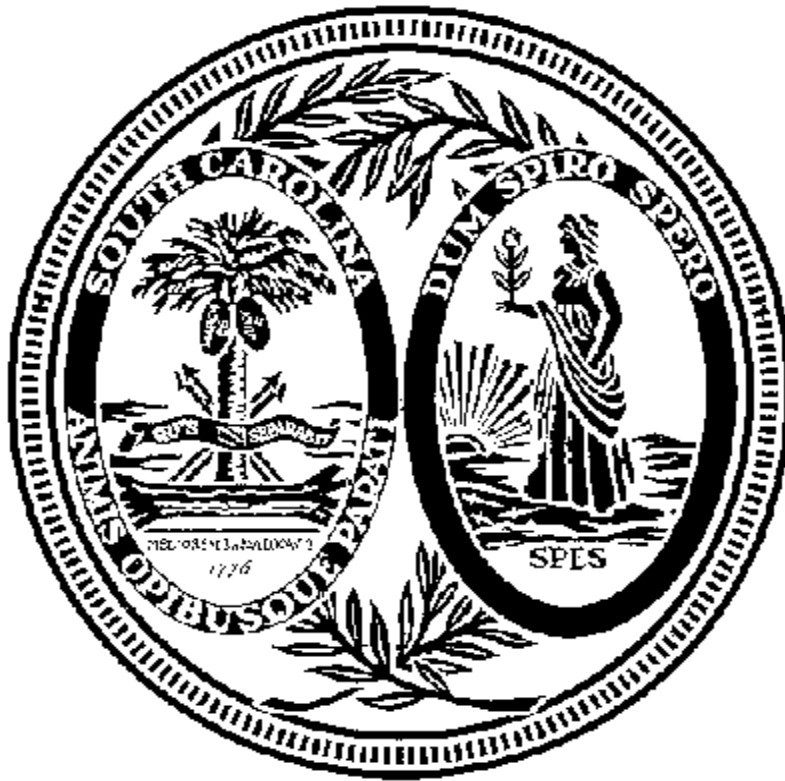


South Carolina Department
of
Motor Vehicles



Truck Driver Training School
Regulations

The South Carolina Code of Law governs Truck Driver Training Schools. The Department of Motor Vehicles sent the articles ruling these schools to the South Carolina Legislature for review. The General Assembly approved articles without changes and the Governor signed the Resolution on June 6, 2007.

Regulations
Truck Driver Training Schools
South Carolina Department of Motor Vehicles
Chapter 90 Article 2 Department of Motor Vehicles
Sub Article

Statutory Authority Truck Driver Training Schools

Sub Article - Truck Driver Training Schools

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DEPARTMENT OF MOTOR VEHICLES
Chapter 90
Statutory Authority: 1976 Code Section 56-23-100
Article 2
TRUCK DRIVER TRAINING SCHOOLS

Article 2: Truck Driver Training Schools

Synopsis:

Proposed regulation will replace and supersede Chapter 38, Article 3, Subarticle 9, Truck Driver Schools, which was promulgated by the Department of Public Safety. Administration of the regulation has been transferred to the Department of Motor Vehicles. The proposed regulation will place responsibility for administering Truck Driver Training Schools under the proper regulatory authority.

The proposed regulations will include an additional Truck Driver Training Course. The course shall give instruction for a Class B License or Straight Truck/Passenger Bus instruction. Regulations have been expanded to increase the insurance liability requirements used by a school for behind the wheel instruction. A surety bond in the amount of ten thousand dollars (\$10,000) will also be required. A cancellation and refund policy will allow a student for a full refund if certain criteria are met. At least one motor vehicle used in a truck driver training school must be a tractor-trailer combination unit for class of training, which is offered for a class A Commercial Driver's License or a straight truck or bus meeting definition of other commercial vehicles to carry out the instructional program of the school.

