicants
- .05 Applying for a School License
- .06 Branch School License
- .07 Operational Requirements for a Driver's School License
- .08 Record and Report Requirements for a Driver's School
- .09 Renewing a Driver's School License
- .10 Replacing a Driver's School License
- .11 Refusing, Suspending or Revoking a Driver's School License
- .12 Driving Instructor License
- .13 Qualifications for a Driving Instructor License
- .14 Background Checks
- .15 Applying for a Driving Instructor License
- .16 Driving Instructor License Requirements
- .17 Renewing a Driving Instructor License
- .18 Replacing a Driver's School Instructor Badge
- .19 Refusing, Suspending or Revoking a Driving Instructor License
- .20 Driver's School Business Office Requirements
- .21 Classroom Requirements
- .22 Training Vehicle Requirements
- .23 Approving Course Curriculum
- .24 Quality Control

Title 11
DEPARTMENT OF TRANSPORTATION

**Subtitle 23 MOTOR VEHICLE ADMINISTRATION—DRIVERS' SCHOOLS,
INSTRUCTORS, AND DRIVER EDUCATION PROGRAM**

Chapter 01 Drivers' Schools

Authority: Transportation Article, §§12-104(b), 12-117, 15-102—15-111, 15-701—15-710, and 15-801—15-807, Annotated Code of Maryland

.01 Scope.

This chapter applies to a business entity, organization, institution, or individual in the business of collecting a fee for providing instruction in the driving of motor vehicles.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Motor Vehicle Administration.

(2) "Drivers' school" or "school" has the meaning set forth in Transportation Article, §15-701, Annotated Code of Maryland.

(3) "Driving instructor" has the meaning set forth in Transportation Article, §15-801, Annotated Code of Maryland.

(4) "Branch site" means a drivers' school business office, classroom, or training site used by a licensed school other than the primary business office, classroom, or training site.

(5) "Instructor license" or "driving instructor license" means a license issued by the Administration under Transportation Article, Title 15, Subtitle 8, Annotated Code of Maryland, that authorizes an individual to give instruction in driving a motor vehicle.

(6) "License" or "drivers' school license" means a license issued by the Administration under Transportation Article, Title 15, Subtitle 7, Annotated Code of Maryland.

.03 Drivers' School License.

A. A driver school license issued by the Administration under Transportation Article, Title 15, Subtitle 7, Annotated Code of Maryland, authorizes a business entity, organization, institution, or individual to give instruction in the driving of motor vehicles in which a fee is collected.

B. A business entity, organization, institution, or individual requesting a license to provide instruction in the driving of motor vehicles shall:

(1) Submit an application to the Administration requesting licensure and approval to conduct specific courses; and

(2) Be licensed and receive approval from the Administration before conducting the approved courses.

C. A drivers' school license may not be transferred, sold, or assigned without written approval from the Administration. Assignment of all or substantially all of the school's assets, or

any assignment of interest in the stock or shares of the business, that results in a transfer of control of that business, shall be considered an assignment.

D. A drivers' school may only provide the driver education program courses under Transportation Article, Title 16, Subtitle 5, Annotated Code of Maryland, if the school is:

- (1) Licensed under this chapter; and
- (2) Certified by the Administration under COMAR 11.23.02.

.04 Qualifications for Drivers' School License Applicants.

A. An applicant for a drivers' school license:

- (1) Shall be 21 years old or older;
- (2) May not have a pending charge or criminal conviction for:
 - (a) Fraud in the operation of providing instruction;
 - (b) A crime of moral turpitude;
 - (c) A sex offense;
 - (d) Contributing to the delinquency of a minor; or
 - (e) An offense within the last 5 years involving:
 - (i) A controlled dangerous substance;
 - (ii) Alcohol or drugs while operating a motor vehicle; or
 - (iii) A felony while operating a motor vehicle;
- (3) May not have an outstanding complaint or pending charge for alleged violations that, if proven, would constitute grounds to refuse, suspend, or revoke the school license under Transportation Article, §§15-109 and 15-709, Annotated Code of Maryland;
- (4) May not have a conviction set forth in §A(2) of this regulation within 5 years preceding the application date;
- (5) Shall have a valid federal and State tax identification number;
- (6) May not have an unresolved past due tax or other financial obligation due to Maryland;
- (7) Shall be in compliance with all the State and local requirements to be licensed and authorized to do business in Maryland; and
- (8) Shall have a designated business office located in Maryland with posted business hours.

