



KANSAS COMMERCIAL DRIVERS' TRAINING SCHOOLS

STATE REGULATIONS

Article 7.—COMMERCIAL DRIVERS' TRAINING SCHOOLS

91-7-1. Licenses required.

Every person conducting a drivers' training school shall be licensed by the state board of education prior to engaging in that business. No license shall be issued until at least one (1) instructor has obtained an instructor's license and at least one (1) motor vehicle has been approved for drivers' training school use.

(a) *Applications.* (1) Application shall be made on a form prescribed by the state board. Renewal applications shall be submitted for approval and issuance at least ten (10) days prior to the expiration date of the current license.

(2) When an application is made by an individual, it shall be signed and sworn to by the individual. In the case of a partnership, the application shall be signed and sworn to by any one (1) partner. In the case of a corporation, the application shall be signed and sworn to by the president and attested to by the secretary.

(3) Every initial application shall be accompanied by the following supplementary documents:

(A) In the case of a corporation, a certified copy of its certificate of incorporation and a copy of the corporate resolution authorizing the corporation to engage in the business of operating a drivers' training school;

(B) a sample of every contract form for instructional purposes, receipt forms, and other forms used by the school and delivered to students; and

(C) a schedule of all services to be performed by the school.

(b) *License fee.* (1) The annual fee for the initial license and renewal shall be twenty-five dollars (\$25.00).

(2) The license shall be valid for the calendar year.

(c) *Display of license.* The original license shall be conspicuously displayed in the licensee's principal place of business.

(d) *License not transferable.* (1) In the event of any change of ownership or interest in the business, including the sale of more than 25% of the capital stock of a corporation, application for a new license shall be filed with the state board.

(2) The state board may, in its discretion, permit continuance of the business by the licensee, pending processing of the application made by the person to whom the business, or interest in the business, is to be transferred.

(3) The existing license and copies, together with all instructors' certificates issued, shall be surrendered before a license shall be issued to the new owner.

(e) *Lost, mutilated or destroyed licenses.* In the event a license is lost, mutilated or destroyed, a duplicate shall be issued upon proof of the facts, and upon payment of five dollars (\$5.00) and, in the case of mutilation, upon surrender of the mutilated license. Proof shall be submitted in the form of an affidavit indicating:

(1) the date the license was lost, mutilated or destroyed; and

(2) the circumstances involving the loss, mutilation, or destruction of the license.

(f) *Surrender of license.* (1) A license to be surrendered for cancellation or deposited for safe keeping shall be returned to the office of the state board.

(2) In all cases, the licensee shall state, in writing, the reason for the surrender or deposit. (*Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.*)

91-7-2. Location of school.

(a) Each drivers' training school shall maintain an established place of business.

(b) A drivers' training school shall not change its location without prior approval of the state board.

(c) No license shall be issued for conducting a drivers' training school where business is conducted from a house trailer, tent, temporary stand, temporary addresses, a room or rooms in a hotel or motel, or through the exclusive use of a telephone answering service.

(d) The location shall be identified by a permanent sign and the name of the school shall appear on the sign. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-3. Records to be maintained.

(a) *Types of records.* Every school shall maintain the following records:

(1) The name, address, and contract number with respect to every person receiving lessons, lectures, tutoring, or any other services relating to instructions in the operation of motor vehicles;

(2) The date, type, and duration of all lessons, lectures, tutoring, instructions, or other services relating to instruction in the operation of motor vehicles, including the name of the instructor giving the instruction; and

(3) The original contract entered into between the drivers' training school and every person receiving lessons, lectures, tutoring, instructions, or other services relating to instruction in the operation of motor vehicles.

(4) A copy of a receipt for any moneys paid to the drivers' training school by a student. The receipt form shall contain: (A) the licensed name of the school; (B) the name of the student; (C) the date of payment; (D) the amount of payment; (E) the signature of the student; and (F) the signature of the person receiving the payment from the student.

