

**Traffic Violator School (TVS) Program
Assembly Bill 2499 Implementation
Frequently Asked Questions (FAQ's)**

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Note: Look for (Updated 5/2/2011) recent updates to existing questions.

New Questions

- 1. Question:** If I am the president of Corporation A, B, and C; and the sole shareholder of each corporation; and I have a separate suite for each company, can I also be the operator of each company?

Response: *Yes. The California Vehicle Code states in section 11202 (a) (7) (B), “A person may be an operator for more than one traffic school if (i) the schools have a common owner or owners and (ii) the schools share a single established business address.” The Department of Motor Vehicles will implement the following statute on September, 1, 2011;*

§ 345.04(c), A traffic violator school operator may perform operator services for more than one school provided that all of the following conditions are met:

- *§ 345.04 (c) (1) “The operator possesses a valid license for each school.”*
- *§ 345.04 (c) (2) “All of the schools have the same primary business address.”*
- *§ 345.04 (c) (3) (A) through (E) “The schools have a common owner(s). A common owner is one of the following:*
 - *The same sole owner,*
 - *One partner in common, if a partnership, or*
 - *The same corporation, if owned by a corporation.*
 - *One managing member in common, in a limited liability corporation.*
 - *One administrator in common, if an association.”*

§ 345.11, “An operator shall be licensed separately for each school by which he/she is employed in the capacity of operator. To be licensed for an additional school, the operator shall meet all requirements for an original license pursuant to § 345.04, except for submission of a fingerprint card. In addition to meeting the requirements for an original license pursuant to § 345.04, the applicant shall submit: (a) A letter of acknowledgement from each of the affected schools with the application. A letter of acknowledgement shall be signed by the owner and shall contain the following information:

- (1) The school name and license number.*
- (2) The operator’s name.*
- (3) The name(s) of the other school(s) which will employ the operator.*
- (4) A statement acknowledging that the operator will be licensed and employed as an operator for the school(s) listed.”*

- 2. Question:** Could we have our fingerprints done at our local police/sheriff’s office and sent to the DMV in California? Will the fingerprints that I previously had on file as a California peace officer suffice or will you need new prints?

New Questions (continued)

Response: *The Department of Justice will not grant DMV access to your prior fingerprint information. However, out-of-state owners can obtain fingerprint cards from OL Operations (916) 229-3126, and can have a local law enforcement office perform the fingerprinting services.*

- 3. Question:** If the DMV is going to require an operator's test, and I am not located in California, could the operator application package be completed in the presence of a notary public or via webcam without coming to California?

Response: *For the operator training program, the DMV will accept an equivalent training course that covers the topics required in the Vehicle Code Section 11202.5. Unfortunately, the remainder of the application will require the operator to be present to take the exam and be available as needed to complete the business compliance review.*

- 4. Question:** We do not have any staff at our California office. We are always available via telephone, however our office is usually not staffed since the only purpose of the office is for records storage. We mail the records there twice per month and they are filed appropriately. When we are notified of an audit, we hire someone temporarily to come in and provide the records to LACDC. However, that is the entirety of their responsibilities. If there are any questions, they are directed to telephone us during the audit. Will this system be adequate to meet DMV requirements?

Response: *No. The California Vehicle Code Section 11202 (a) (1), requires a TVS Owner to maintain an established place of business in this state which is open to the public, therefore, your prior business practice will not be in compliance with this requirement.*

The California Code of Regulations § 345.50 (a) requires the office to be open to the public during the posted hours. The person in charge of the office shall be: knowledgeable concerning the operation of the school, authorized to provide information concerning classes and fees, and provide detailed information to a department or court representative.

The California Code of Regulations § 345.50 (a) (1) states, "At a minimum, each office shall maintain the same office hours as the day courts in the county, except in counties with populations of less than 400,000."

- 5. Question:** At the meeting on 1-24-11, it was mentioned that the DMV is encouraging all Home Study Traffic School (HSTS) programs to pre-apply for licensing. However, the DMV is requiring that the school already has a licensed instructor working for them. This is a catch 22 situation for HSTS programs like ours because in order to

New Questions (continued)

have a licensed instructor working for your program; you have to be a licensed traffic school. Does this requirement restrict the pre-application process to only those HSTS programs that currently have a TVS school as well?

