

DEPARTMENT OF REVENUE

-Division of Motor Vehicles

RULES AND REGULATIONS FOR THE CLASS R DRIVER TESTING AND EDUCATION PROGRAM
RULES AND REGULATIONS

1 CCR 204-30 Rule 8

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

PURPOSE

The Department of Revenue, Division of Motor Vehicles, Driver Testing and Education ~~Section-unit~~ developed rules, regulations and certification requirements to establish the working and operational instructions for the conduct of ~~C~~ertified Commercial Driving Schools, ~~Commercial Driver Education programs~~, Basic Operators Skills Testing Organizations, and ~~third party testers~~Certified Employees.

The rules, regulations and requirements will furnish guidelines as necessary for ~~C~~ertified Commercial Driving Schools to remain current with ~~changing Class R~~ laws and new programs promoting the safety and welfare of the citizens of Colorado and to aid in the detection of fraudulent activities.

STATUTORY AUTHORITY

Sections: ~~12-15-114, 116, and 120,~~ 24-4-103, 42-1-102 (43.5), 42-1-204, 42-1-222, 42-2-106 and 42-2-111, ~~42-2-601, 602, 603, and 604,~~
C.R.S. and in adopting such rules, the Department shall use the guidelines concerning Commercial Driving Schools promulgated by the United States Department of Transportation, Section 12-15-116(3) C.R.S.

(100) DEFINITIONS

~~a) Acord Certificate: Means a document issued by an insurance company that summarizes essential information about the insurance coverage provided.~~

~~a) b) Basic Operators Skills Test (BOST): (Basic Operators Skills Test): Means either tThe Basic Operator Skills Drive Test (BOSD) or the Basic Operators Skills W-written Knowledge Test (BOSW-) or both.~~

~~b) cb) Basic Operator Skills Tester (BOST Tester) or Basic Operator Skills Tester: An individual employed by a Certified Commercial Driving School who has successfully passed allthe training required by the Department, has successfully met the additional company training requirements, and is certified to administer the BOSD and/or -the BOSW. For purposes of this rule, "administer" includes proctoring and grading.~~

~~c) dc) Basic Operator's sSkills tTesting Organization (BOSTO): A Certified Commercial Driving School that is also certified by the Department to conduct the BOST for a Class R permit or driver license.~~

~~d) ed) Behind-tThe-Wheel tTraining (BTW): An extension of classroom instruction that provides students with opportunities for traffic experiences under real conditionsActual instructional driving time during which the novice driver operates a Class R vehicle (e.g., off-street, on-street, on-highway) and is guided by an instructor in the front passenger seat. Observation is not included in behind-the-wheel time.~~

- e) Certified Commercial Driving School (CCDS): Any business or any person certified by the Department to provide or offer to provide Department approved training or examinations that are statutorily-mandated for a driver license or instruction permit.
- f) Certified Employee: An individual employed by a CCDS and certified by the Department to conduct training, examinations, or to access DRIVES.
- g) Class R Vehicle: Any motor vehicle with a Gross Vehicle Weight Rating of less than 26,001 lbs. as a single unit or in combination, designed to carry 15 or fewer passengers, including the driver, and does not carry hazardous material.
- h) Clock Hour: Full hour consisting of sixty (60) minutes.

~~e) Behind-the-Wheel instructor (BTWI): An instructor employed by a certified Commercial Driving School who is certified by the Department for behind-the-wheel training.~~
~~Certified Commercial Driving School (CCDS): Any business or any person certified by the Department who, for compensation, to provides or offers to provide Department approved training or examinations that are statutorily mandated for a driver license or instruction permit.~~

Curriculum: A course of instruction approved by the Department that meets the minimum requirements to obtain a driving permit. ~~Certified Employee: An individual employed by a CDS and certified by the Department to access DRIVES.~~

- ~~i) Clock Hours: Full hour consisting of sixty (60) minutes.~~
- ~~g) CMV: Commercial motor vehicle.~~

~~h) Certified Commercial Driving School (CCDS): Any business or any person who, for compensation, provides or offers to provide training or examinations that are statutorily mandated for a driver license or instruction permit. The aforementioned does not include institutions of higher education offering programs approved by the Department of Education and/or private occupational schools offering programs approved by the private occupational school division, section 42-2-411(1)(b), C.R.S.~~

~~i) Commercial driving instructor: An individual employed by a certified Commercial Driving School (CDS) as an instructor of students.~~

~~j) Curriculum Content: The content of a course of instruction approved set by the Department that meets the minimum requirements to obtain a driving permit.~~

~~i) Department: The Department of Revenue.~~

~~k) Drivers License Written Examination or (Examination): means the DR 2252 or DR 2273 Drivers License Written Examination or electronic equivalent.~~

~~l) DRIVES®: Driver License Record Identification Vehicle Enterprise Solution.. Used as the computer database by the Division of Motor Vehicle.~~

~~m) DTES: Driver Testing and Education (DTE): unit within the Driver License Section of the Department of Revenue, Division of Motor Vehicles.~~

~~Section~~

~~n) Expanded Driver Awareness Program / Driver Awareness Program (EDAP/DAP): A four-hour pre-qualification driver awareness program approved by the Department. Section 42-106(1)(d)(I), C.R.S.-~~

~~m) **Expanded Driver Awareness Program / Driver Awareness Program (EDAP/DAP):** A four-hour pre-qualification driver awareness program approved by the Department. Section 42-2-106(1)(d)(I), C.R.S.~~

~~o) i) **Fiscal Year:** Means July 1st through June 30th.~~

~~p) n) **Instruction Permit:** A driving document issued by the Department to allow an individual to drive a Class R motor vehicle or motorcycle or Class R vehicle, as provided for in section 42-2-106, C.R.S., prior to receiving a Colorado driver license.~~

~~q) e) **Revocation of ~~t~~Testing ~~e~~Certification:** The permanent withdrawal of a BOST ~~T~~tester's or a BOSTO's testing privileges by the Department.~~

~~r) p) **Shadow ~~d~~Drive:** Additional practice in drive testing before certification or re-certification.~~

~~s) q) **Suspension of ~~t~~Testing ~~e~~Certification:** An action taken by the Department against a BOST ~~T~~tester or a BOSTO whereby testing privileges are withdrawn for a specified period of time.~~

~~r) **Service AnimalsDogs:** An animalDogs that isare individually trained to do work or perform tasks for people with disabilities. Dogs-Animals whose sole function is to provide comfort or emotional support do not qualify as service animals.~~

~~s) **Transaction Completion Statement (TCS):** Form generated by DRIVES[®] to indicate data entered into the Third Party Access Portal for each exam submitted.~~

~~u) t) **Third Party Exam Completion StatementForm- (TPE):** Form generated by DRIVES[®] as a receipt to the applicant that the ~~CDSCertified Employee~~ has entered exam information into ~~the system~~DRIVES.~~

~~v) s) **Transaction Completion Statement (TCS):** Form generated by DRIVES[®] to indicate data entered into ~~the Third Party Access Portal~~DRIVES for each exam submitted.~~

(150) APPLICABILITY

This Rule 8 applies only to BOSTOs, CCDSs and their Certified Employees that offer statutorily-mandated examinations or statutorily-mandated training for a driver license or instruction permit.

(200) GENERAL REQUIREMENTS FOR COMMERCIAL DRIVING SCHOOL CERTIFICATION

~~a) a) In order for a Commercial Driving School to be certified by the Department as a GDS, the such school must:~~

~~1. 4. Enter into a written contract with the Department; and~~

~~2. Offer a commercial driver education course of instruction approved by the 2. ~~Department~~the Department.~~

~~b) b) An a)Application for certification must be submitted on forms provided by the Department and must be typed and indicate on the form the type of certification being requested. Incomplete applications will not be accepted.~~

~~c) A copy(s) of the CCDS's state, county, or municipal business license(s) or waivers, registration with the Secretary of State, along with any other documentation required by the county or city, must be submitted with an application.~~

~~e) — A copy(s) of the CDS's state, county, or municipal business license(s) or waivers, registration with the Secretary of State, along with any other documentation required by the county or city, must be submitted with an application. Section 12-15-116(2), C.R.S.~~

~~d) d) — A CCDS's place of business must be a separate establishment and not part of a residence.~~

~~1. 4. — All CCDSs are required to have a mailing address that is not a post office box; and~~

~~2. 2. — A CCDS must request and receive written approval from the Department for record keeping in a residential home office.~~

~~e) e) — Each new owner/manager must complete "Records Management"/BOSW training offered by the Department prior to certification.~~

~~f) f) — In A CCDS must have proof of current and valid general liability insurance, vehicle insurance and registration, surety bond, and worker's compensation insurance in the form of an insurance certificate, if required by the Workers' Compensation Act [Sections 8-40-101, et. seq. C.R.S.], on file with the Department at all times. All CDSs must have: proof of current and valid vehicle insurance, vehicle registration, general liability insurance, surety bond, and worker's compensation insurance on file with the Department at all times.~~

