

ARTICLE 2
DRIVER TRAINING SCHOOLS

90-100. Definitions.

A. "Behind the Wheel" (BTW) means training provided by an instructor where the student is actually in control of and operating the vehicle during a driving lesson conducted on public roads or on a range.

B. "Catalog" means a booklet which must be given to each student prior to classes beginning and must be presented at the time the student signs the enrollment contract. Each catalog should be dated upon publication and revision. The catalog should contain at a minimum, a history of the truck driver training school, list of owners, officers, or directors, including addresses, licensing authority, complaint procedures, class start and stop times, attendance and disciplinary rules, course outlines, cost of training, books, supplies, fees, and all other charges the student would be expected to bear, minimum entrance requirements, graduation requirements, refund policy, placement policy, procedures for providing CDL test services.

C. "Category" means theory instruction, field instruction, BTW instruction, and observation while on the road.

D. "Classroom" means student is in classroom environment learning principles, laws, regulations, and/or rules of the road for driving a motor vehicle.

E. "Class B" means any single vehicle with a Gross Vehicle Weight Rating (GVWR) of 11,794 kilograms or more (26,001 pounds or more), or any such vehicle towing a vehicle not in excess of 4,536 kilograms (10,000 pounds) GVWR.

F. "Class A" means any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicle being towed is more than 10,000 pounds.

G. "Class A Non-Tractor Trailer" means any combination unit connected by a non-fifth wheel connection such as a pintle hook, goose neck, or ball-and-chain hook up where gross combination weight rating (GCWR) is 26,001 pounds or more, providing the towing unit has a GVWR less than 26,001 pounds and the towing unit has a GVRW of 10,001 or more GVWR.

H. "Commercial motor vehicle" means a vehicle with a gross vehicle weight rating of 10,001 pounds or more, used in commerce.

I. "Department" means the South Carolina Department of Motor Vehicles.

J. "Enrollment contract" means any agreement or instrument, however named, which creates or evidences an obligation binding a student to purchase or otherwise incur a legal obligation in exchange for receiving an educational course from a driver training school.

K. "Field training" means off road training in and around the type commercial motor vehicle used in truck driver training.

L. "Graduate" means any student who completes the minimum required hours and demonstrates proficiency in all lessons and classes required by the ELDT program (if applicable) and the Department and discharges any and all other requirements or obligations as prerequisites for completing the full course of study.

M. "Instructor" means an individual certified by the Department to give classroom and or BTW instruction to students enrolled in the school.

N. "Hour" when used in the context of requisite driver training periods, means an instructional period of fifty minutes.

O. "Observation" means when a student observes another student actually operate a motor vehicle on the public roads.

P. "Successfully Complete" means earning a grade of at least eighty percent on all ELDT required knowledge assessments and demonstrating proficiency in all other ELDT requirements for commercial driving school students and earning a grade of at least seventy percent for non-commercial driving school students.

Q. "Permanent Structure" means a building set on a foundation or is otherwise strapped to the ground and is in compliance with all zoning ordinances and codes and has been issued a "Certificate of Occupancy."

R. "Range" means a student practicing area that must be free of obstructions, has adequate sight lines and enables the driver to maneuver safely and free from interference from other drivers and hazards while, a student is practicing backing and other maneuvering exercises with a commercial motor vehicle.

S. "Record" means , either electronic or paper copies, which include, if applicable, program records, initial school licensure application, and supporting documents, vehicle registration and maintenance records for all vehicles used in training, enrollment records showing student admission qualifications, curriculum standards, handbooks, manuals of instruction, course outlines, instructor records showing qualifications for training, student driving records, , criminal history records (if required) training records, attendance records, permit issue date. "Records" also means appropriate documentation on instructor qualifications, statistical data required by the Department, and all other documents sufficient to justify the legitimate operation of the school.

(1) Records for Truck Driver Training Schools also includes all documents setting forth the requirements of 49 CFR, 380, lessons plans and training curricula for theory, and behind the wheel (BTW) (range and public road) training, documentation of individual entry level driver training assessments, tracking records showing assessment results to determine driver-trainees' proficiency in knowledge assessments in appendices A through E of 49 CFR part 380, as applicable; tracking records to determine a student's proficiency in BTW skills in accordance with the curricula in appendices A through D of Part 380, as applicable; documents tracking each driver-trainees' minimum scores in all other knowledge tests and skills assessments, documents tracking student training hours and documentation showing satisfaction of state minimum training hours, and any other records showing a student's level of mastery of training materials, and CDL test history (when applicable), criminal history (when required), drug screens; grades, attendance records.