Response: *An application for an instructor license cannot be submitted until the Driver School Owner and Operator applicants have been issued a temporary permit. The question during the meeting was, “does a school have to have all three licenses even if they don’t hire instructors to teach classroom courses?” The response was; “even on-line and Home Study employees that will be responding to consumer questions related to the TVS education course content or program certificate or court requirements must hold an instructor license. An employee hired to answer technical computer questions; such as password failures or problems in navigating through course material which are unrelated to the course content, do not require an instructor license.*

6. **Question:** Will timers be needed for the TVS course for traffic violators for online programs?

Response: *No. The proposed California Code of Regulations (CCR) states in § 345.30 (b) (2), “A home study or Internet program word count shall meet or exceed 50,000 words, not including text in images or image captions or text in chapter quizzes.” The proposed CCR further states in § 345.30 (f) (4), “The Internet course shall not allow a student to take the final exam until the course instruction has been completed or to allow any test questions to be printed from the final exam.”*

7. **Question:** Will the \$50.00 fee for the instructor’s renewal license cover the entire cost amortized over the three years during the teacher’s license renewal period, or is it a \$50.00 per year fee?

Response: *The \$50.00 fee for the instructor’s license renewal is valid for a three year period. Section 11207 (a) of the California Vehicle Code states, “...The original instructor license and any license renewed pursuant to subdivisions (b) and (c) shall be valid for a period of three years from the date of issuance unless canceled, suspended, or revoked by the department.”*

8. **Question:** Is the annual licensing cost for an original TVS classroom location increasing from \$70.00 to \$100.00?

Response: *Yes. The proposed California Code of Regulations states in § 345.00 (a) (2), “For each separate traffic violator school branch or classroom location an application fee of \$100.00.”*

New Questions (continued)

- 9. Question:** Is the \$100.00 DMV fee for each classroom location's renewal valid for a two year period, or is this fee \$100.00 per year, per location?

Response: *The license renewal for each classroom location will be \$100.00 per year, per classroom location. The proposed California Code of Regulations states in § 345.00 (a) (4), "For annual renewal of the license for a traffic violator school and for each branch or classroom location, a fee of \$100.00."*

- 10. Question:** If a company offers both, a classroom and online TVS, can they use one phone number for the classroom company listing and a different phone number for the online company listing?

Response: *The Department of Motor Vehicles (DMV) has no prohibition as to how many telephone numbers a company may use for various modalities of TVS instruction. However, the DMV will only publish one telephone number per company, regardless of various modalities of instruction.*

- 11. Question:** Are there any changes in classroom testing requirements regarding the classroom testing itself and the testing procedures, scoring etc...?

Response: *Yes. The number of required topic areas as identified in the proposed CCR § 345.30 (a) will change. Currently § 345.30 (a) identifies 16 topic areas for instruction in the classroom TVS course, and the test questions are required to pertain to ten of these 16 topic areas with at least one exam question on each of the three following areas:*

- *Defensive Driving*
- *Alcohol and Drugs*
- *Driver Responsibility*

The proposed CCR § 345.30 (d) (1) identifies 11 topic areas for instruction in the TVS classroom, and the test questions will be required to pertain to eight of these 11 topic areas with at least one question on each of the four following areas:

- *Defensive Driving*
- *Road Rage*
- *Driver Distractions*
- *Operator Responsibility*

Also, some of the topic areas identified in § 345.30 (a) of the current CCR will be updated. These updates include, but are not limited to, topic areas having a different naming convention, i.e. Driver Responsibility will become Operator Responsibility, etc...

New Questions (continued)

12. Question: In regards to instructors for an online traffic school, are there any specified hours and days that the instructors must work to answer questions?

Response: *Yes. The proposed CCR §345.30 (f) (2) (E) states, “The office business hours shall be listed. An instructor shall be available during business hours to answer questions. An instructor shall respond to a call received after business hours on the next business day.”*

13. Question: Can students be referred to different modalities offered at another school? How about referrals to different modalities within the same school?