B. If the applicant for a school license is a partnership, corporation, or education institution, each individual responsible for the operation of the business shall meet the qualifications and requirements set forth in this regulation.

.05 Applying for a School License.

A. A business entity, organization, institution, or individual requesting a drivers' school license shall submit an application to the Administration.

B. The application shall be signed by the authorized representative of the business entity, organization, or institution.

- C. The application shall be completed, in its entirety, and be accompanied by:
- (1) A nonrefundable application fee set forth in COMAR 11.11.05;
 - (2) A description of the type of driving instruction that will be provided;
 - (3) A list of instructors, including qualifications, certifications, and education requirements for teaching the courses;
 - (4) A complete detailed copy of the curriculum that identifies:
 - (a) A detailed course description;
 - (b) The performance objectives to be achieved;
 - (c) The topic areas to be covered;
 - (d) A detailed description of the instruction that shall be completed in each unit or section;
 - (e) The standards for successful completion;
 - (f) The list of audiovisual materials to be used;
 - (g) The textbooks and reference materials to be used;
 - (h) Copies of the examinations, including knowledge and skill portions; and
 - (i) The typical course schedule of sessions;
 - (5) A description of the eligibility requirements to enroll and participate in the courses;
 - (6) A description of the course schedule that includes the:
 - (a) Number of hours per session;
 - (b) Number of sessions; and
 - (c) Normal times of day the course will be conducted;
 - (7) Documentation acceptable to the Administration that the applicant has:
 - (a) Workers' Compensation and Unemployment insurance for all school employees;
 - (b) General liability insurance covering all business offices and classroom sites for the protection of individuals using the premises and equipment during the program instruction; and
 - (c) A surety bond in the amount set forth in Transportation Article, §15-705, Annotated Code of Maryland;
 - (8) A list of each training vehicle to be used by the school for instruction to include:
 - (a) The vehicle's year, make, registration plate number, and vehicle identification number;
 - (b) Except for a new vehicle titled in the past year from a manufacturer's certificate of origin, a copy of the certificate of inspection issued within the last 3 months by a Maryland authorized inspection station;
 - (c) A copy of the insurance certificate showing evidence of current required vehicle liability coverage; and
 - (d) The safety equipment installed in each vehicle; and
 - (9) A statement certifying under penalty of perjury the applicant has never had a drivers' school license revoked in Maryland or any other state.

D. The Administration may waive the drivers' school application fee, license fee, renewal fee, and the surety bond requirement for an educational institution that:

- (1) Offers the instruction as part of the normal school-day curriculum; and
- (2) Does not charge a fee for conducting the approved course.

E. A separate application accompanied by all the required documentation shall be submitted for each drivers' school business office, classroom, or training site.

F. A drivers' school license may only be issued by the Administration if:

- (1) All the requirements set forth in this chapter have been met; and
- (2) The applicant has successfully completed the orientation conducted by the Administration.

.06 Branch School License.

A. A business office, classroom, or training site at a location other than the primary site listed in the drivers' school license application shall be separately licensed as a branch before use by a school.

B. The application for a branch license shall be submitted to the Administration on a form required by the Administration.

C. The application shall be signed and certified by the school's owner or authorized representative of the business entity, organization, or institution.

D. An applicant shall pay the fee set forth in COMAR 11.11.05 for the initial issuance and for each renewal of a branch license.

E. A branch license may only be issued by the Administration when all the requirements set forth in this regulation have been met.

.07 Operational Requirements for a Drivers' School License.