(2) Truck Driver Training Schools Instructor Records include appropriate documentation demonstrating instructor qualifications for inclusion in the Training Provider Registry, statistical data required by the Department, instructor permit(s) and all other documents showing compliance with the federal ELDT program requirements for commercial driving instructors. T. "Student" means any person who has signed a Contract and enrolled with a driver training school and who has not cancelled that Contract before the instruction begins.

U. "Theory instruction" means knowledge instruction on the operation of a motor vehicle and related matters provided by an instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

V. "Truck Driver Training School" means any enterprise conducted by an individual, association, partnership, or corporation, not exempted under S.C. Code of Laws Section 56-23-20, for the education and training of persons, either in the classroom or behind-the-wheel, to operate or drive a truck-tractor combination unit, Class B/Straight Truck or Passenger Bus Training and charging a fee or tuition or otherwise binding a student to a legal obligation in exchange for those services.

90-101. Applicability.

A. The purpose of this Article is to set forth minimum standards for safety, quality, and effectiveness of all licensed South Carolina Driver Training Schools.

B. With regard to the licensing and regulation of Truck Driver Training Schools, the Department adopts all applicable rules, regulations, and standards promulgated by the United States Department of Transportation for all Entry-Level Driver Training (ELDT) programs, as set forth under Title 49 of the Code of Federal Regulations, Part 380, subparts (A) through (G), including Appendices A through F, Parts 382-385, and amendments thereto, Parts 390-399 and amendments thereto, as applicable, and Parts 171-180, including amendments, as applicable. South Carolina Truck Driver Training Schools must comply with all applicable ELDT program requirements referenced above, as well as meet any additional requirements set forth under the South Carolina Code of Laws or South Carolina Code of Regulations relating to Truck Driver Training Schools.

90-102. Driver Training School License Minimum Requirements.

A. The Department shall not issue a driving school license to any applicant unless:

(1) The driver training school is a permanent business located in this State as described by these rules and regulations;

(2) The applicant applying for the driving training school license is authorized to do business in this State, and all licensed driver training schools must make all school and training records and facilities available for inspection upon request by the Department during normal business hours; Records must be maintained by the driver training school for at least three (3) years.

(3) The driver training school employs or contracts with at least one individual listed on the Training Provider Registry who holds an instructor permit issued by the Department and who provides driving instruction for the school;

(4) Each applicant associated with a driver training school (owner, partner, or officer) is at least twenty-one years of age; and

(5) Each applicant holds a valid South Carolina driver's license as defined in Section 56-1-20, 56-1-2030 (commercial), or a license of a foreign jurisdiction that is equivalent to the license for which the instructor is providing driver training.

B. No person may provide driver instruction unless licensed by the Department as a driving instructor.

90-103. Driving School Requirements.

Every application for a driving school license and every driving school license renewal application must be accompanied by:

A. A sample copy of the record of agreement or contract to be used between student(s) and school;

B. An outline of the services to be performed by the licensee;

C. Samples of forms or receipts used by the school;

D. A schedule of fees for instruction;

E. A complete list of manuals of instruction, course outlines, and other teaching materials used by the school to be made available upon request by the Department;

F. A complete list of all owners and those responsible for the day-to-day operation of the school, classes and students. Complete nationwide criminal background check of all managers upon initial certification. Any changes in ownership of a twenty-five percent or more requires a new application to be filed with the Department within fifteen days. Any changes in management personnel must be reported to the Department within fifteen days of the change, along with submission of any new applications and complete nationwide criminal background checks for any new instructors. All management personnel are subject to self-reporting of criminal convictions, and shall be subject to review and disqualification for just cause;

G. Copies of all applicable business licenses; and

H. Any applicable fees.

90-104. Driver Training School License Application.

A. If the application for a driving school license is made by an individual, it must be signed by the individual. If the application is made by a partnership, the application must be signed by a general partner. If the application is made by a corporation or LLC, the application must be signed by an authorized corporate officer.