Response: *No, if a school cannot accommodate any prospective student, the school is required to refer the prospective student to the Occupational Licensing Status Information System (OLIS) to select another school. Students may not be referred to different modalities that are offered within the same Traffic Violator School. For clarification review proposed regulation sections, CCR § 345.36 (d) which states that students are to be referred back to OLIS when the system is down, and CCR § 345.41 states that students are to be referred back to OLIS when a classroom TVS course is canceled. Traffic Violator Schools cannot refer a student to any specific school.*

14. Question: How do I purchase a lesson plan for a TVS?

Response: *The DMV does not handle the sales or purchasing of lesson plans. Anyone interested in purchasing a lesson plan should contact various California TVS programs and inquire if they are selling lesson plans. Proposed CCR § 345.32 (a) (1) (A) states that a lesson plan is not valid for sale if it has not been approved by the Department in the previous 12 months.*

15. Question: What do I need to submit to the Department if I have a purchased lesson plan?

Response: *If this lesson plan purchase is for an original or reinstating owner applicant, proposed CCR § 345.32 will require you to submit a letter of authorization from the owner of the approved TVS course to the Department. You must also submit a Request for Verification of Approval for Use of an Approved TVS Program form OL 766, a TVS owner application, and the appropriate fees.*

If you are already a current licensed TVS owner, then you must submit a Request for Verification of Approval for Use of an Approved TVS Program form OL 766, the program owner’s letter authorizing use of the program, and the appropriate fees to the Department.

Licensing

- 1. Question:** What are the amount of fees that a TVS will be charged for approvals, licensing, operations, renewals and other related charges, and the amount of fees that will be charged to traffic violators who attend TVS?

Response: On March 4, 2011, the TVS Fee regulations were published by the Office of Administrative Law. The public comment period ended on April 18, 2011.

- 2. Question:** Does any part of this new law become effective prior to July 1, 2011? If so, which provisions?

Response: Effective January 1, 2011, the requirement for an operator applicant to have 500 hours of experience as an instructor is replaced by evidence of successful completion of an approved TVS continuing educational program. This requirement cannot be implemented until the requirements are established in regulation. The Department will accept an equivalent course until the regulations are approved.

- 3. Question:** Will the DMV allow Home Study school offices to be “home based?”

Response: All TVS applicants must have an established place of business (§320 and 1671 of the California Vehicle Code). Each local planning commission has exclusive authority over the use of property for business purposes. The DMV provides a property use form to facilitate the process of obtaining approval to operate a business office, branch office or classroom from a selected location.

- 4. Question:** AB 2499 requires the DMV to review, approve, or deny all Home Study school licenses by December 31, 2012. Does the DMV have a procedure in place for licensing Home Study schools? If so, can you describe it? If not, when will such a procedure be in place?

Response: (Updated 5/2/2011) To obtain licenses necessary to operate a TVS Home Study school, all Home Study schools must apply and be approved for an owner's license following the procedures detailed in CCR § 345.02, an operator license as detailed in CCR § 345.04, an instructor license as detailed in CCR § 345.06, and pay all applicable fees for each license as detailed in the proposed CCR § 345.00.

Licensing (continued)

5. **Question:** California Vehicle Code section 11202.5(a) (4) effective January 1, 2011 requires TVS operators and Owner/Operators to complete a four hour educational program in order to be licensed. Does this section apply to license renewals as well?

***Response:** (Updated 5/2/2011) The proposed CCR § 345.03 (a) (1) requires the applicant for an original or reinstatement of a TVS operator license to provide evidence to the Department of successful completion of an eight hour operator education program.*

The proposed CCR § 345.03 (a) (2) requires the applicant for a renewal of a TVS operator license to provide evidence to the Department of successful completion of a four hour operator education program.

6. **Question:** How will a school operator be able to meet the minimum four hour educational course required in AB 2499, in the absence of any program availability?

***Response:** The Department may accept completion of an equivalent course until the regulations are approved.*

7. **Question:** On what date will new Home Study courses be able to apply for approval?

***Response:** Based on the bills requirements the application window begins September 1, 2011 through March 1, 2012 and requires them to be processed by December 31, 2012.*

8. **Question:** Will the DMV consider allowing currently-licensed (and future-licensed) TVS schools, DMV-licensed teachers, and DMV-licensed operators the right to have their renewal licenses automatically extended upon certified payment of their required fees until such time as the DMV determines that such a license is either approved or no longer valid?

