

19A NCAC 03F .0201 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

19A NCAC 03F .0201 TRAFFIC ACCIDENT SUMMARY

History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;
Eff. July 1, 1978;
Amended Eff. November 1, 1991; February 1, ~~1982~~ 1982;
Repealed Eff. July 1, 2021.

1 19A NCAC 03F .0202 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2
3 **19A NCAC 03F .0202 FATAL ACCIDENT REPORTS**

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5 *History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*

6 *Eff. July 1, 1978;*

7 *Amended Eff. November 1, 1991; February 1, ~~1982-1982~~;*

8 *Repealed Eff. July 1, 2021.*

1 19A NCAC 03F .0203 is readopted as published in 35:14 NCR 1569-1572 and is now being repealed as follows:

2
3 **19A NCAC 03F .0203 SPECIAL HOLIDAY REPORTS**

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5 *History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*

6 *Eff. July 1, 1978;*

7 *Amended Eff. November 1, 1991; February 1, ~~1982-1982~~;*

8 *Repealed Eff. July 1, 2021.*

1 19A NCAC 03I .0307 is readopted as published in 35:14 NCR 1569-1572 with changes as follows:

2
3 **19A NCAC 03I .0307 COURSES OF INSTRUCTION**

4 Commercial driver training schools may shall teach the following courses:

- 5 (1) For unlicensed persons 18 years of age or older, a course as follows:
- 6 (a) Classroom Instruction. A minimum of six hours, including ~~(but not limited to)~~ rules of
7 the road and other laws affecting the operation of motor vehicles, safe driving practices,
8 pedestrian safety, and the general responsibilities of the driver. No class may shall consist
9 of more than 50 students. Classroom work shall be limited to no more than six hours per
10 day.
- 11 (b) Behind-the-Wheel Instruction. A minimum of six hours, including instruction and
12 practice in all the basic physical skills necessary for proper control of a motor vehicle in
13 all normal driving situations, such as starting, stopping, steering and turning, controlling
14 the vehicle in traffic, backing, and parking. A valid learner's permit issued by the Driver
15 License Section of the Division is required.
- 16 (c) A person holding a valid learner's permit issued by the Driver License Section of the
17 Division shall not be required to take the six hours of classroom instruction set forth in
18 Sub-item (1)(a) of this Rule.
- 19 (d) A person holding a valid learner's permit or driver's license issued by the Driver License
20 Section of the Division may contract for any portion of the six-hour behind-the-wheel
21 instruction.
- 22 (2) For licensed persons persons, a course for purposes of driver improvement, such as improving
23 their knowledge and skill in the operation of a motor vehicle.
- 24 (3) For unlicensed persons under the age of 18 years, a course which must courses shall be governed
25 by G.S. 115C-215 and Rule 16 NCAC 06E .0301 [in accordance with G.S. 115C 215.] [115C
26 215] approved by the [State Board of Education] Commissioner and the State Superintendent of
27 Public Instruction as follows:
- 28 (a) Classroom Instruction shall not include workbook assignments or other work out of the
29 presence of an instructor. An instructor or employee of a commercial driver education
30 school shall not administer a proficiency test. No class may consist of more than 50
31 students. Classroom work shall be limited to no more than three hours per day on school
32 days and six hours per day on non-school days. A minimum of 30 hours shall be taught,
33 consisting of instruction in:
- 34 (i) highway [Highway] transportation: its social and economic influences upon life
35 in America; [America.]
- 36 (ii) drivers: [Drivers:] their physical and mental characteristics and how their
37 capabilities and limitations influence the traffic scene; [scene.]

