

**DEPARTMENT OF REVENUE**

**Division of Motor Vehicles**

**RULES FOR COMMERCIAL DRIVING SCHOOLS AND/OR APPROVED DRIVER EDUCATION COURSES, INCLUDING THE BASIC OPERATOR'S DRIVING SKILL TESTING (BOST) PROGRAM**

**1 CCR 204-3**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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**THE DRIVER EDUCATION AND EXAMINER PROGRAM RULES AND REGULATIONS FOR COMMERCIAL DRIVING SCHOOLS AND COURSE PROVIDER CURRICULMS**

**A. BASIS, PURPOSE AND STATUTORY AUTHORITY**

- (1) By Statute, the Department is authorized to promulgate rules and regulations as necessary for Commercial Driving Schools and the Driver Education and Examiner Program. Authority: sections 24-4-103 C.R.S., 42-1-204 C.R.S., 12-15-116 C.R.S., 42-2-106 C.R.S. and 42-2-111 C.R.S.
- (2) The purpose of these rules is to remain current with changing laws and new programs promoting the safety and welfare of the citizens of Colorado. New rules are necessary for the oversight of the Driver Education and Examiner Program.

**B. DEFINITIONS**

- (1) **BOST** : means the Basic Operator Skill Test.
- (2) **Basic Operator's Skills Tester** : means an individual employed by a Commercial Driving School who has successfully passed the training classes conducted by the department and is licensed to conduct the Basic Operator's Skill Test (BOST).
- (3) **Basic Operator's Skills Testing Organization (BOSTO)** : means an organization licensed by the Department to conduct the driving skill test for a driver's license.
- (4) **Clock Hours** : 12-15-101(1) C.R.S. means a full hour consisting of sixty (60) minutes.
- (5) **CMV**: means a Commercial Motor Vehicle.
- (6) **Commercial Driving School (CDS)** : 12-15-101 C.R.S. means any business or any person who, for compensation, provides or offers to provide instruction in the operation of a motor vehicle, with the exception of secondary school and institutions of higher education offering programs approved by the department of education and private occupational schools offering programs approved by the private occupation school division. Such term shall not include any motorcycle operator safety-training program established pursuant to section 43-5-502, C.R.S.
  - (a) **Provides or Offers to Provide Instruction in the Operation of a Motor Vehicle is defined as** : actual behind the wheel training in a motor vehicle in traffic situations.
  - ( b) A Commercial Driving School is a business registered with the Colorado Secretary of State's Office.

- (7) **Commercial Driving School Course** : means the areas of study as recommended by the United States Department of Transportation, Highway Safety Program, guideline 4 that contains a minimum of 30 clock hours of instruction (classroom), home study, Internet) and 6 hours of laboratory (behind-the-wheel) instruction with an approved instructor. \*
- (8) **Commercial Driving School Instructor** : means an individual employed by a Commercial Driving School (CDS).
- (9) **Course Provider** : means any person or business that provides the teaching parent/guardian with a course of driver education instruction approved by the Department satisfying the existing 50 hour Graduated Driver License requirement so as to allow a minor between the ages of 15 years 6 months and 16 years a driver instruction permit A Course Provider is a business registered with the Colorado Secretary of State's Office.
- (10) **Course Provider Certificate** : a certificate issued by the course provider as proof of enrollment in an approved course of instruction.
- (11) **Course Provider Curriculum** : a course of instruction approved by the Department that provides the teaching parent/guardian with the necessary driver education materials to satisfy the existing 50 hour Graduated Driver License requirement so as to allow a minor a driver instruction permit between the ages of 15 years 6 months and 16 years.
- (12) **Department** : means the Department of Revenue, Motor Vehicle Business Group, and Driver License Administration.
- (13) **Driver Awareness Program** : means a four-hour driver awareness program approved by the department so as to allow a minor a driving permit between the ages of 15 years 6 months and 16 years upon completion.
- (14) **Driver Education Course** : means any driver education course approved by the department as meeting the minimum core course requirements so to allow a minor a driving permit between the ages of 15 years and 15years 6 months.
- (15) **Driving Skill Testing Organization (BOST Organization)**: means an organization licensed by the department to conduct the driving skill test.
- (16) **Instruction Permit** : means a driving document issued by the department as defined in section 12-2-106 C.R.S., to allow the practice and /or instruction of an individual prior to receiving a regular operator's license.
- (17) **Laboratory Instruction** : means an extension of classroom instruction, which provides students with opportunities for traffic experiences under real conditions.
- (18) **Tester** : see B (2) for the Basic Operator's Skills Tester definition.

### **C. APPLICANT LICENSING REQUIREMENTS**

- (1) Each applicant for a driver license or instruction permit must be a resident of Colorado, at least 16 years of age, and comply with the testing and licensing requirements of the department.
- (2) Minors between the age of 15 years and 15 years six months may apply for an instruction permit with an affidavit of enrollment and attendance in a Driver Education Course approved by the Department.

