

INFORMATION:

COMMERCIAL DRIVER TRAINING SCHOOLS

- (1) The 40 hour Instructors Course can be taken at the following schools:

**COASTAL CAROLINA
POST OFFICE BOX 261954
CONWAY, SC 29528-6054
(843) 349-2019**

or

**ERSKINE COLLEGE
POST OFFICE BOX 248
DUE WEST, SC
(864) 379-8773**

In addition to the instructors course above;

- (2) A Commercial Driver Training School can become certified for Defensive Driving by completing the 40 hour instructor course at the following:

**PALMETTO CHAPTER OF THE NATIONAL SAFETY COUNCIL
POST OFFICE BOX 210822
COLUMBIA, SC 29221-0822
(803) 732-6778**

**AAA CAROLINAS
6600 AAA DRIVE
POST OFFICE BOX 29600
CHARLOTTE, NC 28212
(704) 569-7733**

- (3) Commercial Driver Training Schools can become certified to teach the 40 hour instructor's course by submitting a curriculum to Driver Improvement for approval.

For more information, please contact Ms. Sherrie Holliday or Ms. Pearl Ardis at 803-896-9925.

The South Carolina Code of Laws governs Driver Training Schools and 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
DRIVER TRAINING SCHOOLS
SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
CHAPTER 38 ARTICLE 3, DEPARTMENT OF MOTOR VEHICLES
SUB ARTICLE 7**

STATUTORY AUTHORITY DRIVER TRAINING SCHOOL

Sub Article 7–Automobile Driver Training Schools

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38-160 Definitions.

- A. Contract or Record of Agreement means a form used by driving training schools to indicate the services offered to the person receiving instruction or education in the operation of a motor vehicle.
- B. Department means the South Carolina Department of Motor Vehicles.
- C. Driver Training School means a facility or legal entity which is in the business of training or educating persons to operate motor vehicles or which offers training or education to operate a motor vehicle for a fee or charge. Where appropriate, the term includes any owner, partner, officer, employee, or agent of the school.
- D. Instructor Trainer means a qualified person offering instruction to qualify individuals as driving training instructors.
- E. Representative, DMV Employee or Authorized Agent means a duly authorized employee of the Department.
- F. Student means a person who has paid a fee to a driver training school for instruction or education in the operation of a motor vehicle or for instruction or assistance in the preparation to take a written examination for a driver's license or driver's permit to operate a motor vehicle.

38-161 General Application Requirements.

- A. A person may not engage in the business of training or educating persons to drive or operate motor vehicles or offer training or education to conduct either the classroom or the behind-the-wheel, or both, for which a fee or charge is made, unless and until the person has obtained and holds a valid driving training school license issued by the Department of Motor Vehicles. A licensee must have a permanent location in this State and all motor vehicles used for behind-the-wheel instruction must be registered in this State. If licensed for classroom training only, the motor vehicle requirement shall be waived.
- B. All persons, firms, associations, partnerships, corporations, or other legal entities to be licensed to operate a driving school, or to engage in the business of instruction in the driving of motor vehicles, or in the preparation of an applicant for examination given by the Department for an operator's license or permit, except as exempted by Section 56-23-20 of the South Carolina Code, as amended, must, prior to engaging in the driver training school business, secure a license from the Department. Application must be made on an approved form and must be submitted to:

The South Carolina Department of Motor Vehicles
Post Office Box 1498
Blythewood, South Carolina 23816-1498
Attention: Driver Improvement

C. Applicants for an original driving school license, or driving instructor's license, must not conduct any business as a driving school or driving instructor until a license is issued by the Department.

D. Applicants for the renewal of a driving school license or driving instructor's license may continue to conduct business as a driver training school or as a driving instructor until the renewal application is granted or denied by the Department provided the renewal application is properly filed with the Department no later than ten (10) days from the expiration date of the license.

38-162 Driver Training School License Applicants Requirements.

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

- (1) The applicant maintains an office in this State as described by these rules and regulations;
- (2) The applicant is a resident of this State and/or is incorporated or otherwise authorized to do business in this State;
- (3) The applicant has at least one (1) individual who is employed by the school and who is licensed by the Department as a driving instructor;
- (4) Each applicant associated with a driver training school (owner, partner, or officer) is of good moral character and at least twenty-one (21) years of age; and
- (5) Each applicant for a driver training instructor's license associated with a driver training school must have a valid South Carolina driver's license.