- (iii) — the [The]automobile: its construction, maintenance, and safe operation;[operation.]
- (iv) — traffic[Traffic]law and enforcement: laws of nature and man made laws; laws, and their relationship to traffic safety;[safety.]
- (v) — pedestrians [Pedestrians]and bicycles: their influence upon the traffic scene;[scene.]
- (vi) — engineering:[Engineering:]its influence upon automobiles, highways, traffic controls, and people;[people.]
- (vii) — driving [Driving]while impaired; [impaired:]six hours of instruction on the effects of drinking upon driving and upon accident and death rates; and[Rates.]
- (viii) — rights [Rights]and privileges of handicapped persons; [persons,][persons:]their rights to use flags, placards, cards, license plates, and parking places.[places.]
- (b) — Behind the Wheel Instruction. A minimum of six hours, actually under the wheel,[behind the wheel]including:
- (i) — familiarization [Familiarization]with the [automobile,]automobile; the use of its controls; [controls,]and the development of skills essential to safe operation in traffic; and[traffic.]
- (ii) — driving [Driving]in traffic with the instructor in a dual control car to develop abilities needed to follow the soundest course of action in responding to complex situations.
- (iii) — simulators [Simulators]may not be substituted for any part of the six hours of behind the wheel instruction.
- (c) — Restrictions:
- (i) — Behind the Wheel instruction shall be offered to a student only after he or she has completed the classwork section. If a student has contracted for both classwork and behind the wheel training, behind the wheel training may begin after classwork starts and before classwork has been completed. At no time shall a student be taken out of class to attend behind the wheel training.
- (ii) — No student shall operate a motor vehicle upon any public street or highway unless such student shall have in his [or her]immediate possession a valid Restricted Instruction Permit issued by the Division.
- (iii) — No more than two hours of behind the wheel training shall be given in any one day. A written record indicating the date and time of this training shall be kept on file for each student. The record must be signed by the student in ink after each driving session, and shall not include any hours of observation of other [student drivers.][students.]students, i.e. mere presence in the car while someone else is driving.

(iv) Whether private, or a contract with a school system, an instructor [shall]may not provide behind the wheel training to more than three [individuals at a time.]individuals. If transporting more than three individual students [at a time,]the instructor shall operate the vehicle.

(d) Other requirements:

(i) Plans for the content of the curriculum, its organization, and presentation shall be submitted on Form SBTS-610 [Proposed Plan of Operation for a commercial school and can be found at www.ncdot.gov/dmv]for the approval of the [Commissioner.]Commissioner and the State Superintendent of Public Instruction. In addition, lesson plans for each of the 30 hours must be submitted.

(ii) Textbooks for use in the classwork section shall be chosen from those approved by the State Superintendent of Public Instruction.

(iii) Instructors must be approved by both the [Commissioner.]Commissioner and the State Superintendent of Public Instruction.

(iv) All expenses incurred in offering and teaching these courses shall be paid by the persons enrolled therein or the school offering the course.

(v) A student may enroll for either the classroom work or behind the wheel instruction, or both. A school may accept certification of completion of classroom instruction from any school authorized to offer such a course, provided the certificate [Certificate of Completion for driver education requirements that include 30 hours of classroom instruction](Form SBTS-611A) is signed by the principal of the public school, or [or]the superintendent of the administrative unit of which it is a part, or the executive officer of a non-public secondary school. All SBTS-611A forms shall be mailed or taken directly to the high school for completion by the commercial school owner or instructor. Under no circumstances shall the form be given to the student.

(vi) Schools offering this course shall issue to their students upon completion of either or both parts of the course [the Certificate of Completion (Form SBTS-611) for driver education requirements is] a certificate furnished by the Division.Division (Form SBTS-611). This certificate verifies only the training [of 30 hours of classroom instruction and/or six hours of behind the wheel instruction]taught by the commercial school. The student's name on this certificate must be as it appears on his or her birth certificate. Schools shall be accountable to the Division for all certificates issued to them.

(vii) The student, upon submitting certification of satisfactory completion of both parts of the driver education course, shall be eligible for licensing as provided by law. Such certification may be from either or both a public or non public

secondary school or a commercial driver training school.

(viii) Schools shall submit reports to the Division, as may be required by the Division Rules and their books and records shall be open to inspection by Division representatives at all reasonable times. [as set forth in Rule .0306 of this Section.]]

(e) A person completing the 30 and six hour course who desires additional training may contract for [additional] any portion of the six hour behind the wheel instruction.

(4)(3) For licensed persons taking a course offered by a restricted commercial driver training school, the following courses are authorized:

(a) curriculum-Curriculum for evaluation and improvement for licensed adult drivers only, utilizing over-the-road observation in vehicles not owned by the school or equipment such as driving simulators;simulators.

(b) professional-Professional curricula, including one or more of the following:

- (i) police pursuit driving;
- (ii) auto-cross driving;
- (iii) emergency-vehicle driving; or
- (iv) road and track racing.

(5)(4) Instructor training program, the requirements for which are:

(a) The school must be licensed for one full year prior to approval;approval.

(b) all-All work must be with an instructor licensed as an Instructor Trainer;Trainer.