A. A drivers' school licensed by the Administration shall:

- (1) Display the school's license in a conspicuous place in the business office;
- (2) Use only school training vehicles approved by the Administration;
- (3) Use only the curricula, instructional materials, quizzes, tests, and forms approved by the Administration;
- (4) Make operation and student records available for inspection by the Administration during the school's posted business hours;
- (5) Comply with:
 - (a) Nondiscrimination requirements in providing services without regard to race, creed, color, age, gender, sexual orientation, national origin, marital status, disabilities, or any other classification required under local, State, and federal laws and regulations including, but not limited to the Americans with Disabilities Act;
 - (b) Any decisions, direction, or findings made by a federal or State agency as the result of any complaint filed with these agencies asserting a violation of any local, State, or federal law; and

(c) All State and local building, zoning, fire and safety regulations, codes and standards for use as a business office or classroom, including a posted certificate in the current business owner's name, identifying the maximum occupant capacity for all business offices used to conduct business and all classrooms used for instruction or to administer tests;

(6) Report, in writing, to the Administration within 30 days any changes in the information supplied in the latest application or renewal form, including information on any training vehicles or information on any instructors terminated or no longer employed by the school;

(7) Maintain at all times:

(a) An Administration approved business office located in Maryland;

(b) Workers' Compensation and Unemployment insurance continuously in force for all school employees;

(c) General liability insurance continuously in force for the protection of individuals using the premises and equipment during the program; and

(d) A surety bond continuously in force in the amount set forth in Transportation Article, §15-705, Annotated Code of Maryland; and

(8) Ensure that each class is conducted in only one language, excluding sign language.

B. Each school owner and individuals responsible for the operation of the business shall have no pending charges or criminal convictions for:

(1) Fraud in the operation of providing instruction;

(2) A sex offense;

(3) A crime of moral turpitude;

(4) Contributing to the delinquency of a minor;

(5) An offense involving a controlled dangerous substance;

(6) An offense involving alcohol or drugs while operating a motor vehicle; or

(7) A felony involving the use of a motor vehicle.

C. A drivers' school licensed by the Administration may not:

(1) Endanger an employee, a student, or instructor;

(2) Subcontract any portion of the program without prior approval from the Administration;

or

(3) Use any publication or advertisement that is false, deceptive, or misleading.

.08 Record and Report Requirements for a Drivers' School.

A. A drivers' school shall maintain for 3 years in a secure location, in hard copy or electronic format, records and reports of all business activities of the school. These records shall include:

(1) Instructor employment records;

(2) Training vehicle insurance, maintenance, inspection, and registration records;

(3) Surety bond certificates;

(4) Results of tests and evaluations administered to each student;

(5) The number of students trained annually; and

(6) Signed student rights and responsibilities forms provided in accordance with COMAR 11.23.02.08E.

B. Records shall be made available to the Administration during the school's posted business hours.

C. If the records of a drivers' school become lost, mutilated, or destroyed, the school shall notify the Administration immediately, in writing, and state the date and circumstances involving the loss, mutilation, or destruction of the records.

D. A school shall immediately notify the Administration of any vehicular crash involving a training vehicle resulting in a fatality.

E. Effective January 1, 2010, a school shall electronically submit an annual report to the Administration by January 31st for the previous calendar year in the format required by the Administration. The report shall include the number of students trained annually and each student's name, soundex or license number, and date of birth.

.09 Renewing a Drivers' School License.

A. A drivers' school license and branch license is valid for 2 years from the date issued.

B. A drivers' school license automatically expires at the end of 2 years unless renewed by the Administration in accordance with the requirements set forth in this regulation.

C. To apply for the renewal of a school license, a school shall be in compliance with all the laws, rules, regulations, and policies governing the program.

D. An applicant for the renewal of a school license shall submit a completed renewal application to the Administration accompanied by:

(1) The required license fee set forth in COMAR 11.11.05; and

(2) Documentation acceptable to the Administration that the applicant has:

(a) Workers' Compensation and Unemployment insurance for all school employees;

(b) General liability insurance covering all business offices and classroom sites for the protection of individuals using the premises and equipment during the program instruction; and

(c) A surety bond in the amount set forth in Transportation Article, §15-705, Annotated Code of Maryland.