- (a) The license and instruction permit will indicate the class of license and restrictions for the individual driver. The license is valid for the operation of a non-CMV including a motorcycle with the appropriate motorcycle endorsement on the license.
- (3) Minors between the age of 15 years 6 months and 16 years may apply for an instruction permit after completing a four-hour Driver Awareness Program approved by the department.
- (4) Minors between the ages of 15 years 6 months and 16 years may apply for an instruction permit upon presenting a Course Provider Certificate as evidence of enrollment in an approved course of driver education instruction.
- (5) Minors are required to possess an instruction permit for a minimum of 1 year and complete the 50-hour driving log before being eligible to take a driving test and apply for a license.

#### **D. APPROVED COMMERCIAL DRIVING SCHOOLS**

- (1) Any commercial driver education course of instruction that has been approved by the Department as meeting or exceeding the minimum core course requirements as recommended by the United State Department of Transportation, Highway Safety Program, Guideline 4 and contains a minimum of 30 clock hours of instruction and 6 clock hours of laboratory (behind-the-wheel) instruction in the operation of a motor vehicle.\*
- (2) Courses submitted for approval must include a lesson plan with instructor guide, course outline, course content, and timeline.
- (3) A Commercial Driving School offering an Approved Driver Education Core Course may not act as a liaison in any activity of the department, including, but not limited to, the issuance of instruction permits, licenses or identification Cards.
- (4) An approved Commercial Driving School will submit a schedule of all class dates and times 10 days prior to conducting any class.
- (5) A Commercial Driving School must conduct at least 1 driver education class each year following the current 30-hour classroom, 6 hour behind the wheel curriculum with a minimum of 5 students to maintain a Commercial Driving School status. Failure to conduct classes removes the School' status and places the business in the Course Provider category. (6) Requests for licensing and approval must be submitted on forms provided by the Department and must indicate on the form the type of license and approval required. Commercial Driving Schools must submit a copy/copies of their state, county, and/or municipal business license(s) or waivers along with a complete lesson plan to the department to be considered for certification and approval. Lesson changes will require resubmission, re-certification and approval. All forms submitted must be filled out completely and legibly.
- (7) Behind the wheel instruction offered by a Commercial Driving School must be in a vehicle equipped as defined in section 12-15-114 CRS. The vehicle must be properly registered and insured as defined in sections 42-3-103 C.R.S. and 10-4-706 C.R.S.
- (8) The Approved Commercial Driving School/Course Provider offering the BOST test will maintain a Performance Bond for \$2,500 with the Department. A surety company authorized to do business with the State of Colorado shall execute the bond.

- (a) The bond shall be for the use and benefit of the Department in the event of a monetary loss within the limitations of the bond attributable to the willful intentional or negligent conduct of the testing unit of its agents or employees.
- (9) All organizations must conspicuously post all business licenses, all certificates issued by the department along with all fees for services.
- (10) Physical facilities: each organization requesting certification and approval by the department must have and maintain its own established place of business that contains adequate physical facilities to conduct classes or in the case of Correspondence/Internet Study Courses, to adequately maintain all files and records required and:
- (a) Must be secure to ensure inventory control of any forms issued by the department.
  - (b) May not solicit or advertise for business within the leased facilities or assigned parking area of any motor vehicle business group office engaged in the issuance of driver license documents.
  - (c) Must prominently display signage that states that the Commercial Driving School is not an agency of and does not represent the department.
- (11) For the purpose of accurate file maintenance, Commercial Driving Schools must notify the department of the location of all branch offices and the date the branch office(s) is opened or closed. Branch opening notices must include copies of the business license(s)/waivers. A notice must be mailed to the department within 10 days of opening or closing any branch office, and must include the names of all employees to be added or deleted from the organizations' certification. A branch office shall contain the same facilities and equipment as the main facility.

**E. CORE COURSE**

Based on recommendations by the United States Department of Transportation, the core course curriculum will contain a minimum of 30 clock hours of classroom instruction and 6 clock hours of laboratory (behind-the-wheel) instruction and shall include, but not be limited to, the following areas of study: \*

1. Colorado GDL Laws

Current laws \_\_\_\_\_ age \_\_\_\_\_ restrictions \_\_\_\_\_ violations \_\_\_\_\_ consequences

2. Colorado Traffic Accident Problems

High-risk locations \_\_\_\_\_ contributing factors \_\_\_\_\_ prevention \_\_\_\_\_

3. Causes of Traffic Accidents

Laws of nature \_\_\_\_\_ weather conditions \_\_\_\_\_ city \_\_\_\_\_ rural, traffic \_\_\_\_\_

4. Being fit to Drive

Mentally \_\_\_\_\_ physically \_\_\_\_\_ conditions \_\_\_\_\_ charts \_\_\_\_\_