(c) a-A proposed plan of operation must be submitted to the Division outlining the training schedule, including:

(i) instruction in:

- (A) using effective teaching methods,
- (B) writing lesson plans,
- (C) reviewing of Subchapter 03I Rules Governing the Licensing of Commercial Driver Training Schools and Instructors,
- (D) using audio visual equipment and teaching aids,
- (E) filling out fully and properly all commercial school forms, and

(ii) listing names of Instructor Trainers-instructor trainers to be employed for the training program.

(6) Each original application for a commercial driver training instructor license shall consist of:

(a) SBTS 612 (application for instructor license) shall be completed and signed by the applicant;

(b) SBTS 602 (physical exam report) shall completed and signed by a licensed physician;

(c) satisfactory evidence of high school graduation or equivalency;

(d) evidence of completion of NCDMV 80 hour basic driver education instructor course or

equivalent;

(e) a driver license record check for the previous three years if applicant has other than a North Carolina driver license or local background check for all counties they have resided in for the last 10 years for North Carolina residents;

(f) a check or money order in the amount of \$16.00; or

(g) replacement licenses can be provided for \$10 each.]

History Note: Authority G.S. 20-321; 20-322; 20-323; 20-324; ~~115C-215(a)(b);~~

Eff. July 2, 1979;

Amended Eff. August 1, 2000; July 1, 1994; December 1, 1993; November 1, 1991; April 1, 1989, 1989;

Readopted Eff. July 1, 2021.



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

May 20, 2021

Hannah Jernigan
Department of Transportation, Division of Motor Vehicles
Sent via email only to: hjernigan@ncdot.gov

Re: Extension of the Period of Review for Rule 19A NCAC 03I .0307; Objection to Rules 19A NCAC 03F .0201, .0202, and .0203

Dear Ms. Jernigan:

At its meeting this morning, the Rules Review Commission extended the period of review for 19A NCAC 03I .0307 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review in order to allow the agency to address the requested technical changes and submit the rewritten rule at a later meeting. Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

In addition, the Commission objected to 19A NCAC 03F .0201, .0202, and .0203 in accordance with G.S. 150B-21.10 for lack of necessity. G.S. 20-166.1(j) states: "The Division may periodically publish statistical information on motor vehicle accidents based on information in accident reports." These rules are purely informational, restating the information contained in the Division's statistical reports. Further, these rules do not affect the procedural or substantive rights of the public. As a result, the Commission objected for lack of necessity because the contents of .0201, .0202, and .0203 do not meet the definition of a "rule" in 150B-2(8a). Please respond to this letter in accordance with the provisions of G.S. 150B-21.12.

If you have any questions regarding the Commission's actions, please let me know.

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Sincerely,

Ashley Snyder
Commission Counsel

Cc: Helen Landi, hlandi@ncdot.gov

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RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03F .0201, .0202, and .0203

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- ☒ Object, based on:
 - ☐ Lack of statutory authority
 - ☐ Unclear or ambiguous
- ☒ Unnecessary
 - ☐ Failure to comply with the APA
- ☐ Extend the period of review

COMMENT:

Staff recommends objection for lack of necessity. G.S. 20-166.1(j) states: "The Division may periodically publish statistical information on motor vehicle accidents based on information in accident reports." These rules are purely informational, restating the information contained in the Division's statistical reports. Further, these rules do not affect the procedural or substantive rights of the public. As a result, staff recommends objection for lack of necessity because the contents of .0201, .0202, and .0203 do not meet the definition of a "rule" in 150B-2(8a).

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03F .0201, .0202, and .0203

DEADLINE FOR RECEIPT: May 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Do these meet the definition of a "rule" in 150B-2(8a)?

For each report, you provide a list of who the report is provided to. Does the DMV still proactively send the report to these individuals or is it, for example, posted on your website? If you keep these lists in the Rule, please be specific about who you are sending the report to.

.0201(b) states the report is available to the general public but the other rules do not. Is this language necessary since this is a public record? If it is not necessary, please delete from .0201(b). If it is necessary, should that language be included in the other rules for consistency or was that language intentionally only included in one rule?

In your History Notes, why is G.S. 20-1 listed? Does that statute convey rulemaking authority for these rules?

In your History Notes, why is G.S. 20-3 listed? Are you saying the Secretary needs to approve the rules?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03F .0201

DEADLINE FOR RECEIPT: May 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On your Submission for Permanent Rule form, please update Box 2 to reflect the Rule name – Traffic Accident Summary.