~~1. The Department must be listed on the general liability insurance policy-policy and the vehicle insurance policy as a secondary insured.~~

~~2. Not less than 30 days prior to expiration of the current insurance coverage, the CCDS must provide an insurance certificate to the Department for the period following the current insurance coverage.~~

~~3. The CCDS must notify the Department immediately upon cancellation of an insurance policy.~~

~~4. Failure to maintain current insurance coverage is grounds for suspension, and such suspension may be in effect until a current insurance certificate is provided to the Department.~~

~~1. — The Department must be listed on the general liability and vehicle insurance policies as a secondary insured. The Department requires a certificate of insurance as proof of valid General Liability, vehicle insurance, and worker's compensation will accept of compliance of Liability Insurance" provided by the insurer is required.~~

~~2. — It is the CDS owner's responsibility to ensure that the insurance company sends the certificate required information in the required format of insurance to the Department.~~

~~3. — Failure to provide certificate of insurance updated insurance and registration information to the Department within 30 days of prior to expiration is grounds for suspension, and such suspension may be in effect until insurance certificate current insurance and/or registration is received.~~

~~g) g) 4. — A CCDS is required to must provide an inventory of all Class R vehicles used for testing/training, and proof of second brake installation to the Department. Changes to vehicle inventory must be reported, in writing, to the Department within three3030 days of the change.~~

~~h) g) — Bond: All CCDSs must maintain a surety bond, executed by a surety company authorized to do business in Colorado, in the amount of \$10,000 with the Department.~~

~~1. 4. — The bond must 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 CCDS, or its agents or employees;.~~

~~2. The bond may be used to indemnify against loss or damage arising out of the CDS's breach of contract between the CDS and the student.~~

~~2. 3. If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the CCDS's certification/BOSTO certification may be suspended. The suspension may continue until satisfactory steps are taken to restore the original amount of the bond; and-~~

~~3. 4. The Department must be named as the beneficiary on the bond.~~

~~i) h) Physical facilities: Each CCDS requesting certification by the Department must have a place of business with adequate facilities to conduct classes and to maintain all required files and records:~~

~~1. 4. All forms issued by the Department must be kept in locked and limited access areas;~~

~~2. 2. A CCDS must obtain written permission from property owners, on a DR 2060 Classroom Consent/Department approved form (DR 2060), prior to conducting driver education training on the property. The written permission/completed DR 2060 Classroom Consent must be submitted to the Department prior to the commencement of training on the property;~~

~~3. 3. Each CCDS must post its hours of operation in a conspicuous place and be available to the public during those hours; and-~~

~~4. 4. If a CCDS uses approved public facilities as a place of business, then Certified Employees/commercial driving instructors for the CCDS must maintain have a copy of the its/school's CCDS certification and classroom waiver/Classroom Consent form (DR 2060) Classroom Consent in their/its/their possession.~~

~~A C~~

~~i) i) CDSs are required to/must provide to all employee/Certified Employees a current version of this Rule 8/copy of the current Rule and must are required to/must monitor and ensure their employee/Certified Employees are following all applicable r/Rules and r/Regulations and Colorado Revised Statutes.rules, regulations, and statutes~~

~~k) j) A CCDS must notify the Department in writing within 3/three days of any change in the location of the place of business, directors, owners, or managers of any CCDS. Certifications are not transferable.~~

~~l) k) If a CCDS has any change in ownership/is sold or transferred to a new owner, then the new owner must file a new application for certification, sign a new contract with the Department and be approved by the Department before beginning operation under the new ownership. Failure to inform the Department of any ownership change is grounds for revocation or suspension of CCDS certification.~~

~~l) To request certification as a CDS, the CDS must complete and submit a Department approved application form. Incomplete applications will not be accepted.~~

~~m) Individuals working for the CDS must be full or part time employees and may not be contract labor.~~

(201) CURRICULUM

~~a) A a) CDS/CCDSs that trains using BTW/behind the wheel/ride along, a simulator, or range driving, or homework, may/cannot use this time towards the 6/six hours BTW/behind the wheel training, but may count up to 2/two hours towards classroom hours.~~

~~b) b)~~—A **CCDSCDS** must offer a ~~thirty (30-)~~ hour ~~commercial~~ driver education ~~course of instruction curriculum~~ approved by the Department, except that a **CCDSCDS** that provides only EDAP/DAP training need not offer such 30- hour course, but must meet the requirements in section 303 of this rule.

~~c) — Any change in a CDS's course of instruction requires resubmission of the course of instruction, and recertification.~~

~~c) ed)~~—When a ~~course of instruction curriculum~~ is submitted for approval, the ~~course of instruction curriculum~~ must include a lesson plan with an instructor guide, course outline, and course content ~~(including simulator)~~, all in the format required.

~~d) d)~~—A **CCDSCDS** may appeal the disapproval of its ~~course of instruction curriculum~~ by filing a written appeal with the Department's Hearings Division within 60 calendar days after the date of the notice of disapproval.

~~e) de)~~—A **CCDSCDS** must teach the approved curriculum, including the required hours, course of instruction at all times and cannot . Failure to teach the approved course of instruction or change the curriculuming a course of instruction without re prior submission and re approval certification, may result in a suspension or revocation of certification of the CDS.

~~e curriculum curriculum~~

~~f) f)~~—Driver education courses must be equal to or exceed the requirements for hours of instruction (excluding meal times/breaks) and course content as set forth in the Department's application form for **CCDSCDS** certification.

~~g) g)~~—The ~~course of instruction curriculum~~ requirements for a driver education course, Expanded Driver Awareness program, or ~~behind the wheel BTW~~ training are available on the Department's official website.

(202) CURRICULUM WITHDRAWAL

~~a) a)~~—Approval of a **CCDSCDS**'s ~~course of instruction curriculum~~ may be withdrawn ~~for failure to teach the approved content or the required number of hours if~~ the curriculum is not compliant with statute, rule, or regulation.

~~b) b)~~—If a **CCDSCDS** is notified that approval for its ~~course of instruction curriculum~~ has been withdrawn, the authority of the CCDSCDS to teach the course of instruction curriculum may be suspended, or such authority may be summarily suspended and the CCDSCDS must immediately cease instructing and signing all forms entering information into the system DRIVES that would allow an applicant to obtain a permit or license.

~~(203) CLASSROOM REQUIREMENTS [NO AMENDMENTS]~~

(203) CLASSROOM REQUIREMENTS

- a) A classroom must have audio and video presentation equipment and provide at least one book per student as required by the curriculum
- b) With the exception of internet and home study, a **CCDS** must provide a classroom that meets the following requirements:

1. ~~has a large enough~~ space to seat all students ~~comfortably~~, containing at least one ~~adequate seating~~ and desk/table ~~space~~ for each student, and one program instructor's desk, table, or podium; and

~~4-2. has restroom(s) available for student use.~~

~~2. has adequate parking available in close proximity to the classroom.~~

- c) Approval of the classroom by the Department is required prior to scheduling the first class.
- d) Modular units must be inspected and approved in writing by the Department prior to any classes being taught at the unit. Motorized mobile units will not be approved.
- e) CCDS, EDAP, and DAP programs must not be conducted in a home, mobile home, apartment, or living quarters of any kind.

(300) CERTIFIED COMMERCIAL DRIVING SCHOOL OPERATING REQUIREMENTS

~~a) a) All CCDSs must comply with applicable Colorado Rrevised Sstatutes, and Department rules and regulations, and Department orders.~~

~~b) A CCDS must cooperate with an investigation of a complaint against the CCDS or its Certified Employee.~~

~~b) All CDSs must cooperate with the any investigation of a complaint against a Basic Operator SkillsOST Ttester or a CDS.~~

~~c) e) While a CCDS may provide information to applicants regarding documentation required by the Department for the issuance of Class R instruction permits, licenses, or identification cards, but a CDS may should not contact act as a liaison between the applicant and the Department regarding an applicant's driving record except as specifically provided in this rule.~~

~~d) All instructors must be physically and mentally able to safely operate a motor vehicle and to train others in the operation of a motor vehicle.~~

~~d) e) A CCDSGDS must ensure that aAll employeeCertified Employees of thea CCDS must:~~

~~1. 4. provide to the Department a CBI background check (out of state internet organizations excluded) and a typed Department approved DR 2066 "New GDSCDS Employee Request" (DR2066) form with an original signature;~~

~~2. 2. do not have a personal driving record showing the accumulation of 8eight or more points or a suspension or revocation of driving privileges in the preceding three-yearshave a valid Colorado driver license that has not been suspended, revoked, forfeited, or denied within the last three years; and~~

~~3. 3. must ensure that testing/training forms are fully and accurately completed testing/training forms prior to entering into DRIVES;-~~