5. When not to Drive

Hazardous conditions \_\_\_\_\_ medications \_\_\_\_\_ fatigue \_\_\_\_\_ laws \_\_\_\_\_

6. Alcohol and Driving

Age \_\_\_\_\_ peer pressure \_\_\_\_\_ poor judgment \_\_\_\_\_ reduce learning \_\_\_\_\_  
Effects on brain \_\_\_\_\_ weigh charts \_\_\_\_\_ percent of non-alcohol users \_\_\_\_\_

7. Drugs and Driving

Marijuana \_\_\_\_\_ other illegal drugs \_\_\_\_\_ prescription drugs \_\_\_\_\_ charts \_\_\_\_\_  
Over the counter drugs \_\_\_\_\_ percent of non-users of illegal drugs \_\_\_\_\_

8. Proper Visual Techniques

Methods: Smith System \_\_\_\_\_ IPDE Process \_\_\_\_\_ Zone Control \_\_\_\_\_  
Values \_\_\_\_\_ risk reduction \_\_\_\_\_ visual aids \_\_\_\_\_

9. BASIC Driving Techniques

Proper Steering \_\_\_\_\_ hand over hand \_\_\_\_\_ push-pull \_\_\_\_\_ lane change  
Steering forward and backwards \_\_\_\_\_ Making turns \_\_\_\_\_ backing \_\_\_\_\_  
Signaling \_\_\_\_\_ turns \_\_\_\_\_ lane changes \_\_\_\_\_ starting \_\_\_\_\_ distance \_\_\_\_\_  
Parking \_\_\_\_\_ Angle \_\_\_\_\_ reference points \_\_\_\_\_ hills \_\_\_\_\_ stick shift \_\_\_\_\_

10. Emergency Driving Techniques

Vehicle Malfunctions \_\_\_\_\_ tire failure \_\_\_\_\_ brake failure \_\_\_\_\_ engine  
Failures \_\_\_\_\_ steering failure \_\_\_\_\_ accelerator failures \_\_\_\_\_  
Off road recovery \_\_\_\_\_ emergency swerving \_\_\_\_\_ potholes \_\_\_\_\_  
Objects in road \_\_\_\_\_ deep-water \_\_\_\_\_ sharp curves \_\_\_\_\_  
Collisions \_\_\_\_\_ head-on \_\_\_\_\_ side impact \_\_\_\_\_ rear end \_\_\_\_\_

11. Mountain Driving

Driving up \_\_\_\_\_ driving down \_\_\_\_\_ weather \_\_\_\_\_ altitude effects on  
Drivers \_\_\_\_\_ altitude effects on vehicles \_\_\_\_\_

12. Adverse Weather Conditions

Reduced Visibility \_\_\_\_\_ cleaning vehicle windows \_\_\_\_\_ sun glare \_\_\_\_\_  
Night driving \_\_\_\_\_ fog \_\_\_\_\_ rain \_\_\_\_\_ snow \_\_\_\_\_  
Reduced Traction \_\_\_\_\_ Wet roadways \_\_\_\_\_ snow \_\_\_\_\_ ice \_\_\_\_\_  
Skidding \_\_\_\_\_ controlled braking \_\_\_\_\_ threshold braking \_\_\_\_\_

Wind \_\_\_\_\_ hot weather \_\_\_\_\_ cold weather \_\_\_\_\_ winter driving tips \_\_\_\_\_

### 13. Night Driving

Reduced visibility \_\_\_\_\_ headlight use \_\_\_\_\_ fog \_\_\_\_\_ bright lights on \_\_\_\_\_ bright lights off  
\_\_\_\_\_ rain \_\_\_\_\_ snow \_\_\_\_\_

### 14. Urban/City Driving

Traffic density in urban / city driving conditions \_\_\_\_\_ two-way streets \_\_\_\_\_

One-way streets \_\_\_\_\_ pedestrian traffic \_\_\_\_\_ bicycle traffic \_\_\_\_\_

Intersections traffic density impact \_\_\_\_\_ Traffic flow in city driving \_\_\_\_\_

Lower speed limits in city \_\_\_\_\_ limited vision \_\_\_\_\_ gridlock \_\_\_\_\_

Lane changes in city driving \_\_\_\_\_

### 15. Rural Driving Hazards

Road Surface – dirt \_\_\_\_\_ gravel \_\_\_\_\_ stone \_\_\_\_\_ old/narrow \_\_\_\_\_

Visibility at intersections \_\_\_\_\_ traffic signs no signals \_\_\_\_\_

Obstructed view \_\_\_\_\_ tree overhang \_\_\_\_\_ crops \_\_\_\_\_ hidden driveways

Rural road driving guidelines \_\_\_\_\_ no shoulders \_\_\_\_\_ hills \_\_\_\_\_