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

38-163 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. Schedule of fees for instruction;
- E. A complete list of manuals of instruction, course outlines, and other teaching materials used by the school;
- F. Proof of satisfactory completion of driver education and training by each instructor of the driver training school as required by Section 56-23-70 of the South Carolina Code of Laws;
- G. Proof of insurance coverage as required by these rules and regulations;
- H. A complete list of all owners and stockholders who have more than a ten percent (10%) interest in the corporation and their addresses;
- I. Any applicable license; and
- J. Any applicable instructor's fees.

38-164 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 each general partner. If the application is made by a corporation, the application must be signed by an authorized corporate officer.
- B. Driving school licenses are not transferable. Any changes in ownership or controlling interest in the driving school business requires a new application to be filed with the Department immediately.
- 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 and shall be accompanied by an application fee of fifty (\$50.00) dollars. Prior to operation, each licensed driver training school also must obtain a corporate surety bond in the amount of ten thousand (\$10,000.00) dollars. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by a person having retained services of a driver training school.
- E. Driver Training School licenses may be renewed by application to the Department no later than ten (10) days after the expiration of the license. Any

renewal application received later than ten (10) days after license's expiration will be treated as a new application and the driver and the driver training school shall not continue operation. All licenses expire on June 30th of each year and no school is permitted to operate with an expired license.

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 thirty (30) days if there are any changes related to the driver training school. 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 ten (10) 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.

38-165 Driver Training School Motor Vehicle Liability Insurance Minimums.

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, leased, or registered in the name of the driving school, while used in driving instruction, insuring the liability of the driving school, its certified driving instructors, and any person taking driving instructions, or any passengers within the vehicle, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of any one (1) person in any one (1) accident, and subject to such limits for one (1) person, one hundred thousand dollars (\$100,000.00) because of bodily injury or death to any two (2) or more persons in any one (1) accident, fifty thousand (\$50,000.00) because of injury or destruction to property of others in any one (1) accident.

B. Any insurance policy issued to cover the above liability limits must be in the name of the driver training school, its owner or a certified driving instructor with the school.

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

38-166 Liability Insurance Coverage Requirements: Notice of Cancellation.

A. The insured must be the driving school and any instructor or student or both, who uses any automobile for the purpose of driver training.

B. The policy must be issued by an insurance company authorized and licensed to do business in this state.

C. A certificate of insurance, signed by the insurer or insurance carrier, as required, evidencing that a policy has been issued in the designated amounts 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. 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.

D. 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:

Driver Training School Supervisor
South Carolina Department of Motor Vehicles
Post Office Box 1498
Blythewood, South Carolina 23816-1498

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 canceled.

38-167 Driver Training School Instructor Qualifications.

A. Every person, in order to qualify as an instructor for a driving school, must, at the time of application, meet the following requirements:

- (1) At least twenty-one (21) years of age;
- (2) Of good moral character;
- (3) Hold a valid South Carolina Drivers License;
- (4) Have no record of suspension of driving privileges for moving violations for the past three (3) years;
- (5) Have at least five (5) years of driving experience and no suspension for three (3) years;
- (6) Successfully complete a Departmentally approved driver training instructor course which includes as a minimum thirty-four (34) hours of formal classroom instruction in driver education and a minimum of six (6) hours of actual behind-the-wheel training in driving instruction;
- (7) Successfully complete a departmentally 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.

B. The Department may, in its discretion, grant an applicant a temporary permit, by special examination, provided the driver training school has one qualified, licensed instructor. The temporary permit is valid for six (6) months or until an instructor's course is offered. If during the six months, the applicant is

unable to take an instructor's course; the temporary permit may be renewed one (1) time for an additional six (6) month period.

38-168 Driving Instructors License Application Requirements.

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 the instructor.

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

38-169 Driver Training Instructors Licensing.

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

B. Every license issued will expire on June 30 of each year.

C. Application for a driving instructor's license must be made on a form furnished by the Department. The application must be accompanied by a fee of twenty (\$20.00) dollars.