(b) *Loss, mutilation, or destruction of records.* (1) The loss, mutilation, or destruction of any records which a drivers'

training school is required to maintain under these regulations shall be reported immediately to the state board by affidavit stating: (A) the date the records were lost, destroyed, or mutilated; (B) the circumstances involving the loss, destruction, or mutilation; and (C) the name of the precinct, police officer, or police department to which the loss was reported and the date of the report.

(c) *Retention of records.* All records shall be maintained for a period of three (3) years and shall be subject to inspection by the state board. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-4. Bond required. The bond required by K.S.A. 8-275 shall be on a form provided by the state board and shall be filed in the office of the state board. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-5. Drivers' training school vehicles.

(a) *Identification certificates.* (1) A motor vehicle owned or controlled by a drivers' training school shall not be used for the purpose of giving instructions in driving until the licensee has obtained from the state board a school vehicle identification certificate. This certificate shall be carried in the vehicle while the vehicle is being used either for driving instructions or for driving tests.

(2) Application for a school vehicle identification certificate shall be made on a form prescribed by the state board.

(3) A school vehicle identification certificate shall not be issued until:

(A) the vehicle has been equipped with dual controls on foot brake and on clutch, if any, and has been otherwise equipped in accordance with the motor vehicle and traffic laws;

(B) the school has filed with the state board evidence of liability insurance in a company authorized to do business in this state as required by K.S.A. 8-275(d). In the event of cancellation or expiration of insurance, the vehicle shall not be used for drivers' training school purposes. The school vehicle identification certificate shall terminate automatically and shall be surrendered to the state board;

(C) the vehicle has been equipped with seat belts for both the student and instructor. Seat belts shall be used by both the student and instructor when the vehicle is being operated for instructional purposes; and

(D) the vehicle has been equipped with rear view mirrors for both the driver and the instructor.

(b) *Sign displayed on vehicles.*

(1) Vehicles, while being used for driving instructions, shall conspicuously display a sign, with background and letters of contrasting colors, stating "student driver."

(2) The sign shall be visible from the rear in letters not less than three (3) inches in height. Letters shall be of a reflectorized material, basically white, amber, or yellow in color. (*Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.*)

91-7-6. Conduct of drivers' training schools. (a) *Advertising.* Advertising by drivers' training schools shall conform to the following:

(1) the schools shall not publish, advertise, or intimate that a license is guaranteed or assured;

(2) the schools shall not display signs, indicating that licenses or plates may be secured at the school;

(3) the letters and numerals in the name of the drivers' training school shall not be smaller than the letters and numerals in the remainder of the text of any sign, or combination of signs used as a part of the

same message relating to drivers' training school activities;

(4) the school may use on forms, contracts and advertising the phrase, "This school is licensed by the state of Kansas." Other uses of the word "state" are prohibited;

(5) the school shall not advertise the address of any location other than the licensed principal place of business; and

(6) the school shall not employ any form of advertising which is misleading. Written notice of disapproval of misleading advertising by the state board shall be given to the licensee and the advertising in question shall be discontinued.

(b) *Agreements.* A student shall not be given lessons, lectures, tutoring, or any other service relating to instructions in motor vehicle operation until a written contract, in a form approved by the state board has been executed both by the school and the student.

(1) A copy of the contract shall be given to the student. The original shall be retained by the school.

(2) A school shall not use any contract unless the form of the contract has been approved by the state board.

(3) Each school shall file and maintain with the state board a list of those persons authorized or empowered to execute contracts on behalf of the school.

(c) *Instruction permits.* A school shall ascertain, previous to giving instructions in driving, that a student is in possession of a valid instruction permit or a valid driver's license.

(d) *Requirements at driving test.* An applicant appearing for a driving test with a vehicle for which a vehicle identification certificate has been issued or a vehicle not required to have a certificate, shall be accompanied by a Kansas licensed driver who has in his or her possession a valid instructor's license for the school whose name appears on the vehicle identification certificate.

