

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
DRIVER CONTROL DIVISION**

**CHAPTER 1340-1-6
COMMERCIAL DRIVER TRAINING ENTERPRISE RULES AND REGULATIONS**

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1340-1-6-.01 DEFINITIONS. As used in this chapter:

- (1) *Department* means Department of Safety.
- (2) *Commissioner* means Commissioner of Safety.
- (3) *Driver Training* means instruction of persons in the operation of motor vehicles; or the preparation for making application for examination given by the department for a motor vehicle operator's license.
- (4) *Person* when referring to a driver training enterprise, means person, firm, partnership, association or corporation.
- (5) *Driver Training Enterprise* means any person, firm, partnership, association or corporation which offers a course of driver training for which a fee or tuition is charged.
- (6) *Driver Training Instructor* means any person who gives driver training or offers a course of driver training for which a fee or tuition is charged.
- (7) *Place of Business* means a designated location at which the business of the driver training enterprise is being conducted.
- (8) *Branch Office* means an approved location where the driver training enterprise is conducted, other than the principal place of business.
- (9) *High School Education or the Equivalent in Experience* means any high school diploma or the ability to pass a General Educational Development 'rest.
- (10) *He* is considered, in this instance, to be either male or female.
- (11) *Temporary Classroom* means an approved location where the driver training enterprise may conduct driver training for members of a group or organization, and said location is owned or leased by the group or organization.

Authority: T.C.A. Title 4, Chapter 5, §55-19-105. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974. Amendment filed September 13, 1990; effective December 29, 1990.

1340-1-6-.02 FOREWORD.

- (1) Pursuant to the authority granted by chapter 19, title 59, T.C.A., the Department of Safety, through its commissioner, has adopted the following rules and regulations governing commercial driver training enterprises and commercial driver training instructors in the state of Tennessee,
- (2) These rules and regulations, together with the provisions of chapter 19, title 59, T.C.A., will be used to establish the criteria needed by the Department of Safety in evaluating the qualifications of applicants for licenses for driver training enterprises and driver training instructors.
- (3) The owners of professional driver training enterprises and driver training -instructors are concerned with the procedures and policies to be used by the department in administering the provisions of this law. In like manner, the Department of Safety is interested in helping applicants meet the high standards required of drivers and consequently safer highways in Tennessee can be achieved by maintaining high standards and striving to meet them. To this end, your Department of Safety has dedicated its greatest efforts.

Authority: T.C.A. Title 59, Chapter 19. *Administrative History:* Original rule filed November 8, 1974; effective December 8, 1974.

1340-1-6-.03 COMMERCIAL DRIVER TRAINING ENTERPRISE AND COMMERCIAL DRIVER TRAINING INSTRUCTOR LICENSE.

- (1) GENERALLY.
 - (a) No person shall operate, conduct, maintain, or establish a driver training enterprise in this state unless he holds a valid current license issued by the department.
 - (b) No person shall give driver training instruction for hire or act as a driver training instructor unless he holds a valid current driver training instructor license issued by the department and unless he is employed by a licensed driver training enterprise.
 - (c) Where an application is made for renewal of a driver training enterprise license or driver training instructor license, the applicant may continue to conduct business as a driver training enterprise or driver training instructor until the renewal application is granted or denied by the department.
- (2) REQUIREMENTS OF APPLICANTS FOR A DRIVER TRAINING ENTERPRISE LICENSE.
 - (a) The department shall not issue a driver training enterprise license to any driver training enterprise unless:
 1. The driver training enterprise has and maintains an established place of business in this state;
 2. The driver training enterprise has in its employ at least one (1) licensed driver training instructor;
 3. The driver training enterprise has at least one (1) motor vehicle registered with the department in the name of the driver training enterprise which has been safety inspected-insurance certified as required herein for driver training purposes;
 4. Each individual, owner, partner, associate, officer, manager or trustee of the driver training enterprise is:

(Rule 1340-1-6-.03, continued)