Requirements for application of a Truck Driver Training School Instructor includes the following proposed changes; each applicant must provide the Department with a certified SLED criminal background check, all classroom only instructors must be properly licensed to give classroom instruction and if during the current year of certification, the instructors driving privileges are suspended, cancelled, or revoked for any reason, the instructors certification is also considered to be suspended, cancelled or revoked. The proposed regulations will also make restrictions in advertising for Truck Driver Training School. The Department of Motor Vehicles must promulgate regulations to provide for the above changes

90-100 Definitions

- A. Actively Enrolled means any student who has not yet graduated from a driver training program or has failed to complete the driver training course.
- B. Behind the Wheel (BTW) means instruction where the student is actually operating the vehicle on public roads.
- C. 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, compliant 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.
- D. Category means classroom instruction, field instruction, BTW instruction, and observation while on the road.
- E. Classroom means student is in classroom environment learning principles and regulations about truck driver training.
- F. 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.
- G. Commercial vehicle means a vehicle with a gross vehicle weight rating of 10,001 pounds or more, used in commerce.
- H. Department means the South Carolina Department of Motor Vehicles.
- I. Enrollment contract means any agreement or instrument, however named, which creates or evidences an obligation binding a student to purchase an educational course from a driver training school.
- J. Fail to complete means not complying with the hours of lessons or classes required by the Department with a grade in each category of at least 70 percent passing, not complying with the hours of lessons or classes required by the truck driver training school if those requirements are more stringent than the Departments' requirements or the cancellation of a student's course of study in truck driver training by any of the departmentally prescribed methods.
- K. Field training means off road training in and around the type commercial motor vehicle used in truck driver training.

- L. Foreign Truck Driver Training School means any enterprise located outside of South Carolina which solicits, advertises, or offers truck driver training to South Carolina residents.
- M. Graduate means any student who fully completes the required hours of lessons or classes required by the Department and discharges any and all other requirements or obligations established by the school as prerequisites for completing the full course of study.
- N. Instructor means an individual certified by the Department to give classroom and or BTW instruction to students enrolled in the school.
- O. Hour means an instructional period of sixty (60) minutes.
- P. Observation means when a student observes another student actually operate a motor vehicle on the public roads.
- Q. Passing Grade or Successfully Complete means a grade of at least 70 percent.
- R. Permanent Type Building 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".
- S. Prospective Student means any person who seeks to enroll in a truck driver training course.
- T. Range means a student is on the skills range practicing backing and maneuvering exercises with a commercial motor vehicle.
- U. Record means a complete history of the enrollment of a student, including entrance qualifications. To include high school diploma or GED (if required by the school) or other test to indicate that the student benefit from the training purchased; motor vehicle report, criminal history records (if required) drug screen; grades, logs (minor violations are not accountable while student enrolled in school), attendance records, counseling remarks, permit issue date, CDL test history. "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.
- V. Recruiter/Salesperson means any person who is employed by a truck driver training school, directly or indirectly, to recruit students for a truck driver training school. Recruiter includes persons who are employed by another person who is a direct employee or broker for a truck driver training school.
- W. Student means any person who has signed a contract and enrolled with a truck driver training school and who has not cancelled that contract before the instruction begins.
- X. Total Contract Price means the complete cost to the student for the enrollment contract including charges for registration, ancillary services, and any finance charges.
- Y. Truck Driver Training School means any enterprise conducted by an individual, association, partnership, or corporation 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 for those services.

90-101 Requirements and Application for Truck Driver Training School

The Department shall not issue a license for a truck driver training school to any individual, partnership, group, association, or corporation, except as exempted by Section 56-23-20 of the South Carolina Code of Laws unless:

(1) The individual, partnership, group, association, or corporation, has at least one (1) commercial motor vehicle registered or leased in the name of the truck driver training school, and the motor vehicle(s) is/are inspected by a Departmental representative and for which the Department has received a certificate of insurance; and

(2) The individual, partnership, group, association, or corporation has at least one (1) person licensed by the Department as a truck driver training instructor for that truck driver training school.