E. Before the Administration approves a renewal, a licensed school shall resolve pending charges and complaints and take appropriate remedial action while the current license is in force.

F. A school license shall expire on the expiration date if the completed application for renewal is not received by the Administration at least 2 calendar weeks before expiration, as set forth in State Government Article, §10-226, Annotated Code of Maryland.

G. A licensed school that submits a renewal application to the Administration after the license has expired shall reapply for a license and meet all the application requirements for a license set forth in this chapter.

.10 Replacing a Drivers' School License.

A. A school may request a duplicate license to replace one that has been lost, stolen, mutilated, or destroyed.

B. To obtain a duplicate license, the school shall:

(1) Submit a request for a duplicate license on a form required by the Administration, to include the date and circumstances involving the loss, theft, mutilation, or destruction of the license;

(2) If mutilated, surrender the mutilated license; and

(3) Pay the duplicate license fee set forth in COMAR 11.11.05.

.11 Refusing, Suspending, or Revoking a Drivers' School License.

Under Transportation Article, §15-109, Annotated Code of

A. Maryland, the Administration may after notice and hearing suspend, revoke, or refuse to renew a drivers' school license or, after notice and opportunity for hearing, issue a drivers' school license, if the Administration finds that the school has failed to comply with any of the requirements pertaining to the program and school license set forth in this chapter or under Transportation Article, Title 15, Subtitle 7, Annotated Code of Maryland.

B. The Administration shall after notice and hearing refuse to renew or, after notice and opportunity for hearing, issue an initial school license, if the school or applicant:

(1) Provides fraudulent, inaccurate, or incomplete information on required applications, forms, reports, or other required documents; or

(2) Fails to meet any of the requirements set forth in Regulations .04 — .08 of this chapter.

C. A most serious violation, when committed by a school owner or individual responsible for the operation of the business, shall result in a fine of \$1,000 for each offense and other disciplinary action. Any second most serious violation shall result in a revocation of the school's license.

D. The most serious violations include a charge for:

(1) Fraud in the operation of providing instruction;

(2) A sex offense;

(3) A crime of moral turpitude;

(4) Contributing to the delinquency of a minor;

(5) An offense involving a controlled dangerous substance;

(6) An offense involving alcohol or drugs while operating a motor vehicle;

(7) A felony involving the use of a motor vehicle;

(8) Acting in a manner that is unsafe for students participating in the program; or

(9) Allowing an individual to provide instruction in the operation of a motor vehicle while the instructor license is refused, suspended, or revoked.

E. Except as provided in §D of this regulation, all other violations set forth in this regulation shall be considered a serious violation.

F. The Administration shall take progressive disciplinary action for any serious violation. The disciplinary action may include a conference, fines, or a suspension or revocation of a school's license.

G. If the Administration refuses to renew, suspends, or revokes a school's license, the school shall have the right to a hearing, as set forth in Transportation Article, §15-110, Annotated Code of Maryland.

H. A school whose license has been suspended or revoked shall immediately:

- (1) Surrender the school's license to the Administration;
- (2) Stop conducting courses and all school operations; and
- (3) Refund the fees paid by the students who enrolled in the courses as follows:

(a) Refund 100 percent of the fees paid if instruction has not started or if the first class of a course was not completed; and

(b) In all other cases, refund a prorated amount based on the portion of courses that have not been completed.

.12 Driving Instructor License.

A. Under Transportation Article, Title 15, Subtitle 8, Annotated Code of Maryland, an individual shall be licensed by the Administration as a driving instructor in order to provide instruction in driving of motor vehicles if the individual receives or expects to receive compensation for the instruction.

B. A licensed instructor may not provide instruction in the driving of a motor vehicle for compensation unless employed by a drivers' school licensed by the Administration.

C. An individual may be licensed by the Administration to provide:

- (1) Behind-the-wheel instruction only;
- (2) Classroom instruction only; or
- (3) Both classroom and behind-the-wheel instruction.