B. Driving school licenses are not transferable.

C. No application for a driver training school will be accepted if the applicant has adopted any name similar to the name of an already licensed driver training school or if the applicant has adopted any name similar to any state or national organization. Use of the words "South Carolina" or "South Carolina State" in any driver training school's name is prohibited.

D. The application must be subscribed under oath. Each licensed driver training school, excluding duly accredited public colleges and public high schools, also must maintain a corporate surety bond in the amount of ten thousand (\$10,000.00) dollars. The bond must be conditioned to provide indemnification for tuition loss to: 1) any Student determined by a court of competent jurisdiction to have suffered a loss of

tuition as a result of material violation of law or this regulation; 2) a school ceases operation prior to a Student Successfully Completing; or 3) the loss of a school license as a result of final Department action.

E. Applications for Driver Training School license renewals must be submitted to the Department at least thirty (30) days prior to license expiration. Any renewal application (see SC Code §56-23-40) received later than fifteen days after license's expiration will be treated as a new application and the driver training school shall not continue operation unless and until relicensed by the Department. No school is permitted to operate with an expired license, unless the Driver Training School provides proof to the Department that a complete application for renewal was submitted by them at least ten days prior to the expiration and the school has been given specific written permission from the Department to continue to operate while the Department processes the renewal application.

F. Upon receipt of a license, the licensee must display the license in the school's principal place of business. The Department must be notified within fifteen (15) days whenever there is a change in instructors, management, or insurance coverage. When any driving school ceases to operate, or if upon investigation it appears that the school has ceased to do business, the owner of the school must surrender the driving school license to the Department within fifteen (15) days. To be re-licensed, after the surrender of a school's license, the school owner must apply and meet the same requirements as a new school.

90-105. Driver Training School Motor Vehicle Liability Insurance.

A. No driving school may be licensed by the Department unless it maintains personal injury and property damage liability insurance on all motor vehicles owned or operated in driving instruction on public roads or personal injury liability insurance on all motor vehicles owned or operated in driving instruction on non-public roads, while used in driving instruction on public roads, insuring the liability of the driving school, its certified driving instructors, and any person taking driving instructions, and any passengers within the vehicle.

B. Any insurance policy issued under subsection A must be in the name of the driver training school, its owner or a certified driving instructor with the school.

C. If licensed only for classroom instruction, liability insurance is not required.

D. A certificate of insurance, signed by the insurer or insurance carrier, as required, evidencing that a policy has been issued for the vehicles used in driving instruction listed on the policy containing as a minimum description of the vehicles, the make, model, year, and serial number or the vehicle identification number of vehicle or must specifically state that it is a "fleet" policy. The Department must be listed in the policy as an additional insured. The certificate must be submitted with each application filed for an original or renewal driving school license and upon the request of the Department.

E. If any policy of liability insurance is canceled by the insurance company, the insurance company and the driving school must immediately notify the Department in writing of the cancellation. The notification of cancellation of insurance shall be addressed to Compliance Reporting, South Carolina Department of Motor Vehicles, Post Office Box 1498, Blythewood, South Carolina, 29016-1498. The driver training school must cease to use any motor vehicle to conduct driver training or instruction if that vehicle is covered by the policy that has been cancelled.

90-106. Driver Training School Instructor Qualifications.

A. Every person, in order to qualify as an instructor for a driving school, in addition to meeting all applicable federal ELDT driver training requirements for commercial driving instructors, must, at the time of application, meet the following requirements:

(1) Be at least twenty-one years of age;

(2) Hold a valid South Carolina driver's license as defined in Section 56-1-20, 56-1-2030 (commercial), or a license of a foreign jurisdiction that is equivalent to the license for which the instructor is providing driver training on public roads. Any instructor may provide driver training without a current driver's license on non-public roads, so long as the instructor is otherwise qualified to provide the instruction.

(3) Submit a complete nationwide criminal background check to the Department that shows no convictions within the last ten years for: a felony, or for crimes involving fraudulent or dishonest activity. The Department may deny an instructor permit to:

- (a) anyone convicted within the past ten years of criminal domestic violence;
- (b) anyone listed on the Sex Offender Registry,
- (c) anyone having been declared a habitual offender, or
- (d) anyone convicted of contributing to the delinquency of a minor.