### 16. Expressway Driving

Expressway defined \_\_\_\_\_ limited access \_\_\_\_\_ Interchange types;

Cloverleaf \_\_\_\_\_ diamond \_\_\_\_\_ trumpet \_\_\_\_\_

Entrance / Exit Ramps \_\_\_\_\_ Signal entrance \_\_\_\_\_ HOV \_\_\_\_\_

Lane Use \_\_\_\_\_ Speed \_\_\_\_\_ Passing \_\_\_\_\_ choosing lanes \_\_\_\_\_

### 17. Sharing the Roads with Trucks / Motorcycles

Trucks: size and weight problems \_\_\_\_\_ Stopping distances \_\_\_\_\_ blind spots \_\_\_\_\_ visibility  
\_\_\_\_\_ wind effect \_\_\_\_\_ passing \_\_\_\_\_ judging \_\_\_\_\_

Motorcycles: visibility problems \_\_\_\_\_ exposure to road surfaces \_\_\_\_\_

Risks of injury \_\_\_\_\_ gaps \_\_\_\_\_ acceleration speeds \_\_\_\_\_ stopping speed

### 18. Sharing the Roads with Bicyclists/Pedestrians

Intersections \_\_\_\_\_ City Driving \_\_\_\_\_ Highways \_\_\_\_\_ Residential \_\_\_\_\_

### 19. Defensive Driving

Use of the Smith system \_\_\_\_\_ IPDE system \_\_\_\_\_ Risk Management system \_\_\_\_\_ Similar system \_\_\_\_\_

20. Emergencies on the Highway

Minimizing consequences \_\_\_\_\_ proper seat belt use \_\_\_\_\_ off-road recovery techniques \_\_\_\_\_ reduced traction \_\_\_\_\_ hydroplaning \_\_\_\_\_ ABS use \_\_\_\_\_ Evasive actions \_\_\_\_\_ Lateral evasive \_\_\_\_\_ vehicle failure \_\_\_\_\_ fire \_\_\_\_\_

21. Automobile Maintenance

Preventive maintenance \_\_\_\_\_ fluids \_\_\_\_\_ battery \_\_\_\_\_ gauges \_\_\_\_\_ Tires \_\_\_\_\_ inflation \_\_\_\_\_ tread \_\_\_\_\_ rotation \_\_\_\_\_ maintenance list

22. Colorado Financial Laws and Responsibilities (22-24)

Proof of liability insurance \_\_\_\_\_ minimum limits \_\_\_\_\_ optional insurances Collision \_\_\_\_\_ comprehensive \_\_\_\_\_ uninsured motorist \_\_\_\_\_ Changing Premiums Criteria \_\_\_\_\_ Age \_\_\_\_\_ Gender \_\_\_\_\_ discounts \_\_\_\_\_

23. Accident Alert Policies \_\_\_\_\_ Contacting police \_\_\_\_\_ first aid \_\_\_\_\_

24. Uniform Signs and Signals

Signs \_\_\_\_\_ Shapes \_\_\_\_\_ Colors \_\_\_\_\_ Meanings \_\_\_\_\_

25. Road Markings

Markings \_\_\_\_\_ Patterns \_\_\_\_\_ Colors \_\_\_\_\_ Meanings \_\_\_\_\_

26. Intersections

Yielding \_\_\_\_\_ Controls \_\_\_\_\_ lights \_\_\_\_\_ signs \_\_\_\_\_ police \_\_\_\_\_ flags Turns \_\_\_\_\_ left \_\_\_\_\_ right \_\_\_\_\_ U \_\_\_\_\_ three point \_\_\_\_\_

27. Lane Use

Changing lanes \_\_\_\_\_ blind spots \_\_\_\_\_ passing \_\_\_\_\_ speed \_\_\_\_\_ judging Distances \_\_\_\_\_ judging speeds \_\_\_\_\_ passing two-lanes \_\_\_\_\_

28. Colorado Point System

Define \_\_\_\_\_ suspensions \_\_\_\_\_ revocation \_\_\_\_\_ cancellation \_\_\_\_\_ denial \_\_\_\_\_

29. Safety Equipment

Terms \_\_\_\_\_ warning lights \_\_\_\_\_ warning gauges \_\_\_\_\_ safety belts \_\_\_\_\_

Air bags \_\_\_\_\_ types and concerns \_\_\_\_\_ child restraints \_\_\_\_\_ types and use

ABS and related technologies \_\_\_\_\_ Active Yaw controls \_\_\_\_\_

### 30. Automobile Inspection Performance

Purpose \_\_\_\_\_ safety and security measures \_\_\_\_\_ inspecting standards \_\_\_\_\_

Vehicle securing procedures \_\_\_\_\_ securing valuables \_\_\_\_\_ door locks \_\_\_\_\_

### 31. Road Rage Awareness and Management

Definitions of Road Rage \_\_\_\_\_ Aggressive driving \_\_\_\_\_ Examples of rage: Verbal \_\_\_\_\_