~~4. do 4. must NOTnot share or divulge passwords and/or logins;-~~

~~5. 5. must provide a unique email address to acquire access to the systemDRIVES;-~~

~~6. 6. must be responsible for immediately entering completion transaction statements Transaction Completion StatementsTCSs for individuals theaty have been proctored, tested, and/or trained regardless of pass or fail; and~~

7. enter TCSs for individuals that have been trained within ~~two~~48 business days hours of completion;

8. contact DTE ~~within 24 hours of immediately~~ by phone or email upon entering incorrect information into DRIVES ~~for a BTW or BOSD test; and.~~

~~7. follow Department standards, 7.~~

9. ~~8. do not enter false or inaccurate completion transaction statements~~Transaction Completion Statements TCSs for applicants/students; and

10. attach only Department approved DR forms to the TCS. ~~or they may have their certification revoked or suspended, and the certification of the CDS employing such employees may be suspended or revoked~~

e) ~~f) 8. Entering information that represents that training/testing has been successfully completed, when a student has not successfully completed the testing/training, may result in suspension or revocation of the employee's certification, and the certification of the CDSCCDS employing the Certified Employee instructor may be suspended or revoked.~~

f) ~~g) The Department may deny certification of an individual or revoke certification of a Certified Employeean individual if they have been convicted of a felony or any offense involving moral turpitude. Conviction includes a plea of guilty or nolo contendere or a deferred sentence, provided that a person shall not be deemed to have been convicted if the person has successfully completed a deferred sentence. In determining whether to deny or revoke a certification, the Department will consider the factors contained in section 24-5-101(4), C.R.S. If the Department has reason to believe or receives information that an employee has been convicted of or pled guilty or nolo contendere to a felony or received a deferred sentence to a felony charge, the Department may deny certification.~~

g) ~~i) A Certified Employee who is certified for BTW and/or BOSD may not have a personal driving record showing the accumulation of eight or more points in the preceding three years. The Department will randomly audit motor vehicle records (MVR) of all Certified Employees. If an employee has accumulated eight or more points within the preceding three years, the employee's certification for BTW and BOSD may be suspended or revoked.~~

h) ~~hg) A CCDS must:~~

1. ~~1. have a valid tester organization number on file with the Department;~~

2. ~~2. account for all forms in its possession~~have a corresponding ~~completion transaction statement~~Transaction Completion Statement TCS and a supporting DR testing/training form for every entry into DRIVES ~~the system;~~

3. ~~3. submit with each renewal packet, submit on a Department approved form a list of certifications requested for each tester, a new CBI background check (out of state internet organizations excluded) and every other year an original signature for each Certified Employee tester upon renewal;~~

4. ~~4. within 10 days of hiring a new employee, employment, submit a typed DR 2066 New CDSCCDS Employee Request paperwork on a the most current Department approved form listing the certifications requested (excluding BOSD) for the Certified Employee and the tester and the result of the a CBI background check with an original signature;~~

5. ensure that training/testing forms are fully and accurately completed prior to entering the information into DRIVES;

6. ensure that information is accurately entered into DRIVES by its Certified Employees. Any incorrect information entered into DRIVES that affects the result of training/testing BOSD must be corrected reported to the Department within 24 hours immediately by contacting DTE;
7. ensure that if a TCS is reversed or entered -multiple times, all TCSs are attached to the corresponding supporting documentation;
8. ensure that entries into DRIVES are not made prior to the completion of training/testing;
9. ensure that only the TCS is stapled to the Department approved supporting documentation and that the TPE is provided to the applicant;
10. ensure that training/testing times reported by the CDSCCDS do not overlap with classroom, BTW, and Drive testing; and
11. ensure that every entry into DRIVES has a corresponding TCS and its Department approved supporting documentation.
12. ensure that all testing/training entries into DRIVES are associated with the applicant's CIN or pre-registration confirmation number.

~~and~~

~~5. ensure that testing/training forms are fully and accurately completed prior to entering the data into DRIVES@.~~

~~6. ensure information is accurately entered into the system DRIVES@ for Behind The Wheel training or Drive Tests~~

~~7. ensure that if a transaction is reversed or entered a multiple times, all TCSs's are attached to the corresponding supporting documentation.~~

~~8. ensure that entries into DRIVES@ are not made prior to the completion of testing/training.~~

~~9. ensure that only the TCS is stapled to the supporting documentation and that the TTPE is provided to the applicant; and.~~

~~10. ensure that times reported by the CDS do not overlap with classroom, BTW, and Drive testing.~~

~~11.~~

~~h) Signing a form that represents that training/testing has been successfully completed, when a student has not successfully completed the testing/training, may result in suspension or revocation of the employee's certification, and the certification of the CDS employing the instructor may be suspended or revoked.~~

~~i) If an employee of a CDS drives with students, the employee may not have a personal driving record showing the accumulation of 8 or more points in the past three-year period. The Department will randomly audit motor vehicle records (MVR) of all CDS employees. If upon random audit it is determined that an employee has accumulated 8 or more points within a 3-year period, or his/her license has been suspended, revoked, forfeited, or denied, the employee's certification may be suspended or revoked. If a CDS fails to report a change of status with the driving license of one of its employees, the CDS's certification may be suspended or revoked.~~

~~j) A CCDS must notify the Department of the location of all branch offices. Branch opening notices must include copies of the business license(s). Written A notice must be provided mailed to the Department within three3~~

~~i) 40 business days of opening or closing any branch office, and the notice must include the names of all employee Certified Employees to be added or deleted from the CDSCCDS's certification and the date the branch office was opened or closed. A branch office is required to meet all classroom and physical facilities requirements applicable to the main facility.~~

~~k) A CDSCCDS must keep its maintain on file with the Department current physical and mailing addresses, contact phone numbers, and the name of one contact person who is an employee or principal of the CDSCCDS on file with the Department.~~

~~i)~~

~~j)~~

~~k) Altering The Department will not accept a completion transaction statements Transaction Completion Statement forms that show evidence of alteration may result in a suspension or revocation. The print quality and integrity of the completion tTransaction Completion sStatement must be maintained. The CDSCCDS must ensure that nothing marks or covers the TCS barcode, and ensure that the barcode is readable by a barcode scanner. Forms containing an alteration must be voided and a new form issued.~~

~~l) m) A CDSCCDS must notify the Department in writing within 3three business days of locking an employee's out of change of driving status, DRIVES@lock out under the date that a Certified Employee is no longer employed by the departure from the CDSCCDS.~~

~~m) A CDSCCDS must ensure that an applicant's Class R permit is validated in DRIVES before any BTW or BOSD testing/trainingtraining/testing session.~~

~~n) n) Home Study curriculums programs must:~~

~~1. 4. must meet the Departments minimum 30-hour curriculum requirements in section (201);~~

~~2. 2. must provide, in person or online, a final test that is administered prior to sending providing a TCSransaction Completion transaction sStatement. Test questions must come from a pool of questions that are scrambled each time a student takes a test or quiz;~~

~~3. 3. must, if the provider's main facility is out-of-state, maintain a branch office in Colorado containing student files for audits and maintain copies of completion transaction statements Transaction Completion Statements TCSs with the DR 2052 "sStudent Attendance Record for a 30-Hour Home Study Program form" (DR2052) files;~~

~~4. 4. must forward provide a "Third Party Exam completion a TPE" completion transaction statement s containing an original signature to each students upon successful completion of the course; and (electronic, photocopied, or faxed signatures do not meet this requirement); and~~

~~5. 5. must NOT not issue provide a "Third Party Exam completion TPE" completion transaction statement to a student unless the student receives a correct score of 80% or higher on the final test.~~

(301) BEHIND-THE-WHEEL TRAINING

~~a) a) Class R v Vehicles used by a CDSCCDS for behind-the-wheel (BTW) training instruction must:~~

~~1. 1. be equipped as required in section 12-15-11442-2-602, C.R.S.;~~

~~2. 2. be registered and insured as required in article 3 of title 42 and article 4 of title 10;~~

~~3. 3. be available for inspection and audit and, if found to be out of compliance with requirements, the vehicle cannot may be used for BTW result in suspension of certification until such time as requirements are met; and~~

~~4. 4.~~ be available for inspection by the Department prior to certification of a CDSCCDS, or if obtained after certification, be available for inspection prior to use.