D. A driving instructor license may not be transferred, sold, or assigned.

E. A driving instructor may only teach the driver education program courses under Transportation Article, Title 16, Subtitle 5, Annotated Code of Maryland, if licensed under this chapter and certified by the Administration under COMAR 11.23.02.

.13 Qualifications for a Driving Instructor License.

A. An individual applying for a driving instructor license:

- (1) Shall be 21 years old or older;
- (2) Shall possess a high school certificate of graduation, its equivalent, or a college degree;
- (3) Shall possess a valid driver's license issued by Maryland or another state to drive the class of vehicle in which instruction is to be given, and have no driving restrictions, except for:

- (a) Corrective lenses; or
- (b) A restriction issued under Transportation Article, §16-203, Annotated Code of Maryland, for child support arrearages;
- (4) May not have more than four active points on their current driving record;
- (5) May not have a pending charge or criminal conviction for:
 - (a) Fraud in the operation of providing instruction;
 - (b) A crime of moral turpitude;
 - (c) A sex offense;
 - (d) Contributing to the delinquency of a minor; or
 - (e) Any offense within the last 3 years involving:
 - (i) A controlled dangerous substance;
 - (ii) Alcohol or drugs while operating a motor vehicle; or
 - (iii) A felony while operating a motor vehicle;
- (6) May not have a pending charge or criminal conviction for any offense within the last 3 years:
 - (a) Involving a controlled dangerous substance;
 - (b) Involving alcohol or drugs while operating a motor vehicle; and
 - (c) For any felony involving the use of a motor vehicle;
- (7) May not have a reportable medical condition; and
- (8) May not have an outstanding criminal complaint or charge for an alleged violation that if proved would constitute grounds for refusal, cancellation, suspension, or revocation of the instructor's certification, driver's license, or driving instructor's license.

B. An individual applying for an instructor license shall meet all the requirements for licensure before submitting an application to the Administration.

.14 Background Checks.

A. An individual applying for a driving instructor license or renewal of a driving instructor license shall be fingerprinted and have a criminal background check conducted by the Criminal Justice Information System (CJIS) Central Repository of the Department of Public Safety and Correctional Services.

B. The applicant shall:

- (1) Be fingerprinted at an official site that provides electronic digital fingerprinting, to include:
 - (a) An official CJIS Central Repository site; or
 - (b) A CJIS Central Repository approved provider;
- (2) Pay the required fee, including the fee authorized under Criminal Procedure Article, §10-221(b), Annotated Code of Maryland, for access to Maryland criminal history records; and

(3) Obtain a dated official receipt verifying that fingerprinting has been completed and a criminal background check has been requested.

(C) In accordance with Criminal Procedure Article, §§10-201—10-234, C. Annotated Code of Maryland, the CJIS Central Repository shall forward to the Administration the applicant's criminal history record information.

D. Information received by the Administration on an applicant from the CJIS Central Repository shall be:

(1) Confidential and may not be disseminated; and

(2) Used only to determine the eligibility or disqualification of a driving instructor license or renewal of the driving instructor license.

E. An individual subject to a criminal background check under this regulation may contest the contents of the printed statement issued by the CJIS Central Repository as provided in Criminal Procedure Article, §10-223, Annotated Code of Maryland.

F. An applicant otherwise qualified by the Administration for an instructor license, may begin providing instruction:

(1) Pending the receipt of satisfactory data on their criminal history record, as set forth in Regulation .16 of this chapter; and

(3) Only while under the direct supervision of a licensed instructor, with a minimum of 2 years teaching experience.

.15 Applying for a Driving Instructor License.

A. A licensed school shall ensure that a prospective driving instructor's application is complete and contains all the required documents and information.

