

**2200 Division of Motor Vehicle
Driver Services**

2218 Commercial Driver Training Schools (CDTS)

Preface

Chapter 83 of the Delaware Motor Vehicle Laws provide for the licensing and regulation of commercial driver training schools and instructors.

Pursuant to the authority contained in this law, the Secretary of the Department of Public Safety hereby adopted and promulgated the following rules and regulations concerning the administration and enforcement of that Chapter.

These rules and regulations establish minimum standards for the operation of commercial driver training schools and will be used by the Division of Motor Vehicles in administering the Chapter.

The Director of Motor Vehicles is anxious to assist commercial driver training schools to meet the requirements of this law. Inquires and request for information should be directed to the Manager or Assistant Manager of Driver Improvement, Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19901. (Telephone: (302) 739-5694 or 739-3305).

Commercial Driver Training Schools (CDTS)

1.0 CDTS Applications

No school shall be established nor any existing school shall continue unless it is licensed by the Director of the Division of Motor Vehicles. Applications for license shall be made on forms furnished by the Division of Motor Vehicles.

1.1 Applications shall include:

- 1.1.1 The name and address of the school, together with the name and address of the owner(s) of privately owned schools, or the name and address of the officers of an incorporated school;
- 1.1.2 Description of the course of instruction which will be offered:
 - 1.1.2.1 Number of hours of classroom work;
 - 1.1.2.2 Number of hours of behind-the-wheel instruction;
- 1.1.3 The place or places where such instruction shall be given;
- 1.1.4 Samples of all contracts to be used by the school;
- 1.1.5 Schedule of all fees and charges to be assessed students;
- 1.1.6 Evidence of financial responsibility as required by Section 7.2 of these regulations.

1.2 If an application is made by an individual, it must be signed and sworn to by such individual. In the case of a corporation or association, the application must be signed and sworn to by an officer thereof, and a list of all of the stockholders with their names and addresses submitted. In the case of a partnership, the application must be signed and sworn to by all partners. In all cases the signature of each officer or partner must be affixed where required on the application.

1.3 Each applicant, officer, partner or manager thereof, must submit fingerprint impressions on a form acceptable to the Director (standard fingerprint Form FD-258) before receiving approval of an original application. The Director may, in his discretion, require applicants for a renewal of a license to submit a fingerprint record, if they have not already done so.

1.4 The application must be fully completed including the names and addresses of all persons who desire to give instructions and, if the application, officer, partner or manager has ever used or has ever known by another name, such name or names must be listed on the application.

1.5 On an original application, a certified copy of certificate of assumed business name must be submitted in the event that the business name must be conducted under an assumed name.

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- On a renewal application, such certificate must be submitted only in the event that the business is to be conducted under an assumed name different than the name under which the business was previously conducted.
- 1.6 Application shall be filed at the Division of Motor Vehicles, Office of the Director, P.O. Box 698, Dover, Delaware 19901, Attention: Commercial Driver Training Licensing Section.
- 1.7 Fees
- 1.7.1 Each original application for a license to conduct a commercial driver training school must be accompanied by an application fee of one hundred fifteen dollars (\$115.00) and an investigator fee of fifty dollars (\$50.00) to defray the cost of clerical work, investigations and like activities to the enforcement of the Rules and Regulations Governing the Licensing of Commercial Driver Training Schools and Instructors.
- 1.7.2 No license fee shall be refunded in the event that the license is rejected, suspended or revoked.
- 1.7.3 The fee for a renewal of a license shall be one hundred fifteen dollars (\$115.00) and must accompany the renewal application.
- 1.7.4 License fees shall be paid by money order, personal check or certified check payable to the Delaware Division of Motor Vehicles and attached to the application form.

2.0 CDTS Licenses

- 2.1 All licenses issued under the provisions of Chapter 83 shall expire on the last day of December in the year following their issuance and may be renewed upon application to the Director as prescribed by his/her regulations.
- 2.2 Every school must display in a prominent place in its office, the license issued to it a list of its instructors, and a list of fees for all services offered by the school.
- 2.3 No such license shall be issued unless every applicant, officer, partner or manager has furnished satisfactory evidence of good character, reputation, fitness and ability to comply satisfactorily with the regulations affecting driver training schools.
- 2.4 No license will be issued until at least one instructor has secured an instructor's license.
- 2.5 Licenses are not transferable.
- 2.5.1 In the event of any change of ownership or interest in a business licensed as a sole proprietorship or partnership which enlarges or brings new persons into the business, a new application for a license must be filed immediately. Such application shall be considered as an application for renewal so long as one or more of the original licensees remains a part owner of the business.
- 2.5.2 In the event of a change through a death or dissolution of a partnership and there is no replacement made, the remaining partner or partners may, upon notifying the Director of the Division of Motor Vehicles, continue in business under the current license. If a new partner or partners are subsequently added, the provisions of paragraph (1) immediately preceding shall apply.
- 2.5.3 The Director must be notified within 14 days in the event that arrangements are made for the disposal of the business, and the Director in a proper case may permit continuance of the business by the current licensee, pending processing of the application made by the person or persons to whom the business is to be transferred.
- 2.6 If the license is lost or destroyed, a duplicate will be issued by the Director upon proof of the facts and payment of the fee of five dollars (\$5.00). Such proof shall consist of a notarized affidavit indicating:
- 2.6.1 Date the license was lost or destroyed.
- 2.6.2 The circumstances involving the loss or destruction.
- 2.7 In case of mutilation of a license, a duplicate will be issued by the Director upon surrender of such mutilated license and the payment of a fee of five dollars (\$5.00).
- 2.8 In order to ensure continuity of licenses, a renewal application must be submitted not more than 60 days, but a least 30 days prior to the date of expiration of this license being renewed. Failure to file a renewal application within the period specified herein may result in a delay in

- the issuance of the renewal license, and a period of time in which the applicant would be unlicensed. No renewal application will be accepted after the expiration date of the expiring license.
- 2.9 A license may be surrendered for cancellation by mailing it to the office of the Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19901, Attention: Commercial Driver Training School Licensing Section. In all such cases the licensee is required to state in writing the reason for such surrender.