***Response:** The DMV does not have the authority to extend license expiration dates beyond the current license term, unless a complete application for renewal has been received and processed by the Department. Regardless of the method of payment, OL is revising procedures and will place a higher priority on processing renewal applications. This includes screening and returning incomplete applications within five business days.*

Licensing (continued)

9. **Question:** I am the owner and operator of a TVS and hold a valid TVS owner's license with the Department of Motor Vehicles (DMV). Do I have to renew my TVS owner and operator licenses on September 1, 2011?

Response: *No. Your licenses do not have to be renewed on September 1, 2011. If you hold current and valid DMV TVS owner/operator licenses, there is nothing you need to do. The September 1, 2011, date is for TVS (Home Study and online courses) owners that do not hold current licenses with the DMV.*

10. **Question:** What is the continuing education requirement for operators? Will existing DMV licensed TVS operators be required to take the new 4 hour course? If so, will they be notified by DMV when to take it?

Response: *There are no new continuing education requirements for TVS operators who currently hold a valid DMV operator license. TVS operators currently licensed by DMV are not required to take a minimum 4 hour course until renewing the license. DMV does not plan to publish where the course can be taken, however, the renewal notices will indicate when a course is required to renew the license.*

11. **Question:** What is the amount for the surety bond?

Response: *TVS owners are required to post a \$2,000 surety bond for classroom based instruction and \$15,000 for Home Study or online courses.*

12. **Question:** Currently, we (TVS Home Study/online programs) are required to post a \$25,000 surety bond for Los Angeles County. A \$15,000 bond will be required for the rest of the State of California. Can the \$25,000 be dropped upon becoming licensed with the DMV? Will a refund be issued for the \$25,000 bond and if so, by whom?

Response: *It is recommended that the \$25,000 surety bond with Los Angeles County be kept in place until an application has been submitted and approved by the DMV along with the \$15,000 surety bond required. Any information pertaining to the \$25,000 bond such as refunds will need to be addressed directly with Los Angeles County.*

13. **Question:** Will online and Home Study schools be required to have an operator and instructor?

Licensing (continued)

Response: *Yes, the TVS statute requires that all schools have an operator and instructor. Schools must comply by the time the application is submitted to the DMV. A licensed instructor must be available to answer course specific questions. The owner may add the operator and instructor license at no additional fee; however, the basic licensing requirements in Vehicle Code Sections 11202.5 and 11206 must be met.*

14. Question: Will the fee structure stay the same?

Response: *(Updated 5/2/2011) No. Please see § 345.00 of the CCR for specific details regarding the new fee structure. This new fee structure will go into effect September 1, 2011.*

15. Question: Will TVS online program business office(s) be required to remain open during court hours?

Response: *(Updated 5/2/2011) Yes. CCR § 345.50 (a) and § 345.50 (a) (1) requires all TVS offices to be open to the public during business hours, and the office shall maintain the same business hours as the day courts in the county.*

Some exceptions to this can be found in § 345.50 (a) (1) through (a) (3). These exceptions include, but are not limited to, counties with a population of less than 400,000.

16. Question: Will the TVS Home Study programs be issued a license?

Response: *(Updated 5/2/2011) Yes. The DMV will be issuing a temporary permit that will allow an owner/operator/instructor to begin giving instruction. Upon expiration of this temporary permit, a Home Study program must meet all licensing requirements listed in the proposed CCR § 345.02, § 345.04, and § 345.06 as applicable, pay all applicable fees stated in the proposed CCR § 345.00, and adhere to all requirements listed in § 345.08 of the CCR.*

17. Question: Can TVS' share operators offering different modalities?

Response: *(Updated 5/2/2011) Yes, statute allows one person to be an operator for more than one school if the schools have a common owner or owners and the schools share a single established business address. Schools that share a single established business address must have a clear division that separates each school, such as separate suite numbers. (Please see response to question #1 of the "New Questions" section for specific details)*

Licensing (continued)

18. Question: Can learning modalities be changed?

Response: *(Updated 5/2/2011) Yes. The TVS must submit an Application for Modification to a Traffic Violator School License form OL-736 to the Department. A TVS that holds a current classroom license, can submit a Home Study or Internet course for approval, and once approved by the Department, the TVS can submit the application with an increased bond to the DMV in order to receive a license with the additional modalities. See § 345.18, of the CCR for specific details.*

19. Question: How will the DMV ensure that the “operator educational program” meets the requirements of Vehicle Code Section 11202.5?