(4) Have no revocations, cancellations or suspensions of driving privileges in the three (3) years immediately preceding the date of application;

(5) Have no convictions for traffic offenses involving moving violations totaling six (6) points in the year immediately preceding the date of application;

B. Every person, in order to qualify as an instructor for a driving school training non-commercial driver's licenses, must, at the time of application:

(1) Have at least five years of driving experience;

(2) Successfully complete a Department approved driver training instructor course which includes as a minimum thirty-four hours of formal classroom instruction in driver education and a minimum of six hours of actual behind the wheel training in driving instruction;

(3) Successfully complete a Department approved written test which includes as a minimum testing of the ability of the applicant to give driver instruction to others and/or both written and demonstrative methods.

C. Every person, in order to qualify as an instructor for a commercial driving school training commercial drivers must, at the time of application, have satisfied the requirements for inclusion into the federal Training Provider Registry ("TPR"), as set forth under 49 CFR, Subpart G, 380.703, et seq.

D. All driver training school instructors may have no more than six points on their driving record while maintaining instructor certification. While using a defensive driving credit will help on the driving record, the Department will use the current total points computation, not adjusted points.

90-107. Driving Instructor Permit.

A. Every driving instructor must possess a permit issued by the Department which indicates the full name of the instructor and the full name of the driving training school employing or under contract with the instructor.

B. A driving instructor's permit will be valid only when the instructor is employed by or under contract with a licensed driving school(s), and only at the driving school(s) indicated on the license.

C. All truck driving instructors must complete the eligibility training requirements set forth under 49 CFR, §380.703, for certification and inclusion into the Training Provider Registry.

D. Every driving instructor must carry the permit upon his or her person at all times when engaged in conducting driving instruction in a motor vehicle. Upon request, the permitted driving instructor must display the permit to any student taking instruction and to any law enforcement officer or employee or agent of the Department.

90-108. Motor Vehicles Operated by Driver Training Schools.

A. Every motor vehicle operated by a driver training school must be properly owned, leased, or rented in the name of the driver training school or parent company.

B. A driver training school cannot use a motor vehicle for BTW training on public roads unless it meets all applicable Federal Motor Carrier Safety Administration requirements for commercial motor vehicles and until it has passed inspection as described satisfying the requirements set forth in S.C. Regs. 90-109 and 90-116.

90-109. Driver Training School Motor Vehicle Safety and Identification Requirements.

A. Every motor vehicle used by a driver training school training for non-commercial driver's licenses in the course of driving instruction must be equipped with:

(1) Dual controls on the foot brake and the clutch, if any, enabling the driving instructor to control the vehicle in case of an emergency;

(2) Two inside rear-view mirrors, one for the student and one for the instructor's use (the vanity mirror located on the passenger side sun visor of most vehicles will not qualify as an additional rear view mirror for the instructor);

(3) An outside rear view mirror on both sides of the vehicle;

(4) All standard safety and operating equipment including tires, brakes, horn, and window glazing shall be in proper working order; seat belts for the operator of the vehicle, driving instructor, and all passengers;

(5) Cushions for the proper seating of the driver of the vehicles.

(6) If a driver training school undertakes to train persons who require special equipment to safely operate a motor vehicle, then vehicles used in the instruction of these persons must be equipped with the appropriate special operating equipment.

B. The vehicle used when training for non-commercial driver's licenses must be identified as a driving school vehicle

(1) With the name of the school and the words "Driver Training" readily identifiable from each side and;

(2) The rear of the vehicle shall have the words "Driver Training" on each side

(3) With lettering or printing at least two inches tall and one-half inches wide

C. Every motor vehicle used by a driver training school training for commercial driver's licenses must be owned, registered to, leased, or rented by the driver training school or the parent company or used under a contractual agreement with a commercial driver training school or parent company for training on public roads, must meet all Federal Annual Inspection requirements (49 CFR, 380.711), and must meet the following requirements of the Department:

(1) Must be limited to a maximum of five (5) seats including the seat for the instructor;

(2) Equipped with seat belts for the operator and all passengers;

(3) Have the school name and the words "Driver Training" conspicuously displayed on both sides and the back of the vehicle using letters not less than two inches tall, with a one-half inch wide brush stroke. For vehicles which must operate at night, the words "Driver Training" must be reflective;

(4) If equipped with a seat in the sleeper, the seat must have a seat-back and seat belts that are properly secured;

(5) Documentation of vehicles used in training must be retained by the school for a period of three years to include vehicle registration, maintenance records and proof of insurance, which must be made available to the Department upon request;

(6) No school vehicle may be used to transport property or persons for compensation, other than properly enrolled students. Schools are allowed to add weight, as in a dummy load in the trailer for training purposes.

