

## **A. Statutory Basis And Purpose:**

- (1) These rules will supersede the previous Department of Revenue rules and regulations for commercial driving schools, driver education courses and the basic operator's skill test program.
- (2) The rules contained herein and known as "Rules For Commercial Driving Schools And/Or Approved Driver Education Courses, Including The Basic Operator's Skill Testing (BOST) Program" are intended to provide operating and procedural instructions to non-departmental entities for the operation of a commercial driving school, the development of driver education courses for approval by the department and the administration of written and/or driving skills tests to candidates for a basic Colorado driver license.
- (3) Authority: sections 24-4-103 CRS, 42-1-204 CRS, 12-15-116(1) CRS and 42-2-111(1)(b) CRS.

## **B. Definitions:**

as used in these rules and regulations, unless the context otherwise indicates:

- (1) **Approved Driver Education Course (ADEC)** means any driver education course approved by the driver license section of the department as meeting at least the minimum requirements as recommended by the united states department of transportation, highway safety program, guideline 4.
- (2) **Basic Operator's Skill Tester/Driving Skill Tester** means an individual employed by a basic operator's skill testing organization/commercial driving school, who has successfully passed the training classes conducted by the department and is certified to conduct the basic operator's skill test.
- (3) **Basic Operator's Skill Testing (BOST) Organization** means an organization certified by the department to conduct the driving skill test.
- (4) **Certificate Of Training As A Driving Skill Tester** means the document issued to attest that the individual has successfully completed the driving skill tester training program administered by the compliance section of driver license administration.
- (5) **Certificate/Letter of Approval for Commercial Driving School and/or Driver Education Curriculum** means the document issued to attest that the driver education curriculum of the named CDS/ADEC organization has met or exceeded the requirements established by the department for curriculum approval.
- (6) **Clock Hour** means a full hour consisting of sixty (60) minutes, as defined in section 12-15-101(1) CRS.
- (7) **Commercial Driving Instructor** means an individual employed by a commercial driving school.
- (8) **Commercial Driving School (CDS)**, as defined in section 12-15-101(3) CRS, means "any business or any person who, for compensation, provides or offers to provide instruction in the operation of a motor vehicle..."
- (9) **Compliance Inspections** means an inspection by a representative of the department to insure the commercial driving school and/or approved driver education course and BOST organizations and driving skill testers continue to maintain their records, testing routes and testing procedures and driver education curriculums as required by the department.

- 10) **Core Course** means the minimum areas of study as recommended by the United States department of transportation, highway safety program, guideline 4 and containing a minimum of 30 clock hours of classroom instruction and 6 clock hours of laboratory (behind-the-wheel) instruction.
- 11) **Correspondence/Internet Home-Study Course** means a course or program, offered via the mail or Internet, by a CDS/ADEC wherein those who are enrolled are provided lesson materials prepared in sequential and logical order for study at home. Each lesson, when completed, must be returned to the (school) for correction and grading under the supervision of a (certified instructor/employee). Corrected assignments must be returned to the student.
- 12) **Department** means the department of revenue, motor vehicle business group, driver license administration.
- 13) **Department Representative** means a state employee assigned to the driver license administration.
- 14) **Driving Skill Test** means the evaluation process conducted by a driving skill tester to determine if an applicant for a basic operator's driver license can demonstrate that they have the skills necessary to operate a motor vehicle safely.
- 15) **Driving Skill Testing Number** means a number assigned by the department to each commercial driving school/BOST organization and to each driving skill tester that is employed by the school/organization.
- 16) **Driving Skill Testing Routes** means an established driving skill test area, approved by the department, used by a testing organization to evaluate an individual's driving abilities.
- 17) **Instruction Permit** means a driving document issued by the department as defined in section 42-2-106 CRS, to allow the practice and/or instruction of an individual prior to receiving a basic operator's driver license.
- 18) **Laboratory Instruction** means an extension of classroom instruction, which provides students with opportunities for traffic experiences under real and simulated conditions. Simulated conditions, for the purpose of these rules and regulations, are defined as behind-the-wheel instruction conducted on or off public roads.
- 19) **Mobile Unit** means any transportable unit used by a CDS/ADEC for instruction equipped in the same manner as the permanent facility operated by the CDS/ADEC.
- 20) **Person** means an individual, partnership, corporation, firm or association.
- 21) **Remote/Temporary Site** means any site used by a CDS/ADEC for instruction, where a permanent classroom is unavailable. Remote/temporary site schedules must be filed monthly with the department. Files, forms and records must be kept at the CDS/ADEC permanent facility.