- (i) Of good moral character; and
 - (ii) At least 21 years of age.
 - 5. The driver training enterprise has liability insurance covering the driver training enterprise, the instructor, and students of the driver training enterprise while operating the driver training enterprise equipment, with minimum limits of not less than \$100,000.00 for bodily injury or death of one (1) person in any one (1) accident and subject to that limit for any one (1) person \$300,000.00 for bodily injury or death of two or more persons in any one (1) accident, \$5,000.00 medical payment on each individual, and \$10,000.00 for damage to the property of others in any one (1) accident. Evidence of insurance coverage shall also provide that the insurance coverage shall not be cancelled except after 10 days prior notice in writing by the carrier to the commissioner.
- (3) APPLICATION REQUIREMENTS FOR DRIVER TRAINING ENTERPRISES.
- (a) General Information Section: All applicants shall state the name, address and telephone numbers of the driver training enterprise; whether the enterprise is a sole proprietorship, corporation or association; and the names, addresses and telephone numbers of all owners, partners, associates, process agents, officers and managers on forms furnished by the department. All applications shall state that the owners of a driver training enterprise, unless it be a corporation, are each 21 years of age or over, and each of good moral character. The general information section shall also contain such other questions as the department shall deem necessary to determine the eligibility of the applicant.
 - (b) Personal History Section: Each owner, partner, associate, officer and manager of every driver training enterprise shall submit an individual personal history schedule of his activities, on forms furnished by the department.
 - (c) Motor Vehicles Section: All applicants shall submit a schedule, on forms furnished by the department, listing all motor vehicles owned, leased, registered and insured in the name of the driver training enterprise.
 - (d) Place of Business and Facilities Section: All applications shall contain a description of the established place of business together with a statement of the hours during which the driver training enterprise is conducted and a description of the equipment and facilities used in driver training.
 - (e) Insurance Certificate: All applications shall be accompanied by an insurance certificate giving evidence of liability insurance coverage as required herein.
 - (f) Rates for instruction must be submitted. It shall be the enterprise's responsibility to notify the department of any change of rate.
 - (g) Fee: Each applicant for a license to operate a driver training enterprise and each application for renewal of a license to operate a driver training enterprise shall be verified under oath and accompanied by the required fee set forth in chapter 19, title 59, T.C.A.
 - (h) Expiration: Every license issued for the operation of a driver training enterprise shall expire on December 31st of each year, unless sooner revoked or cancelled.

(Rule 1340-1-6-.03, continued)

- (i) Renewal: The license of each driver training enterprise may be renewed subject to the same conditions as a new license, and upon payment of the required fee.
- (4) APPLICATION REQUIREMENTS FOR A DRIVER TRAINING INSTRUCTOR LICENSE - The department shall not issue a driver training instructor license to any applicant unless:
- (a) He is 21 years of age or older;
 - (b) He is of good moral character;
 - (c) He is a high school graduate or the equivalent thereof;
 - (d) He holds a current valid Tennessee Motor Vehicle Class D license with a for hire endorsement;
 - (e) He has not been convicted of more than two (2) moving serious traffic, violations, as defined by T. C.A. §55-50-102, within the two (2) year period immediately preceding the date of application;
 - (f) He has manifested good driving habits indicating a respect for traffic laws and regard for the safety of others on the highways;
 - (g) He has passed a written examination and road test given by the department for a driver training instructor license.
 - (h) He is physically able to safely operate a motor vehicle and instruct or train others in its operations;
 - (i) He properly makes application for a driver training instructor license on forms prepared by the department;
 - (j) He is employed by a driver training enterprise licensed by the department; and
 - (k) He supplies a complete set of fingerprints of himself to the department.
- (5) DRIVER TRAINING INSTRUCTOR APPLICATION AND EXAMINATION.
- (a) Application, Personal History and Physical Examination: Each person desiring to be licensed as a driver training instructor must make application on forms furnished by the department. The forms shall consist of two sections:
 - 1. Personal history of the applicant; and
 - 2. Physical examination report signed by an examining physician.
 - (b) Employer: The driver training instructor license application must indicate the name and address of the driver training enterprise employing the applicant and it must be signed by an agent or representative of the driver training enterprise. The application must be verified under oath and signed by the applicant.
 - (c) Fee: Upon receipt by the department of a duly completed driver training instructor application, a five dollar (\$5.00) fee, fingerprints, and a physical examination report, the applicant, if otherwise qualified, shall be entitled to take a Driver Training Instructor written examination and driving test as prescribed by the department.