(7) Trucks used for training on public roadways complying with this Regulation and allowing for use of short-term rentals through leasing companies or other agreements with the school are not required to be updated on the vehicle list with the Department.

90-110. Driver Training School Facilities, Hours of Operation, etc.

A. Each licensed driving school facility and any branch office(s) must have an office which contains adequate facilities to conduct the business of giving instructions on driving motor vehicles and in the preparation of students for written and driving examinations given by the Department for an operator's license.

B. The office of any driving school must be identified by a sign reasonably visible to the general public and complying with any existing local government ordinances.

C. The following shall be displayed in a prominent place in the driver training school's principal place of business:

- (1) The license issued by the Department to the school;
- (2) The names and driving instructor's license number(s) of all instructors employed by the school and;
- (3) The regular office hours.

D. The office of a driving school must be a Permanent Structure and may not consist of a room or block of rooms in a hotel or rooming house.

E. Each driving school must notify the Department of the location of its office(s) and the regular office hours. This information must be provided to the Department within five days prior to opening any office for business.

F. When a licensed branch office is closed or its location is changed, the driver training school must return the branch office license to the Department within fifteen days of the closing or moving of the branch office.

90-111. Non-Commercial Driver Training School Course of Instruction.

All non-commercial driver training school courses of instruction must be submitted for approval to the Department in the form of an outline and must include:

- A. A description of all materials used for instruction;
- B. A copy of the curriculum;
- C. Instructors' name(s) and;
- D. A theory instruction schedule.

90-112. Driver Training School Student Instruction Record.

A. All licensed driver training schools must maintain and make available for inspection by the Department a record of instruction for each student (hard copy or electronic) for three years after the instruction is complete. The record of instruction must contain:

- (1) The name and address of the driver training school;
- (2) The name of the student;
- (3) The student's date of birth;
- (4) The number of the driver's license or permit held by the student;
- (5) The type and dates of the instruction given; and the signature of the instructor; and
- (6) For commercial driver training schools, the record must also include any and all requirements listed in 49 CFR Part 380 and documentation showing assessment results for knowledge and skills testing (as applicable) and documentation tracking completion of minimum state training hours for each skill pertaining to the license anticipated or issued.

B. Records to be maintained for non-commercial driver training schools must include:

- (1) A student instruction record showing the date of all lesson(s) for theory/classroom or behind-the-wheel instruction;
- (2) The student's signature on the instruction record acknowledging the lesson was received;
- (3) The dated receipt or receipt number for each lesson given.

90-113. Instruction Records and Files.

A. Each driver training school must furnish the student with a copy of its instruction record when the student completes the lessons contracted for or otherwise ceases taking instruction from the school. The copy must be signed by the instructor and by the student acknowledging that the record is correct.

B. All student instruction records must be kept on file in the school's office for a period of three years after the student has ceased taking instruction at the school or completed the lessons contracted for.

90-114. Receipts for Fees Paid for Non-Commercial Instruction.

A. A departmentally approved receipt must be issued to a student each time a fee is collected for either theory or behind-the-wheel driver instruction or other services offered by the licensed driver training school, a driving school instructor, or agent or employee.

B. Approved receipts must be completed and contain:

- (1) The date the fee is collected;
- (2) The name of the student;
- (3) The total amount collected; and
- (4) The type of service given.

90-115. Driver Training School Contracts.