**C. Commercial Driving Schools and/or Approved Driver Education Course:**

- (1) No person or business shall, for compensation, provide or offer to provide instruction in the operation of a motor vehicle without applying for and being approved as a commercial driving school and/or an approved driver education course by the department. An organization may be an approved driver education course without being a commercial driving school as provided in section 12-15-101(3); however a certified commercial driving school must be an approved driver education course based on sections 12-15-116(2)(a) and 12-15-116(3) CRS.
  - a.) Commercial driving instructor.

A commercial driving instructor must be employed by a commercial driving school. The instructor must be at least 21 years of age and have a valid Colorado driver license. Training, experience and any other requirements and/or qualifications are at the discretion of the commercial driving school. Providing the school is a BOST organization, a commercial driving instructor may apply to become, but is not required to be, a BOST tester.

b.) Approved driver education course driving instructor.

An approved driver education course driving instructor must be employed by an approved driver education course organization. The instructor must be at least 21 years of age and have a valid Colorado driver license. Training, experience and any other requirements and/or qualifications are at the discretion of the approved driver education course organization. Instructors/employees of approved driver education courses are eligible to sign the dr2460, affidavit of enrollment in a driver education course, for minor drivers 15 years of age to 15 and 6 months, as well as the dr2324, drive time log sheet. Provided the organization is a BOST organization, an approved driver education course driving instructor may apply, but is not required to be a BOST tester.

- (2) A commercial driving school and/or approved driver education course may become, but is not required to be, a basic operator's skill testing (BOST) organization. Application to become a BOST organization must be submitted in accordance with these rules and regulations promulgated by the department. Upon completion of departmental training, a certificate of training as a driver skill tester will be issued and a driving skill testing number will be assigned. Once a CDS/ADEC is certified as a BOST organization they are also certified to train new BOST organizations/testers. Training must be equal to or greater than that provided by the department. Fees for training will be determined by each individual organization.
- (3) A commercial driving school and/or approved driver education 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. (Exception: conducting written and/or drive tests as an approved BOST organization.)

**D. Requirements For Certification/Approval:**

- (1) Requests for certification and/or approval must be submitted on forms provided by the department and must indicate on the form the type of certification and/or approval required, i.e. commercial driving school and/or approved driver education course. Organizations must submit a copy/copies of their state, county and/or municipal business license(s) or waivers, including home occupation permits, along with a complete curriculum to the department to be considered for certification and/or approval. Curriculum changes will require resubmission and re-certification and/or approval. Submitted with the curriculum must be the names of all current employees to be included in the certification/approval. All forms submitted must be filled out completely and legibly.
- (2) The organization must require minimum classroom instruction (core course) and laboratory (behind-the-wheel) instruction to any student who does not hold a valid driver license or instruction permit and is between the ages of 15 years and 18 years of age. This instruction must be conducted by either commercial driving instructors, approved driver education course instructors or, in the case of correspondence/Internet home study courses, by parents/guardians.
- (3) Laboratory instruction conducted 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 CRS and 10-4-706 CRS.
- (4) Laboratory instruction conducted by a party other than a commercial driving school must be in a

vehicle properly registered and insured as defined in sections 42-3-103 and 10-4-706 CRS.

- (5) Upon departmental approval of the request and the curriculum, the organization will be issued a certificate or letter of approval confirming a commercial driving school and/or a driver education course approved by the department. The department will assign a certification number to the organization and to each designated employee. The certification number of the organization and any individual instructor must be displayed on any form or correspondence submitted to the department.
- (6) Physical facilities: each organization requesting certification and/or approval by the department must have and maintain its own established place of business, which contains adequate physical facilities to conduct business and classroom instruction or, in the case of correspondence/Internet home-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.) Must be located in a district zoned for business, commercial or locally approved home occupation purposes, must comply with local government ordinances and must be properly registered and licensed by the state of Colorado and any local governments. Valid licenses/permits/ must be posted in public view at the established location.
  - c.) May not solicit or advertise for business at any motor vehicle business group office engaged in the issuance of driver license documents.
  - d.) Must prominently display signage, which states that the CDS/ADEC/BOST organization is not an agency of and does not represent the department.
- (7) For the purposes of accurate file maintenance, each organization must notify the department of the location of any and all branch offices and the date the branch office is opened or closed. Branch opening notices must include copies of the business license(s)/waivers. The 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 organization's certification. A branch office shall contain the same facilities and equipment as the main facility, except that, upon approval by the department, a branch office may be operated from a mobile unit or remote/temporary site, which is specially equipped for driver education purposes. Organizations utilizing remote/temporary sites will maintain all records and files at a main or central facility for access by a representative of the department. Prior to any classes at remote/temporary sites, schedules and locations for training classes will be filed, on a monthly basis, with a representative of the department. Any modifications of the schedule must also be filed with the department.
- (8) To assure that CDS/ADEC organizations continue to meet the standards established by the department, a department representative will conduct on-site compliance inspections, as necessary, to review records and to observe procedures. All records must be accessible during normal department business hours, to the department representative upon request. Observation of procedures will also include auditing an actual class with the department representative acting as an applicant.