90-102 Management, Foreign Applicant, and Application Requirements; Naming Restrictions

A. Each manager or owner-operator of a truck driver training school or branch office must:

- (1) Be at least twenty-one (21) years of age;
- (2) Have no felony conviction or misdemeanor conviction involving moral turpitude preceding the date of application for a truck driver training school license;
- (3) Have no revocation or suspension of their motor vehicle operators license in the three (3) years immediately preceding the date of application for a truck driver training school license.

B. Foreign Truck Driver Training Schools recruiting in South Carolina must provide to potential students:

- (1) A copy of the foreign truck driver training school's operating license;
- (2) A course description, including the topics taught and the overall length of the course;
- (3) A list of the different motor vehicle equipment available for training;
- (4) A copy of the catalog and contracts complete with all fees charged; and
- (5) The names, addresses, and telephone numbers of persons who represent the foreign truck driver training school in South Carolina.

C. Each original application for a truck driver training school license must consist of a completed application for a truck driver training school license; a proposed plan of operation; proof of liability insurance; a bond in the amount of ten thousand dollars (\$10,000.00), sample copies of contracts and catalog; a check or money order in the amount of fifty dollars (\$ 50.00) made payable to the Department; and a certificate of assumed name.

D. No application for a truck driver training school license will be accepted if the applicant has adopted an assumed name similar to the name of a school already licensed by this State or adopting any name similar to any state or national organization. Use of the words "South Carolina" or "South Carolina State" in any school's name will not be allowed.

90-103 Truck Driver Training School License Renewal Application

Renewal applications must be submitted for approval at least ten (10) days prior to the expiration date of the current, valid truck driver training school license. All licenses expire on June 30th of each year and no school is permitted to operate with an expired license. Applications for renewal may be accepted for up to thirty (30) days from the date of expiration. Any truck driver training school license which is lapsed for more than thirty (30) days shall be deemed permanently lapsed. Renewal of a permanently lapsed license must be by the same process required for an original truck driver training school application, including required forms and certifications.

90-104. Application Information Changes.

A truck driver training school must submit to the Department in writing within ten (10) days of any changes in the officers, directors, managers, or Classroom/BTW instructors of any truck driver training school or branch office. The Department must also be informed within ten (10) days of the addition or deletion of any motor vehicle(s) and the Department must receive a supplemental schedule of motor vehicles. The supplemental motor vehicle schedule shall be accompanied by a properly executed insurance certificate. If the truck driver training school has a change in ownership, the new owner must file an original application with the Department and be approved by the Department before the truck driver training school begins operation under new ownership. Failure to inform the Department of the required change shall be grounds for suspension or revocation of the truck driver training school license.

90-105. Truck Driver Training School Branch Offices.

Any truck driver training school or branch office which ceases to carry on the business of giving instruction in the driving of commercial motor vehicles or which has a change of ownership shall, within five (5) days, surrender its truck driver training school license and all truck driver instructor licenses issued to truck driver training instructors employed by the school.

90-106. Truck Driver Training School License Required.

No truck driver training school or branch is permitted to operate without a proper license

90-107. Truck Driver Training School Location, Physical Facilities and Courses of Instruction.

Every school must maintain a principal place of business open to the public in a permanent type building. Truck driver training schools or their branch offices may not be located within 1500 feet of a building operated by the Department. No business may be solicited on property occupied or adjacent to a building operated by the Department. No truck driver training school may use any facility or any equipment used by the Department in the examination of persons for a drivers license. Exception is allowed for the purpose of CDL testing. Schools are warned use of official Department of Motor Vehicles offices are controlled by each manager at each location.

90-108. Facilities, Inspections, Course of Instruction, and Student Requirements.