(Rule 1340-1-6-.03, continued)

- (d) **Written Examination:** The written examination shall consist of questions dealing with the following:
1. Tennessee motor vehicle traffic laws;
 2. Operation of motor vehicles;
 3. Safe driving practices
- The department may also test the applicant for depth perception, peripheral vision, and reaction time.
- (e) **Driving Examination:** The department's driving test will examine the applicant's ability to drive and to give driver training instructions to others.
- (f) **Issuance of Driver Training Instructor License:** All applicants who pass the instructor's examination and who are otherwise qualified will be issued a driver training instructor license containing:
1. The name and address of the licensee; and
 2. The name and address of the driver training enterprise by whom he is employed.
- (g) **Expiration of Driver Training Instructor License:** Every driver training instructor license shall expire when he leaves the employment of the driver training enterprise listed on his license or on December 31st of each year unless it is renewed by the department.
- (h) **Renewal:** The license of each driver training instructor may be renewed annually subject to the same conditions as the original license, and upon payment of the same fee.
- (i) **Display and Possession Requirements:** The driver training instructor license shall be non-transferable and shall be carried on the person of the instructor at all times during which he is actually giving driver training instruction. Upon request, the instructor shall exhibit the license to any student taking instruction from him and to any other person authorized by law to examine motor vehicle operator's licenses.
- (j) **Lost, Mutilated or Destroyed Licenses:** Should a license be lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the facts. In the case of a mutilated license, the surrender of such license. A one dollar (\$1.00) replacement charge will be made for all duplicates. Proof of facts shall consist of:
1. The date the license was lost, or destroyed; and
 2. The circumstances involving such loss, mutilation, or destruction.

Authority: T.C.A. Title 4, Chapter 5, §55-19-105. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974. Amendment filed September 13, 1990; effective December 29, 1990.

1340-1-6-.04 PLACE OF BUSINESS.

- (1) **OFFICE FACILITY.**

(Rule 1340-1-6-.04, continued)

- (a) The established place of business. of each driver training enterprise must be approved by the Tennessee Department of Safety.
 - (b) The place of business must be open to inspection of the premises, facilities, records and vehicles by any authorized representative of the department.
 - (c) The place of business must have a telephone listing and the license issued to the driver training enterprise shall be prominently displayed on approved premises.
 - (d) A driver training enterprise shall not transfer its license nor change its place of business without the approval of the department.
- (2) BRANCH OFFICES - Same procedures as new enterprise.
- (3) CLASSROOM INSTRUCTION - Each student must study the Tennessee Driver Handbook and obtain a Tennessee Driver License learner permit prior to any behind the wheel instructions by any licensed enterprise. The student shall be exempt from the learner permit requirement, only during the operation of a motor vehicle bearing the driver training enterprise identification, and only while a licensed driver training enterprise instructor, certified and registered by the Department of Education, accompanies the student. The Driver Training Instructor's Department of Education certification shall be carried on the person of the instructor at all times during which he is actually giving behind the wheel instruction. Upon request, the instructor shall exhibit the certification to any student taking instruction from him and to any other person authorized by law to examine motor vehicle operator's licenses.
- (4) TEMPORARY CLASSROOM.
- (a) Classroom must be approved by the Tennessee Department of Safety.
 - (b) Ten (10) calendar days notice must be given to the department for inspection purposes.
 - (c) Temporary classroom approval expires at the close of the period of instruction for which it was approved.
 - (d) Request shall include beginning and ending dates for period of instruction.

Authority: T.C.A. Title 4, Chapter 5, §55-19-105. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974. Amendment filed September 13, 1990; effective December 29, 1990.

1340-1-6-.05 DRIVER TRAINING MOTOR VEHICLES.

- (1) SAFETY INSPECTION INSURANCE STICKER CERTIFICATE.
 - (a) All motor vehicles used to give driver training instruction must have a current safety inspection-insurance certificate approved by the department which must be kept in the glove compartment.
 - (b) The full name of the Driver Training Enterprise must be prominently displayed on both front doors and rear of such vehicle in letters at least two (2) inches high in colors vividly contrasting with the color of the vehicle; and also signs stating "Student Driver" in letters at least three (3) inches high visible from both sides and the rear of the vehicle must be prominently displayed.

(Rule 1340-1-6-.05, continued)

(2) ANNUAL INSPECTION.

- (a) Driver training motor vehicles must be presented to designated inspection stations at least once a year for inspection and certification as such, or made available to any authorized representative of this department for inspection.
- (b) In order to be approved for a safety inspection-insurance certificate the motor vehicle must be:
 - 1. In a safe operating condition;
 - 2. Insured as required herein; (certified copy on file with the Tennessee Department of Safety)
 - 3. Registered with the department in the name of a driver training enterprise;
 - 4. Equipped with seat belts which should be used by both student and instructor.
- (c) In addition to the above, the following equipment shall be required:
 - 1. Outside mirror on both driver's and instructor's side;
 - 2. Emergency 4-way signal flashers; and
 - 3. Dual brake pedal.