In (a), please replace the slash with an “and” or an “or,” whichever is appropriate.

In (a), line 5, please change “motor vehicles” to “motor vehicle.”

In (b), please add a comma after “institutes.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03F .0201 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2
3 **19A NCAC 03F .0201 TRAFFIC ACCIDENT SUMMARY**

4 (a) The Collision Reports/General Services Section publishes a summary of motor vehicle traffic accidents monthly
5 and annually. This publication contains information on all types of motor vehicles, pedestrian, ~~pedestrian~~ and bicycle
6 accidents. The accidents are categorized by:

- 7 (1) ~~county; county,~~
8 (2) ~~rural or urban; rural or urban,~~
9 (3) ~~time of day; time of day,~~
10 (4) ~~day of week; and day of week,~~
11 (5) drivers by age and sex.

12 (b) The summary is provided to federal and ~~State~~ state-agencies, officers of the court, the Division of Highways,
13 research institutes and libraries. It is also available to the general public upon request.

14
15 *History Note:* *Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*
16 *Eff. July 1, 1978;*
17 *Amended Eff. November 1, 1991; February 1, ~~1982-1982~~;*
18 *Readopted Eff. June 1, 2021.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03F .0202

DEADLINE FOR RECEIPT: May 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 4, please replace the slash with an "and" or an "or," whichever is appropriate.

At line 6, add a comma after "Highway Patrol."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

19A NCAC 03F .0202 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

19A NCAC 03F .0202 FATAL ACCIDENT REPORTS

The Collision Reports/General Services Section publishes monthly a report on the number of fatal accidents and the number of persons killed in these accidents. Comparisons are made with information from the prior year. This report is furnished to officers of the court, the Highway Patrol and the news media.

*History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;
Eff. July 1, 1978;
Amended Eff. November 1, 1991; February 1, ~~1982~~1982;
Readopted Eff. June 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03F .0203

DEADLINE FOR RECEIPT: May 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please consider using active voice by saying who shall do what. "The Collision Reports and General Services Section publishes special holiday reports..."

At line 5, please replace the slash with either an "and" or "or."

At line 6, why is it necessary to so "and are used by the news media to project accidents over a holiday period." Does this meet the definition of a "rule" in 150B-2(8a)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03F .0203 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2
3 **19A NCAC 03F .0203 SPECIAL HOLIDAY REPORTS**

4 Special holiday reports giving information on prior year fatalities, injuries, accidents, ~~accidents~~ and driver violations
5 are published by the Collision Reports/General Services Section. These reports are provided to the National Safety
6 Council and the Highway Patrol and are used by the news media to project accidents over a holiday period.

7
8 *History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*

9 *Eff. July 1, 1978;*

10 *Amended Eff. November 1, 1991; February 1, ~~1982~~ 1982;*

11 *Readopted Eff. June 1, 2021.*
12
13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03I .0307

DEADLINE FOR RECEIPT: May 11, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please delete the blank line 4.

Throughout this Rule, please change "must" to "shall."

Throughout this Rule, when creating a list please either make each item in the list a sentence beginning with a capital letter and ending with a period or begin each item in the list with a lowercase letter and end in a semicolon.

In (1)(a), line 9, please change "may" to "shall" if that was your intent.

In (1)(d), you refer to a person holding a "driver's license." However, (1) only applies to "unlicensed persons." Please clarify.

In (2), please add a comma after "licensed persons."

Please review (3) for statutory authority. Does DMV set the curriculum or does the State Board of Education? See G.S. 115C-215(a) and (b). I note courses given by high schools are exempt from your listed statutory authority by G.S. 20-236. If the DMV and the State Board set the curriculum together, did the State Board approve this Rule? Also, throughout (3) when you refer to the Superintendent did you intend to refer to the State Board?

On page 1, line 30, consider deleting "no more than" because it repeats "shall be limited to."

In (3)(a)(iv), please replace the semicolon after "laws" with a comma.

In (3)(a)(vii) and (viii), please replace the semicolon after "impaired" and "persons" with a colon to match the other items in the list.

In (3)(b), is the correct terminology "behind" the wheel or "under" the wheel?

In (3)(b)(i), please change the semicolons to commas, except for the one after "traffic."

In (3)(b), please delete the “and” at the end of (i) and move it to the end of (b)(ii): “to complex situations; and”

In (3)(b)(iii), do you mean “shall not” instead of “may not.”

In (3)(c)(ii), please delete or define “immediate.”