A. All written contracts or records of agreement by or between any driving school and any individual, partnership, corporation, firm, or association for the sale, purchase, barter, or exchange of any driving instruction or any theory/classroom instruction, or the preparation of any application for an examination given by the Department for an operator's license or permit must differentiate between theory/classroom and behind-the-wheel training and contain the following:

- (1) A statement indicating the agreed upon contract price and terms of payment, including any additional fees that may be charged;
- (2) The type of vehicle to be used in non-commercial training (either a standard vehicle equipped with a standard or manual transmission with extra wheel brake and clutch pedal or a vehicle with an automatic transmission with an extra brake pedal);
- (3) The student's name; and
- (4) The name and address of the driver training school.

B. No driver training school may sell, transfer, trade, or otherwise dispose of any contract, portion of a contract, agreement of obligation, by or between any driving school and student unless the driving school has obtained the written consent of the student. Any contract or record of agreement for a student less than eighteen years of age must be signed by a parent, guardian, or responsible adult in the presence of the instructor offering the instruction. Any record or contract between the driving school and any student which is lost, mutilated, or destroyed shall be reported to the Department immediately in writing.

C. A commercial driver training school may enter into contracts with other organizations to provide training to employees or individuals under a pre-employment contract, provided that each of the following conditions are satisfied:

- (1) The contracting school shall notify the Department via approved methods of any scheduled training with outside companies and their employees 48 hours prior to conducting the training. Notification to the Department shall include company name and physical location where the training will be conducted;
- (2) The contracting organization certifies that all instructors meet the requirements of federal and state law, including drug and alcohol testing; and
- (3) Student records are retained by the school for three years.

90-116. Inspection of School Facilities.

Each driver training school must permit authorized agents of the Department to make periodic inspections of all school records, facilities, and vehicles used in driver training. During these inspections the owner(s), manager(s), or other person(s) in charge of the office must cooperate with the authorized representatives of the Department and, upon demand, must produce all student records described herein, instructional material, and any other items within the scope of these Regulations, which are deemed necessary to complete the inspection.

90-117. Cancellation and Refund Policy.

This section applies to all licensed driver training schools, excluding duly accredited public colleges.

A. A Student who is training for a commercial driver's license is entitled to a refund within thirty days under the following circumstances:

(1) If a Student provides written notice of cancelling the Enrollment Contract within three days of signing an Enrollment Contract, a full refund of all money paid to the School is due, minus any fees incurred by the School. In the event the cancellation notice is mailed, the postmark date on the envelope is evidence of the date of cancellation;

(2) If a Student provides written notice of cancelling the Enrollment Contract more than three (3) days after signing an Enrollment Contract, but prior to the start of classes, a full refund of all money paid to the School is due, minus one hundred dollars (\$100) and any fees incurred by the School;

(3) If a Students has not visited the School facility prior to signing an Enrollment Contract, and provides written notice of cancelling the Enrollment Contract before the end of the first day of attendance at the School facility, a full refund of all money paid to the School is due, minus one hundred dollars (\$100) and any fees incurred by the School;

(4) If the enrollment of a Student is procured as a result of a material misrepresentation in the written material utilized by a School, a full refund of all money paid to the School is due

(5) If a student provides written notice to the School within three days of attendance that they do not meet a material admissions requirement published in the School catalog, a full refund of all money paid to the School is due, minus any fees incurred by the School. No refund is due if the enrollment is based on false or misrepresented information provided by the Student;

(6) If a Student withdraws or is terminated from a School program after starting classes, the Student is entitled to a pro-rata refund based upon the number of days or hours of training completed, minus one hundred dollars (\$100) and any fees incurred by the School. Any Student completing more than fifty percent of the course days, hours or curriculum is not entitled to any refund.

90-118. Driver Training School Advertising.

A. No driver training school may publish, advertise, or otherwise represent that a student is guaranteed or assured success in receiving a South Carolina driver's license.

B. No driver training school advertisement or publication may use any unique or distinguishing name, number, or phrase of another driver training school in a misleading manner. All driver training school publications and advertisements must prominently contain the name of the driver training school placing the advertisement or publication.

90-119. Suspension, Revocation, Refusal to Renew Driver Training School License.

The Department may suspend, revoke, or refuse to issue or renew a license of a driver training school for any of the following causes:

A. Conviction of any owner holding 25% ownership or more, manager, or instructor of any crime listed in S.C. Reg. 90-106(A)(3).