~~b) All BTW lessons must be in vehicles owned/leased by the CDS. BTW instruction must not be administered in a student's private vehicle.~~

~~b) All BTW lessons must be in vehicles owned/leased by the CDSCCDS. BTW training instruction must not be conducted administered in a student's or instructor's instructor's private vehicle.~~

~~c) Each BTW training session is deemed to begin when the car leaves the initial parked position and end when the car is parked at the end of the training session. Appointment times must not be used as actual start and finish times for BTW training. e) BTW training must be recorded on a DR 2070 Student Drive Time Log-DR2070 Department approved form, which form must be attached to the BTW completion transaction statement TCS.~~

~~d) If a second student is in the back seat of the vehicle during BTW training, the second student must must not be given credit towards his/her 6six hours of BTW; and~~

~~e) The CDSCCDS must have a notification with permission, signed by the parent or guardian of the second student, stating that the parent or guardian is aware the second student will be in a vehicle driven by another student.~~

~~; and~~

~~d) For a CDSCCDS to become certified to teach BTW, a CDSCCDS must submit a BTW curriculum in a lesson plan format, to be approved by the Department for approval.~~

~~f) For a CDS to become certified to teach BTW, a CDS must submit a curriculum, on the most current Department approved form.~~

(302) CERTIFIED COMMERCIAL DRIVING SCHOOLS OFFERING INTERNET PROGRAMS

~~a) CDSs offering internet programs must use the name under which they are registered with the Colorado Secretary of State in any advertising in Colorado~~

~~a) Secretary of State in any advertising within Colorado~~

~~b) b) The curriculum of CDSs offering internet programs must equal or exceed the current minimum standards of the Department and be approved by the Department prior to being sold in the State of Colorado.~~

~~c) e) All CDSs offering only internet programs must enter into a contract with the Department and be certified as a CDS, and are not eligible to be certified as a BOSTO or a Bbasic Operator SkillsOST T tester.~~

~~d) d) All CDSs offering internet programs must maintain an office in Colorado containing student files available for audits. Copies of completion transaction statements Transaction Completion Statement TCSs must be stapled in the upper left corner to an attendance record showing at least 30 hours of participation, all quiz and test scores, and the name and date of birth of the student. The form of the participation attendance record must be approved by the Department prior to use and must be maintained with the student files.~~

~~e) CDSs offering internet programs must provide completion statements containing an original signature to students. Electronic, photocopied, or faxed signatures do not meet this requirement.~~

~~f) To be eligible for renewal of certification, a CDS offering internet programs approved by the Department must issue a Department Completion Transaction Completion Statement Form for a Driver Education course to at least 50 students in the state of Colorado each fiscal year.~~

~~e) If a CCDS contracts with another CCDS to sell the other CCDS's online product, then the selling CCDS must submit a copy of the contract executed between it and the other CDS to the Department, within 10 days of the date on which the contract was fully executed.~~

~~g) If a CDS contracts with another CDS to sell the other CDS's online product, then the CDS new-seller must submit a copy of the ir-executed contract executed between it and the other CDS to the Department, within 10 days of the date on which the contract was fully executed.~~

~~f) h) Each CCDS must provide issue the Driver Testing and Education (DTE) manager and auditor with a user name and password that will allowse random audits of student records, test scores, curriculum, and security protocols can be performed.~~

~~g) i) All internet material must contain an explanation of current Colorado laws including:~~

~~1. 1. minor permit issuance;~~

~~2. 2. BBTWbehind-the-wheel requirements; and~~

~~3. 3. fr requirements for licensure.~~

~~h) j) Internet programs will-must be monitored to ensure applicants had the opportunity to review the curriculum for the required number of hours prior to issuance of a TPE"Third Party Exam-completion" completion transaction statement.~~

~~i) k) Each internet chapter/section must have a question embedded within it that does not allow progression if a student does not correctly answer the embedded question, pertaining to that chapter/section.~~

~~j) l) After two failed attempts to pass a test/quiz, students must review previous material.~~

~~k) m) A final test must be administered prior to sending-entering a completion-tTCSTransaction-Completion-sStatement.- Test questions must come from a pool of questions that are scrambled each time a student takes a test or quiz.~~

~~l) n) Students must be shown the correct answers to each questions they missed on tests and quizzes prior to re-testing.~~

~~m) o) Students must receive a correct score of at least 80% or higher before being allowed to go to the next module/section, or being issued a TPE"Third Party Exam-completion" completion-certificate-transaction statement.~~

(303) EDAP/DAP PROGRAMS

a) All entities that teach the EDAP/DAP for the purpose of qualifying students for a Colorado minor's instruction permit must be a CDSCCDS and, except as otherwise provided in subsection 201(b) of this rule, meet CDSCCDS curriculum and statutory requirements.

b) An approved DAP must be approved through the National Safety Council and remain in good standing with the NSC rules, regulations, and teaching standards, and must be provided by a CDSCCDS and meet CDSCCDS curriculum and statutory requirements.

c) Students must be 15 years and 6 months of age before completing an approved EDAP/DAP.

~~d) EDAP/DAP completion statements are valid for 6 months from the date of issuance.~~

(304) ADVERTISING

~~a) a)~~ Advertisements and CCDS employees must not state or imply that a CCDS can issue, or guarantee the issuance of, a Colorado driver license or permit.

~~b) b)~~ Advertisements and CCDS employees must not state or imply that a CCDS, or the employee, has influence over the Department in the issuance of a Colorado driver license or permit.

~~c) e)~~ No CCDS, ~~Basic Operator Skills~~ OST Tester, BOSTO or CCDS employee or agent is permitted to solicit or advertise on the premises of a Colorado driver license office.

d) Use of the Colorado State seal/logo by a CCDS is strictly prohibited.

~~d) Use of the Colorado State seal by a CDS is strictly prohibited.~~

~~e) e)~~ CCDSs must not advertise a business practice that violates any Colorado Revised Statute or statute, rule, or regulation.

(305) CONTRACTS

~~a) a)~~ All contracts for driver education between a CCDS and any individual or entity must contain, at a minimum, the following:

~~1. 4.~~ 1. 1. CLASSROOM INSTRUCTION: package rate, the available dates or the website where dates can be found, times and length of each lesson, and the total number of hours of instruction;

~~2. 2.~~ 2. 2. INTERNET OR HOME STUDY: mandated completion date if any, the total cost, and a telephone contact number and the times technical and/or informational help is available;

~~3. 3.~~ 3. 3. BEHIND-THE-WHEEL LABORATORY: package rate, the length of each lesson, the total number of hours, and the rate for any vehicle charges. Cancellation or rescheduling policies must be included in simple language. Contracts must extend for at least 12 months from the date of permit issuance;

~~b) b)~~ All contracts for driver education and testing must contain:

~~1. 4.~~ 1. 1. A statement that reads: "This agreement constitutes the entire contract between the school and the student, and any verbal assurances or promises not contained herein are not binding on either the school or the student."

2. A statement that reads: "Under this agreement an instructor may not provide behind-the-wheel training to more than two individual students per session."

~~2. A statement that reads: "Under this agreement an instructor may not provide behind-the-wheel training to more than two individual students per session."~~

(400) BOSTO AND BOST CERTIFICATION

a) ~~a)~~ — A CCDS that is listed as a full-time school (teaches required 30 hours of curriculum and offers ~~6six~~ hours of BTW instruction) with the Department may apply for certification as a BOSTO. Testing must be equal to the training and examination offered by the Department. Section 42-2-111(1) (b), C.R.S.

b) ~~b)~~ — Before applying for BOSTO certification, a CCDS must ~~submit copies~~ ~~issue~~ of 25 student classroom TPE “Third Party Exam completion” completion transaction statements ~~Transaction Completion Statements~~ and ten, ~~6six~~-hour BTW TPE “Third Party Exam completion” completion transaction statements ~~Transaction Completion Statements~~ for students under the age of

~~b) 18 to the Department.~~

c) ~~e)~~ — BOSTO certifications must be renewed annually before the current certification expires.

d) ~~d)~~ — To renew a BOSTO certification, a CCDS must ~~demonstrate that it has provided 30 hours of classroom training in driver education provide documentation TPE “Third Party Exam completion” completion transaction demonstrating~~ ~~Statements demonstrating class completion for at least 50 students and 6six-hours BTW completion for 25 students under the age of 18 for the preceding fiscal year~~ ~~Fiscal Year. The Department will not renew th~~ ~~Any CDS that does not meet this requirement may will have its~~ BOSTO written and drive testing privileges ~~of a CCDS suspended until it meets such requirement. A CDS may re-apply for testing privileges with their renewal application, if the minimum teaching requirements listed above have been met. A CCDS in a rural area with limited population may apply for a variance.~~

e) ~~e)~~ — Owning or operating a CCDS does not confer certification to administer the BOSW ~~written knowledge~~ or BOSD ~~drive test~~ for the State of Colorado. ~~BOSW written knowledge or drive tests or BOSD~~ can only be administered by a CCDS certified as BOSTO by the Department.

f) ~~f)~~ — BOST tester ~~Basic Operator Skills Testers who do not follow Department standards, or who sign completion statements for students who have failed written knowledge or drive tests may have their certification as BOST tester Basic Operator Skills Testers revoked or suspended, and the certification of the BOSTO employing such BOST tester Basic Operator Skills Testers may be suspended or revoked.~~

f) ~~gf)~~ — Requests for training and certification as a BOST ~~Tester~~:

1. ~~1.~~ — must be submitted ~~by completing a typed DR 2068 “BOST/RST/Continuing Education Training Registration Form” (DR2068) in writing on the most current a Department approved form;~~

2. ~~2.~~ — must list all employees for BOST training and certification; and

2. ~~3.~~ — each CCDS employee seeking training and certification ~~as a Basic Operator Skills~~ BOST Tester ~~must:~~

i) ~~i)~~ —

i. ~~i.~~ be at least 21 years of age; and

ii. ~~ii)~~ — have a valid Colorado driver license; ~~and~~

A. ~~must~~ ~~A.~~ not have a personal driving record showing the accumulation of ~~8eight~~ or more points or a suspension or revocation of driving privileges in the preceding three-years.

g) ~~h)~~ — All forms submitted for BOSTO certification ~~TCSs~~ must be kept by the CCDS in a secure location and remain under the control of the CCDS.