A. Office Facilities

The truck driver training school office must be the principal place of business and be in the same location as, but physically separated from, the classroom facility and must be sufficient for conducting all business related to the operation of the school including, but not limited to: Facilities for conducting personal interviews; storage for all records required in the operation of the Truck Driver Training School; and secretarial or telephone answering service available for a minimum of six (6) hours a day between normal business hours (9:00 am through 5:00 pm).

B. Classroom Facilities

The classroom facility must meet the following requirements: a minimum overall size of not less than 120 square feet (including at least 70 square feet for the instructors and their equipment and 12 square feet for each student); lighting, heating and ventilation systems that are in compliance with all state and local laws and ordinances including, but not limited to, zoning, public health, safety and sanitation; seats and writing surfaces for all students, blackboards visible from all seats; charts, diagrams, mock ups and pictures relating to the operation of commercial motor vehicles; traffic laws and correct driving procedures; a copy of the South Carolina driver's guide published by the Department for each student; and other textbooks and equipment deemed necessary by the instructor. Restroom facilities sufficient for the size of the class must be provided.

C. Display of Truck Driver Training School License

Every school and branch must display, in a prominent place in its office, licenses issued to the school by the Department for the school and the school's instructors.

D. Departmental Inspections

The Department must make at least an annual periodic inspection of a truck driver training school and any branch office(s) to determine compliance with these regulations. The inspection must be made during regular business hours by authorized representatives of the Department. Inspections must include, as a minimum, an examination of all school records, contracts, classroom facilities, training devices, instructional materials and CVSA inspections on all vehicles used in training. Each owner, partner, associate, corporate officer, or employee of any truck driver training school must cooperate with the Department's representative and, upon demand, must exhibit all records, instructional aids, equipment, and other items required for inspection. Refusal to permit an inspection is grounds for revocation of the truck driver training school's license. Records must be retained in the truck driver training school for at least three (3) years from the date of completion of a course of driver instruction, either as the result of completion and graduation or withdrawal from the program.

E. Truck Driver Training Course of Instruction for Class A Instruction

(1) To successfully complete truck driver training, licensed persons eighteen (18) or older must complete a course consisting of a minimum of 50 hours of instruction, 50 hours of field instruction, 16 hours of behind-the-wheel driver training on the highway, and 32 hours of behind-the-wheel observation on the highway. This is calculated on a 3:1 ratio. Of the hours for BTW and observation, if the student has less observation and more BTW, this will be allowable provided the total stills adds to forty-eight (48) hours.

(2) The classroom and behind-the-wheel instruction must consist of: laws relating to either interstate and/or intrastate commercial motor vehicle operations; pre-trip inspection of commercial motor vehicles and both safety and operational equipment; coupling and uncoupling of combination units, if the commercial motor vehicle to be driven includes such units; placing the commercial motor vehicle in operation; use of the commercial motor vehicle's controls and emergency equipment; operation of the inner-city and interstate highway traffic and passing; turning, backing, and parking the commercial motor vehicle; braking and slowing the vehicle by means other than application of the brakes; and completing driver's daily log books.

(3) Additional requirements include: the required 148 hours of instruction must include three (3) hours of the 16 hours of behind-the-wheel highway training must be completed by each student between dusk and dawn; one (1) commercial motor vehicle must be provided for each three (3) students during the highway training, provided four (4) 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 (9) students per instructor will be allowed for field training. A driver's daily log must be completed by each student, to reflect the 148 hours of instruction and verified by the school. Any changes made to logs must be made by the student and initialed.

F. Truck Driver Training Course of Instruction for Class B or Straight Truck/Passenger Bus Instruction

(1) Requirements: Any licensed commercial truck driver training school may apply to the Department to conduct Class B Straight Truck or Commercial Straight Truck/Passenger Bus vehicle training.

(2) Vehicles must be marked as outlined in the Truck Driver Training School Regulations.

(3) Students and instructors must meet all the requirements for a regular Class A student who is applying for the school as found in the Truck Driver Training School Regulations. Instructors must have at least a Class A CDL, even for the Class B training program.