3.0 Location of School

- 3.1 Every school shall maintain a place of business open to the public in a permanent type building containing adequate office and classroom facilities as required by Section 3.5 of these regulations.
- 3.2 Schools may not be located within or adjacent to a building in which applications for driver licenses are received by the Division.
- 3.3 Soliciting business on property occupied by or adjacent to the Driver License Examiners is prohibited.
- 3.4 No license shall be issued for conducting a drivers' school where the place of business is conducted from a house trailer, tent, temporary stand, temporary address, a residence room or residence rooms in a hotel, a bar or grill, billiard hall, gasoline station, garage, through the exclusive facilities of a telephone answering service, or from any other location which in the discretion of the Director is not considered to be a suitable facility for the conducting of a drivers' school. A telephone answering service can only be used as an adjunct to regularly licensed premises.
- 3.5 No original application nor application for change of location will be approved unless the place of business has adequate office space. If classroom facilities are combined with office space, such total space must be at least 200 square feet. The premises must be located in a well lighted, easily accessible permanent structure and maintained in a neat, business-like manner with adequate seating space and furniture provided for the use of the students patronizing the school.
- 3.6 No commercial drivers' school may change its location without giving written notice to the Division of Motor Vehicles and in turn receiving written permission from the Director. If through no fault of his/her own, the licensee is forced to leave his/her place of business, he/she shall have three (3) months to relocate at another fixed location and during this interim period he/she may locate temporarily in quarters which will serve as a place of business contingent upon departmental inspection of facility and approval of the Director even though such temporary place of business may not conform to the requirements of these Regulations. The Department will have 14 days to inspect the temporary location.

4.0 Changes in Officers and Addresses

- 4.1 The Division of Motor Vehicles must be notified in writing within ten (10) days if there is a change in the residence address of any individual owner, partner, officer or employee of any drivers' school.
- 4.2 The Division of Motor Vehicles must be notified in writing within ten (10) days of any change in the officers, directors or stockholders of any corporation holding a license. In such case each new officer, director or stockholder must supply the same information as would be required on an original application by the corporation.

5.0 Branch Offices

- 5.1 Any school desiring to open a branch office shall make application for such branch on forms furnished by the Division, in the same manner and to the same extent as for an original license.
- 5.2 A Commercial Driver Training School desiring to open branch offices, using the same trade name, may do so by filing an application for permission to operate a branch office. Application for a branch office license must be accompanied by a ten dollar (\$10.00) fee and a twenty-five

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- dollar (\$25.00) investigator fee. If the application is approved, the Director will issue a branch office license.
- 5.3 The branch office must display in a prominent place in its office the license issued to it, a list of its instructors, and a list of fees for all services offered by the school or branch.
- 5.4 A Commercial Driver Training School desiring to open branch offices using a name other than the parent name will be considered as a new business and will be subject to fees and regulations as set forth in Section II of these regulations.
- 5.5 All licenses issued to operate a branch office shall expire on the last day in the year following their issuance (December 31).
- 5.6 The fee for a renewal of a branch office license shall be ten dollars (\$10.00) and must accompany the renewal application.
- 5.7 License fees shall be paid by money order or certified check payable to the Delaware Division of Motor Vehicles and attached to the application form.

6.0 Required Records and Contracts

- 6.1 Every Commercial Driver Training School licensed in the State of Delaware shall file with the Division of Motor Vehicles, as condition of its continued transaction of such business in this State, an accident form approved by the Director whenever a student and instructor have been involved in an accident. This form must provide the Director of Motor Vehicles with all of the pertinent data concerning said accident. The Division of Motor Vehicles upon showing sufficient evidence that the required accident form (s) has not been provided or maintained shall immediately suspend or revoke the commercial driver training school license and instructor's license (s) of such school in violation of this section.
- 6.2 Every Commercial Driver Training School shall maintain the following records and shall keep them current by posting each transaction by the close of the business day following the date of transaction.
- 6.2.1 A permanently bound book, with pages consecutively numbered, setting forth the name and address of each student and the date and number of each student and the date and number of each contract entered into by the school. Entries are to be maintained in sequence by contract number.
- 6.2.2 A folder file, to be known as the Student Record File, consisting of a student record card for each student and a duplicate copy of each contract entered into by that student. The student record card must contain the complete name, address and telephone number, if any, of such student, the number of each contract entered into by him, the description of services rendered with date and time thereof, the name of the instructor performing such services, identification of the vehicle in which any road lesson or road test is given, and the number of each receipt given to the student. This file must be maintained in alphabetical order. The file may be maintained in two parts, active and inactive. The Student Record Card may not be removed from this file except for posting transactions.
- 6.2.3 A permanently bound book, with pages consecutively numbered, to- be known as the Cash Book, to record receipts and disbursements: The date of receipt, name of the student from whom received, receipt number and amount received must be entered therein; and the date of disbursement, name of payee, description of each disbursement, and the amount of payment must be entered therein. All invoices and receipts relating to such disbursement must be retained by the licensee in support of such entries for a period of at least three (3) years.
- 6.2.4 A receipt is to be issued each time monies are paid to the school for instruction, training, materials, or for any service for which it is licensed and may make a charge. Such receipts must show the name and address of the school, the receipt number, the name of the student making the payment, the date of payment, amount paid, service rendered, contract number, and must be signed by an authorized representative of the school. The name and address of the school and receipt number must be preprinted. Receipt numbers must be in sequence and repetition of numbers is not permissible. The original of each receipt is to be given to the student **or person receiving the service, and the duplicate is to be retained** by the school in numerical order.