~~h) i) — Upon successful completion of the driving skills tester training course by a CDS's an Certified eEmployee, and a CCDS having met all additional company training and Department requirements, the Department may certify a CCDS as a BOSTO and a CCDS's employee as a BOST Basic Operator SkillsOST Ttester.~~

~~i) j) — A CCDS must have at least one employee certified as a BOST Testerasic Operator Skills Tester OST tester to maintain BOSTO certification.~~

~~k) — In the event the BOSTO certification for a CCDS is not renewed, or is revoked or suspended, all individual BOST Tester certifications for that BOSTO will be canceled.~~

~~j) —~~

~~k) A CCDS may request their BOSTO certification or the BOST Tester certification of any employee be canceled by notifying the Department in writing. Cancellation of a certification does not nullify any of the terms of the contract between the CCDS and the Department. individual BOST Tester Basic Operator Skills Tester OST tester certifications for that BOSTO will be cancelled.~~

~~l) — A CDS may request their BOSTO certification or the BOST Tester Basic Operator Skills Tester OST certification of any employee be canceled by notifying the Department in writing. Cancellation of a certification does not nullify any of the terms of the contract between the CDS and the Department.~~

~~l) m) — CCDSs must ensure that all their BOST Testers Basic Operator Skills TestersOST testers continue to meet the training and qualification standards required to conduct BOST tests. Failure of a tester to attend scheduled training may result in suspension of testing privileges.~~

~~m) n) — CCDSs must ensure that each BOST Tester BOST tester Basic Operator Skills Tester they employ follows the Department's standards for administering BOST s-tests.~~

~~n) o) — Written knowledge and driving skill tests administered by a BOST Tester Basic Operator Skills TestersOST testers must be equal to the training and examination conducted by the Department. Section 42-2-111(1)(b) C.R.S.~~

~~o) p) — A CCDS BOSTO may be suspended from administering a BOSDST drive testing, BOSW-written knowledge testing or both.~~

~~p) q) — A BOST Tester Basic Operator Skills TesterOST tester may be employed by more than one CCDS certified as a BOSTO. A BOST Basic Operator Skills Tester OST tester employed by more than one CCDS certified as a BOSTO will be issued a separate certification tester number for each CCDS employing the BOST Tester Basic Operator Skills Tester OST tester. A BOST Tester Basic Operator Skills TesterOST tester certification is valid only while the BOST Tester Basic Operator Skills Testertester is employed by the CCDS listed on the certificate.~~

~~q) r) — The Department reserves the right to retest any student/applicant if an audit indicates that the test was not properly administered, or not administered properly or not at all.~~

~~r) s) — The Department will must issue a unique tester number to each Basic Operator Skills Tester OST tester. A BOST Tester Basic Operator Skills Testers OST testers must use only their own assigned number login and password to access DRIVES. Unauthorized~~

~~s) s) — A BOST Tester must not authorize any person to uU use his/her of a certificate number login and/or password other than the login and password (assigned or issued or ?) may result in revocation or suspension of an individual's Basic Operator Skills Tester OST certification and may also result in revocation of BOSTO certification for the CDS employing the Basic Operator Skills Tester OST tester.~~

~~t) t) — A Basic Operator SkillsOST Tester OST testers must refer the following applicants to a Colorado driver license office:~~

1. ~~4.~~ an applicant requesting a required skills test upon completion of a rehabilitation program;
2. ~~2.~~ an applicant requesting a ~~drive test~~BOSD after having failed ~~4four~~ previous BOSDs~~drive tests~~;
3. ~~3.~~ an applicant requesting a ~~DR 2252 or DR 2273 Drivers License Written Examination~~written knowledge test after ~~4four~~ failed attempts;
4. ~~4.~~ an applicant whose driver license is currently under restraint;
5. ~~5.~~ an applicant with a valid license requesting a test;
6. ~~6.~~ an applicant using a one-day permit;
7. ~~an applicant who's permit is not valid;~~ ~~and/or~~
8. ~~7.~~ an applicant unable to produce a photo ID; ~~or~~
9. ~~an applicant with an expired temporary permit.~~

(401) THE BOSD (Basic Operator Skills Drive Test) ~~T-DRIVE TEST~~

- a) ~~a)~~ ~~Drive test~~BOSD routes must be approved in writing by the Department prior to certification of a ~~CCDS~~ as a BOSTO. ~~Basic Operator Skills~~OST Testers~~s~~ ~~OST testers~~ must administer the BOSD~~T-~~drive test only on routes approved by the Department for the BOSTO employing the ~~Basic Operator Drive Skills~~OST Tester~~tester~~. BOSTOs must request and receive approval from the Department in writing for any changes to an approved drive route prior to administering a ~~read test~~BOSD.
- b) ~~b)~~ A BOSTO that has multiple physical locations must request approval for each route prior to testing. Testing on an approved test route must begin from an approved teaching/~~public~~ location that offers at least 20 hours of BTW per week and a 30-hour curriculum class. ~~The Department does not allow a location whose only purpose is to conduct testing.~~
- c) ~~e)~~ Two approved ~~drive test~~BOSD routes are required from ~~or~~ each approved ~~testing-teaching~~ location.
- d) ~~d)~~ BOSTOs are required to maintain copies of approved drive routes in their files in the Department approved format.
- e) ~~e)~~ ~~Basic Operator Skills~~OST Testers~~s~~ OST testers must use all routes on an equal ~~regular~~ basis. Any testing on a route not previously approved may result in suspension or revocation of the BOSTO and/or Basic Operator SkillsOST Tester's ~~OST tester~~ certification.
- f) ~~f)~~ Using approved testing routes as a "pre-test" or as BTW practice for students may result in suspension or revocation of a ~~Basic Operator Skills~~OST Tester's ~~the tester(s)~~ certification.
- g) ~~g)~~ Only ~~Basic Operator Skills~~OST Testers~~s~~ OST testers may administer the BOSD~~drive test~~ and sign the (DR2735) Basic Operators Driving Skill test ~~enter completion transaction statement.~~ sign the DR 2732 confirming test completion. ~~and only the tester who administered the test may enter the result. The DR2735 will remain valid for 180 days from the date of completion.~~
- h) BOST Testers must complete all testing forms correctly ~~accurately~~ and enter information accurately.

~~h) It is the responsibility of the BOSTO to ensure that Basic Operator Skills OST Testers complete all testing forms correctly-accurately and ensure enter information is entered into DRIVES accurately-accurately.~~

~~i)~~

~~i) A BOST tester Basic Operator Skills Tester Certified Employee's signature on a driver entering test results to produce a completion transaction statement TCS constitutes a representation by the BOST tester Basic Operator Skills Tester the Certified Employee that that the applicant whose name is on the completion transaction statement TCS took and passed the drive test BOSD.~~

~~k) j) All BOSTOs must hold the State harmless from liability resulting from a Basic Operator Skills OST Tester's the BOSTO's administration of the BOSD BOST drive test.~~

~~l) k) Prior to administering any BOSD test, the BOST tester Basic Operator Skills OST Testers administering the test must ensure applicants have a valid Class R driving permit in their immediate possession and the BOST Tester must has validateerified the Class R ppermit in the system DRIVES that the applicant is eligible to test.~~

~~l) A road test is not allowed if an applicant does not meet statutory licensing requirements. Testing an applicant before they meet the statutory requirements and/or postdating a DR 2732 Basic Operator Driving Skill Test BOST completion statement DR2732 scores Score sheet (DR2732) constitutes fraudulent activity and is grounds for suspension or revocation of Basic Operator Skills OST Tester's OST m) tester certification.~~

~~n) m) BOST tester Basic Operator Skills OST Testers must verify that any Class R vehicle used for testing:~~

~~1. 1. is properly registered and insured. Both the insurance and the registration cards must be in the vehicle and match the vehicle identification numbers; insurance verification can be digital.~~

~~2. 2. has both front and rear license plates attached to the outside of the vehicle; or temporary tags must be visible from in the back window of the vehicle;~~