Physical \_\_\_\_\_ Triggers for road rage \_\_\_\_\_ Aftermath \_\_\_\_\_

Who are they? \_\_\_\_\_ why? \_\_\_\_\_ reducing the risk \_\_\_\_\_ protecting yourself \_\_\_\_\_

### 32. Driving Skill Improvements and Benefits

Knowledge benefits \_\_\_\_\_ time, space management \_\_\_\_\_ Environment awareness \_\_\_\_\_  
controlling speed \_\_\_\_\_ emergency conditions \_\_\_\_\_

Factors affecting driving ability \_\_\_\_\_

### 33. Parent / Guardian Roles and Responsibilities

Parents as teachers \_\_\_\_\_ Talking about driving \_\_\_\_\_ listening to teens \_\_\_\_\_

Parent qualifications for BTW \_\_\_\_\_ use of materials \_\_\_\_\_ Do's and Don'ts

Guidelines for Parents teaching Behind the Wheel training \_\_\_\_\_

Parent-Teen Driving Contract \_\_\_\_\_

Commercial Driver Education Schools and Course Provider Curriculums must include lesson plans with an instructor guide, course outline, course content and a timeline to be followed for both classroom and behind the wheel instruction

## F. APPROVED COURSE PROVIDER

- (1) An Approved Course Provider may not become a Basic Operator's Skill Testing Organization offering the Basic Operator Skill Test (BOST).
- (2) An Approved Course Provider will be authorized to issue a Course Provider Certificate for those students between the age of 15 years 6 months and 16 years.
- (3) An Approved Course Provider must have and maintain its own established place of business to effectively store and maintain all student enrollment, testing, progress and completion records. The facility must be secure to ensure the safe retention and inventory control of any forms issued by the Department.

## G. APPROVED DRIVER AWARENESS PROGRAM



- (1) A four-hour Driver Awareness Program offered by a Commercial Driving School, approved by the department, that allows a minor a driving permit between the ages of 15 years 6 months and 16 years upon successful completion of the program.
- (2) Courses submitted for approval must include a lesson plan with instructor guide, course outline, course content and timeline.
- (3) A Commercial Driving School who offers an Approved Driver Awareness Program will be authorized to issue a completion statement for those students between the age of 15 years 6 months and 16 years, upon completion of the Driver Awareness Program.
- (4) Instructor candidates must attain a satisfactory review by a Department representative prior to independent instructor status.
- (5) A schedule of all class times will be required 10 days prior to any instructing.
- (6) An Approved Driver Awareness Program must have and maintain its own established place of business to store and maintain all student enrollment, testing and completion records. The facility must be secure to ensure the safe retention and inventory control of any forms issued by the Department.

#### **H. CLASSROOM REQUIREMENTS FOR THE COMMERCIAL DRIVING SCHOOL OR DRIVER AWARENESS PROGRAM**

- (1) The Commercial Driving School or Driver Awareness Program must provide a classroom that meets the following requirements.
  - (a) Classrooms shall be large enough to accommodate a minimum of 10 students with a minimum of 15 square feet of space per student. Desks and chairs for a minimum of 10 students.
  - (b) Dry-erase board or equivalent.
  - (c) Appropriate restroom facilities shall be available.
  - (d) Adequate parking shall be available in close proximity to the classroom.
  - (e) Inspection of the location will be required prior to scheduling the first class.
- (2) A schedule of classes offered will be required no later than 10 days prior to the start of the class.
- (3) Temporary or non-permanent classroom locations will be acceptable with prior approval by the Department.
  - (a) Leased or rented location will require a copy of the agreement including dates and times.
  - (b) All other classroom requirements will remain the same.
- (4) Commercial Driving School or Driver Awareness courses will not be allowed in living quarters of any description (houses, mobile homes, apartments etc.). Classrooms must project a professional image and provide students with the proper learning environment. This provision would not apply to the teaching parent/guardian that has purchased a course of instruction approved by the Department from a Course Provider.

#### **I. ENTITY ELIGIBLE TO APPLY FOR A BOST TESTING LICENSE**

- (1) You must be an approved Commercial Driving School to administer the BOST on behalf of the Department if such training and testing is equal to the training and testing of the Department.
- (2) Enter into an annual written contract with the Department and agree to:
  - (a) Maintain an established place of business in Colorado with training vehicles that comply with C.R.S. 12-15-114, C.R.S. 42-3-103 and C.R.S. 10-4-706.