(e) *Employees of drivers' training schools.* A drivers' training school shall not knowingly employ any person in any capacity who has been convicted of a felony, driving while intoxicated, or negligent homicide. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

91-7-7. Grounds for revocation, suspension, and refusal to renew license.

(a) *Action by the state board of education.* The state board may suspend or revoke a drivers' training school license or a drivers' training instructor's license or refuse to issue a renewal of these licenses for any of the reasons outlined in K.S.A. 8-279 after due notice of the violation in writing.

(b) *Right to have hearing.* Any school or instructor notified of suspension, revocation, or refusal to issue a drivers' training school license or drivers' training instructor's license may, within twenty (20) days following date of notification, request and have a hearing before a committee appointed by the state board. This committee shall make recommendations to the state board and the decision of the board shall be final. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

91-7-8. Licenses required for instruction.

(a) The owner, operator, partner, or any officer of a drivers' training school, or any other person, shall not give instructions for compensation in the operation of motor vehicles, unless the person is the holder of an instructor's license issued by the state board and is the possessor of a valid Kansas driver's license.

(b) *Application for instructors' licenses.* The applicant for an initial or renewal license shall:

(1) be at least twenty-one (21) years of age;

(2) present to the state board evidence of six (6) semester hours of credit in driver education and three (3) semester hours in general safety from an accredited college or university, or have a valid Kansas teacher's certificate coded for drivers education; and

(3) filed with the state board, on a form prescribed by the state board, a physical examination report and a health certificate.

(c) *Fee, instructor's license.* The instructor's license shall be valid for the calendar year, and the annual fee for the initial license or renewal shall be five dollars (\$5.00).

(d) *Carrying instructor's license.* The instructor's license shall be carried by the instructor at all times while giving driving instructions, or when accompanying an applicant for a driver's license to the office of a driver's license examiner.

(e) *Lost, mutilated, or destroyed licenses.* Should a license be lost, mutilated, or destroyed, a duplicate license shall be issued upon proof of the facts and payment of a fee of five dollars (\$5.00) and, in the case of a mutilated license, the surrender of the license. Proof of facts shall consist of:

(1) the date the license was lost, mutilated, or destroyed; and

(2) the circumstances involving the loss, mutilation, or destruction.

(f) *Surrender of instructor's license.* An instructor's license shall be surrendered to the state board immediately upon termination of an instructor's services with the drivers' training school designated on the license. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

91-7-9. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; revoked May 1, 1979.)

91-7-10. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)*

91-7-11. Classroom accommodations.

Classroom facilities shall be subject to inspection and approval by the state board and shall have the following accommodations:

(a) seating facilities and writing surfaces for no less than ten (10) students;

(b) lighting, heating, ventilation, and sanitary facilities that comply with all local, city, county, municipal, state, and federal regulations; and Accrediting Community Colleges; Criteria

(c) print and nonprint materials relating to the proper operation of motor vehicles and traffic laws. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-12. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)*

91-7-13. Classroom instruction.

(a) A minimum of eight (8) clock hours of classroom instruction shall be offered and

taught to each student enrolled in any commercial drivers' training school.

(b) The contents of classroom instruction shall be submitted to the state board for approval.

(c) The offered classroom instruction shall be available at least once each calendar month for students currently enrolled in the drivers' training school and shall include safe driving practices in the operation of motor vehicles. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-14. Behind-the-wheel driving instruction.

Each student shall be given six (6) clock hours of behind-the-wheel driving instruction in the initial drivers' training course. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-15. Advanced courses.

(1) Advanced courses in driving under special conditions may be offered to licensed drivers. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970.)*

An Equal Employment/Educational Opportunity Agency

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

KSDE General Counsel, 120 SE 10th Ave., Topeka, KS 66612 785-296-3201