#### **E. Core Course:**

Based on recommendations by the united states department of transportation, the course content of classroom instruction for individuals under the age of 18 years shall include, but not be limited to, the following areas of study:

- (1) Basic and advanced driving techniques including techniques for handling emergencies, mountain driving and adverse weather conditions.

- (2) Rules of the road and other state laws and local motor vehicle laws and ordinances.
- (3) Causes of traffic accidents, including risk assessment.
- (4) Preparing to drive, including being fit to drive, the value of proper seeing habits, the effects of alcohol and drugs while driving, drivers who should not drive and night driving.
- (5) Critical vehicle systems and sub-systems requiring preventive maintenance.
- (6) The vehicle, highway and community features that aid the driver in avoiding crashes (defensive driving), that protect the driver and their passengers in the crashes and that maximize the salvage of the injured (first aid minimum requirement; the good samaritan law, 13-21-108 CRS).
- (7) Signs, signals and highway markings and highway design features which require understanding for safe operation of motor vehicles.
- (8) Differences in characteristics of urban and rural driving, including safe use of modern expressways.
- (9) Pedestrian safety.
- 10) Ownership and insurance responsibilities and the Colorado financial responsibility law.
- 11) The motorcycle/bicycle rider.

**F. Basic Operator's Skill Test (BOST) Certification Requirements:**

No BOST organization will, for compensation, provide or offer to provide instruction in the operation of a motor vehicle without first applying for and being approved as a commercial driving school and/or an approved driver education course by the department.

- (1) Requests for training and certification as a BOST testing organization must be submitted in writing to the department. Organizations must submit a copy/copies of their state, county and/or municipal business license(s) or waivers, including home occupation permits, along with the names of all current employees to be included in the training and certification. All employees listed for training and certification must be at least 21 years of age and have a valid Colorado driver license. All training materials will be provided by the department. Training may be conducted by commercial driving schools and/or approved driver education course instructors that are BOST certified.
- (2) Organizations applying for certification and/or approval as a commercial driving school or approved driver education course must also comply with section d, rules 1 through 5.
- (3) Physical facilities: each organization requesting training and certification by the department must have and maintain its own established place of business, which contains adequate physical facilities to conduct business, testing and adequately maintain all files and records required and:
  - a.) Must be secure to ensure inventory control of any forms issued by the department.
  - b.) Must be located in a district zoned for business, commercial or locally approved home occupation purposes, must comply with local government ordinances and must be properly registered and licensed by the state of Colorado and any local governments. Valid licenses/permits must be posted in public view at the established location.
  - c.) May not solicit or advertise for business at any motor vehicle business group office engaged in the issuance of driver license documents.

- d.) Must prominently display signage, which states that the CDS/ADEC/BOST organization is not an agency of and does not represent the department.
- (4) Drive test routes: all routes must be approved by the department prior to the certification of the organization as a BOST organization. Two approved routes are required. All skill testing administered by the organization, once certified, will be conducted on one of the two approved routes, in accordance with department procedures.
  - (5) 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 certificate to the qualifying organization. Each employee successfully completing the course will be assigned an individual driving skill tester number and will be issued a BOST tester certificate.
  - (6) Individual tester certification numbers are to be used solely by the employee to whom the number is assigned. Abuse of certification numbers will result in removal of certification for the involved individual(s) with a warning and possible removal of certification for the organization employing the individual(s). An individual may be employed by more than one BOST organization and shall be issued a separate certificate and certification number under each organization. All current BOST certificates must be conspicuously displayed in the office of the testing organization along with all fees for services.
  - (7) To maintain BOST certification, an organization is required to administer a minimum of 24 drive tests per year. To maintain BOST certification, a tester is required to administer a minimum of 24 drive tests per year. Only certified employees are eligible to administer the driving skill test and sign any required departmental forms. Should the organization/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-certification. Refresher training will be conducted by a representative of the department or by a BOST certified, designated CDS/ADEC instructor from within the organization, if available.
  - (8) Individual tester certification and testing numbers are subordinate to the BOST organization's certification and are valid only while the individual is employed by the particular BOST organization listed on their certificate. Removal of the certification for an organization will result in the cancellation of all individual certifications for employees of that organization.
  - (9) All BOST testing and procedures must be conducted per training provided by the representative of the department or by a BOST certified, designated CDS/ADEC instructor, including the filling out of forms, the process for failed drive tests, the number of drive tests per customer per day, vehicle requirements and record keeping. Failure to follow established procedures and training will result in removal of certification. Refer to training materials for continued standard applications of procedures.
  - 10) Testing organizations may cancel their BOST certificate or the certificate of any employee by notifying the department in writing.
  - 11) To assure that BOST certified testers and organizations continue to meet the standards established by the department, a department representative will conduct on-site compliance inspections, as necessary, to review testing records, the skill testing routes and to observe procedures. All testing records must be accessible during normal department business hours, to the department representative upon request. Observation of procedures will also include an actual skill test with the department representative acting as a skill test applicant and/or a co-tester to compare pass-fail scoring results.
  - 12) BOST organizations 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 drive tests.)