**J. ORGANIZATION REQUIREMENTS FOR THE BASIC OPERATOR'S DRIVING SKILL TEST (BOST) LICENSEN**

- (1) A Commercial Driving School approved by the Department must be licensed and bonded to provide the Basic Written Knowledge Test or the Basic Operator's Driving Skill Test (BOST).
- (2) Requests for training and licensing as a BOST testing organization must be submitted in writing to the Department. All employees listed for training and licensing must be at least 25 years of age and have a valid Colorado driver's license. The Department will provide all training and materials for BOST licensing.
- (3) Drive Test Routes must be approved by the Department prior to the licensing of the Commercial Driving School as a BOST organization. Only two approved routes are required. All driver testing administered by the licensed BOST organization will be conducted on one of the two approved routes.
  - (a) Commercial Driving Schools licensed as BOST organizations with multiple locations must request approval for each location and route prior to testing.
- (4) Upon successful completion of the driving skill tester training course and Departmental approval of all required drive test routes, the Department will issue a BOST organization number and license to the qualifying Commercial Driving School and a BOST number and license to each employee successfully completing the course.
- (5) Individual tester license numbers are to be used solely by the employee to whom the number is assigned. Unauthorized use of license numbers will result in the revocation of the license for the individual(s) and the revocation of licensing for the organization employing the individual(s).
- (6) BOST testing organizations shall notify the department in writing within 7 working days of a BOST tester's change of driving status or departure from the Commercial Driving School.
- (7) An individual may be employed by more than one Commercial Driving School offering BOST testing and shall be issued a separate license number for each Commercial Driving School.
- (8) Only license testers are eligible to administer the driving skill test and sign the DR2735 Basic Operators Driving Skill Test Completion Statement. The DR2735 form will remain valid for 60 days from the day of issue.
- (9) Individual tester licenses and licensing numbers are subordinate to the Commercial Driving School's BOST license. The tester license is valid only while the individual is employed by the Commercial Driving School listed on their license.
- (10) Should an organization drop their licensing or the licensing is revoked; it will result in the cancellation of all individual licenses in that organization.

- (11) Commercial Driving Schools may cancel their BOST license or the license of any employee by notifying the department in writing. Cancellation of a license does not nullify any of the terms of the contract.
- (12) Commercial Driving Schools are required to allow onsite inspections without prior notice by a Department representative in order to;
  - (1) Review student enrollment, written and road testing, progress and completion records.
  - (2) Observe classroom instruction.
  - (3) Observe behind the wheel instruction.
  - (4) Observe and score live road testing with the licensed tester and compare pass/fail scores.
  - (5) Have the Commercial Driving School's tester administer the test to the Department representative as though the representative were the applicant.
- (13) Commercial Driving Schools offering BOST testing may not act as a liaison in any activity of the department including, but not limited to, the issuance of instruction permits, licenses, or identification cards. (Exception: conducting driving tests)
- (14) The Department does not now require classroom or behind the wheel instructors employed by Commercial Driving Schools to hold credentials in the field of teaching or driver education. Should a certificate or credentialing program in driver education again become available in the State of Colorado that meets the Department's standards for cost and program effectiveness, the Department will implement a program that would eventually require certification of all classroom and behind the wheel driver education instructors.

#### **K. TESTER REQUIREMENTS**

- (1) The BOST tester agrees as part of the application to hold the State harmless for the liability of BOST testing.
- (2) The BOST tester will verify that the applicant has a valid driver license or instruction permit before any testing.
- (3) Prior to any employee being approved for classroom instruction, behind the wheel instruction and/or BOST licensing, a criminal background check will be required and a copy of the background check will be submitted to the department for inclusion in the organization's file.
- (4) To maintain their BOST license, a tester is required to administer a minimum of 24 drive tests per year. Should the Commercial Driving School tester fail to complete the required number of drive tests in the designated time period, a refresher-training course, as determined by the department, will be required prior to re-licensing. A representative of the department will conduct refresher training
- (5) The tester must verify that any vehicle used for testing is properly registered and insured. The tester shall also conduct a safety inspection of the vehicle to ensure all necessary equipment is in safe operating order, including but not limited to:
  - Lights
  - Seat Belts

