

**RULES
OF
THE TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL**

**CHAPTER 1340-03-07
DRIVER EDUCATION COURSES**

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1340-03-07-.01 PURPOSE.

- (1) To establish a system for the application, approval, regulation and standardization of Driver Education Courses by the Tennessee Department of Safety.

Authority: T.C.A. §§ 4-3-2009 and 55-10-301. **Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-07-.02 DEFINITIONS.

- (1) "Commissioner" shall mean the Commissioner of the Tennessee Department of Safety.
- (2) "Department" shall mean the Tennessee Department of Safety.
- (3) "Driver Education Course" shall mean a classroom or on-line curriculum of driver safety training consisting of not less than four (4) hours which has been approved by the Department.
- (4) "Driver Education Course Instructor" shall mean an individual who is approved by the Department for the purpose of conducting a Driver Education Course.
- (5) "Driver Education Course Provider" shall mean an entity approved by the Department to operate and conduct a Driver Education Course and shall include:
 - (a) County, municipality or other entity of local government;
 - (b) Nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or
 - (c) Private entity, provided the entity meets or exceeds all the requirements of T.C.A. § 55-10-301(b)(1)(C).
- (6) "Governmental Employee" shall mean employees and officials of the state of Tennessee and its political subdivisions who are employed as law enforcement employees or officials; probation and parole employees or officials; judicial employees or officials, or correctional employees or officials, including employees and officials of jails and workhouses.
- (7) "Immediate Family" shall mean and include the employee's spouse/partner, mother, father, siblings, adult children or maternal and paternal grandparents.

Authority: T.C.A. §§ 40-35-302(g) and 55-10-301. **Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-07-.03 DRIVER EDUCATION COURSE PROVIDER REQUIREMENTS.

- (1) An entity which proposes to offer a Driver Education Course must submit an application and all required documentation to the Department. This application can be found at www.tn.gov/safety/driver-services/--driver-education-courses--traffic-schools-.html. Upon submitting application, a nonrefundable application fee in the amount of one hundred fifty dollars (\$150.00) must be mailed to the Department at the address provided at the time of application.
- (2) Upon initial approval, the applicant will be provided a Certificate by the Department. The Certificate shall be maintained on file and provided upon request.
- (3) A provider will be required to submit an annual renewal application, required documentation and application fee in the amount of fifty dollars (\$50.00) through the same process as an original applicant.
- (4) A provider must provide a minimum of four (4) hours of classroom or on-line driver safety training which has been determined by the Department to meet or exceed the standards of the American Automobile Association, National Safety Council or other recognized curriculum that has been submitted for review and approved by the Department and which is designed to educate persons committing minor traffic violations and to deter future violations. Such entities may seek the Department directly on any requests to be approved as a provider.
- (5) A provider may assess a reasonable fee between fifty dollars (\$50.00) or one hundred seventy-five dollars (\$175.00) for the Driver Education Course, provided that no person shall be refused admittance for inability to pay. This fee shall apply only to Driver Education Courses that may be required pursuant to T.C.A. § 55-10-301 and shall not apply to any program offered pursuant to the provisions of T.C.A. Title 49, Chapter 1, or to any other driving instruction school.
- (6) A provider will issue a certificate of completion to each student who has successfully completed the Driver Education Course. Such certificate shall have thereon the student's full name, driver license number, date of birth, course name, hours completed and the Driver Education Course Provider's name and address.
- (7) No governmental employee or the employee's immediate family shall have a direct or indirect personal interest in a private entity that provides a Driver Education Course and shall not receive anything of value in an individual capacity from the private entity.
- (8) A provider must comply with or exceed the minimum standards set forth herein.
- (9) A provider must only use Instructors who meet the qualifications set forth herein.
- (10) A provider must maintain the following records for a period of three (3) years and ensure that such records are available for inspection by the Department during business hours:
 - (a) A roster of each class, listing the course name, location, Instructor's full name, student names, driver license numbers and date of birth.
 - (b) A receipt for each student stating the student's full name, driver license number and amount paid.
 - (c) A list of students who have successfully completed the Driver Education Course, with each student's full name, driver license number, date of birth, course name and class location.

