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4501-7-04 Application for and renewal of class "D" and online school licenses.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (~~SSA~~) in rule 4501-7-~~0139~~ of the Administrative Code.]

- (A) No person shall establish a driver training enterprise or allow such an enterprise to continue unless the authorizing official first applies for and obtains from the director a license for a driver training school. The authorizing official shall ensure the driver training school, its business enterprise, and its instructors and training managers operate in compliance with Chapter 4508. of the Revised Code and Chapter 4501-7 of the Administrative Code, as well as all other applicable local, state, and federal laws. No motorcycle training or motorcycle safety program is administered under this chapter of the Administrative Code.
- (B) Each authorizing official applying for a school license shall submit the "Driver Training Enterprise Application" in writing to the department.
- (C) No driver training enterprise established after July 1, 2001, may share the same name as any other driver training enterprise unless the same person owns both.
- (D) The director issues driver training school licenses. An authorizing official may apply for one or both of the following types of driver training school licenses:
 - (1) Class "D" license school, which offers traditional classroom instruction and behind-the-wheel training that complies with the requirements of division (C) of section 4508.02 of the Revised Code;
 - (2) Online school license, which offers a course of study via the internet, that is the content equivalent of the classroom instruction offered by a class "D" school.
- (E) An online provider may be, but is not required to be, affiliated with a class "D" driver training school. Online providers shall provide a link to the driver training website <https://www.dps.ohio.gov/drivingschools>. The link shall give the student easy access to the list of approved driver training schools in Ohio.
- (F) Each authorizing official applying for an original class "D" school license shall:
 - (1) Include an application fee of two hundred fifty dollars;
 - (2) Submit criminal background checks regarding the authorizing official and owner. The criminal background checks shall be dated no more than ninety days prior to the date the "Driver Training Enterprise Application" is received by the director. The criminal background checks shall include:
 - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the authorizing official and/or owner; and;
 - (b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.
 - (3) Submit proof of legal occupancy for each driver training school. The proof shall include the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, and term of the agreement. The signatures and date of signatures shall be included.

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- (4) Submit proof of a fire inspection for each school location that is compliant with all applicable local, state and federal laws. The inspection shall be dated no more than one year prior to the date the "Driver Training Enterprise Application" was received.
 - (5) Submit a copy of the training manager's certificate of training showing the training manager has completed, within the past ten years, a driver training school manager's course approved by the director;
 - (6) Complete and submit the "Driver Training Enterprise Application." Within the application, the authorizing official, at a minimum, shall:
 - (a) Identify the person or persons who will serve as the authorizing official for the school; and
 - (b) Certify the driver training enterprise will be operated in compliance with all applicable local, state, and federal laws.
- (G) Each authorizing official applying for an original online school license shall:
- (1) Include a fee of eight hundred fifty dollars, which includes:
 - (a) Two hundred fifty dollar application fee; and
 - (b) Six hundred dollars for review of the assessment and online driver education program;
 - (2) Submit criminal background checks regarding the authorizing official and owner. The criminal background checks shall be dated no more than ninety days prior to the date the "Driver Training Enterprise Application" is received by the director. The criminal background checks include:
 - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the authorizing official and/or owner; and
 - (b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.
 - (3) Submit proof of legal occupancy for the enterprise office. The proof shall include the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, and term of the agreement. The signatures and date of signatures shall be included.
 - (4) Submit proof of a fire inspection for the office that is compliant with all applicable local, state and federal laws. The inspection shall be dated no more than one year prior to the date the "Driver Training Enterprise Application" was received.
 - (5) Submit evidence of expertise in providing driver education and/or driver training which may include, but is not limited to, proof of prior or current driver's education and/or training certification or licensure issued in Ohio or another state. The director may consider all evidence provided;
 - (6) Complete and submit the "Driver Training Enterprise Application." Within the application, the authorizing official, at a minimum, shall:
 - (a) Identify the person or persons who will serve as the authorizing official for the school; and

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- (b) Certify the driver training enterprise will be operated in compliance with all applicable local, state, and federal laws.
- (7) Submit the complete proposed online driver education program in written format and include full access to the proposed internet based website or portal for review;
- (8) Complete and submit the "Online Driver Education Security Assessment." The assessment shall be signed and notarized.
- (H) An original online school license may be issued to the applicant based on all licensing requirements and the following:
 - (1) The online program has met an "Acceptable" rating for all requirements as prescribed by the director and set forth in the "Required Minimum Standards for Online Driver Education";
 - (2) The online program has not been denied a license by the director within one year of the date of an original application filing.
- (I) The authorizing official for an online school shall provide the director with an "Online Driver Education Security Assessment" describing any significant system changes for approval within thirty days of enabling the specific changes.
- (J) Each original class "D" school license and each online school license expires on December thirty-first of the year it is issued and each license may be renewed.
- (K) Each authorizing official applying for a renewal of a class "D" school license shall:
 - (1) Pay an application fee of fifty dollars; and
 - (2) Meet the "renewal requirements."
- (L) Each authorizing official applying for a renewal online school license shall:
 - (1) Pay an application fee of fifty dollars; and
 - (2) Meet the "renewal requirements."
- (M) Each authorizing official for a school, as specified in paragraph (D) of this rule, shall ensure the department receives the "renewal requirements" by or that it is postmarked no later than November thirtieth of the year the license expires.
- (N) If the "renewal requirements" are not postmarked or received by the director by November thirtieth of each year, the authorizing official shall submit a new "Driver Training Enterprise Application" for an original school license in accordance with paragraph (F) or (G) of this rule, whichever is applicable.
- (O) No authorizing official shall change the school's name, ownership, authorizing official, or school location without prior notification to the director.
 - (1) Any person to whom the ownership is conveyed of a driver training enterprise shall submit a new "Driver Training Enterprise Application" in accordance with paragraph (F) or paragraph (G) of this rule, whichever is applicable. The application for an original license shall be submitted to and approved by the director prior to the conveyance of ownership.

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- (2) Any person to whom an interest in ownership is conveyed that does not constitute a change of ownership as defined in rule 4501-7-01 of the Administrative Code shall submit a new "Driver Training Enterprise Application" for the conveyance of interest to the director along with the documents required in paragraphs (F)(2) and (F)(4) or (G)(2) and (G)(4) of this rule, whichever is applicable to the enterprise.
- (3) No fees will be assessed for changing the location of a school or the name of a driver training enterprise.
- (4) Any person applying to be an authorizing official of an enterprise shall complete and submit a new "Driver Training Enterprise Application" along with the documents required in paragraph (F)(2) or (G)(2), whichever is applicable, of this rule. The application shall be approved by the director.
- (P) All license fees shall be in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (Q) No person shall submit the "Driver Training Enterprise Application" or "renewal requirements" that are incomplete or incorrect or which contain false or misleading information. An incomplete, incorrect, false, or misleading "Driver Training Enterprise Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.
- (R) If a driver training enterprise or school closes or discontinues business for any reason, the authorizing official shall return the school license to the director immediately.
- (S) All prospective new enterprise owners and authorizing officials shall attend a new school orientation provided by the department. Attendance of the new school orientation shall have been completed no more than one year prior to the date the department receives the "Driver Training Enterprise Application."