B. The application for licensing shall be submitted to the Administration accompanied by:

(1) The license fee set forth in COMAR 11.11.05;

(2) Documentation of the successful completion of the required training and certification to teach the courses;

(3) A copy of the applicant's high school certificate, its equivalent, or college degree;

(4) A dated official receipt verifying that fingerprinting has been completed and a criminal background check has been requested;

(5) A copy of the applicant's driving record for the past 3 years issued by the driving license authority of the applicant's state of licensure;

(6) Certification by the applicant there are no reportable medical conditions; and

(7) A statement certifying under penalty of perjury whether the applicant has ever had a drivers' school instructor license or school certification revoked in Maryland or any other state.

.16 Driving Instructor License Requirements.

- A. An instructor license may not be transferred, sold, or assigned.
- B. A driving instructor identification badge shall be issued by the Administration to a licensed instructor at the time of licensure.
- C. The driving instructor identification badge shall be worn by the instructor, in full view at all times, when functioning in the capacity of an instructor.
- D. An instructor:
 - (1) Shall teach the courses in accordance with the program curriculum approved by the Administration for the licensed school;
 - (2) Shall maintain a valid driver's license to drive the class of vehicle in which instruction is to be given with no driving restrictions, except for:
 - (a) Corrective lenses; or
 - (b) A restriction issued under Transportation Article, §16-203, (b) Annotated Code of Maryland, for child support arrearages;
 - (3) May not have more than four active points on their current driving record;
 - (4) Shall maintain satisfactory data on their criminal history record, which means having no pending charges or criminal convictions for:
 - (a) Fraud;
 - (b) A crime of moral turpitude;
 - (c) A sex offense;
 - (d) Contributing to the delinquency of a minor;
 - (e) An offense involving a controlled dangerous substance;
 - (f) An offense involving alcohol or drugs while operating a motor vehicle; or
 - (g) A felony involving the use of a motor vehicle;
 - (5) Shall disclose any reportable medical conditions;
 - (6) Shall report to the Administration, in writing, any change in the information supplied in the latest application or renewal form within 30 days of any change; and
 - (7) Shall continuously follow all the requirements of this chapter.

.17 Renewing a Driving Instructor License.

- A. An instructor license is valid for 2 years from the date issued and shall automatically expire at the end of 2 years, unless renewed by the Administration in accordance with the requirements set forth in this chapter.
- B. To qualify for renewal of an instructor license, the instructor shall:
 - (1) Have demonstrated proficiency in teaching the approved curriculum of instruction; and
 - (2) Submit a renewal application on a form required by the Administration, accompanied by:
 - (a) The required license fee set forth in COMAR 11.11.05; and

(b) Certification from the licensed school that the instructor is (b) in compliance with all the laws, regulations, policies, and rules governing providing instruction in the operating of a motor vehicle.

C. Before the Administration approves a renewal, a licensed instructor shall resolve pending charges and complaints and take appropriate remedial action while the current license remains in force.

D. An instructor license shall be considered expired on the expiration date if the completed application for renewal was not received by the Administration at least 2 calendar weeks before expiration, as set forth in State Government Article, §10-226, Annotated Code of Maryland.

E. Any instructor who submits a renewal application to the Administration after the license has expired shall:

(1) Reapply for a license and meet all the license application requirements; and

(2) Demonstrate proficiency in teaching the approved curriculum of instruction, as determined by the Administration.

.18 Replacing a Drivers' School Instructor Badge.

A. Upon request the Administration may issue a duplicate driving instructor badge to replace one that has been lost, stolen, mutilated, or destroyed.

B. To obtain a duplicate driving instructor badge, the instructor shall:

(1) Submit an application for a duplicate license on a form) required by the Administration, to include the date and circumstances involving the loss, theft, mutilation, or destruction of the badge;

(2) If mutilated, surrender the mutilated license; and

(3) Pay the duplicate license fee set forth in COMAR 11.11.05.

.19 Refusing, Suspending, or Revoking a Driving Instructor License.

A. Under Transportation Article, §15-109, Annotated Code of Maryland, the Administration may, after notice and hearing, suspend, revoke, or refuse to renew a driving instructor license or, after notice and opportunity for hearing, refuse to issue an initial instructor license if the Administration finds that the instructor or applicant failed to comply with any of the requirements pertaining to driving instruction and the instructor license as set forth in this chapter or under Transportation Article, Title 15, Subtitle 8, Annotated Code of Maryland.