- 6.3 No Commercial Driver Training **School may use any contract except those which has been approved** by the Director.
- 6.4 All contracts and agreements by or between any school and any individual for driving instruction shall be in writing and shall include, but not limited to, the following:
 - 6.4.1 The name and address of the school and the student, and the number of any license or permit held by the student to operate a motor vehicle;
 - 6.4.2 A statement clearly indicating the nature of the instruction being offered;
 - 6.4.2.1 Classroom instruction
 - 6.4.2.1.1 Rate per hour;
 - 6.4.2.1.2 Date and time of first lesson and each subsequent lesson, the length of each lesson, and the total number of hours;
 - 6.4.2.2 Behind-the-wheel instruction
 - 6.4.2.2.1 Rate per hour;
 - 6.4.2.2.2 Date and time of first lesson and each subsequent lesson, and the total number of hours;
 - 6.4.2.2.3 Nature of lesson, whether private or group.
 - 6.4.3 A statement setting forth the contract price and the terms of payment;
 - 6.4.4 A statement indicating the date when instruction is to start, the hours of instruction, and the location of the school;
 - 6.4.5 Neither the term "NO REFUND" nor a statement that a driver license is guaranteed to the applicant may be included in any contract. The contract may provide "the school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its obligations under the contract."
 - 6.4.6 The following statements preprinted thereon:
 - 6.4.6.1 "This agreement constitutes the contract between the school and the student, and no verbal statements or promises will be recognized."
 - 6.4.6.2 "It is hereby understood and agreed by both this driving school and the pupil executing the contract, as follows:
 - 6.4.6.2.1 No school can secure a driver's license in any but the regular manner and upon payment of the regular fees.
 - 6.4.6.2.2 The pupil will report both to the Director of Motor Vehicles and the proprietor of this school, any employee of the Division of Motor Vehicles or of this school who demands money other than the regular fee for a driver's license.
 - 6.4.6.2.3 Any person bribing, or attempting to bribe, an employee of the Division of Motor Vehicles will be prosecuted for such offense."
- 6.5 A duplicating process such as ditto or mimeograph will not be considered to constitute preprinted for the purposes of this section.
- 6.6 No person shall be given lessons, lectures, tutoring or any other service relating to instruction in the operation of motor vehicles or motorcycles or rental or use of road test cars unless and until all applicable provisions of a written contract have been completed and such contract has been executed by both the school and the student.
- 6.7 Contracts to give short review courses may be given, provided:
 - 6.7.1 The student signing the contract has a valid license, or presents an expired license as evidence of previous experience, or will sign a statement which will give his/her previous driving experience that must be at least the equivalent of the minimum course given (six (6) hours of driving training behind the wheel). This statement must be kept in the Student Record File.
 - 6.7.2 The total number of such contracts with any one student shall be no greater than the number of lessons offered by the school in its shortest driver training course.
- 6.8 Each school must file and maintain with the Director a list of those persons authorized or empowered to execute contracts on behalf of the school. Only the following persons are empowered to execute contracts: the owner, an officer of the corporation, or a person who has been given the power of attorney by the school.

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- 6.9 Each school is required to ascertain, before giving behind the wheel training, that a student possesses a Delaware learner's permit or a valid driver's license.
- 6.10 If behind the wheel instruction is carried on, the student must have a Delaware learner's permit in his immediate possession, which entitles the student to drive a motor vehicle upon the highway for a period of 60 days, when accompanied by an instructor who is actually occupying the seat beside the driver and there is no other person in the vehicle.
- 6.11 No school shall contract to give unlimited lessons, nor shall any school represent or agree, orally or in writing, to give instructions until a license is obtained by the applicant, as a part of an inducement to sign any contract. Schools must notify the Division of Motor Vehicles, in writing, prior to effecting a change in the fee, or the terms of payment thereof, or the number, length or type of lessons.
- 6.12 The loss, mutilation or destruction of any records which a driver's school is required to maintain under these regulations must be reported to the Director immediately by notarized affidavit stating:
 - 6.12.1 The date such records were lost, destroyed or mutilated.
- 6.13 All records and contracts must be retained for three (3) years during which period they shall be subject to the inspection of the Director or his duly authorized representative at all times during regular stated business hours.
 - 6.13.1 The circumstances involving such loss, destruction or mutilation.