Response: *(Updated 5/2/2011) The DMV is currently in the process of adopting proposed regulations in § 345.75 of the CCR to ensure that the Operator Educational Program (OEP) meets the requirements specified in CVC section 11202.5. These proposed regulations include, but are not limited to, the review and approval/denial of the submitted curriculum for all modalities of the OEP. The Department will require all OEPs to adequately cover subject matter that is current for operators’ and relevant to the OEP. The Department may choose to monitor the OEP programs as needed.*

TVS Attendance Fees/Completion Database

- 1. Question:** If a TVS has 3 business days to update the TVS Course Completion database, what will happen when a student attends a class on Saturday, however, the due date for the driver to respond to the court is Monday?

***Response:** In addition to updating the database, every TVS, pursuant to Vehicle Code Section 11200 (e) shall issue every person who attends for the purpose of Section 41501 or 42005, upon completion of the lesson and passage of the knowledge test, a receipt indicating successful completion. This is in addition to the receipt for proof of payment of any fees as required by Vehicle Code Section 11219.5, and can be used by the student to respond to the court if necessary. The information required to appear on the receipt is also specified in the referenced sections.*

- 2. Question:** Will the fees collected from violators and TVS go to the General Fund or some other account to be used exclusively for this program?

***Response:** Fees collected will be placed into the General Fund account. Therefore, DMV's use of this money will be subject to the State's budget and approval processes.*

- 3. Question:** California Vehicle Code Section 11208, effective September 1, 2011, provides for a single administrative fee to be assessed by the courts to cover DMV costs. How will this fee be determined? Who will be involved in determining this fee?

***Response:** (Updated 5/2/2011) The evaluation provided in the TVS report authorized by AB 758 gave guidelines for this administrative fee, and this fee is now established in the proposed fee regulations.*

- 4. Question:** How will the DMV enforce a mandate for courts to determine if a violator has attended a TVS or had a masked conviction in the previous 18 months? Is the masked conviction available to insurance companies?

***Response:** Effective July 1, 2011, the TVS dismissal is replaced with a TVS conviction. The courts will notify DMV of the conviction and indicate if the driver completes a TVS program. If the driver is eligible, DMV will mask the conviction on the driving record history which is available to insurance companies. If the driver is not eligible, the conviction will appear on the driving record.*

TVS Attendance Fees/Completion Database (continued)

5. **Question:** Under the provisions of AB 2499, Home Study TVS attendees must receive, sign, and return consumer disclosure statements along with a fee prior to registering and participating in the program. What procedures does the DMV contemplate using in order to carry out this provision?

Response: Pursuant to Vehicle Code Section 11200 (b) (1), a consumer disclosure statement is required from anyone who was not referred by the court and elects to attend a TVS program. This applies to all licensed schools and not specifically to Home Study programs.

6. **Question:** Does Vehicle Code Section 11205 require TVS to electronically transmit student completion information daily to the courts? If so, who will pay for the implementation of the system to accomplish this?

Response: Effective April 1, 2012, the law requires DMV to establish a web-based tracking system to track course participation and completion. Schools will update the data base within 3 business days for each driver who successfully completes a TVS program. The completion data will be transmitted daily directly to the appropriate court. Hard copy certificates will be eliminated once the database is in operation. Implementation of this system will be funded by the new administrative fees.

7. **Question:** Vehicle Code Section 11200(d) requires TVSS' to use the DMV web based application by September 1, 2011, for reporting certificates of completion, but this program is not required to be in place until April 1, 2012. How are certificates of completion to be reported during this time?

Response: Effective September 1, 2011, violators who are referred to TVS on, or after this date will not be issued a fee paid DMV certificate of completion. DMV will provide instructions for requesting a refund for certificates of completion not used. DMV will provide no-fee certificates of completion to use until the Web based system is operational.

8. **Question:** How will the DMV handle a situation where schools are given incorrect information from a traffic violator, such as which court has jurisdiction over the matter, or other required information?