B. The Administration shall, after notice and hearing, refuse to renew or, after notice and opportunity for hearing, refuse to issue an initial instructor's license, if the instructor or applicant:

(1) Provides fraudulent, inaccurate, or incomplete information on required applications, forms, reports, or other required documents; or

(2) Does not meet the requirements for license instructors set forth in this chapter.

C. Violations committed by a licensed instructor considered most serious shall result in a fine to the instructor of \$1,000 for each offense and other disciplinary action. A second most serious violation shall result in a revocation of the instructor license.

D. Most serious violations include a charge for:

- (1) Fraud in the operation of providing instruction;
- (2) A sex offense;
- (3) A crime of moral turpitude;
- (4) Contributing to the delinquency of a minor;
- (5) An offense involving a controlled dangerous substance;
- (6) An offense involving alcohol or drugs while operating a motor vehicle;
- (7) A felony involving the use of a motor vehicle;
- (8) Acting in a manner that is unsafe for students participating in the program;
- (9) Permitting instruction in the operation of a motor vehicle while an instructor's license is refused, suspended, or revoked;
- (10) Failure of an instructor to maintain a valid driver's license to drive the class of vehicle in which instruction is to be given, with no driving restrictions, except for:
 - (a) Corrective lenses; or
 - (b) A restriction issued under Transportation Article, §16-203, Annotated Code of Maryland, for child support arrearages; or
- (11) Providing instruction with more than four active points on the instructor's current driving record.

E. Except as provided in §D of this regulation, all other violations set forth in this regulation shall be considered a serious violation.

F. The Administration shall take progressive disciplinary action for any serious violation. The disciplinary action may include a conference, fines, or suspension or revocation of an instructor's license.

G. An individual whose instructor license has been suspended or revoked shall immediately:

- (1) Surrender the instructor license badge to the Administration; and
- (2) Stop conducting instruction and refrain from any involvement in the program.

.20 Drivers' School Business Office Requirements.

A. A business office of a licensed drivers' school shall:

- (1) Be its principal place of business having a legal Maryland address;
- (2) Comply with all State and local building, zoning, fire and safety regulations, codes, and standards for use as a business office;
- (3) Be equipped with:
 - (a) A telephone with either voicemail or an answering machine; and
 - (b) A computer with email access;
- (4) Clearly identify and display the drivers' school's name on an exterior sign, a lobby listing, or interior door sign;
- (5) Be open for business to the public and open for inspection by the Administration during posted business hours; and

(6) Be clean, orderly, and suitable for conducting business.

B. A drivers' school business office shall be inspected and approved by the Administration before a drivers' school license is issued.

C. A drivers' school business office being relocated within the same building or being moved to a different site shall be inspected and approved by the Administration before being used by the drivers' school as a business office.

D. The following shall be prominently displayed in the school's business office:

- (1) The drivers' school license;
- (2) Office hours;
- (3) Fees for courses and remedial or additional training;
- (4) Procedure for obtaining refunds from the school; and
- (5) Procedures for filing complaints about the school with the Administration.

E. An office shall be in a permanent building at a fixed location with a legal business address.

F. A portable structure, preengineered building, or mobile home is a permanent building if it:

- (1) Is installed on a permanent foundation with conventional utility hookups; and
- (2) Has been approved by the Administration.

G. If the physical design of a building requires that the classroom and adjacent business office share the same space, the business office hours shall be adjusted so that the office is not open to the public while classes are in session.

.21 Classroom Requirements.

A. Classrooms shall be inspected and approved by the Administration before being used for instruction.

B. Classrooms in educational institutions regulated by the Maryland State Department of Education or the Maryland Higher Education Commission need not be inspected by the Administration.