- Tires
  - Windshield
- (6) Prior to administering the BOST, the tester shall complete the information section of the DR2732 (Score Sheet) including the date, applicant information, vehicle information, organization and tester information.
  - (7) Prior to departure, the applicant and tester must fasten their seat belts or vehicle restraint system as required by law. Testing is not allowed in a vehicle that fails to have a required restraint system installed.
  - (8) The applicant and tester are prohibited from smoking, drinking or eating during the driving examination and shall turn off radios, cell phones, and paging devices.
  - (9) The tester must conduct a full driving test in accordance with Department procedures, policies and standards. Forms provided by the Department will be used for the tests.
  - (10) The tester shall ensure that the driving test results are reviewed with the applicant immediately upon completion of the driving test.
  - (11) Upon successful completion of the driving skill test, the tester shall complete a form DR2735, Basic Operator's Driving Skills Test Completion Statement. The tester and the applicant shall sign the form. The applicant will be given the white and canary copies of the form. The BOST tester will attach the organization's pink copy of the DR2735 to the Score Sheet (DR2732).
  - (12) The BOST tester shall note all failures on the applicant's drive test score sheet and within 5 days mail or fax the road test failure to the Compliance Section. The Commercial Driving School will retain and file the applicant's original drive test score sheet pass or fail.
  - (13) Applicants that fail the driving examination four times must be referred to the department for additional testing.
  - (14) When testing an applicant ordered by the Department to take a re-examination, the tester must ensure that the applicant has the "Notice of Re-Examination" letter and takes both the written and driving tests within the dates specified by the Department.
  - (15) When testing an applicant with an interlock restriction, the tester must ensure that the vehicle used for the driving examination has an interlock device installed.
  - (16) Testers shall not administer more than one driving test per day to any applicant.
  - (17) Only testers licensed by the department are authorized to administer the driving test and sign the BOST Completion statement, form DR2735.
  - (18) The BOST shall be conducted solely on the testing organization's department-approved BOST routes. Any changes in approved driving test routes must be submitted in writing to the Department for approval by a Department representative prior to any testing on the new route.
  - (19) Occupants in a vehicle on a driving test are limited to the applicant and the tester only. A Department representative may be an authorized occupant when necessary for audit or quality assurance purposes.

#### **L. WRITTEN KNOWLEDGE EXAMINATIONS**

- (1) Approved Commercial Driving Schools that administer the written knowledge test shall issue the Written Knowledge Test Completion Statement, form DR2238, to the applicant upon successful completion of the written knowledge test and instruct the applicant to surrender the form at a Driver License Office in lieu of the written test at the office. The DR2238 form is valid for 30 days from the date of issue.
- (2) The written knowledge tests must be kept in a secure location and remain under the control of the Commercial Driving School. The applicant's name shall be placed on the top of the written test. Applicants must receive a score of 80% or higher (0 to -5) to pass. All tests shall be administered at the Commercial Driving School facility.

#### **M. RECORDS AND REPORT REQUIREMENTS, CONTRACTS AND AUDITING REQUIREMENTS**

- (1) An applicant who has successfully completed the driving skill test shall be issued the "Basic Operators Driving Skill Test Completion Statement" (DR 2735). The Commercial Driving School will retain one copy of this form for its records. (This form is not authorization to drive unsupervised.) The DR 2735 will remain valid for 60 days from the date of issue.
- (2) All Commercial Driving Schools, Course Providers and Driver Awareness Programs are required to maintain on-site, in a secure location, for a period of three (3) years, all records of contracts, student enrollment, written tests, progress reports, student completion and BOST results (if applicable). These records shall include the name of the Commercial Driving School, the name of the student/applicant, the date of birth of the student/applicant, the license or instruction permit number held by the student/applicant, which course the student/applicant was enrolled in, whether behind-the-wheel instruction was completed. All records shall include the signature of the instructor/skill tester.
- (3) All contracts and/or agreements by or between any Commercial Driving School (including any BOST if applicable) and any individual, partnership, corporation, firm or associate for the sale, purchase, barter or exchange of any driving instruction or classroom instruction, or the preparation of any applicant for examination must at minimum contain the following:
  - (1) The number of hours of classroom instruction.
  - (2) The number of hours of laboratory instruction.
  - (3) Agreed per hour lesson or testing contract price and terms of payment.
  - (4) Additional charges such as testing fees or vehicle rental fees.
- (4) Driving skill testing records shall include all passed and failed testing and shall include driver/applicant identifying information, the score received, date of testing and the tester number.
- (5) All passed and failed written examinations shall be logged on the "Monthly Report for BOST Written Testing" form and kept on file for a period of 3 years.
- (6) All passed and failed driving examinations shall be logged on the "Monthly Report for BOST Driving Skill Testing" form and kept on file for a period of 3 years.
- (7) The Commercial Driving School approved for BOST will report to the Department monthly using the "Monthly Report for BOST Driving Skills Testing" form. This report must be sent in by the 10th of the following month by either fax or mail regardless whether any testing was done that month or not.

- (8) All voided documents (DR2735 or DR2238) will be logged on their respective monthly reports with the voided document filed in numerical order.(9) Any Commercial Driving School Approved for BOST that is 30 days behind in the filing of their monthly report will not be issued new completion forms until all reports are submitted. The Commercial Driving school also faces revocation of its testing license should this become a chronic problem.
- (10) Records will be filed and maintained in a central location.
- (11) All Commercial Driving Schools shall notify the department in writing within (10) ten working days of a termination of an organization's employee, change of an employee's vital information or driving status. For Commercial Driving Schools approved for BOST, the department prior to drive testing on the new route must approve test route changes or modifications.
- (12) To assure that Commercial Driving Schools, Course Providers and Driver Awareness Programs continue to meet the standards established by the Department, a Department representative will conduct on-site compliance inspections as necessary or as often as the Department feels necessary, to review contracts, student enrollment records, student progress records, student completion records, classroom facilities, automobiles and testing records. Testing records will be checked for accuracy and completeness, missing records, voided records and the numerical filing sequence in the case of BOST completion statements. Auditing will also include the observation of Driver Education Courses, Driver Awareness courses and behind the wheel instruction with the department representative observing as an applicant. Licensed BOST testers will be observed and audited during both live license tests and tests with a Department representative as the license applicant. The BOST tester will be observed for compliance with Departmental procedures and standards. All records must be accessible during normal business hours to the Department representative upon request.
- (13) Commercial Driving Schools that are approved for Internet or Home Study programs will report to the Department monthly using the Department's "Monthly Report For Internet And Home Study" form. This report must be received by the 10th of the following month.