(Rule 1340-03-07-.03, continued)

- (d) Course material, which shall include the most recent material to teach crash prevention, and safe and defensive driving.
 - (e) Any other records that may be required by the Department.
- (11) A provider must ensure compliance with all Department rules and regulations.
 - (12) A provider must update any change(s) in information on the application or any change in ownership or Instructors through the Department's online portal within seven (7) business days.
 - (13) A provider must be open for periodic on-site inspection by the Department, with or without notice.
 - (14) A provider shall not hire any person as an Instructor or otherwise who is an employee of the Department.
 - (15) A provider shall comply with the requirements of the Americans with Disabilities Act.

Authority: T.C.A. §§ 40-35-302(g) and 55-10-301. **Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-07-.04 DRIVER EDUCATION COURSE INSTRUCTOR REQUIREMENTS.

- (1) Driver Education Course Instructors must:
 - (a) Be at least twenty-one (21) years of age;
 - (b) Submit documentation verifying applicant possesses a high school diploma or a General Education Diploma;
 - (c) Have and maintain a valid driver license that has not been revoked, suspended or cancelled for any reason in the three (3) years preceding the date of hire;
 - (d) Submit a Tennessee Bureau of Investigations TORIS criminal history report verifying applicant has no conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, or indecency. Active Law Enforcement Officers may submit documentation from employer that a criminal history check was conducted at the time of employment. Documentation must be on the agency's letterhead;
 - (e) Not be an employee of the Department;
 - (f) Submit documentation that applicant has successfully completed a Driver Education Instructor's Development Course operated by:
 - 1. The American Automobile Association;
 - 2. National Safety Council;
 - 3. Current law enforcement POST certification obtained within 12 months of application (for active law enforcement officers only); or
 - 4. Another certified Instructor Development Course submitted and determined by the Department to meet or exceed the standards of the American Automobile Association or National Safety Council. Such entities may seek the Department directly on any requests to be approved as a provider; and,

(Rule 1340-03-07-.04, continued)

- (g) The Instructor shall maintain current certification on file with the department through the online portal.
- (2) No governmental employee or the employee's immediate family shall have a direct or indirect personal interest in a private entity that provides a Driver Education Course and shall not receive anything of value in an individual capacity from the private entity.

Authority: T.C.A. §§ 40-35-302(g) and 55-10-301. **Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-07-.05 DENIAL, REVOCATION OR SUSPENSION.

- (1) The Department may deny, revoke or suspend a Driver Education Course Provider or Instructor for any violation of the law, rules or regulations relating to the operation of a Driver Education Course.
- (2) The Department may deny, revoke or suspend the Driver Education Course Provider or Instructor for actions including, but not limited to, the following:
 - (a) Conviction of a Provider or Instructor for a felony or any crime involving violence, dishonesty, deceit, fraud or indecency.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Failure or refusal to permit the Department to inspect, audit or investigate the Driver Education Course Provider's premises, the Driver Education Course instruction records, financial records, etc.
 - (d) Failure to submit the application with supporting documentation and/or the required fees within the prescribed time limit.
 - (e) Failure to maintain Department approved standards in instruction, equipment or facilities.
 - (f) The presence of alcoholic beverages or narcotic drugs on the premises.
 - (g) The presence of any type of weapon on the premises, except a weapon carried by a commissioned law enforcement officer or an individual with an authorized and valid carry permit.

Authority: T.C.A. §§ 40-35-302(g) and 55-10-301. **Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010. Amendments filed June 9, 2023; effective September 7, 2023.

1340-03-07-.06 HEARINGS.

- (1) Any Provider or Instructor of a Driver Education Course who has been denied, revoked or suspended shall have the right to request a hearing in writing within thirty (30) days of the date of written notification of such action.
- (2) The hearing shall be before the Commissioner or the Commissioner's designee and held in accordance with the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-101 et seq.

Authority: T.C.A. §§ 4-5-101, et seq., and 55-10-301. **Administrative History:** Original rule filed May 13, 2010; effective October 29, 2010. Amendments filed June 9, 2023; effective September 7, 2023.