B. The school makes a material false statement, or signs a false affidavit or conceals a material fact in connection with the application for a driver training school license or the application for a driver training instructor's license;

C. The school fails to comply with any federal or state laws providing for the licensing, regulation, and operation of driver training schools. ;

D. The school or any agent of the driver training school engages in fraudulent practices in securing for anyone a license to drive a motor vehicle. ("Fraudulent practices", as used herein, means any conduct or representation on the part of a school or any agent or instructor of a school which would give the impression that a license to operate a motor vehicle may be obtained by any other means than those prescribed pursuant to Chapters 1 and 5 of Title 56 of the South Carolina Code);

E. The school's owner(s) is(are) addicted to or dependent upon the use of alcohol, narcotics, or other controlled substances or becomes incompetent to operate a motor vehicle, as defined in Title 56 of the South Carolina Code;

F. The school violates the South Carolina Unfair Trades Practices Act, in Chapter 5 of Title 39 of the South Carolina Code; or

G. There is no qualified instructor employed by the school.

90-120. Minimum Training Hours for Commercial Drivers Licenses.

A. Requirements: One commercial motor vehicle must be provided for each three students during the highway training, provided four students per commercial motor vehicle are permitted if the vehicle has been inspected and approved for such use by the Department. No more than nine students per instructor will be allowed for field training.

B. Training Record: A training record must be completed and initialed by the student and instructor each day. The training record, including records tracking the minimum training hours required by the Department, should be maintained in the possession of the driver training school and must become part of the student record and made available for inspection by the Department upon request. The student's completion of the state's minimum training hours must be verified by the school and signed by the student.

C. Minimum Curriculum: To successfully complete truck driver training, licensed persons eighteen or older must complete a course satisfying the requirements of ELDT and consisting of the following minimum hours for the type of training being conducted:

(1) Class A Tractor-Trailer:

(a) A course of instruction that includes all applicable requirements set forth under 49 CFR, Part 380, et seq., with a minimum of one-hundred-and-forty-eight (148) hours of training, to include a minimum of eight (8) hours of behind-the-wheel driving on public roads;

(b) A commercial driving school may provide a Class A behind-the-wheel course as a separate course of instruction with a minimum of ninety-eight (98) hours of training if theory training has already been completed through another training provider. The course must include a minimum of eight (8) hours of behind-the-wheel driving on public roads. The school must verify that students have successfully completed theory training before they are allowed to attend.

(2) Class A Non-Tractor Trailer:

(a) A course of instruction to include all applicable requirements set forth under 49 CFR, Part 380, et seq, with a minimum of seventy (70) hours of training. The course must include a minimum of 4 hours of behind-the-wheel driving on public roads.

(b) A commercial driving school must provide a Class A Non-Tractor trailer behind-the-wheel course as a separate course of instruction with a minimum twenty (20) hours of training. The course must include a minimum of four (4) hours of behind-the-wheel driving on public roads.

(3) Class B or Straight Truck/Passenger Bus Instruction

(a) A course of instruction to include all applicable requirements set forth under 49 CFR, Part 380, et seq with a minimum of seventy (70) hours of training. The course must include a minimum of four (4) hours of behind-the-wheel driving on public roads;

(b) A commercial driving school may provide a Class B behind-the-wheel course as a separate course of instruction with a minimum of twenty (20) hours of training. The course must include a minimum of four (4) hours of behind-the-wheel driving on public roads. The school must verify that students have successfully completed theory training before they are allowed to attend.

D. Students who complete the Class "B" training who wish to upgrade to a Class "A" license may do so. Students who upgrade, will be given credit for any theory training already performed that is equivalent to the Class "A" theory training.

E. Hazardous materials, passenger and school bus endorsement theory training as separate courses of instruction.

Fiscal Impact Statement:

The SCDMV anticipates no state-incurred fiscal impact due to the amendment of these regulations.

Statement of Rationale:

These regulations are updated to remove antiquated requirements for truck driver training schools and regular driver's license training schools.

Furthermore, as of the publication date of this document, the Federal Motor Carrier Safety Administration (FMCSA) under the United States Department of Transportation (USDOT) will be requiring certain standards for training entry-level commercial drivers on February 7, 2022. Because the FMCSA is publishing, what it calls, the Entry-Level Driver Training Regulations (49 CFR §380.600), there is no need for certain duplicative information in state regulations.