Response: This is not a new situation; therefore, the DMV does not anticipate any changes with the current process. The driver will continue to resolve problems with the court and/or TVS program provider.

TVS Attendance Fees/Completion Database (continued)

- 9. Question:** Can you explain how the DMV expects the transmission of completion certificates to be handled by classroom traffic schools? What will be the timeline for processing these certificates?

Response: *Vehicle Code §11205 (c) requires all TVS providers to update course information within three business days of when a driver successfully completes a program utilizing the web-based tracking system regardless of modality, once established.*

- 10. Question:** Can you discuss the computer system contemplated by this new oversight system, and how you can assure compatibility with the court computer systems?

Response: *The DMV is proposing a system that will allow licensed TVS programs a secured electronic access to input data on every violator who successfully completes a TVS course or receives information. The system must also transmit daily completion data to each court jurisdiction based on court code, generate monthly reports and have the ability to retain data for a specified timeframe to be determined. The statute does not require system interaction; therefore, compatibility is not an issue. However, it is anticipated that Internet accessibility will be a requirement.*

- 11. Question:** What type of information is going to be included in the new database system?

Response: *It is expected that the database system will include the same information that is currently contained on the completion certificates and information pertaining to the specific modality. However, until the database is created, the DMV does not know what the new required information will be. TVS will be notified of any additional information needed.*

Course/Business Monitoring

- 1. Question:** Can you provide a description of how and when contracting with TAPs (Traffic Assistance Program) will be handled, the duration of the contract anticipated, and when an RFP is likely to be developed and announced?

Response: The DMV is precluded from discussing any aspect of our contractual agreements until regulations have been promulgated and the contract(s) have been awarded to preserve the integrity of the competitive bid process.

- 2. Question:** With California's ongoing budget problems, what will the DMV do to ensure that CAP (now TAP under AB 2499) contractors' will receive timely payment for services?

Response: According to state law, all approved invoices are to be paid within 45 days of receipt. Contractual agreements include a budget contingency clause, which requires the state to notify the Contractor in writing if contract services are to be stopped or suspended due to Budget Act funding deficiencies.

- 3. Question:** Under Vehicle Code Section 11205.4, it appears that the DMV has the authority to contract with TAPs' and CAPs' from 9/1/11 until 1/1/13. If so, how does this affect existing valid contracts between CAPs' and courts? Will there be a requirement that the TAPs' are non-profit organizations?

Response: Effective September 1, 2011, DMV will have specific oversight authority over the licensed TVS program, but existing Court Assistance Programs (CAPs') may continue monitoring for courts under contract during the transition from court approved to licensed programs. TAPs' will be required to be non-profit organizations, just as CAPs' are now.

- 4. Question:** Once the DMV takes over the monitoring responsibilities, will the terms and conditions of the agreements between the DMV and TAPs' for monitoring contracts mirror the terms and conditions of current monitoring service agreements between CAPs' and the local Court jurisdictions? If not, are there certain DMV mandated provisions TAPs' should be made aware of in entering into a contract with the DMV?

Response: The DMV is precluded from discussing any aspect of our contractual agreements until regulations have been promulgated and the contract(s) have been awarded in order to preserve the integrity of the

Course/Business Monitoring (continued)

competitive bid process. Information on doing business with the State may be found at <http://www.dgs.ca.gov/Default.aspx?alias=www.dgs.ca.gov/pd>.

- 5. Question:** Given that CAPs' have extensive experience in the development and implementation of monitoring services for Home Study schools; does the DMV plan to consult with them on the development of curriculum and monitoring standards for Home Study and brick and mortar schools?

***Response:** The DMV is precluded from discussing any aspect of our contractual agreements until regulations have been promulgated and the contract(s) have been awarded in order to preserve the integrity of the competitive bid process. In preparing the legislative report required by AB758, the Department held meetings with current industry representatives to gather the best practices and attempted to address the current concerns in administering this program.*

- 6. Question:** What will a contract with a CAP/TAP for monitoring services look like? Can you describe how payments will be made? On a monthly, quarterly basis? Will payments be withheld if the State Budget is late?

***Response:** The DMV is precluded from discussing any aspect of our contractual agreements until regulations have been promulgated and the contract(s) have been awarded in order to preserve the integrity of the competitive bid process.*

- 7. Question:** How does Vehicle Code Section 11205.4 effective September 1, 2011 affect Vehicle Code Section 11222, which provides that the DMV may contract with a non-governmental entity (CAP) to administer any part of Sections 11200-11222?