C. A classroom shall:

- (1) Be in a permanent building at a fixed location with an actual address for delivery of mail that is not a post office box or mail drop address;
- (2) Comply with all State and local building, zoning, fire and safety regulations, codes and standards, for use as a classroom, including an up-to-date posted certificate identifying the maximum occupant capacity for all classrooms used for instruction or to administer tests;
- (3) Meet the Americans with Disabilities Act (ADA) requirements;
- (4) Have adequate student seating and writing surfaces, an instructor's desk or podium, and room for storage of materials;
- (5) Have heating, ventilation, and air-conditioning systems in good repair that keep students comfortable while classroom sessions are being conducted;
- (6) Be clean, orderly, and suitable for conducting instruction; and

(7) Be free from visible or audible activities other than instructional activities.

D. A portable structure, pre-engineered building, or mobile home is a permanent building if it:

(1) Is installed on a permanent foundation with conventional utility hookups; and

(2) Has been approved by the Administration.

E. A classroom being relocated within the same building and a classroom being moved to a different site shall be inspected and approved by the Administration before being used for instruction.

F. If the physical design of the building requires that a classroom and an adjacent business office share the same space, the business office hours shall be adjusted so that the office is not open to the public while classes are in session.

.22 Training Vehicle Requirements.

A. A licensed drivers' school shall provide appropriately equipped training vehicles that comply with this regulation for instruction in driving motor vehicles.

B. Except as otherwise provided in §C of this regulation or with prior approval by the Administration, all training vehicles shall be titled and registered in the name of the driving school.

C. A drivers' school:

(1) Shall maintain motor vehicle liability insurance on each training vehicle in the amount set forth in Transportation Article, §17-103, Annotated Code of Maryland;

(2) Shall service, clean, and maintain training vehicles on a regular schedule;

(3) Shall have a training vehicle inspected annually by a licensed State inspection station;

(4) Shall immediately remove from service a training vehicle with any condition that is not in compliance with Maryland inspection standards; and

(5) May not use a training vehicle for instruction unless it has passed the annual Maryland inspection, except for a new vehicle titled in the past year from a manufacturer's certificate of origin.

D. A copy of the annual State inspection certificate for a training vehicle shall be submitted within 1 business day to the Administration and the original certificate shall be filed at the school's business office.

E. The vehicle registration card and a copy of the required insurance certificate for a training vehicle shall be kept in the training vehicle's glove compartment.

F. Signs or other devices the Administration determines may interfere with the safe operation of the vehicle may not be attached or affixed to a training vehicle and shall be removed immediately at the direction of the Administration.

G. A drivers' school shall notify the Administration, in writing, within 1 business day of the addition or removal of a training vehicle by providing:

(1) The vehicle's year, make, tag number, and vehicle identification number; and

(2) Insurance and inspection certificates required under §§D and E of this regulation, if a training vehicle is being added.

.23 Approving Course Curriculum.

A. The curriculum used for giving instruction in driving motor vehicles shall be approved by the Administration before a drivers' school provides instruction using that curriculum.

B. A drivers' school giving instruction in driving motor vehicles may only use the curriculum approved by the Administration and shall include the components set forth in Regulation .05C of this chapter.

C. Any revisions and modifications to a curriculum shall be approved by the Administration before being used for instruction.

.24 Quality Control.

The Administration may conduct unannounced visits and audits of licensed drivers' schools to evaluate compliance with laws, regulations, standards, and the quality of instruction.

Administrative History

Effective date: November 21, 2008 (35:23 Md. R. 2013)

Regulation 05C amended as an emergency provision effective December 11, 2008 (36:2 Md. R. 98); amended permanently effective February 23, 2009 (36:4 Md. R. 354)

Regulation 07A amended as an emergency provision effective December 11, 2008 (36:2 Md. R. 98); amended permanently effective February 23, 2009 (36:4 Md. R. 354)

Regulation 08A amended as an emergency provision effective December 11, 2008 (36:2 Md. R. 98); amended permanently effective February 23, 2009 (36:4 Md. R. 354)

Regulation 09D amended as an emergency provision effective December 11, 2008 (36:2 Md. R. 98); amended permanently effective February 23, 2009 (36:4 Md. R. 354)