7.0 Motor Vehicles Used for Instruction

- 7.1 Behind-the-wheel instruction of students in Commercial Driver Training Schools must be conducted in motor vehicles owned or leased by the school.
 - 7.1.1 All vehicles used in Commercial Driver Training Schools for the purpose of demonstration and/or practice in driving shall:
 - 7.1.1.1 Be equipped within:
 - 7.1.1.1.1 Dual controls on the foot brake;
 - 7.1.1.1.2 Dual controls on the clutch, if the vehicle is equipped by clutch and manual transmission;
 - 7.1.1.1.3 Seat belts for both the instructor and the student;
 - 7.1.1.1.4 A heater and defroster in working condition;
 - 7.1.1.1.5 An outside rear-view mirror mounted on the right side of the vehicle;
 - 7.1.1.1.6 All other equipment required of vehicles in accordance with the Vehicle and Traffic Laws of Delaware.
 - 7.1.1.2 Bear a conspicuously displayed sign with the legend "STUDENT DRIVER" in letters no less than five (5) inches in height and the name and location of the school in letters not less than two (2) inches in height, visible from both the front and the rear of the vehicle.
 - 7.1.1.3 Be properly registered in compliance with the motor vehicle laws of Delaware and bear a current inspection sticker.
 - 7.1.2 Tractor trailer combinations owned or controlled by a Commercial Truck Driver Training School need not be equipped with dual controls or foot brakes. However, such combination must be equipped with some type of device, such as trolley brake, which will permit the instructor to bring the vehicle to a halt.
- 7.2 Each vehicle used by the school shall be insured, by a company licensed to do business in the State of Delaware, against liability in the amount of at least \$25,000 bodily injury or death of an individual, and \$50,000 bodily injury or death of any two (2) or more persons in any one (1) accident, and \$10,000 property damage.
 - 7.2.1 Such insurance coverage shall be secured on an annual basis. In the event such coverage for any vehicle used for driver instruction or training shall not be renewed, the school shall give written notice to the Division at least ten (10) days prior to the expiration date of such coverage.

- 7.2.2 A certificate of insurance coverage shall be filed by the insurance underwriter with the Division. Cancellation shall be accomplished only upon fifteen (15) days prior to written notice to the Division by the insurance underwriter.
- 7.2.3 In the event of cancellation or expiration of insurance coverage, such vehicle shall not thereafter be used for driver instruction purposes or any other purpose without or unless new coverage is obtained.

8.0 CDTS Training Facilities

- 8.1 Every school shall maintain a principal place of business open to the public in a permanent-type building containing adequate office and classroom facilities. It is not necessary that these facilities be located on the premises, but they must be available and meet the approval of the Director of the Division of Motor Vehicles.
- 8.2 The classroom facility shall meet the following minimum criteria:
 - 8.2.1 Space sufficient for a comfortable learning situation for both students and instructor with a minimum size overall not less than 150 square feet and containing at least 70 square feet for the instructor and his/her equipment and at least 12 square feet for each student;
 - 8.2.2 Adequate lighting, heating, and ventilation, and compliance with all state and local laws including but not limited to zoning, public health, safety and sanitation;
 - 8.2.3 Seating and writing surfaces for all students being trained; adequate blackboards visible from all seating positions; adequate charts, diagrams, pictures relating to the operation of motor vehicles, traffic laws, and correct driving procedures; a copy of the Driver's Manual published by the Division for each student; and other approved test books as deemed necessary by the instructor and approved by the Director of Motor Vehicles.
- 8.3 Any schools wishing to do so may secure a common classroom which will meet the requirements contained herein. Each school using this common facility must maintain a schedule of the date, hour, name of instructor who will provide the training and the subject matter. This schedule must be kept at the place of business of the driving school and must show the classroom lessons to be given during the following two weeks.
- 8.4 No classroom, including common classroom, may be more than fifteen (15) miles from the office of any driver's school using the facility, unless special approval has been granted by the Director in his discretion.

CDTS INSTRUCTORS AND INSTRUCTION

9.0 CDTS Instructor Licenses

- 9.1 Each instructor of a Commercial Driver Training School or a Commercial Truck Driver School or branch shall:
 - 9.1.1 Be a citizen of the United States;
 - 9.1.2 Be of good moral character and sound mind;
 - 9.1.3 Be at least 18 years of age and hold a valid driver's license;
 - 9.1.4 Have vision in both eyes, with a minimum of 20/40 corrected vision in both eyes.
 - 9.1.5 Not have had a revocation or suspension of his/her driver's license in the two (2) years preceding the date of application;
 - 9.1.6 Not have had convictions for moving violations totaling eight (8) or more points in the three (3) years preceding the date of application;
 - 9.1.6.1 No "driving while under the influence of liquor or drugs" convictions during the preceding five (5) years.
 - 9.1.6.2 No entries of "TRIAL WAIVER" (4177B) during the preceding five (5) years.
 - 9.1.7 Have graduated from high school or hold a high school equivalency certificate.
 - 9.1.8 Have both legs and arms, except that this requirement may be waived in any individual case in the discretion of the Director, and a certificate issued subject to any reasonable restrictions.