***Response:** 11205.4 is intended to clarify that the Department may contract with both TAPs' and CAPs' and in no way supersedes the general specifications related to contracted services.*

- 8. Question:** Can you outline how the review and monitoring of businesses and courses will be performed? Can you give us the timeline for the completion of such reviews?

***Response:** The DMV is precluded from discussing any aspect of our contractual agreements until regulations have been promulgated and the contract(s) have been awarded in order to preserve the integrity of the competitive bid process.*

Course/Business Monitoring (continued)

- 9. Question:** Between September 1, 2011, through December 31, 2012 will the DMV assume the responsibility for processing and responding to traffic school-related complaints from consumers and the general public received by CAPs', or does the DMV foresee working with CAPs' to address those complaints?

Response: *DMV will accept complaints from the public. However, if the school has not yet applied with the Department, DMV may have to refer the complaint back to the CAPs' until March 2012.*

- 10. Question:** Will the CAP be expected to meet DMV requirements?

Response: *(Updated 5/2/2011) After September 1, 2011, TAPs' (formerly known as CAPs') under contract with a court will assist and continue in the monitoring of licensed TVS'. Existing contracts can remain in effect until December 2012. The DMV is precluded from discussing any aspect of our contractual agreements until regulations have been promulgated. However, requirements will likely emanate from the statutes and regulations.*

- 11. Question:** Are the lesson plans/curriculums going to stay the same?

Response: *(Updated 5/2/2011) No. The proposed CCR § 345.30 will require changes to the lesson plans and curriculums. Current licensed TVS' will be notified in writing pursuant to 345.31 when to submit a lesson plan for an update review.*

- 12. Question:** Will the lesson plans/curriculums be modality specific?

Response: *Yes. A lesson plan/curriculum that is created for classroom instruction will obviously be different than a lesson plan/curriculum created for online instruction or a Home Study TVS course. Some of these differences might include, but are not limited to, student participation, course activities, and course content.*

List of Licensed Providers:

- 1. Question:** Are courts and/or TAPs required by new Vehicle Code Section 11205 and 11205.2 to provide hard copies of the TVS lists?

Response: (Updated 5/2/2011) When a list is distributed by the courts, the distributed material must include a list printed from the DMV's Internet website within the last 60 days. The court may also include a list of court approved home study programs still under the courts jurisdiction until December 31, 2012.

- 2. Question:** Does Vehicle Code section 11205(c) which requires the DMV to develop a web-based database to monitor, report and track TVS completion also include the DMV on-line TVS list?

Response: No, DMV will expand an existing Occupational Licensing Information System to enable the courts and the public to locate instruction in all modalities. The DMV envisions that the web-based database will be used for updating program completions and transmitting that information to the courts.

- 3. Question:** As of September 1, 2011, Vehicle Code Section 11205(b) requires a CAP (when providing a list of TVS') to only utilize the DMV list. Vehicle Code Section 11202(9) (c) (2) requires the DMV to approve or deny all completed applications for licensing by a court-approved program by December 31, 2012. What provisions will be made by the DMV to provide a list of court approved Home Study providers between September 11, 2012 and December 31, 2012?

Response: The DMV has no authority over programs until they are licensed. The Department is developing a pre-screening process to reduce the delay in adding Home Study and online providers to the existing DMV list.

- 4. Question:** Can you explain how the referral list will be handled?

Response: Expansion of the existing Occupational Licensing Information System will allow users to search for licensed TVS programs by modality, language, and location. All responses to the search criteria will be randomized when displayed.

- 5. Question:** Could the DMV clarify how the Department plans to regulate the distribution of the printed TVS list by all courts.

List of Licensed Providers (continued)

Response: Pursuant to §11205 (a) of the California Vehicle Code, “When a court or TAP provides a hard copy list of licensed TVSS’ to a traffic violator, the court or TAP shall provide only a current date-stamped list downloaded from the department’s Internet Web site...” This section does not provide DMV with authority over court procedures; however, the Department is supportive of any agreement reached with the courts to distribute a printed list.