~~3. 3. has passed a safety inspection by the BOST tester Basic Operator Skills OST Tester to ensure all necessary equipment is in safe operating order, and that the vehicle meets all applicable Colorado Revised Statutes state statutes for operation on a public roadway;~~

~~4. 4. is has been inspected for compliance with this subsection prior to every drive test BOSD, regardless of who owns the vehicle; and~~

~~5. 5. is either registered to the BOSTO as a training vehicle for BTW training or a vehicle provided by the applicant.~~

~~o) n) Prior to administering a BOST drive test BOSD, a the Basic Operator Skills Tester Certified Employee testers must complete the information section of the (DR 2732) Basic Operator Driving Skill Test score sheet (DR2732) including the date of the test, the name of the applicant, the vehicle, the organization, the tester information, and, the BOST Tester, after the instructions have been read verbatim, fill in the start time on the score sheet. Once the car has been secured at the end of the test BOSD, the finish time and applicant's score must be written on the score sheet, even if the applicant has failed the test. No alterations can be made to the DR 2732 after the drive test BOSD has been completed.~~

~~p) e) Applicants and Basic Operator Skills OST Testers testers are prohibited from smoking/vaping, drinking, or eating during a drive test BOSD. All electronic devices and cell phones must be turned off silenced during the test.~~

- ~~p) Basic Operator SkillsOST Testers must conduct a full driving testBOSD in accordance with statutesColorado Revised Statutes, rules, contract, and BOST~~
- ~~q) standardsStandards. All tests must be recorded on DR 2732 Basic Operator Driving Skill Test score sheet (DR2732) forms provided by the Department.~~
- ~~r) q) Drive testingBOSDs must be done during daylight hours. For purposes of this rule, daylight hours means the period between one-half hour before sunrise and one-half hour after sunset.BOST drive tests can only be administered during daylight hours.~~
- ~~s) r) After a drive testBOSD is completed, the Basic Operator SkillsOST Testertesters must immediately critique the applicant's performance on the test, in a location outside of the vehicle. If the applicant is a minor, the critique must be done in the presence of the parent/guardian if the parent/guardian is present.~~
- ~~t) s) Upon successful completion of a BOSDT drive test, Basic Operator Skills Testerstestersa Certified Employee must complete the DR2735immediately enter information into the systemDRIVES and provide the applicant with the completion transactionTPE. The Certified Employee statement, Basic Operator's Driving Skills Test completion statement. Tester and applicant must sign the form. Tester must staple the pink copy of the DR2735TCScompletion transaction statement to the upper left of the DR 2732 Basic Operator Driving Skill Test score sheet (DR2732).~~
- ~~u) t) BOST testerBasic Operator SkillsOST Testers must note all failures on an applicant's DR 2732 Basic Operator Driving Skill Test drive test score sheet and ensure fax or email a failed score sheet to DTES within 24 hours of the test. enter all failures are entered into the systemDRIVES immediately after the test is completed.~~
- ~~u) If an applicant fails a drive test, BOST testerBasic Operator Skills Testers are to write "fail" and the date on the back of the applicant's permit with a permanent marker.~~
- ~~v) v) An applicant under 18 years of age holding an out of state instruction permit may take one drive testBOSD with a BOSTO on the permit if the minor has met the statutory requirements. An applicant 18 years of age or older with an out of state instruction permit maycan not be tested by a Basic Operator SkillsOST TesterOSTO.~~
- ~~w) w) A Basic Operator SkillsOST Testertester must not administer more than one complete driving testBOSD per day to any applicant. Giving an applicant more than one testBOSD per day may result in suspension of the tester's certification.~~
- ~~x) x) No passengers, pets (service dogs excluded), or interpreters may be in a vehicle during BOSDa drive test. Occupants in a vehicle during a BOSDdriving test are limited to the applicant(s) and the tester, with the following exceptions:~~
- ~~1. 1) A Department representative may be in the vehicle when an audit is being performed for quality assurance purposes; or~~
 - ~~2. 2) Another BOST testerBasic Operator SkillsOST Tester may be in the vehicle for training and evaluation purposes, if with prior notification was given to the Department.~~
- ~~y) The TPE is valid for 180 days from the date of issue.~~

(402) THE BOSTW (Basic Operator Skills Written Knowledge Test) WRITTEN KNOWLEDGE TEST

- ~~a) a) BOST testerBasic Operator SkillsOST Testers administering the BOSWwritten knowledge test must ensure issue the BOST written knowledge completion statement (DR2238)completion~~

~~transaction~~ TPE "Third Party Exam Completion" statement is issued to the applicant upon successful completion of the BOSW written test. ~~The DR2238 form is valid for 180 days from the date of issue. Only certified BOST tester~~ Basic Operator Skills Testers may sign this form.

b) ~~b)~~ ~~BOST~~ Basic Operator Skills Testers administering the BOSW DR 2252 or DR 2273 Drivers License Written Examination ~~O~~ST-written knowledge testers:

1. ~~1.~~ ~~must administer and proctor tests BOSW~~ only at an business location pre-approved by the Department established place of business;

2. ~~2.~~ ~~must ensure that applicants do not access any unauthorized assistance, including but not limited to, written material, cell phones, or electronic devices, or communicate with any unauthorized person while testing;~~

3. ~~3.~~ ~~must require applicants to write their first and last name(s), date of birth, and the date of the BOSW test in the information box provided on the BOSW, T-written knowledge test and interpreters, including BOST tester~~ Basic Operator Skills ~~O~~ST Testers acting as an interpreter, must write their first and last name(s) and driver license number on the back of the BOSW. The BOSW Tester administering the BOSW must print and sign certifying they have proctored the testtest;

4. ~~4.~~ ~~must require a correct score of 80% or higher to pass;~~

5. ~~5.~~ ~~must grade correctly using the score key~~ using the score key when grading a DR 2252 or DR 2273 Drivers License Written Examination;

~~using the score key~~

6. ~~7.~~ ~~and must use~~ a red pen unless the BOSW is graded electronically;

7. ~~6.~~ ~~may must provide up to four~~ DR 2252 or DR 2273 Drivers License Written Examinations ~~ests~~ per applicant in total including written examinations taken at other CCDs. An applicant may not take more than two tests per day, regardless of whether it is at one location or separate locations, and no more than two per day. If an applicant fails four DR 2252 or DR 2273s, regardless of when or at which locations the DR 2252 or DR 2273s are completed ~~BOSWs~~ written tests, all subsequent paper DR 2252 or DR 2273 Drivers License Written Examinations ~~BOSWs~~ tests must be taken at a Department driver license office. The four-test limit does not apply to electronically completed BOSWs; ~~and~~

7. ~~must ensure that if an applicant fails the first test BOSW with the BOST~~ ~~O~~ organization, then all subsequent the second test BOSWs must be a different version s. than the first test. If an applicant misses more

8. ~~than 50% of the questions on a first test attempt, the applicant must wait until the next day to test again; and-~~

8.9. ~~M~~ ~~must ensure~~ ~~enter~~ every ~~all~~ BOSW test result is entered ~~s~~ into the system DRIVES immediately regardless of pass or fail upon completion of the BOSWtest.

c) ~~e)~~ ~~Applicants may use an interpreter for the BOSW written test. Any interpreter must be arranged for by the applicant and any cost associated with the use of an interpreter is the responsibility of the applicant.~~

d) ~~d)~~ ~~An interpreter must be at least 16 years old and show an unexpired driver license from any state in the United States.~~

e) ~~e)~~ ~~The BOST tester~~ Basic Operator Skills ~~O~~ST Tester or other interpreter can interpret in the required language ~~required language~~ and can only interpret the questions and answer choices.