In (3)(c)(iii), is it necessary to say “i.e. mere presence in the car while someone else is driving” since you already say “shall not include any hours of observation of other students?”

In (3)(c)(iv), please change “may not” to “shall not.”

Throughout (3)(d), when you refer to forms, are the contents or substantive requirements of those forms in rule in accordance with 150B-2(8a)(d)?

In (3)(d)(iii), under what circumstances are instructors approved? How does this process work? Is it in rule?

In (d)(d)(v), please delete the “or” before “the superintendent” since you have an “or” at the end of the list.

In (3)(d)(viii), please insert a cross reference to the rules requiring reports.

Please clarify the meaning of (3)(e). I thought students could already contract for the behind-the-wheel instruction as mentioned in (3)(c)(i) and (iv). Why is (e) necessary?

On page 4, lines 15-16, what rules are you referring to? Can you provide a cross reference?

On page 4, line 18, please delete or define “fully” and “properly.”

Page 4, line 19, why is “Instructor Trainers” capitalized?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03I .0307 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

2
3 **19A NCAC 03I .0307 COURSES OF INSTRUCTION**
4

5 Commercial driver training schools may teach the following courses:

6 (1) For unlicensed persons 18 years of age or older, a course as follows:

7 (a) Classroom Instruction. A minimum of six hours, including ~~(but not limited to)~~ rules of
8 the road and other laws affecting the operation of motor vehicles, safe driving practices,
9 pedestrian safety, and the general responsibilities of the driver. No class may consist of
10 more than 50 students. Classroom work shall be limited to no more than six hours per
11 day.

12 (b) Behind-the-Wheel Instruction. A minimum of six hours, including instruction and
13 practice in all the basic physical skills necessary for proper control of a motor vehicle in
14 all normal driving situations, such as starting, stopping, steering and turning, controlling
15 the vehicle in traffic, backing, and parking. A valid learner's permit issued by the Driver
16 License Section of the Division is required.

17 (c) A person holding a valid learner's permit issued by the Driver License Section of the
18 Division shall not be required to take the six hours of classroom instruction set forth in
19 Sub-item (1)(a) of this Rule.

20 (d) A person holding a valid learner's permit or driver's license issued by the Driver License
21 Section of the Division may contract for any portion of the six-hour behind-the-wheel
22 instruction.

23 (2) For licensed persons a course for purposes of driver improvement, such as improving their
24 knowledge and skill in the operation of a motor vehicle.

25 (3) For unlicensed persons under the age of 18 years, a course which must be approved by the
26 Commissioner and the State Superintendent of Public Instruction as follows:

27 (a) Classroom Instruction shall not include workbook assignments or other work out of the
28 presence of an instructor. An instructor or employee of a commercial driver education
29 school shall not administer a proficiency test. No class may consist of more than 50
30 students. Classroom work shall be limited to no more than three hours per day on school
31 days and six hours per day on non-school days. A minimum of 30 hours shall be taught,
32 consisting of instruction in:

- 33 (i) highway transportation: its social and economic influences upon life in America;
34 (ii) drivers: their physical and mental characteristics and how their capabilities and
35 limitations influence the traffic scene;
36 (iii) the automobile: its construction, maintenance, and safe operation;
37 (iv) traffic law and enforcement: laws of nature and man-made laws; and their

- relationship to traffic safety;
- (v) pedestrians and bicycles: their influence upon the traffic scene;
 - (vi) engineering: its influence upon automobiles, highways, traffic controls, and people;
 - (vii) driving while impaired; six hours of instruction on the effects of drinking upon driving and upon accident and death rates; and
 - (viii) rights and privileges of handicapped persons; their rights to use flags, placards, cards, license plates, and parking places.
- (b) Behind-the-Wheel Instruction. A minimum of six hours, actually under the wheel, including:
- (i) familiarization with the automobile; the use of its controls; and the development of skills essential to safe operation in traffic; and
 - (ii) driving in traffic with the instructor in a dual control car to develop abilities needed to follow the soundest course of action in responding to complex situations.
 - (iii) simulators may not be substituted for any part of the six hours of behind-the-wheel instruction.
- (c) Restrictions:
- (i) Behind-the-Wheel instruction shall be offered to a student only after he or she has completed the classwork section. If a student has contracted for both classwork and behind-the-wheel training, behind-the-wheel training may begin after classwork starts and before classwork has been completed. At no time shall a student be taken out of class to attend behind-the-wheel training.
 - (ii) No student shall operate a motor vehicle upon any public street or highway unless such student shall have in his or her immediate possession a valid Restricted Instruction Permit issued by the Division.
 - (iii) No more than two hours of behind-the-wheel training shall be given in any one day. A written record indicating the date and time of this training shall be kept on file for each student. The record must be signed by the student in ink after each driving session, and shall not include any hours of observation of other students, i.e. mere presence in the car while someone else is driving.
 - (iv) Whether private, or a contract with a school system, an instructor may not provide behind-the-wheel training to more than three individuals at a time. ~~time, individuals.~~ If transporting more than three individual students at a time, the instructor shall operate the vehicle.
- (d) Other requirements:
- (i) Plans for the content of the curriculum, its organization, and presentation shall