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- 9.1.9 Must furnish a certified abstract of a driving record to this Division for all holders of out-of-state driver licenses. No application or renewal shall be accepted without such certificate.
- 9.1.10 In the case of a Commercial Driver Training School, have completed a two semester-hour, college credit preparatory course for teachers or an equivalent course approved by the Director.
- 9.1.11 In the case of a Commercial Truck Driver Training School, have evidence of United States Department of Transportation certification and qualify by experience or training, or both, to instruct students in the safe operation of truck-tractor trailer combination units.
- 9.2 No school shall knowingly employ any person as an instructor or in any other capacity whatsoever, who has been convicted of a felony or any crime or improper conduct, involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude.
- 9.3 Unless otherwise specifically authorized by these regulations, no person, including the owner, operator, partner or any officer of the licensee, shall give instructions for hire in the operation of motor vehicles unless such person is the holder of a current instructor's certificate issued for such purpose by the Director. Such certificate is to be valid for use only in connection with the business of the driver training school listed thereon. An (original) instructor's certificate may only be issued to or subject to renewal by an individual who can comply with all of the following qualifications:
 - 9.4 Application Procedure
 - 9.4.1 Applications for an instructor's license must be made by a person desiring such license on forms prescribed by the Division of Motor Vehicles and the school desiring to employ such person as an instructor must endorse its consent thereon.
 - 9.4.2 License Fee
 - 9.4.2.1 Every application for an original or renewal for an instructor's license must be accompanied by a fee of fifty dollars (\$50.00) payable by certified check or money order. The fee shall be in no event refunded to the applicant or school.
 - 9.4.3 Applicants for instructor's license will be required to submit one (1) photograph at least 1 1/2 X 1 1/2 in size taken not more than thirty (30) days prior to date of such application or renewal thereof, and also will be required to submit to fingerprinting (Standard Fingerprint Form FD-258), and may be subject to an investigation or required to submit additional information as the Director may prescribe.
 - 9.4.4 Application for an original instructor's certificate must be accompanied by three (3) letters of reference from reputable members of the community who are not related to the applicant, attesting to moral character and to their opinion of his/her apparent teaching ability.
 - 9.4.5 An applicant for an original instructor's certificate will be required to submit to special eye, written and road tests which will include a demonstration of ability to instruct and may be required to submit additional or other proof of his qualifications as an instructor.
 - 9.4.6 An instructor's license shall be valid until the end of the calendar year (December 31) following the date of issuance. Any license lapsed for more than thirty (30) days shall be deemed permanently lapsed, and renewal of such a license shall be accomplished only through the same process as for an entirely new license, all forms and certifications being required.
 - 9.4.7 Surrender of license - Any licensed instructor who ceases to give instruction for hire in the driving of motor vehicles for the school for which he/she is licensed shall surrender within ten (10) days, his/her instructor's license. The owner, partner, or corporate officer of the school shall be responsible for the return of said license to the Division upon termination of employment.
 - 9.4.8 Any instructor who loses his certificate must report the loss thereof immediately, in writing, to the Division of Motor Vehicles and a duplicate will be issued for a fee of ten dollars (\$10.00) to replace a lost current certificate.

- 9.4.9 The instructor's certificate must be carried by the instructor at all times while driving instructions are being given or when an instructor is accompanying an applicant for a license to the road test line in a motor vehicle or motorcycle.
- 9.4.10 The Director shall not issue an **instructor's certificate to any person** who is not employed by or associated with a drivers' school licensed by the Director.
- 9.4.11 Qualified and recognized experts in the field of driver training, traffic regulation or motor vehicles may give occasional classroom lectures without holding a valid instructor's certificate provided the drivers' school which secures the services of the expert notifies the Director thirty (30) days in advance, indicating the name, address and qualifications of the expert and the proposed lecture date.
- 9.4.12 Holders of instructors' certificates may be requested to attend a group session at which time the Division will brief applicants on any new changes in the regulations and laws or new training techniques, or it may inform them with printed materials through the mail. The applicants for a renewal of an instructor's certificate may also be required to submit to psycho-physical tests or to a test of their teaching ability. This will be done at the discretion of the Director based on the applicant's past record as an instructor.
- 9.4.13 If an instructor possessing a current instructor's certificate desires to be employed by an additional school or schools, or transfers employment to another school, he/she will be required to notify the Director in writing within ten (10) days of said employment.

10.0 CDTS Course of Instruction

- 10.1 Drivers' schools licensed by the Director shall provide a course of instruction including both theoretical and practical training, and such course of instruction shall meet the standards prescribed by the Director both in content and manner or presentation.
 - 10.1.1 Theoretical training shall include subject matter relating to rules of the road, safe driving practices, driver responsibility, theory of driving, pedestrian safety care, types of automobile insurance, and use of automobile safety devices.
 - 10.1.2 Practical training shall include demonstration and actual training in starting, stopping, shifting, turning, backing, parking, steering, driving in both city and highway traffic (where practicable), and in defensive driving. All of the practical training must be in a vehicle which meets the requirements of the Vehicle and Traffic Law, and in a school owned vehicle, which meets the requirements of these regulations.
- 10.2 Ten (10) hours of classroom training must be offered to all students and six (6) hours of practical behind-the-wheel training must be given to each student enrolled in any drivers' school except students who qualify for, and are enrolled in, a short review course.
 - 10.2.1 Each approved commercial driving school course consisting of classroom instruction and behind-the-wheel instruction will be scheduled over a period of no more than three (3) calendar weeks.
 - 10.2.2 The practical behind-the-wheel training must consist of actual driving practice while the vehicle is in motion. Training while the vehicle is parked cannot be considered as behind-the-wheel training.
- 10.3 No instructor shall give any driving instructions in the operation of a motor vehicle within any area designated by the Director as a road test area.
- 10.4 The course of instruction will periodically be observed by the Division and evaluated as to content and standards.

CDTS ADVERTISEMENT

11.0 Advertising

- Advertising by the driver training school must conform to the following:
 - 11.1 Only schools licensed by the Division of Motor Vehicles may in anyway publicly advertise an offer to provide driver training and safety education to any person for tuition or charge.