~~f) f) — The BOSW/T written knowledge test must not be given to any applicant under the age of 14 15 years old and 11 months.~~

~~g) g) — BOSW/sT written knowledge tests must not be used as “class final exam”, “practice” or “pre” tests.~~

~~h) — BOSW/sT written knowledge tests may not be copied outside the physical facilities unless the BOST
h) BOSW/swritten knowledge tests remain under the direct supervision and control of a BOSTO.~~

~~i) i) — Written completion statements Test results must not be partially or fully completed entered until after a student has completed and passed the BOSW written test.~~

~~j) j) — BOST tester Basic Operator Skills OST Testers administering the BOSW written knowledge test must periodically check with the Department to confirm they have the most current version of tests/keys.~~

~~k) k) — BOSW/sTests must be administered proctored and graded by a BOST tester Basic Operator Skills OST Tester with a BOSW certification.~~

~~l) l) — The BOST tester BOSTasic Operator Skills Tester signing the DR2238 whose name, signature and tester number is on completes the back of the DR 2252 or DR 2273 Drivers License Written Examination written knowledge test must is responsible for the accurately grading of the test BOSW. The person who grades the written knowledge test is responsible and accurately for entering the test results into DRIVES the system accurately.~~

~~m) The TPE is valid for 180 days from the date of issue. Tests graded incorrectly may result in a suspension of the signing BOST tester Basic Operator Skills Tester's certification. Repeated incorrect grading of BOSW/swritten knowledge tests will result in a revocation of a Basic Operator Skills Tester's BOSW BOST written testing certification.~~

(403) BOST TESTER **BOST ASIC OPERATOR SKILLS** TESTER REQUIREMENTS

~~a) a) — BOST tester Basic Operator Skills OST Testers must administer a minimum of 24 BOSD drive tests per fiscal yYear (July 1st through June 30th). The Department will not renew the certification of BOST Tester who has not administered a minimum of 24 BOSDs each Fiscal Year.~~

~~1. A BOST Tester who does not meet this minimum requirement prior to July 1st may be renewed if he/she successfully completes a one-day continuing education within the first six months of the next Fiscal Year.~~

~~2. A BOST Tester who fails to successfully complete the continuing education within the first six months of the next Fiscal Year must successfully complete a two-day continuing education as a condition of renewal.~~

~~b) Failure to complete the minimum number of BOSD tests will may result in suspension of a tester's certification until successful completion of the required continuing education.~~

~~c) b) — All BOST tester Basic Operator Skills OST Testers must possess and maintain have had a valid unrestricted State of Colorado driver license for at least 4 four years prior to certification, and be at least 21 years of age.~~

~~d) e) — Basic Opeartor Skills OST Testers OST drive testers must recertify their BOSD certification with the Department attend at least one continuing education class for updated testing practices every two calendar years. Failure to attend a Department continuing education class or recertifying event within a two-year period may result in suspension of a tester's certification until continuing~~

education has been successfully completed. Proof of continuing education must be kept by a BOSTO in the BOST Tester's file for periodic review by the Department.

~~e) d) BOST tester Basic Operator Skills OST Testers cannot administer any BOST test to a member of their immediate family. "Immediate family" is defined at section 42-1-102(43.5), C.R.S.~~

~~f) e) A potential BOST tester Basic Operator Skills OSD Tester:~~

~~1. 4. must complete and pass the BOST training class;~~

~~2. 2. must show proof of four shadow drives on each route the tester will be using for drive test BOSDs documented by the typed DR 2069 "Shadow Cover Page form" f0DR2069 (all within 3three errors as documented by another Basic Operator Skills OST Testercertified-tester); and~~

~~3. 3. must complete all sShadow dDrives within 6six weeks of passing the BOST training class.~~

~~g) f) To be eligible for a BOST class, a potential BOST tester Basic Operator Skills OSD Tester must have conducted at least 24 hours of BTW training or been employed by the BOSTO for at least aone year.~~

~~g) Applicants failing the BOSDT drive test with a BOST tester Basic Operator Skills OST Tester mustmay only be re-tested by a different BOST tester Basic Operator Skills OST Tester (unless The Department may waive this requirement upon request if the Department determines that this would be a hardship).~~

~~h) An expired TPE "Third Party Exam Completion" completion transaction statement, DR 2735 form (after 180-days) will require the applicant to retake the test.~~

~~g) _____~~

~~i) Basic Operator Skills Testers OST Testers will be evaluated on their ability to meet Department grading standards for BOSDs. The evaluation may be conducted during an actual BOSD or a BOSD with a Department representative as the driver. BOST tester Basic Operator Skills Testers must follow Department procedures, meet Department standards, and must pass the evaluation with a score of 80% or higher. Failure to pass the evaluation will be grounds for the Department to require additional continuing education and/or suspension of the BOST tester Basic Operator Skills Tester certification.~~

~~j) The Department may deny certification of an individual or revoke certification of a Certified Employee if they have been convicted of a felony, or any offense involving moral turpitude. Conviction includes a plea of guilty or nolo contendere or a deferred sentence, provided that a person shall not be deemed to have been convicted if the person has successfully completed a deferred sentence. In determining whether to deny or revoke a certification, the Department will consider the factors contained in section 24-5-101(4), C.R.S.~~

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(500) RECORDKEEPING AND REPORTING

~~a) CDSs and BOSTOs must use only the most current version of Department's forms and must account for all completion transaction statements TCSTransaction Completion Statements, testing, and training control numbered forms issued to them.~~

~~b) Issued forms must be used in control number order. Each series of assigned completion statements must be completed before a new series is started.~~

- a) CCDSs and BOSTOs must use only the most current version of Department forms and must account for all TCS, testing, and training forms.
- b) ~~e)~~ — Audited records must be stored securely for a period of three years. Records include ~~aa~~ all contracts, records of student enrollment, DR 2045, DR 2046, and DR 2052 attendance records (DR-2045, DR-2046, and DR-2052), DR 2070 BTW drive logs (DR-2070), DR 2252 and DR 2273 written knowledge permit tests (DR-2252 and DR-2273), DR 2732 drive test BOSD score sheets (DR-2732), progress reports, student ~~completion transaction statements TCSs Transaction Completion Statements,~~ and control numbered forms previously issued by the Department.
- c) ~~d)~~ — Student/parent contracts, progress reports and student enrollment records may be stored electronically after they have been audited.
- d) ~~e)~~ — After three years all testing records must be shredded.
- e) ~~f)~~ — All required testing information information that must be entered into DRIVES forms issued, must be entered immediately, including those for passed and failed examinations, examinations, examinations must be logged into the system on a CDS's and BOSTO's monthly report.
- f) Training information (including driver education, EDAP/DAP, and BTW) must be entered into DRIVES within ~~48~~two business days hours of the student's completion.
- g) — ~~CDSs and BOSTOs must submit monthly reports on Department approved forms. Reports must be submitted electronically to the Department by the 10th day of each month for the previous month's activity, even if there was no activity. Incomplete reports will not be accepted.~~
- g) ~~h)~~ — All ~~voided control numbered forms should be logged on monthly reports, completion transaction statements TCSs Transaction Completion Statements must be maintained filed in chronological (date) numeric order by submitted date and separated by exam type,~~ with a note stating why the document was voided and the number of the replacement form. All replacement forms for drive and written tests must be dated using the same date as the original form.
- i) — ~~Monthly reports submitted by a CDS and by a BOSTO to the Department should report all student and testing activity including, but not limited to, monthly classroom schedules, class completion statements, BTW completion statements, written knowledge completion statements, and drive test completion statements.~~
- h) ~~j)~~ — ~~CCDSs, BOSTOs, and Basic Operator Skills Testers Certified Employees testers are responsible for securing all both blank testing/training/testing forms, and completed forms, and all completion transaction statements TCSs Transaction Completion Statements, and passwords/logins associated with DRIVES the system.~~
- i) ~~k)~~ — Post-dating, pre-dating, or partial completion of any testing/training form is not allowed.
- j) The CCDS is responsible for inaccurate/missing entries into DRIVES.

(600) AUDITING

- a) ~~a)~~ — CCDSs must allow the Department to observe classroom instruction and ~~for~~ BTW training.
- ~~b)~~ — CCDSs certified as BOSTOs are required to allow onsite inspections, examinations, and audits by a Department representative without prior notice in order to:
 - ~~b)~~ Department representative without prior notice in order to:

1. ~~4.~~ review all required documentation, including, but not limited to, ~~student all - completion transaction statements TCSs, Transaction Completion Statements, DR 2045, DR 2046, and DR 2052 attendance records (DR 2045, DR 2046, and DR 2052), DR 2070 BTW drive logs (DR 2070), DR 2252 and DR 2273 BOSWT written knowledge (DR 2252 and DR 2273), and DR 2732 drive testing records (DR 2732);~~
2. ~~2.~~ observe classroom instruction;
3. ~~3.~~ observe BTW instruction;
4. ~~4.~~ inspect Class R vehicles;
5. ~~5.~~ observe and score live road testing by a ~~BOST tester Basic Operator Skills OST Tester~~ and compare pass/fail scores; ~~and~~
6. ~~6.~~ test the skills of ~~BOST tester Basic Operator Skills BOST Testers~~ who administer the ~~BOSD drive test; and~~
7. observe administration of the BOSW.; ~~and~~

7. ~~audit monthly reports for supporting data, advertising, and continuing education certificates.~~

~~c) A CDSCCDS/BOST tester Basic Operator Skills Tester must surrender all required documentation to the Department upon request. The CDSCCDS may make copies and retain copies of such documentation.~~

~~c) The CDS/ BOST tester Basic Operator Skills Tester may make copies and retain copies of such documentation.~~

~~d)~~

~~d) Audits may be conducted at the CCDS's or BOSTO's office, the Department's office, or at another location as determined by DTE the auditor.~~