#### **G. Record Keeping and Report Requirements for All Organizations.**

- (1) All commercial driving schools, approved driver education courses and BOST organizations are required to maintain on-site, for a period of three (3) years, all records of contracts and agreements, instruction and testing administered to each driver/student. These records shall include the name of the organization and the driver/student, the date of birth of the driver/student, the license or instruction permit number held by the driver/student, and, in the case of CDS/ADEC, the type and date of instruction given, whether classroom or behind-the-wheel. All records shall include the signature of the instructor/skill tester.
  - a.) All contracts and/or agreements by or between any commercial driving schools, approved driver education courses or BOST organizations and any individual, partnership, corporation, firm or association for the sale, purchase, barter or exchange of any driving instruction or classroom instruction, or the preparation of an applicant for examination must at minimum contain the following:
    - The number of hours of classroom instruction, in the case of CDS/ADEC,
    - The number of hours of laboratory instruction, in the case of CDS/ADEC,
    - Agreed per hour, lesson or testing contract price and terms of payment,
    - Additional charges such as testing fees, vehicle rental.
- (2) Driving skill test records shall include all passed and failed testing and shall include driver/student identifying information, the score received, date of testing and the tester name and number.
- (3) All commercial driving schools, approved driver education courses and BOST organizations shall notify the department in writing within ten (10) working days of a termination of an organization's employee, change of an employee's vital information or driving status. For BOST organizations, any test route changes or modifications must be approved by the department prior to drive tests being conducted on the new route.

#### **H. Advertising**

- (1) If a CDS/ADEC/BOST organization 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 Colorado motor vehicle business group."
- (2) A school shall disclose in its printed advertising and promotional materials the principal location at which the training is offered.
- (3) A correspondence/Internet school shall disclose, in its advertising and promotional materials, that the training is conducted through correspondence/Internet home study.
- (4) All CDS/ADEC/BOST organizations must prominently display signage, which states that the CDS/ADEC/BOST organization is not an agency of and does not represent the department.
- (5) No advertisement shall imply that a CDS/ADEC or BOST organization 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 CDS/ADEC/BOST organization is strictly prohibited.

## **I. Recertification Or Cessation Of Business**

- (1) Certification is valid from January 1st through December 31st. Organizations must be recertified yearly. There is no charge for certification or recertification.
- (2) Upon application for re-certification, 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 pending cessation of business, the organization is required to notify the department, in writing, within 10 days of the closure date. All certificates and forms must be returned to the department within 10 days after closure. Reference section d (1), for procedures on applying for certification/approval for organizations reopening a commercial driving school/approved driver education course.

## **J. Decertification Or Suspension**

- (1) The certification of a commercial driving school/approved driver education course/basic operator's skills tester/organization may be suspended or revoked for failure to comply with the requirements of these rules and/or related policies and procedures developed by the department.
- (2) Complaints received by the department regarding a CDS/ADEC/BOST organization may result in decertification or suspension based upon results of investigations by the department.
- (3) Upon receipt of notice to cease testing, the organization will immediately stop all functions related to commercial driving school/approved driver education course and BOST. The organization may appeal this decision, in writing, within 7 days to the driver license section, operations manager, whose decision shall be final.

## **K. Grandfather Provisions**

- (1) Commercial driving schools and/or driver education organizations, which do not meet the approved driver education course requirements, will have one year from adoption of these rules and regulations to comply.
- (2) To be re-certified, BOST organizations, which are not commercial driving schools or approved driver education courses, will be allowed one recertification after these rules and regulations are adopted to qualify as a CDS/ADEC or affiliate with a correspondence/Internet home-study provider or organizations referenced in 12-15-101(3) CRS. Statement of affiliation, if applicable, is required upon request for subsequent recertifications. Statement of affiliation forms will be provided by the department. Law enforcement agencies that have been certified as BOST testing organizations and rehabilitation providers are exempt from the requirement of certification as a CDS/ADEC.

All publications and rules adopted and incorporated by reference in these regulations are on file and available for public inspection by contacting the department of revenue, motor vehicle business group, driver license section, 1881 pierce street, room 136, Lakewood, Colorado, 80214. This rule does not include later amendments to or additions of any materials incorporated by reference.