(4) Rosters: Student rosters and files must be kept separately from the Class A program.

(5) Minimum Curriculum:

(a) Classroom 50 hours

(b) Range 10 hours

(c) Behind-the-Wheel 10 hours, which must include at least 2 hours at night
70 hours total

(6) Students who complete the Class B training who wish to upgrade to a Class A may do so with the original school, provided it is within six (6) months of the completion date of the original training. Students who upgrade, will be waived the classroom portion of the training.

(7) Under FMCSA interpretation, a bobtail cannot be considered as a Class B truck.

(8) All other Truck Driver Training School regulations apply.

G. Truck Driver Training School Student Requirements

Students above the age of eighteen (18), but less than twenty-one (21) years of age, must be informed by the owner(s) or officer(s) of the truck driver training school of the age restrictions and limitations established by the United States Department of Transportation and the Motor Carrier Unit of the Department of Motor Vehicles. Students must pass the United States Department of Transportation physical examination. Students must pass the DOT required pre-employment drug test and remain in a random selection pool while enrolled in the school. No

student may operate a truck or commercial motor vehicle or a tractor-trailer combination unit upon any public street or highway unless the student has in his or her immediate possession a valid drivers license or learner's permit of the class or type required by Title 56 of the South Carolina Code and his or her United States Department of Transportation physical pocket card. Any student from out-of-state holding a valid license from that state will not be eligible for any type license or permit issued by the State of South Carolina.

H. Refresher Training

Schools may offer refresher training to individuals who have and hold a valid commercial driver license for the training sought. Refresher training courses must be at least forty (40) hours in length. If a student does not hold a valid commercial driver license, the student cannot be considered for refresher training.

I. Records of Training

School must have a student record for each student which must be included in the student's file. Student records must reflect each day's time and activity student was performing while in school. All information must be verified by the student and instructor. Student record must have Classroom, Range, BTW and Observation.

90-109. Motor Vehicles Used in Instruction.

Behind-the-wheel instruction of students in truck driver training school must be conducted in commercial motor vehicle(s) owned or leased by the truck driver training school. All vehicles used for the purpose of demonstration and practice must be equipped with seat belts for the operator and all passengers. Seat in the sleeper must have seatbelts and properly secured seat with a back. An outside rearview mirror on both sides of the vehicle, a heater, defroster and speedometer in working condition, and all other operational and safety equipment required by Title 56 of the South Carolina Code and applicable federal statutes. If the school operates trucks crossing the borders into another state, schools are required to have USDOT numbers on all trucks.

90-110. Truck Driver Training Motor Vehicles--Identification and Restrictions on Use.

A. Truck Driver Training School vehicles must bear conspicuously displayed signs with the words "Driver Training" in letters or printing not less than two (2) inches tall with a one-half (1/2) inch wide brush stroke. The signs must be displayed on both sides of the vehicle and the rear most portion of the vehicle. For vehicles which must operate at night, the words "Driver Training" must be reflective.

B. No school vehicle may be used to transport property or persons for compensation, other than properly enrolled students. No truck driver training school vehicles may be operated in another state unless the instructor, student, and vehicle are properly licensed to operate in that state. Schools are allowed to add weight, as in a dummy load in the trailer for training purposes.

90-111. Truck Driver Training School Motor Vehicle Registration, Insurance, and Inspection.

Each motor vehicle used by the truck driver training school for behind-the-wheel instruction must be properly licensed and registered in this State and bear a current inspection certificate.

90-112. Insurance and Inspection Requirements.