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- 11.2 No school or instructor may in anyway represent himself/herself/itself as agents or employees of the Division of Motor Vehicles or any agency or institution or any government.
- 11.3 No school or instructor may use or allow the use of any advertisement which would reasonably have the effect of leading people to believe that they are or were an agent, representative or employee of the Division of Motor Vehicles or any agency or institution of any government.
- 11.4 Every advertisement of a driver training school shall show the name, telephone number and address of the school.
- 11.5 A driver training school may exhibit on its premises or through other advertising media, the wording "THIS SCHOOL IS LICENSED BY THE STATE OF DELAWARE." The lettering of such wording shall not be more than 1/3 the size of the lettering of the name of the school as displayed on the sign or advertisement. However, no school shall advertise that it has been approved by the Division.
- 11.6 The use of the word "State" in any sign or other medium of advertising, except as permitted by subdivisions (5) and (12) of this section, is not allowed.
- 11.7 No driver training school shall solicit business or cause business to be solicited in its behalf, or display or distribute any advertising material within a building owned or leased by the State, county or city in which motor vehicle registrations or licenses to a drive motor vehicles are issued to the public, or within 100 feet of the entrance to such a building.
- 11.8 Advertising on school cars is permitted provided it conforms to the other provisions of this section.
- 11.9 No driver training school may make any false or misleading claims or statements in any of its advertising.
- 11.10 In addition to any other sign or signs required by these regulations, a drivers' school must display conspicuously a schedule of fees as filed with the Director and a sign reading "Applicant must be given a contract for all services and a receipt for all payments." All information required to be posted by sign may be incorporated on one sign.
- 11.11 Except as provided in subdivision (11) of this section, no driver training school may use the words "DRIVER EDUCATION" in any form of advertising, nor imply in any manner that it teaches Driver Education or Adult Driver Education.
- 11.12 If a driver training school is a member of a bona fide organization whose legal name contains the words "State" and/or "Driver Education" such school may indicate its affiliation with such organization, using the legal organization name, or the official emblem of this organization in its advertising along with the name of the drivers' school as displayed in the same sign or advertisement.
- 11.13 Effective January 1, 1979: No driver training school will be licensed to do business using a firm name or corporate name which may be similar to, or likely to be confused with: an already licensed driver training school; a fraternal or religious organization ; a motor club; any non-profit or educational institution; any city, county, state or provincial governmental agency or geographical subdivision; or which in any way may tend to imply approval or endorsement by or connection with any firm or organization whose only main function appears to be provided to the school such approval or endorsement. This does not, however, preclude the approval or endorsement of driver training schools by properly established professional associations, or by authorized governmental agencies.
- 11.14 No driver training school shall be licensed with a firm name or a corporate name which does not clearly identify it as a driver training school. Licenses will not be issued to applicants whose firm or corporate name implies that the school is: an automobile dealer or manufacturer; a motor club; a safety foundation; a department store; a taxi company; a governmental agency or geographical subdivision; or simply an unidentifiable enterprise.
- 11.15 Each driver training school will use its full legal name in all advertising. It may not use an additional name, or any variation thereof.
- 11.16 Fraudulent, bait or misleading advertising shall be cause for suspension or revocation of the school's license to do business. Items and services advertised must indeed be available in such a manner as might be expected by the average citizen who reads the advertisement:

- 11.17 A school may claim it is endorsed by, approved by or that it honors the credit cards of other firms but it can in no way lead people to believe it is the other firm. In all advertisements, if the name of any endorsing, approving, or related firm or person is used, it shall appear in print no larger than 50% of the size of the school's licensed firm name together with an explanation of the relationship between the school and the related firm or person in no less than 12 point type.

**CANCELLATION, SUSPENSION, REVOCATION OR REFUSAL TO RENEW
CDTS LICENSES**

12.0 Procedures

- 12.1 The license of any Commercial Driver Training School or Commercial Truck Driver Training School may be suspended or revoked by the Division of Motor Vehicles for violation of Chapter 83 of the Delaware Motor Vehicle Laws or of these rules and regulations adopted by the Director for any of the following reasons:
- 12.1.1 The conviction of the licensee or any partner, officer, agent or employee, of a felony or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude or
- 12.1.1.1 Where the licensee has been found by the Division to be involved in improper conduct involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude, while acting as a commercial driver training instructor.
- 12.1.2 Where the licensee has made a material false statement or concealed a material fact in connection with his/her application for a license or a renewal thereof.
- 12.1.3 Where the licensee has failed to complete and submit an accident form to the Division of Motor Vehicles whenever student and instructor have been involved in an accident. Forms can be obtained from the Division of Motor Vehicles.
- 12.2 The Director may cancel, suspend, revoke or refuse to issue or renew a school or instructor's license in any case where he/she finds the licensee or applicant has not complied with or has violated any of the provisions of the law or regulations promulgated by the Director. Where the licensee or any partner, officer, agent or employee of such licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in relation to securing for himself/herself or another a license to drive a motor vehicle or motorcycle. The term "fraudulent practices" as used herein shall include, but shall not be limited to, any conduct or representation on the part of the licensee, or any partner, officer, agent or employee of a licensee, tending to induce another or to give the impression that a license to operate a motor vehicle or motorcycle, or any other license, registration or service granted by the Director may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting or collecting money for such purpose.
- 12.3 Upon written request of licensee or any partner, officer, agent or employee of such licensee who has been so suspended or revoked. The Director of Motor Vehicles shall afford the person(s) an opportunity to be heard. Such written request must be filed with the Director of Motor Vehicles within 14 days after receipt of a copy of the order of suspension or revocation. The hearing shall be before the Director or his/her designated representative. Any such hearing shall be held within thirty (30) days after the date upon which the Director received the timely written request, unless there is a postponement or continuance. The Director may postpone or continue any hearing on his/her own motion, or upon written application of such person(s) for good cause shown. During the pending of any such hearing, the suspension or revocation of the commercial School license and/or instructor(s) certificate, the same shall be forthwith returned pending the outcome of such hearing, unless action taken was based upon a conviction of the licensee or any partner, officer, agent or employee of such licensee, of a felony or of any crime, or improper conduct, involving violence, dishonesty, indecency, degeneracy or moral turpitude or where the licensee has been found by the Division to be