6. Question: Can the courts print out the DMV published list?

Response: Yes. The courts must print copies from the DMV published list which will be randomized. Every 60 days a new list must be printed for distribution by the courts.

7. Question: How will DMV stop a provider from obtaining approval for a lesson plan, then selling approval to use the lesson plan with the intent to get on the list more often?

Response: The DMV does not publish a list of approved curriculum providers. Pursuant to Vehicle Code Section 11205(a), the Department will publish a list of licensed TVSS’, and for each licensed school the modality of instruction offered. The lesson plan is only the first step in licensure, and the owner must have an established place of business, surety bond, and operator to name just a few of the requirements in obtaining a license.

Current Court Contracts or Services

1. **Question:** Will there be a time during this transition when the court and the DMV will be collecting duplicate fees?

Response: A traffic violator attending a course prior to September 1, 2011, would pay the school an administrative fee to receive a fee paid certificate; and after September 1, 2011, the court will collect the fee directly from the driver referred to attend a TVS Program and the TVS provider can no longer charge a fee to the student for issuance of a certificate.

2. **Question:** Which courts or counties are required to have a contract for services with a CAP?

Response: Any questions related to the existing CAP contracts should be directed to the contracting court.

3. **Question:** In the event that the sunset date for monitoring services needs to be extended, do you anticipate that CAPs' will continue to contract with the local courts under their current arrangements? Is the DMV authorized to execute an emergency agreement with the CAPs' in order to maintain the current level of service to the courts and the public?

Response: Effective September 1, 2011, DMV will have specific oversight authority over the licensed TVS program, but existing CAP may continue monitoring for courts under contract during the transition from court approved to licensed programs, until notified under the terms and conditions or the contract or the contract expires.

4. **Question:** Will CAPs be given formal notice of the date that they must conclude their services to the courts? If so, how much notice will they be give?

Response: This question should be directed to the courts.

5. **Question:** AB 2499 allows CAPs' to continue to provide administrative services for the courts. How does the DMV define administrative services? How does the DMV define monitoring services under the bill?

Response: Any questions related to existing CAP contracts should be directed to the contracting court. See §11205.4 for a complete definition of TAP services under the bill.

General Questions

- 1. Question:** AB 2499 contains numerous sunset and start dates. Can DMV provide a detailed timeline with definitive dates?

Response: See *Occupational Licensing Industry News (OLIN Memo 2010-18)*, on the DMV's website.

- 2. Question:** AB 2499 is vague in describing the difference between Home Study, Internet, and classroom based traffic school programs. Do all of the bill's requirements related to curriculum, submittal of application for license, and site visits apply to all types of schools?

Response: (Updated 5/2/2011) Yes. For details regarding curriculum requirements for all modalities, refer to the proposed CCR § 345.30.

For details regarding licensing for all modalities, refer to the proposed CCR § 345.02, § 345.04, §345.06.

For details regarding site visits for all modalities, refer to CVC section 11205.4.

- 3. Question:** Are there any Home Study or classroom requirements for TVS names?

Response: There are no changes to the TVS name requirements. The program modality will be added as a type license and programs may either keep or change their names. Schools are restricted to no more than 35 character spaces for a name. The same rules used for court approvals will be used by DMV.

- 4. Question:** Why does DMV refer to three different training modalities when historically the courts have only used two; classroom and Home Study?

Response: The Department intends to be more specific by segmenting Home Study to courses that can be mailed or picked-up, from courses that require the user to have Internet access.

Closing Comments:

As you know this bill requires major changes to the TVS program, including changes to the curriculum, operator/instructor requirements and fees, and expands the DMV's regulatory authority from classroom instruction, to include Home Study, and on-line courses. Implementation requires the promulgation of regulations, development of new processes and the use of third-party contractors for certain program components. Because this law has multiple operational dates and program components, implementation of the new TVS requirements will take place over the next two years. The Department recommends that you subscribe to the Occupational Licensing email alert system to stay informed on the implementation progress. Once you become a subscriber, you will receive an email each time a publication or update is placed on the Department's internet website. Please subscribe using this link:

<http://www.emailalert.dmv.ca.gov/subscriptions.asp>. You can access the bill electronically at http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2451-2500/ab_2499_bill_20100930_chaptered.pdf.