A. Each motor vehicle used by the school for BTW instruction must be insured against liability, by a licensed and certified insurance company, in the amount of at least three hundred thousand dollars (\$300,000.00) because of bodily injury or death to one (1) person in any one (1) accident, and subject to such limit for one (1) person and five hundred thousand dollars (\$500,000.00) because of bodily injury or death of two (2) or more persons in any one (1) accident, and three hundred thousand dollars (\$300,000.00) because of injury to or destruction of property of others in any one (1) accident. This insurance coverage must be secured on an annual basis. In the event coverage for any motor vehicle used for truck driver training is not renewed, the school must give written notice to the Department at least ten (10) days prior to the expiration date of the coverage. The insurance underwriter must file a certificate of insurance coverage with the Department. The Department must be listed as an additional insured on the certificate. Schools will also need to check to make sure they are in compliance with federal regulations on insurance requirements.

B. Each motor vehicle used by a truck driver training school must be listed and be CVSA inspected by a representative of the Department at least annually and at any other reasonable time as the Department may require.

90-113. Cancellation and Refund Policy.

A. A student is entitled to a full refund if one (1) or more of the following criteria are met:

(1) The student cancels the enrollment agreement or application within three (3) days after signing. In the event the cancellation notice is mailed, the postmark date on the envelope is evidence of the date of cancellation.

(2) The student does not meet the post secondary proprietary educational institutions minimum admissions requirements, accreditation requirements, or federal program requirements.

(3) The student's enrollment was procured as a result of misrepresentation in the written material utilized by the school.

(4) If the student has not visited the school prior to enrollment, and upon touring the school, or attending the first class, the student withdraws from the program within one (1) hour of the end of the first class.

B. A student withdrawing from the school's published program, after starting the instructional program is entitled to a pro-rata refund based upon the number of days, minus the

application/enrollment/physical/drug testing fees. Any student completing more than fifty percent (50%) of the course curriculum is not entitled to a refund.

C. For extenuating circumstances, a pro-rata refund will be based upon the last day of attendance.

90-114. Special Requirements.

At least one (1) motor vehicle used in a truck driver training school must be a tractor-trailer combination unit for class of training which is offered for a Class A CDL or a straight truck or bus meeting definition of other commercial vehicles to carry out the instructional program of the school. This covers vehicles for Class A or Class B/Straight Truck Training.

90-115. Requirements for Application for Truck Driver Training School Instructor.

A. Each instructor of a truck driver training school or branch office providing behind the wheel instruction must be at least twenty one (21) years of age; hold a valid South Carolina Commercial Drivers License with all necessary endorsements for the motor vehicle equipment being operated; have at least three (3) years of behind-the-wheel truck driving experience and have logged at least 100,000 miles of over-the-road truck driving; or have completed a certified truck driver training school [consisting of a minimum of sixteen (16) hours of behind-the-wheel training; thirty-two (32) hours of observation; fifty (50) hours of field instruction; and fifty (50) hours of classroom instruction]; have no convictions of a felony or any crime of moral turpitude preceding the date of application (crimes which are automatic disqualifications are: murder, fraud, larceny, solicitation, manslaughter, distribution of illegal substance, criminal domestic violence, assault and battery, rape, lewd act, contributing to the delinquency of a minor, robbery, burglary, felony DUI, criminal issuance (fraudulent) of a bad check, false reports of a crime. Anyone listed on the Sex Offender Registry and anyone having been declared a habitual offender by the Department is automatically disqualified. All other convictions will be taken and decided on a case-by-case basis.); have no revocations, cancellations or suspensions of driving privileges in the three (3) years immediately preceding the date of application; have no convictions for traffic offenses involving moving violations totaling six (6) points in the year immediately preceding the date of application; and hold a current United States Department of Transportation physical certification. Driver training school instructors may have no more than six (6) 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.

B. Each applicant must provide the Department with a certified SLED criminal background check at the time of application and annually thereafter. If a posting is on the SLED record, it must have adjudication on the charge, there cannot be any open charges on the record. If during the calendar year, an instructor is convicted of any crime, the Department must be notified in writing within twenty-four (24) hours of the conviction. If the conviction meets the criteria in 90-115(A) of these regulations, it will be cause for immediate revocation of the instructor certification. Each instructor must also submit to the Department a valid DOT long form and submit a new DOT physical long form upon each renewal cycle of the physical. If a change of medical status, a new form must be submitted.