- 1 be submitted on Form SBTS-610 found at www.ncdot.gov/dmv for the approval
2 of the Commissioner and the State Superintendent of Public Instruction. In
3 addition, lesson plans for each of the 30 hours must be submitted.
- 4 (ii) Textbooks for use in the classwork section shall be chosen from those approved
5 by the State Superintendent of Public Instruction.
- 6 (iii) Instructors must be approved by both the Commissioner and the State
7 Superintendent of Public Instruction.
- 8 (iv) All expenses incurred in offering and teaching these courses shall be paid by the
9 persons enrolled therein or the school offering the course.
- 10 (v) A student may enroll for either the classroom work or behind-the-wheel
11 instruction, or both. A school may accept certification of completion of
12 classroom instruction from any school authorized to offer such a course,
13 provided the certificate (Form SBTS-611A) is signed by the principal of the
14 public school, or the superintendent of the administrative unit of which it is a
15 part, or the executive officer of a non-public secondary school. All SBTS-611A
16 forms shall be mailed or taken directly to the high school for completion by the
17 commercial school owner or instructor. Under no circumstances shall the form
18 be given to the student.
- 19 (vi) Schools offering this course shall issue to their students upon completion of
20 either or both parts of the course a certificate furnished by the Division (Form
21 SBTS-611). This certificate verifies only the training taught by the commercial
22 school. The student's name on this certificate must be as it appears on his or her
23 birth certificate. Schools shall be accountable to the Division for all certificates
24 issued to them.
- 25 (vii) The student, upon submitting certification of satisfactory completion of both
26 parts of the driver education course, shall be eligible for licensing as provided by
27 law. Such certification may be from either or both a public or non-public
28 secondary school or a commercial driver training school.
- 29 (viii) Schools shall submit reports to the Division, as may be required by the Division
30 Rules and their books and records shall be open to inspection by Division
31 representatives at all reasonable times.
- 32 (e) A person completing the 30 and six hour course who desires additional training may
33 contract for any portion of the six-hour behind-the-wheel instruction.
- 34 (4) For licensed persons taking a course offered by a restricted commercial driver training school, the
35 following courses are authorized:
- 36 (a) curriculum for evaluation and improvement for licensed adult drivers only, utilizing over-
37 the-road observation in vehicles not owned by the school or equipment such as driving

- 1 simulators;
- 2 (b) professional curricula, including one or more of the following:
- 3 (i) police pursuit driving;
- 4 (ii) auto-cross driving;
- 5 (iii) emergency-vehicle driving; or
- 6 (iv) road and track racing.
- 7 (5) Instructor training program, the requirements for which are:
- 8 (a) The school must be licensed for one full year prior to approval;
- 9 (b) all work must be with an instructor licensed as an Instructor Trainer;
- 10 (c) a proposed plan of operation must be submitted to the Division outlining the training
- 11 schedule, including:
- 12 (i) instruction in:
- 13 (A) using effective teaching methods,
- 14 (B) writing lesson plans,
- 15 (C) reviewing of Rules Governing the Licensing of Commercial Driver
- 16 Training Schools and Instructors,
- 17 (D) using audio visual equipment and teaching aids,
- 18 (E) filling out fully and properly all commercial school forms, and
- 19 (ii) listing names of Instructor Trainers to be employed for the training program.
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21 *History Note: Authority G.S. 20-321; 20-322; 20-323; 20-324;*

22 *Eff. July 2, 1979;*

23 *Amended Eff. August 1, 2000; July 1, 1994; December 1, 1993; November 1, 1991; April 1,*

24 *~~1989-1989;~~*

25 *Readopted Eff. June 1, 2021.*

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