

## **CHAPTER 39-25 REGULATION OF COMMERCIAL DRIVER TRAINING**

### **39-25-01. Definitions.**

1. "Commercial driver training school" or "school" means a business enterprise conducted by a person for the education and training of individuals, either practically or theoretically, or both, to operate or drive a motor vehicle, and for which accepts consideration or charges tuition for the service.
2. "Instructor" means an individual, whether acting on that individual's own behalf as an operator of a commercial driver training school or for a school for compensation, who teaches, conducts a class for, gives demonstrations to, or supervises practice of, an individual learning to operate or drive a motor vehicle.
3. "Certificate of course completion" means documentation signed by one or more driver education programs indicating the driver has met the classroom instruction and behind-the-wheel instruction requirements prescribed by the director.

### **39-25-02. Duties of director - Regulations.**

1. The director shall adopt and prescribe regulations concerning the administration and enforcement of this chapter which are necessary to protect the public. The director shall inspect the school facilities, equipment of applicants and licensees, and examine applicants for instructor's and examiner's licenses or certifications.
2. The director shall administer and enforce this chapter and shall adopt regulations for the administration and enforcement of this chapter.

#### **39-25-02.1. Waiver of skill test.**

The director may waive the skill portion of the driver's license examination if the applicant has successfully completed the classroom instruction and behind-the-wheel instruction requirements prescribed by the director. The director shall adopt and prescribe regulations concerning criteria for the classroom instruction and behind-the-wheel instruction requirements. A certificate of course completion must accompany the driver's application as evidence that the applicant for a class D license has satisfactorily completed the classroom instruction and behind-the-wheel instruction requirements prescribed by the director.

### **39-25-03. School - License required - Contents of application for license.**

1. A commercial driver training school may not be established nor may any existing school continue to operate unless the school applies for and obtains from the director a license in the manner and form prescribed by the director.
2. The application for license must include a statement of the location of the school, the equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance, and any other matter as the director may prescribe for the protection of the public.

### **39-25-04. Instructor - License required - Contents of application for license.**

1. An individual may not act as an instructor unless the individual applies for and obtains a license in the manner and form prescribed by this chapter.
2. The regulations must state the requirements for an instructor's license, including requirements concerning residency, language, moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and any other matter as the director may prescribe for the protection of the public.

### **39-25-05. Expiration and renewal of licenses - Fees.**

A license expires on the last day of the calendar year and may be renewed upon application to the director as prescribed by the director's regulations. Each application for an original or

renewal school license must be accompanied by a fee of twenty-five dollars, and each application for an original or renewal instructor's license must be accompanied by a fee of ten dollars. These fees must be deposited in the state treasury in the state highway fund. License fees may not be refunded in the event any license is rejected, suspended, or revoked.

**39-25-06. Refusal, suspension, or revocation of license.**

The director may refuse to issue, or may suspend or revoke a license in any case when the director finds the applicant or licensee has violated any of the provisions of this chapter or the regulations adopted by the director. A suspended or revoked license must be returned to the director by the licensee.

**39-25-07. Exclusions - Free instruction - Colleges, universities, and high schools.**

This chapter does not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge solely for that employer's employees, nor to a school or a class conducted by a college, a university, or a high school for a regularly enrolled full-time or part-time student as a part of a normal program of the institution, except that a public driver education program may provide a certificate of course completion to be used by a driver to waive the skill portion of the driver's license examination under section 39-25-02.1.

**39-25-08. Violations and penalties.**

Any person who violates section 39-25-03 or 39-25-04 is guilty of a class B misdemeanor.