C. All classroom only instructors must be properly licensed to give classroom instruction. Each school owner/director shall certify classroom only instructors by sending on school letterhead why said instructor is qualified, plus appropriate fee.

D. If during the current year of certification, the instructor's driving privileges are suspended, cancelled or revoked for any reason, the instructor's certification is also suspended, cancelled or revoked and the instructor must meet reapplication procedures. Instructors must notify the Department within twenty-four (24) hours and mail their instructor certification to the Department within ten (10) days.

90-116. Original Application for Truck Driver Training Instructor's License.

Each original application for a truck driver training instructor's license must consist of: a completed application, subscribed to under oath; a physical examination report completed and signed by a licensed physician; evidence of satisfactory completion of truck driver training and behind-the-wheel experience; and a check or money order for twenty dollars (\$20.00) made payable to the Department.

90-117. BTW Truck Driver Training Instructor's License Renewal Application.

Renewal applications must be made at least ten (10) days prior to the expiration of the current instructor's license. No instructor is permitted to operate with an expired license. All instructors' licenses expire on June 30th of each year. Any instructor's license expired for more than thirty (30) days will be deemed permanently lapsed and renewal of that license must be by the same process required for a new license with all forms and certifications required.

90-118. Surrender of Truck Driver Training Instructor's License.

Any licensed truck driver training school instructor who ceases to give instruction on the driving of commercial motor vehicles for the truck driver training school for which they are licensed must surrender their instructor's license to the Department within five (5) days. The owner, partner, or chief corporate officer of the truck driver training school is responsible for the return of the instructor's license to the Department upon termination of employment of any instructor, when reasonably possible.

90-119. Truck Driver Training School Enrollment Contract Requirements.

Truck driver training school contracts must contain, as a minimum, the following information:

- (1) The agreed total contract charges and full terms of payments;
- (2) The number, nature, time, and extent of lessons contracted for including the minimum hours of classroom instruction including testing (50 hours minimum), field instruction (50 hours minimum), highway behind-the-wheel training (16 hours minimum), observation, highway, behind-the-wheel, (32 hours minimum); and
- (3) The rate for use of truck driver training school motor vehicle for a commercial drivers license road test if an extra charge is made.

90-120. Contracts.

A. The contract between the student and the truck driver training school must contain a statement which reads substantially as follows: "THIS AGREEMENT CONSTITUTES THE ENTIRE CONTRACT BETWEEN THE TRUCK DRIVER TRAINING SCHOOL AND THE STUDENT, AND ANY VERBAL ASSURANCES OR PROMISES NOT CONTAINED HEREIN SHALL BIND NEITHER THE SCHOOL NOR THE STUDENT" and a separate statement which reads as follows: "IF YOU, AS A STUDENT, ARE UNABLE TO SETTLE A DISPUTE WITH THE TRUCK DRIVER TRAINING SCHOOL, PLEASE DIRECT YOUR GRIEVANCES TO THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES.

B. Truck driver training school contracts must not contain the statement "NO REFUND" or its equivalent or any statement guaranteeing or promising a commercial drivers license as a result of the truck drivers training course.

C. The truck driver training school shall file with the Department sample copies of all written contracts, agreements, and catalogs at the time of the original application for the truck driver training school's license and also at anytime thereafter when alterations to contracts are proposed.

D. The truck driver training school must give the prospective student a completed copy of the enrollment contract and catalog at the time the prospective student signs the contract or upon the school's receipt of a completed enrollment contract sent through the mail. The enrollment contract must be written in the same language as the oral sales presentation, if a sales presentation was made by the truck driver training school, must contain the name and address of the truck driver training school. All student records, including contracts, shall be maintained for at least three (3) years at the truck driver training school office.

90-121. Advertising.

