

375-5-3-.20 Qualifications of Commercial Driver Training Instructors

(1) Every commercial driver training school instructor shall be a person of good moral character, and at least twenty-one years of age.

(2) Every commercial driver training school instructor applicant, at time of application, shall ~~have possess~~ a valid driver's license ~~to operate a motor vehicle before applying for a commercial driver training school instructors' license, and the.~~ Said driver's license must be the same class of license for the commercial driver training class being taught.

(a) No commercial driver training school instructor applicant will be approved ~~who has had if~~ his or her driver's license has been suspended ~~for any reason or who has had a conviction as defined in O.C.G.A. § 40-5-1(6) or otherwise entered a guilty plea, had a bond forfeiture, or entered a plea of nolo contendere to any offense that resulted in a mandatory suspension of his or her driver's license~~ within one (1) year prior to making application for a conviction or combination of convictions directly related to the operation of a motor vehicle.

(b) No commercial driver training instructor applicant will be approved ~~whose if his or her driver's license has been suspended two (2) or more times or who has had a conviction as defined in O.C.G.A. § 40-5-1(6) or otherwise entered a guilty plea, had a bond forfeiture, or entered a plea of nolo contendere to any offenses that resulted in two (2) or more mandatory suspensions of his or her driver's license~~ within five (5) years prior to making application for a conviction or combination of convictions directly related to the operation of a motor vehicle.

(c) No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, will be licensed unless he or she has received a pardon and can produce evidence of same. For the purposes of this chapter, a plea of nolo contendere shall be considered to be a conviction. For the purposes of this chapter, a conviction for which a person has been free from custody and free from supervision for at least ten (10) years will not be considered, unless the conviction is for an offense which is a dangerous sexual offense as defined in O.C.G.A. § 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense.

(3) Every application for an instructor's license must be accompanied by a physical examination report, administered within thirty (30) days prior to the application, on a form prescribed and furnished by the Department.

(4) Every applicant must:

(a) Present to the Department an official transcript from a college or university which indicates that the applicant has earned such college credits as may be required by law; or

- (b) Successfully complete a written examination administered by the Department, which will test the applicant's knowledge in the field of commercial vehicle education and his ability to impart driving skills and safety to students. The commercial driver instructor examination will be administered on the 2nd and 4th Thursday of each month at the Department headquarters unless specifically notified of change in schedule in advance.
- (5) Application for examination must be accompanied by a fee of \$25.00 by money order, certified or cashier's check payable to the Department. The fee is non-refundable.
- (6) Applicants must pass this examination in three (3) attempts or within three (3) months of date of application, whichever comes first, or the application will be rejected.
- (7) Every application for an instructor's license must be accompanied by a fee of \$5.00, by money order, certified or cashier's check made payable to the Department. Such fee shall be non-refundable if the application is denied.
- (8) Application for a renewal of an instructor's license shall be made on a form prescribed by the Department and must be filed with the Department not more than sixty days nor less than twenty (20) days preceding the expiration date of the license. A fee of \$5.00 must accompany the application by money order, certified or cashier's check payable to the Department. Such fee shall be non-refundable if the application for renewal is denied.
- (9) The instructor's license will expire four years from date of issuance unless otherwise canceled, suspended, or revoked by the Department.
- (10) Any person whose instructor license has not been renewed within a three-year period shall re-qualify for a new instructor's license pursuant to these rules.

Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 43-13-5, 43-13-6, 43-13-8

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to update the current rule to change the look back period for prior suspensions under (2)(a) from 5 years to 1 year and to eliminate from consideration for certification purposes, previous license suspensions not directly related to the operation of a motor vehicle.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE

The amendments to the rule allow an applicant with a suspension outside of 1 year look back to be considered for approval as a driving school training instructor. The

amendment also prohibits any suspension not related to the operation of a motor vehicle from being considered as part of the driving school training instructor application process.