~~e) e) To assure that CCDSs and BOSTOs continue to meet the standards established by the Department, a Department representative will conduct on-site compliance inspections, examinations, and audits as often as the Department deems necessary and without prior notice, to review all required documentation, including but not limited to, contracts, student enrollment and progress records, DR 2045, DR 2046, and DR 2052 attendance records (DR 2045, DR 2046, and DR 2052), DR 2070 BTW drive logs (DR 2070), student completion records, classroom facilities, vehicles, and DR 2252, DR 2273 written knowledge permit tests, and DR 2732 written/drive (DR 2252, DR 2273, and DR 2732) test score sheets/sing records. Records will be checked for accuracy and completeness, including, but not limited to, missing or voided records completion transaction statements TCSs Transaction Completion Statements and, in the case of control numbered documents completion transaction statements TCSs Transaction Completion Statements, for numerical chronological filing sequence by submitted date.~~

~~f) f) During Department compliance audits, CCDSs and BOSTOs must cooperate with the Department, allow access to testing areas and routes, and supply student names and testing records, results, and any other regulated items as requested by the Department.~~

~~g) Basic Operator Skills Testers OST drive testers will be evaluated either during an actual drive test or a drive test with a Department representative as the driver. BOST tester Basic Operator Skills Testers must follow Department procedures, meet Department standards, and must pass the evaluation with a score of 80% or higher. Failure to pass the evaluation will be grounds for the Department to require additional continuing education or suspension of BOST tester Basic Operator Skills Tester certification.~~

~~h) CCDS records must be accessible during the CCDS's the Organization's normal business hours and made available to aa Department representative upon request.~~

~~g)~~

h) A CCDS must provide a TCS for each DRIVES entry with attached testing/training forms ~~within ten days of aimmediately if requested by the Department.~~

i) A CCDS must sign and return any audit report within ten days of receipt.

~~Department representative upon request.~~

(700) CERTIFICATION RENEWAL

~~a) a) CDS curriculum approval and BOST and Basic Operator Skills Tester CCDS and Certified Employee certifications must be renewed annually on or before June 30th are valid from July 1st through June 30th of the following calendar year. The Department shall determine when curriculum review is required. Curriculum review will not be conducted more frequently than annually, unless course content changes.~~

~~b) Cb) Basic Operator Skills OST Tester OST certifications, CDS certifications as BOSTOs, and CDS contracts with the Department are subject to annual renewal.~~

~~c) e) Renewal applications are due on June 1st of each calendar year. Failure to submit a sufficient aApplication on or before June 1st may res not received and approved by June 30th will result in a CCDS's or BOSTO's or Basic Operator Skills OST Tester's certification not being renewed, and the Department will not honor completion forms or driver education certificates exams entered into DRIVES by from the CCDS, or BOSTO, or Basic Operator Skills OST Tester its employee's on or after July 1st.~~

~~d) Incomplete renewal applications shall be returned to the CDS, or BOSTO, e or Basic Operator Skills OST Tester submitting the application.~~

~~e) Renewal applications must include a breakdown of the costs price of each package offered by the CCDS or BOSTO.~~

~~d) BOSTO.~~

(800) SUSPENSION/ REVOCATION/ CESSATION OF BUSINESS

a) After a notice and hearing pursuant to the State Administrative Procedure Act [sections 24-4-101, et. seq., C.R.S.], a certification(s) may be suspended or revoked for violations of any applicable Colorado Revised Statute, Rule, Regulation, contract obligation, or Department order, including but not limited to any of the following:

1. Failure a) CDSs and BOSTOs to must return all copies of written knowledge tests and keys, certifications, and any control numbered testing/training documents within ten days of cessation of business;

2. Failure to immediately enter b) Monthly reports Testing/training results not entered into the system DRIVES;

3. Failure to enter training results into DRIVES within 48two business days hours of completion;

4. Failing to comply with the registration, insurance, and equipment requirements of BTW Training; received by the 10th of the month for the previous month may result in a suspension of testing privileges for 30 days, unless a hardship is determined by the Department.

5. e) Refusing to be audited may result in the suspension of a CDS's or BOSTO's training and/or testing privileges;

~~d) Failure to address and/or correct deficiencies found in a previous audit or failing two or more audits. The Department's failure to take action based on an audit does not waive the Department's authority to take action later based on that of a CDS or a BOSTO to address and/or correct problems found in a previous audit may result in suspension of certification. Failure of the Department to take action based on an audit does not waive the Department's authority to take action later based on that audit.~~

~~7. Supplying e) A CDS or BOST testerBasic Operator SkillsOST Tester who supplies false information to the Department, or f) may have their CDS certification or BOST testerBasic Operator SkillsOST Tester certification suspended or revoked. Fraudulent testing or the fraudulent use of testing/training the forms and/or completion transaction statementsTCSs; Transaction Completion Statements may result in the suspension and/or revocation of BOSTO and/or Basic Operator SkillsOST Tester certification.~~

~~Of) The certification of a CDS, BOSTO, or BOST testerBasic Operator SkillsOST Tester may be suspended or revoked for failure to comply with these rules and regulations, BOST standards, or contract obligations.~~

~~8. g) Any BOSTO or BOST testerBasic Operator SkillsOST Tester who omittings any test requirement from a BOSWwritten knowledge or BOSD;~~

~~9. Driving skill test, or participationes in any illegal activity related to driver licensing, may be subject to penalties including loss of testing certification and/or criminal prosecution; and~~

~~10. Incorrectly entering a test as a pass when it should have been a fail or entering a fail when it should have been a pass.~~

b) ~~h) Any information obtained by the Department concerning illegal or fraudulent activity concerning, but not limited to written knowledge or driving skills testing, will be referred by the Department to the appropriate law enforcement authority.~~

c) ~~i) If an applicant's testing was improper, illegal, or fraudulent, the applicant's may have his/her driver license or instruction permit may be canceled.~~

d) ~~j) Where the Department has objective and reasonable grounds to believe and finds, upon a full investigation, that a CCDS, BOSTO, or BOST Tester has been guilty of deliberate and willful violation, or that the public health, safety, or welfare imperatively requires emergency action, and incorporates the findings in its order, it may summarily suspend the certification of the CCDS, BOSTO, or BOST Tester pending proceedings for suspension or revocation which shall be promptly instituted and determined. For purposes of this subsection, "full investigation" means a reasonable ascertainment of the underlying facts on which the Department action is basedThe Department may issue a summary suspension to any CDS, BOSTO, or BOST testerBasic Operator Skills Tester if the Department has objective and reasonable grounds to believe that a CDS or BOST testerBasic Operator Skills Tester has violated the provisions of these rules and regulations, Colorado Revised state Sstatutes, or that the CDS, BOSTO, or Basic Operator Skills Tester has been guilty of deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action. A summary suspension shall serve as notice to immediately cease testing and training until an investigation or hearing is complete.~~

1. ~~k) Upon receipt of a summary suspension, a CCDS, BOSTO or BOST Tester must immediately cease all testing as directed. The Department will promptly institute proceedings for suspension or revocation pursuant to the Administrative Procedure Act.~~

~~Upon receipt of a summary suspension, a CDS, BOSTO, and/or BOST testerBasic Operator Skills Tester must immediately stop all BOST testing and/or training. The Department will~~

~~promptly institute proceedings. Proceedings for a suspension or revocation pursuant to the Administrative Procedure Act, shall be promptly instituted and determined. Copy rule 9. The decision of the Department's Hearings Division constitutes final agency action.~~

e) ~~l)~~ — Written complaints about a CCDS, BOSTO, or BOST tester ~~Basic Operator Skills~~ **OST** Tester received by the Department regarding the requirements of these rules and regulations may result in an investigation through the Department or the Motor Vehicle Investigative Unit. ~~Section 42-1-222-GRS.~~

f) ~~m)~~ — If a CCDS is found to be in violation of the terms of its contract with the Department, then the contract between the Department and the CCDS may be terminated.

~~n) — Incorrectly entering a test as a pass when it should have been a fail or entering a fail when it should have been a pass, will result in a suspension.~~

(900) GRANDFATHER PROVISIONS

Law enforcement agencies **and rehabilitation providers** ~~and rehabilitation providers~~ who are **licensed-certified** as BOSTOs are exempt from the **teaching** requirements ~~for approval as a CDS~~ **as outlined in this rule.**

(950) INCORPORATION BY REFERENCE

The materials in this Rule incorporated by reference do not include later amendments to or editions of the materials. The materials incorporated in this Rule are on file and available for inspection by contacting the Driver License Section of the Department of Revenue in person at, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, or by telephone at 303-205-5600, and copies of the materials may be examined at any state publication depository library.

~~All publications and statutes incorporated by reference in these Rules and Regulations are on file and available for public inspection by contacting the Department of Revenue, Division of Motor Vehicles, Driver Testing and Education Section, 1881 Pierce Street, Room 114, Lakewood, Colorado, 80214. This rule does not include later amendments to or additions of any materials incorporated by reference.~~

~~*Materials incorporated by reference may be examined at any State publication depository library.~~

Editor's Notes

History

Entire rule eff. 06/30/2014.