D. A license may be renewed by making application to the Department on a form furnished by the Department. The renewal application must be submitted under oath and accompanied by a twenty dollar (\$20.00) fee.

E. An applicant for an original instructor's license must successfully pass an examination administered by the Department. This examination must include, as a minimum: a vision test measuring the applicant's visual acuity as required by the Department's regulations for a motor vehicle operator; a test of the applicant's ability to operate a motor vehicle; and a written examination covering South Carolina motor vehicle laws, safe driving procedures, and these regulations. Each applicant will be given three (3) opportunities in a calendar year to pass the examination, with a mandatory waiting period of at least five (5) working days between examinations.

F. Every licensed instructor shall be tested at least every four (4) years after successful completion of the initial examination.

G. If during a current driver training instructor's valid license year, the driving instructor ceases to be employed by or associated with the driving school designated on his or her application or instructor's license, the driving school

must immediately surrender the instructor's license to the Department. No new instructor's license will be issued to any individual until the individual has surrendered or otherwise accounted for all current outstanding instructors' licenses issued in the individual's name.

H. Any driving instructor who ceases employment with a driving school may not be employed as an instructor by another driving school until a new application is submitted and approved by the Department and a driving instructor's permit issued by the Department.

38-170 Registration, Inspection, and Required Equipment for Motor Vehicles Operated by Driver Training Schools.

A. Every motor vehicle used by a driver training school must be registered in South Carolina in the name of the driver training school;

B. Every motor vehicle must be submitted to the Department for an annual inspection prior to use; and

C. A driver training school cannot use a motor vehicle for behind-the-wheel training until it has passed inspection.

38-171 Driver Training School Motor Vehicle Safety and Identification Requirements.

A. Every motor vehicle used by a driver training school 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 (2) inside rear view mirrors, one (1) for the student and one (1) 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 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;

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

(3) With lettering or printing at least two (2) inches tall and one-half (1/2) inches wide.

38-172 Driver Training School Facilities.

Each licensed driving school facility and any branch office 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.

38-173 Driver Training School Physical Facilities, Hours of Operation, etc.

A. 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.

B. The office of a driving school must be a permanent structure and may not consist of or include a tent, a temporary stand, or a room or block of rooms in a hotel or rooming house. No driver training school facility may be located within 1500 feet of any building used as an office by the Department. No practicing may be done during the hours of 8:30 a.m. until 5:00 p.m., or normal working hours, on the facilities used as an office by any Department of the State engaged in the administration of any laws relating to motor vehicles. These provisions do not apply to advertising which may appear on vehicles owned by driver training schools.

C. The office of each driving school must consist of or have access to a permanent facility consisting of at least 200 square feet or more for an office and a classroom facility must be available when classroom courses are offered by the driver training school. A classroom facility must contain seats and writing surfaces for no fewer than ten (10) students; adequate materials to complete the course of instruction for the specific driver training course being administered.

D. Each driving school must notify the Department of the location of its office(s) and the dates and hours of operation of the offices(s). This information must be provided to the Department within ten (10) days prior to opening any office for business.

E. Upon receipt by the Department of a notice of an opening of a branch office, an authorized representative of the Department shall inspect the branch office(s) for compliance with the provision of these regulations, and the Department shall issue a branch office license which must be displayed in a prominent place.

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 ten (10) days of the closing or moving of the branch office.

G. All driver training schools are required to have, or have access to, classroom facilities and the required equipment when classroom courses are offered. The Department will accept a letter from another driver training school or business stating: a driver training school has access to a business entity's facilities and equipment. The business entity allowing a driver training school use of classroom facilities will allow the Department to inspect these facilities to determine if the facilities and equipment satisfy the classroom requirements.

38-174 Driver Training School Course of Instruction.

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

- (1) All materials used for instruction;
- (2) A copy of the curriculum;
- (3) A list of the instructors names; and
- (4) A classroom instruction schedule.

38-175 Driver Training School Student Instruction Record.

All licensed driver training schools must maintain a permanent record of instruction for each student. The record of instruction must contain:

- (1) The name of the driver training school;
- (2) The names of the students;
- (3) The students' dates of birth;
- (4) The number of the driver's license or permit held by the students;
- (5) The type and dates of the instruction given; and the signature of the instructor.