A truck driver training school may advertise with the following restrictions:

(1) No advertisement may indicate in any way that a school can or will issue or guarantee the issuance of a commercial motor vehicle driver license or imply that preferential treatment or advantageous treatment from the Department can be obtained by participating in the training course with the school; and

(2) No school may state in an advertisement that it has been approved and licensed by the Department.

(3) No school may advertise free deals. They must follow Federal Trade Commission guidelines.

(4) No school may guarantee employment in it's advertisement.

90-122. Suspension, Revocation, Refusal to Issue or Renew Truck Driver Training School License.

A. The Department may suspend, revoke or refuse to renew the license of a truck driver training school for the following reasons:

(1) The conviction of the licensee truck driver training school or any partner of such licensee school for any crime involving dishonesty, deceit, violence, or moral turpitude;

(2) The licensee truck driver training school makes a material false statement, or signs a false affidavit or conceals a material fact in connection with the operation of a truck driver

training school or in connection with the application for a school license or application for an instructor's license;

(3) The licensee truck driver training school fails to comply or violates any provisions contained in Federal Regulations, Title 56 or within these regulations;

(4) The licensee truck driver training school, or any partner, engages in fraud or fraudulent practices in relation to securing for anyone, a license to drive a motor vehicle or the licensee truck driver training school is aware of and fails to report to the Department fraud or fraudulent intent by any of the truck driver training school's employees to secure to anyone, a license to drive a motor vehicle. The term "fraudulent practice" as used herein shall include, but not be limited to, any conduct or representation on the part of the licensee truck driver training school or any partner, officer, or agent of the licensee school that gives the impression that a license to operate a motor vehicle may be obtained by any means other than those prescribed by the Department in Chapters 1 and 5 of Title 56 of the South Carolina Code;

(5) The licensee truck driver training school owner, partner or officer, or any truck driver training instructor is addicted to the use of alcohol or narcotics or becomes incompetent to drive pursuant to Title 56 or the South Carolina Code;

(6) Employees or instructors of the truck driver training school solicit business on or within 1500 feet of any property occupied by the Department's licensing offices or any Departmental property;

(7) For violation of the South Carolina Unfair Trade Practices Act of Title 39 of the South Carolina Code; and

(8) No qualified truck driver training instructor is employed by the school.

B. All suspended or revoked licenses shall be returned to the Department immediately upon final order of the Department. Upon notice of suspension or revocation of a truck driver training school's license, the Department will offer a hearing of the contested case according to the provisions of the Administrative Procedures Act.

90-123. Suspension, Revocation, Refusal to Issue or Renew a Truck Driver Training School Instructor's License.

A. The Department may suspend, revoke, or refuse to issue or renew a truck driver training school instructor's license if:

(1) An instructor is convicted of any crime involving dishonesty, deceit, physical violence or moral turpitude;

(2) An instructor makes a material false statement in connection with the operation of a truck driver training school or in connection with the application or renewal of an instructor's license;

(3) An instructor fails to comply with or violates any of the provisions of the Federal Regulations, Title 56 of the South Carolina Code or any provisions of these regulations;

(4) An instructor engages in fraud or fraudulent practices in securing a license to drive a motor vehicle for anyone. The term "fraudulent practices" as used herein must include, but not be limited to any conduct or representation on the part of the instructor that gives the impression that a license to operate a motor vehicle may be obtained by any means other than those prescribed by the Department contained in Chapters 1 and 6 of Title 56 of the South Carolina Code;

(5) An instructor is addicted to the use of alcohol or narcotics or becomes incompetent to operate a motor vehicle pursuant to Title 56 of the South Carolina Code; and

(6) An instructor solicits business on or within 1500 feet of any property occupied by licensing or other offices of the Department.

B. All suspended or revoked licenses shall be returned to the Department immediately upon final order of the Department. Upon notice of suspension or revocation of a truck driver training school's license, the Department will offer a hearing of the contested case according to the provisions of the Administrative Procedures Act.