**TITLE TRANSPORTATION
DELAWARE ADMINISTRATIVE CODE**

involved in improper conduct involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude, while acting as a commercial driving school instructor.

12.4 Any licensee or any partner, officer, agent or employee of such licensee, whose license and/or instructor's certificate(s) has been suspended or revoked shall pay a fee of fifteen (\$15.00) dollars at the end of such suspension or revocation for the return of the school license and/or instructor's certificate(s) to help defray the cost of clerical work, investigation and like activities incidental to the enforcement of the rules and regulations for conducting a Commercial Driver's School in the State of Delaware.

The action of the Director in refusing to issue a renewal, or suspending or revoking a license or instructor's certificate, may be appealed to the Superior Court in the county wherein such licensed school is located or licensed instructor(s) resides.

FOR DMV USE ONLY: _____

ISSUE DATE: _____

LIC. #: _____

STATE OF DELAWARE
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES

Application for Commercial Driver Training School License
(Please Type or Print)

Date: _____

Name of School: _____

Office Address: _____

Office Telephone #: _____

Owner's Name: Owner's Address: _____

Owner's Telephone #: Location of Classroom(s): _____

Type of Business (circle one):

Sole Proprietor Partnership Corporation Association

List the name, title, and address of all Owners, Partners, Members and Officers:

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Name Title Address

Please answer the following questions in full:

1) Has anyone mentioned above ever operate a Commercial Driver Training School before? If yes, please explain

2) Has anyone mentioned above ever been convicted of a felony? If yes, please explain

3) Is your Commercial Driver Training School located in a-business district?

Yes or No

4) Is your Commercial Driver Training School operated from any of the following:

Housetrailer; Residence; Temporary address; Room or rooms in a hotel or motel;

Rooming house; Garage: Single or multiple dwelling unit?

Yes or No

5) Is your Commercial Driver Training School the only business conducted at that address? If no, please explain

6) Does your Commercial Driver Training School maintain or have available a permanent classroom facility?

Yes or No

7) Does your Commercial Driver Training School maintain a permanent office facility?

Yes or No

8) Indicate the number of square feet of office space:

9) Indicate the number of square feet of classroom space:

10) For how many students do you have seating available?

11) Are writing surfaces provided for each student seated in your classroom?

12) Do the vehicles used for instructional purposes by your Commercial Driver

Training School meet the requirements of Section 7 of the Rules and Regulations Governing the Licensing of Commercial Driver Training Schools and Instructors?

Yes ~ or No

13) Does your classroom facility contain the following: Yes No

Charts

Textbooks

Diagrams

Reference Books

Audio Driver Training Films

Audio Driver Training Slides

Testing Aids

Please list any additional training items:

14) Do you operate a branch office? If yes, please indicate the name (if different from the main office), location, and all instructors

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Schedule of Fees

Course of Instruction	Amount	Terms (weekly/monthly)
With use of school vehicle for driver training only		
With use of school vehicle for driver training law test		
With use of school vehicle for road test only		
With use of students car for driver training only		
With use of students car for road test only		
With use of students car for driver training and road test		
Instructor to accompany student to road test in students car		
Classroom training only		
Other		

Please list all persons authorized to sign contracts:

Name and address Title or Position

Please list all persons licensed by the state of Delaware who are employed or associated with this Commercial Driver Training School or have filed for an instructor's license with the State of Delaware:

Name	Driver's License Number
_____	_____
_____	_____
_____	_____

Conditions

As a condition for the issuance and the continued effect of a Commercial Driver Training School License, the undersigned undertake and agree to all of the following conditions:

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- 1) To maintain adequate records as prescribed from time to time by the Director of the Division of Motor Vehicles and to permit the inspection of such records by the Director, his or her deputies or any designated personnel or any law enforcement officer at reasonable times. The Division of Motor Vehicles considers reasonable time as the working hours of the Division: 8:00 a.m. to 4:30 p.m., Monday, Tuesday, Thursday, and Friday and noon to 8:00 p.m. on Wednesday.

- 2) To advise the State of Delaware, on forms supplied by the applicant, whenever an instructor's employment is terminated by the applicant and a brief statement concerning the reasons for such termination.

- 3) To comply with all state laws and regulations, and all county and municipal regulations and ordinances relating to public and county health and public safety for the school and business facility.

- 4) To comply with all the provisions of Title 21, Motor Vehicle Laws of the State of Delaware, and the rules and regulations relating to Commercial Driver Training Schools.

- 5) To advise the Delaware Division of Motor Vehicles within 10 (ten) days of any material change in the application or the schedules which are made a part thereof.

I, the undersigned, certify that I have read the laws, rules, and regulations governing Commercial Driver Training Schools and that I agree to abide by the rules, regulations and laws set forth and further affirm that all statements made by me in this application are true and correct to the best of my knowledge.