Authority: T.C.A. Title 4, Chapter 5, §55-19-105. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974. Amendment filed September 13, 1990; effective December 29, 1990.

1340-1-6-.06 DRIVER TRAINING ENTERPRISE AND DRIVER TRAINING INSTRUCTOR RECORDS.

(1) STUDENT INSTRUCTION RECORD.

- (a) All driver training enterprises licensed by the department must maintain a permanent record of instructions given to each student. The records must be kept on file in the office of the enterprise for a period of one (1) year following the instruction. The record must contain the name of the enterprise and the name and address of the student; the number of the student's instruction permit or operator's license; the type and date of instruction given, and the signature of the instructor. Also number of hours of training and total cost.
- (b) Each driver training enterprise must furnish the student an itemized receipt for all charges.
- (c) The student instruction record and cost of training shall be available for inspection by the Commissioner or his representative at all times.

Authority: T.C.A. Title 59, Chapter 19. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974.

1340-1-6-.07 DRIVER TRAINING ENTERPRISE ADVERTISING.

- (1) No person shall advertise a driver training enterprise or driver training of any type in this state unless licensed by the department.

(Rule 1340-1-6-.07, continued)

- (2) Driver training enterprise advertising shall not imply, suggest, or give the impression that the enterprise or any of its instructors are an agent, employee or representative of the Department or the State of Tennessee, nor shall any advertisement imply that the enterprise is supervised, recommended, or endorsed by the Department or the State of Tennessee. Driver training enterprises which are licensed by the department may indicate in their advertising that they are "inspected and licensed by the Tennessee Department of Safety" No driver training enterprise advertising shall state or imply that a motor vehicle operator's license, or in the case of truck training, that employment is guaranteed or assured to members of the public utilizing the services of the enterprise.
- (3) A driver training enterprise may not make any false or misleading claim in any of its advertising, nor shall it use a name that is like or deceptively similar to a name used by another driver training enterprise.
- (4) Each telephone directory listing or telephone advertisement of a driver enterprise shall include the address or addresses of the driving enterprise's established place or places of business.
- (5) Neither a driver training enterprise nor an agent or employee of a driver training enterprise shall advertise the fact that an officer, agent or employee of the enterprise was formerly employed by the department.

Authority: T.C.A. Title 59, Chapter 19. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974.

1340-1-6-.08 CONTRACTS AND AGREEMENTS.

- (1) Each enterprise must file and maintain with the department a list of those persons authorized or empowered to execute contracts on behalf of the driver enterprise. A complete signature record form must be filed with the department, for each person authorized to sign contracts for the enterprise.
- (2) Each enterprise, which uses contracts or agreements, must furnish the department with copies of each.
- (3) Any student who signs a contract or agreement with any driver training enterprise shall receive a carbon copy of the contract and the original retained and filed by the enterprise. These contracts shall be made available to any authorized representative of the department upon request.
- (4) All contracts used by a commercial driver training enterprise shall contain the following:
 - (a) The name and address of the enterprise. If the enterprise is conducted under an assumed name or is operated by a corporation, partnership or association, the agreement must contain the name of the individual owner, or such of names of the officers of the corporation, association, or members of the partnership as the department may require.
 - (b) All contracts shall contain the following statement:

"This constitutes the entire agreement between the enterprise and the student and no verbal statements or promises will be recognized."
 - (c) The fee charged for each lesson, if fees are charged for individual lessons, and/or the fee for the entire series of lessons agreed upon.
 - (d) A statement indicating that these regulations of the driver training enterprise are available on the enterprise premises for the examination by the student.

(Rule 1340-1-6-.09, continued)

- (e) A statement indicating that the driver training enterprise cannot guarantee the student is eligible for the type of license for which instruction is being taken.

Authority: T.C.A. Title 4, Chapter 5, §55-19-105. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974. Amendment filed September 13, 1990; effective December 29, 1990.

1340-1-6-.09 GENERAL REGULATIONS RELATING TO DRIVER TRAINING ENTERPRISES AND DRIVER TRAINING INSTRUCTIONS.