#### **N. Advertising**

- (1) If a Commercial Driving School references "state-approved" or "state-certified" in any advertising, the organization will use the following terminology, as it pertains to course curriculum, training, and testing: "Approved and regulated by the Division of Motor Vehicle" .
- (2) A Commercial Driving School shall disclose in its printed advertising and promotional materials the principal location at which the training is offered.
- (3) A Course Provider shall disclose in its advertising and promotional materials that the course of instruction is approved as a Course Provider Curriculum and includes no behind the wheel training from the Course Provider.
- (4) All Commercial Driving Schools must prominently display signage that states that the Commercial Driving School is not an agency of and does not represent the Department.
- (5) No advertisement shall imply that a Commercial Driving School can issue or guarantee the issuance of a basic driver license.
- (6) Use of the Colorado State seal or Department of Revenue seal by a Commercial Driving School is strictly prohibited.

## **O. License Renewal and Cessation of Business**

- (1) Commercial Driving School curriculum approval and BOST Licensing are valid from January 1st through December 31st of the current year. Organizations must have their curriculums approved yearly as well as renew their tester's BOST license and their Testing Organization license. There are no fees charged for curriculum approval or for the licensing or re-licensing of BOST testing organizations or testers at the present time. The Department of Revenue and the Driver Education and Examiner Program reserves the right, with prior notice, to implement fees for licensing or re-licensing for those organizations currently licensed and those that may apply for licensing or re-licensing in the future.
- (2) Upon application for curriculum approval, organizations are required to indicate curriculum changes, if any, and submit a copy of the updated version of the curriculum along with any forms/license(s)/permits required by the department.
- (3) Upon cessation of business, the organization is required to notify the department, in writing, within 10 days of the closure date. All licenses and forms must be returned to the department within 10 days after closure.

## **P. Withdrawal of Curriculum Approval**

- (1) The approval of a Commercial Driving School or of a Course Provider/Course Provider Curriculum may be withdrawn for failure to comply with the requirements of these rules and regulations developed by the Department.
- (2) Complaints received by the Department regarding a Commercial Driving School or Course Provider/Course Provider Curriculum dealing with the requirements of these rules and regulations may result in the withdrawal of approval for the Commercial Driving School or the Course Provider/Course Provider Curriculum based upon results of the investigation by the Department.
- (3) Upon receipt of the "Notice of Withdrawal of Curriculum Approval", the Commercial Driving School or the Course Provider will immediately stop all approved functions related to a Commercial Driving School or to the Course Provider/Course Provider Curriculum. The Commercial Driving School and/or Course Provider may file an appeal in writing, within 7 days to the Department Hearings Section, whose decision shall be final.

## **Q. Suspension/Revocation of The BOST License**

- (1) The license of a BOST organization and/or an individual licensed as a BOST may be suspended or revoked for failure to comply with the requirements of these rules and regulations related to BOST procedures and standards. Fraudulent testing or the fraudulent use of the testing forms and completion statements may result in the suspension and/or revocation of the BOST license. In addition, the penalties under Article 15 of Title 12 may also apply.
- (2) Upon receipt of a Cease Test Notice or Notice of Suspension, the licensed BOST organization and/or individual licensed as a BOST will immediately stop all functions related to BOST. The organization and/or individual licensed for BOST may file an appeal in writing, within 7 days to the Department Hearings Section,, whose decision shall be final.

## **R. Grandfather Provisions**

- (1) Commercial Driving Schools, Course Providers that sell Course Provider Curriculums and Driver Awareness Courses that do not meet the core course requirements, will have until January 1, 2006 to comply with these rules and regulations.

- (2) Law enforcement agencies that have been licensed as BOST organizations and Rehabilitation Providers are exempt from the requirements for approval as Commercial Driving Schools.

\*Material incorporated by reference in this rule does not include later amendments or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting Director, Motor Vehicle Business Group, Department of Revenue, 1881 Pierce Street, Room 136, Lakewood, Colorado, tel: 303-205-5600. Copies of the material may also be examined at any state publication depository library.

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**Editor's Notes**

**History**