Each owner, partner, or officer of the Commercial Driver Training School must sign in the space provided below in the presence of a Notary.

Signature	Title

Sworn to and Subscribed before me thisday of19

Notary

To knowingly make a false statement or conceal a material fact in this application shall result in the revocation of your Commercial Driver Training School License.

The licensee shall file with the Director of the Division of Motor Vehicles evidence of insurance with a company authorized to do business in the state, in the amount of at least \$25,000 because of bodily injury to, or death of any one person in any one accident and, subject to said limit for one person; to a limit of \$50,000 because of bodily injury to, or death of two or more persons in any one accident; and to a limit of \$10,000 because of injury to or destruction of property of others in one accident.

Evidence of such insurance coverage must be in the form of a letter or certificate from the insurance carrier, which shall stipulate that the Director of the Division of Motor Vehicles shall be notified 10 (ten) days prior to the policy expiration or cancellation. Such notice of expiration or cancellation shall be mailed to the Director of the Division of Motor Vehicles, P. O. Box 698, Dover, DE 19903.

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As required by law, a licensing fee in the amount of \$115.00 (non-refundable) must accompany this application. * All original applications also require an investigation fee of \$50.00 to defray the cost of clerical work, investigations, and like activities for the enforcement of the Rules and Regulations Governing the Licensing of Commercial Driver Training Schools and Instructors.

Please forward the completed application, including sample copies of contracts and schedule of fees, along with a check or money order made payable to the Division of Motor Vehicles to:

Division of Motor Vehicles
Attention: Commercial Driver Training
P. O. Box 698
Dover, DE 19903

FOR DMV USE ONLY:

Approved Disapproved

Reason:

By: Date:
Director of Motor Vehicles

EXPIRATION DATE INSTRUCTOR NO. _____

STATE OF DELAWARE
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES

Application for LICENSE COMMERCIAL DRIVER TRAINING INSTRUCTOR

(Please Print or Type)

Pursuant to Chapter 83, of the Delaware Motor Vehicle Laws, the undersigned does hereby apply for a license as Instructor for _____ Driving School.

NAME
LAST FIRST MIDDLE

HEIGHT FT. INS. LBS.

COLOR HAIR COLOR EYES

HOME ADDRESS
Street city State Zip

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17

Telephone No.

SCHOOL ADDRESS

Street

City

State

Zip

Telephone No.

PLACE OF BIRTH

DATE OF BIRTH

DRIVER LICENSE NO.

STATE

EXPIRATION

Have you ever previously been a licensed driver training instructor in Delaware

List names and addresses of all Driver Training schools at which you have been employed.

Type of School	Name Address	Attended From Mo. Yr.	Year To Mo. Yr.	Degree Graduated or Diploma	Year Recd.
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High School

College or University

If you did not graduate, what is the highest grade completed?

Have you passed High School Equivalency Test? Yes No

Have you completed a Course in Driver Education? Yes No

List employment for last 5 years---most recent employment first---also include current.

Name of Firm _____

Address _____

Dates employed from _____ To _____

Name of Firm _____

Address _____

Dates employed from _____ To _____

Name of Firm _____

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Address _____

Dates employed from _____ To _____

Name of firm _____

Address _____

Dates employed from _____ To _____

Name of firm _____

Address _____

Dates employed from _____ To _____

ANSWER THE FOLLOWING *WITH "YES" OR "NO"*

(If answer is Yes, explain fully on another sheet.)

1. Have you ever been known by any other name than that shown on application?
2. Have you ever been charged with, or convicted of a felony or misdemeanor?
3. Do you now or have you ever used narcotics?
4. Have you ever been charged with, or convicted of perjury or making- of any false statements?
5. Have you ever been charged with, or convicted of any traffic violations other than parking-violations?
6. Are you now involved with any charges or court proceedings relating to matters stated in above questions?
7. Has your license to drive in Delaware or any other State ever been suspended, revoked, cancelled or denied?
8. Has your Commercial Drivers Training School and/or instructors license ever been suspended, revoked cancelled or denied?
9. Do you own or lease the Driver Training School vehicles?
10. Are all vehicles insured?

"No" Answers may be explained in this space.

Attach Recent

Photo Date photo was taken. A \$50.00
fee for either original or
renewal, required by law, must
accompany this application,
to be forwarded to the
Division of Motor Vehicles,
P.O. Box 698, Dover, DE 19901.

Right

Index Finger

print

The applicant agrees that:

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1. If I terminate employment with Drivers Training School listed herein, I will surrender my license to instruct at said school.
2. If I become employed by another Drivers *Training School*, I will make application for a new instructors license for said school.
3. In the event of a review of the department's records it is determined that I am not entitled to the license, I will surrender my license at the school listed herein:
4. I have read the entire foregoing application and the information given by me on this application is accurate and true to the best of my knowledge. And I understand that any false statement will result in the cancellation of my Drivers Training School instructor's license that has been issued to me. I hereby authorize Delaware's Division of Motor Vehicles to make any investigation and inquiry necessary to evaluate this application.

Sign Full Name _____ Date _____

This application must be signed by an authorized official of the Drivers Training School.

Official's Signature _____ Date _____

Subscribed and sworn to before me this _____ day of _____ 19

Notary Public _____

Notary's Address _____

This application: Approved _____

Disapproved By _____

Director of Motor Vehicle: _____

Date _____

Reason Disapproved: _____