- (1) DEPARTMENT PREMISES.
 - (a) No driver training enterprise instructor, employee, or agent will be permitted to loiter in or on premises rented, leased, owned, or used by the department.
 - (b) No driver training enterprise instructor, employee or agent shall be permitted to personally solicit any individual on premises rented, leased, owned, or used by the department for the purpose of enrolling them in any driver training enterprise.
 - (c) No alcoholic beverages of any type will be consumed or stored on premises or in vehicles used by the enterprise.
- (2) INSPECTION OF FACILITIES.
 - (a) A driver training enterprise shall permit any authorized representative of the department to inspect the enterprise at any time.
 - (b) The driver training enterprise shall make available to the department full information relating to data contained in its application forms and shall permit the department's representative to make photostatic copies of enterprise records required by the department.
- (3) RENEWAL OF LICENSE - All applications for the renewal of a driver training enterprise license or driver training instructor license shall be on a form prescribed by the department, and must be filed with the department not more than sixty (60) days, nor less than ten (10) days preceding the expiration date of the license to be renewed.
- (4) CONFLICT OF INTEREST - No person whose duties relate in any way to the issuance of motor vehicle operator's licenses nor any employee of the department, nor any member of his immediate family, shall be connected in any capacity whatsoever with a driver training enterprise.
- (5) PRACTICE DRIVING - Practice driving is prohibited on testing areas used by the department while driving tests are in progress.
- (6) WAIVER OF REQUIREMENTS - The commissioner may waive in writing all or part of the requirements of any rule or regulation relating to driver training instructors, if a waiver is necessary to avoid a result which is contrary to the manifest purpose and intent of these rules and regulations..

Authority: T.C.A. Title 59, Chapter 19. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974.

1340-1-6-.10 SUSPENSION, REVOCATION OR DENIAL OF DRIVER TRAINING ENTERPRISE AND DRIVER TRAINING INSTRUCTOR LICENSE.

(Rule 1340-1-6-.10, continued)

- (1) **REVOCACTION OF LICENSE** - The commissioner shall, upon receipt of satisfactory evidence, suspend, revoke, refuse to issue or refuse to renew the license of a driver training enterprise or a driver training instructor if:
 - (a) The licensee fails or refuses to comply with the provisions of chapter 19, title 59, T.C.A., or any rule or regulation adopted thereunder;
 - (b) The licensee has made a false material statement or has concealed a material fact in connection with his application;
 - (c) The licensee or any officer, director, partner, or other person directly interested in the driver training enterprise held a license issued under chapter 19, title 59, T.C.A., which was revoked or suspended and not reinstated;
 - (d) The licensee has been guilty of a fraudulent practice in attempting to obtain for himself or another a license to operate a motor vehicle;
 - (e) Written notice of the cancellation of insurance required by the regulations herein is received by the commissioner and the licensee does not present satisfactory evidence of insurance to the commissioner prior to the effective date of the cancellation;
 - (f) The licensee has failed to maintain adequate standards of instructions or safe and necessary equipment which is needed to give proper driver training instruction;
 - (g) The licensee is employing instructors or agents who have not been licensed by the department.
 - (h) The licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, or immoral conduct; and
 - (i) The licensee or any officer, director, partner or other persons directly interested in the driver training enterprise or any instructor licensed under the name of the enterprise shall have in their possession a copy of the department's driver licensing examination questions or their equivalent, or attempts to obtain a copy of these test questions for the purpose of making them available to their students or any other person.
- (2) **REVOCACTION OF INSTRUCTOR LICENSE** - Whenever a driver training instructor is convicted of driving an automobile while under the influence of intoxicating liquor or of leaving the scene of an accident, reckless homicide, two (2) moving serious violations within a two (2) year period, or driving when addicted to or while under the influence of narcotic drugs, his license shall be revoked.
- (3) **COMPLAINTS TO BE VERIFIED** - All complaints by an individual, partnership, group, corporation or association, against any other individual, partnership, group, corporation or association, relating to driver training enterprise or driver training instructors, or department personnel, or these rules and regulations, must be verified in formal writing and signed by the complainant. The commissioner may ask complaining witnesses to sign a sworn statement indicating the nature of the complaint. The acceptance or the use of any statement by the department shall not be deemed an acknowledgement, admission or charge by the department of the matters contained in the statement.

Authority: T.C.A. Title 4, Chapter 5, §55-19-105. **Administrative History:** Original rule filed November 8, 1974; effective December 8, 1974. Amendment filed September 13, 1990; effective December 29, 1990.