38-176 Instruction Records and Files.

A. Each driver training school must furnish the student with a copy of their 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 two (2) years after the student has ceased taking instruction at the school or completed the lessons contracted for.

38-177 Receipts for Fees Paid for Instruction.

A. A departmentally approved receipt must be issued to a student each time a fee is collected for either classroom 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.

38-178 Driver Training School Contracts.

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 classroom instruction, or the preparation of an application for an examination given by the Department for an operator's license or permit must differentiate between classroom and behind-the-wheel training and contain the following:

- (1) A statement indicating the agreed upon contract price per hour or lesson and terms of payment;
- (2) The type of vehicle to be used in the 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) A student instruction record attached to the contract showing the date of the lesson(s) for classroom or behind-the-wheel instruction;
- (4) The student's signature on the instruction record acknowledging the lesson was received;
- (5) The student's name;
- (6) The dated receipt or receipt number for each lesson given; and
- (7) The name and address of the driver training school.

38-179 Driver Training School Contracts, Permanent Records.

A. A driver training school must keep and make available for inspection by the Department all original written contracts and agreements affecting any student in the school files. These contracts must be kept on file for a minimum of two (2) years.

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 (18) 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.

38-180 Items Required for Display in Driver Training Facility.

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.

38-181 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 necessary to complete the inspection.

38-182 Driver Training School Complaints.

Any complaints relating to driver training schools or driver training school instructors must be in writing and signed by the complainant. The Department may ask the complainant to sign a sworn statement indicating the nature of the complaint and the identity of the complainant. The acceptance or the use of any statement by the Department will not be deemed an acknowledgement, admission, or charge by the Department of the matters contained in the statement.

38-183 Driver Training School Advertising.

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

38-184 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:

- (1) Conviction of any school partner, owner, officer, manager or employee of any crime involving dishonesty, deceit, violence, or moral turpitude when the crime relates to the operation of, or business conducted by, a driver training school;
- (2) 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;
- (3) The school fails to comply or has violated any statutes providing for the licensing and regulation of driver training schools, or where the school has failed to comply or violated these regulations for the operation of driver training schools;
- (4) The school or any partner 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 partner, officer, 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);
- (5) The school's owner(s) is(are) addicted to the use of alcohol, narcotics, or becomes incompetent to operate a motor vehicle, as defined in Title 56 of the South Carolina Code; where the school, its employees or instructors solicit business on or within 1500 feet of any property occupied by the DMV Division field offices or the Department;
- (6) The school violates the South Carolina Unfair Trades Practices Act, in Chapter 5 of Title 59 of the South Carolina Code; of
- (7) There is no qualified instructor employed by the school.

38-185 Suspension, Revocation, Refusal to Issue or Renew a Driver Training Instructor's License.

The Department may suspend, revoke or refuse to issue an instructor's license for any of the following:

- (1) Conviction of the instructor of any crime involving dishonesty, deceit, physical violence or moral turpitude relating to the operation of or business conducted by a driver training school;
- (2) Making a material false statement or signing a false affidavit or concealing a material fact in connection with the operation of a driver training school or in connection with the application or renewal of a driver training instructor's license;
- (3) Failing to comply or with violating any statute in Title 56 relating to obtaining a motor vehicle driver's license;

(4) Engaging in fraud or fraudulent practices in relation to securing a South Carolina driver's license for any person ("fraudulent practice, as used herein, includes, but is not limited to, any conduct or representation on the part of the instructor which gives the impression that a license to operate a motor vehicle may be obtained by any means other than those described in Chapter 5 of Title 56 of the South Carolina Code of Laws);

(5) The instructor is addicted to the use of alcohol, narcotics or becomes incompetent to operate a motor vehicle as described in Title 56 of the South Carolina Code;

(6) The instructor solicits business on or within 1500 feet of property occupied by the DMV Division of the Department, or by the Department; and

(7) All suspended or revoked driver instructor's licenses shall be returned immediately to the Department.

38-186 Judicial Review Procedures.

Upon notice of a suspension or revocation of a driver training school license or a driver training instructor's license, the Department will allow a hearing, upon request, in accordance with the Administrative Procedures Act.