

Driving School Operational and Instructional Requirements

Operating Requirements

1. No person shall conduct driver education, operate a driving school, act as a driver education instructor or represent oneself as providing driver education services without being duly licensed by the Registrar. Driving school operators and their instructors shall comply with M.G.L. c.90 §32G, 540 CMR 23.00 and adhere to all published RMV guidelines, policies and procedures and curriculum requirements at all times.
2. Only driver education programs providing all components of the driver education program, classroom, on-road and parental class component, shall be licensed as a Professional Driving School or Public School Driver Education Program.
3. Driving school operators and instructors shall assume responsibility for their student's well being and safety at all times while in their care. At no time shall a student be left unattended while in the care of a driving school or driving school instructor.
4. All licensed driving schools shall be required to make reasonable accommodations for students with disabilities enrolling in a driver education program as required by state and federal law and policies of the Registrar.
5. All licensed driving schools shall be required to provide the following information regarding school guidelines and policies and procedures at the time of enrollment, either on their business contract or in the form of a disclosure statement for distribution to all students and parents/guardians:
 - Business hours, telephone contact numbers, e-mail address and other pertinent contact information.
 - Schedule of fees, required payment schedules, and refund request procedures
 - Class schedule and curriculum outline of the subjects and their length
 - Classroom or in-car instruction cancellation, tardiness, and make-up policies & procedures
 - Student expectations (attendance and certificate achievement requirements)
 - All applicable student and parental requirements for successful completion of driver's education
6. A licensed driving school or certified instructor shall notify the Registrar of any criminal conviction or arrest for a crime within three days of such conviction or arrest as required by 540 CMR 23.03(4)(c). A licensed driving school or certified instructor shall notify the Registrar immediately upon the suspension or revocation of his/her license or right to operate in Massachusetts or any jurisdiction. A licensed driving school or certified instructor shall notify the Registrar of all instances of non-compliance with any statute, regulation or published guideline governing driver education. Such notification shall be made in writing to the Director of the Driver Licensing Section at the Registry of Motor Vehicles.
7. Solicitation & Advertising - A licensed driving school shall not:

- Solicit or advertise their business at any RMV Service Center location or location where the RMV conducts road exams.
 - Advertise, imply or otherwise represent one to be an employee or agent of the RMV.
 - Advertise, imply or otherwise represent or insinuate that the issuance of a driver's license is guaranteed or assured.
 - Make any false or misleading claims, statements or misrepresentations in any advertisement or solicitation.
8. All licensed driving schools shall notify the Registrar, in writing, within 30 calendar days of any of the following:
- A change in the name or address of the business;
 - A transfer of the business or a change of ownership, including a change in the form or ownership; except that a transfer of less than a majority interest in a corporation shall not be considered a change in ownership.
 - The dissolving of the business or the ceasing of regular business activity, except that if the program has taken full or partial payment for student instruction it will not be providing, or if the program has not notified the Registry that the student has completed the program, the program's Principal Administrator shall inform the Registrar, prior to or immediately upon cessation of business, of the names and addresses of students who are owed refunds and the amounts owed to each and the names and addresses of the students who have completed the program. The Program Administrator shall also provide a list of each student who has not completed the program indicating the number of hours of classroom and behind the wheel instruction the student has not completed or is required to complete the program.
9. Driving schools shall maintain all required records for at least a six (6) year period from the date any entry is made. If a driving school closes or ceases operation it shall provide a repository for all required records to be stored for a period of not less than six years and advise the RMV in writing of the location of such a repository. If the school is sold the records shall become the property of the new owner and shall become their responsibility for the six-year storage period.

Instructional Requirements

1. Students may enroll in driver's education at 15 years and 9 months of age. A student must have a valid learner's permit and be 16 years of age before he/she may participate in on-road instruction.
2. Students must complete the full requirements of driver education within 2 years from the initial date of enrollment. Requests for extensions to complete the requirements of driver's education must be made in writing to the RMV and shall be reviewed on a case-by-case basis.
3. Out-of-state enrollees. Driving schools may accept students whose primary residence is outside Massachusetts provided they have an active permit or license from their home

state that allows them to legally operate in Massachusetts. Only out-of-state students residing at a boarding school located in Massachusetts may apply for a Massachusetts permit using the boarding school as their residential address.

4. Each driving education course shall consist of a minimum of 30 hours of classroom instruction. Live instruction is defined as a certified driving instructor present and actively facilitating comments and questions. Students who obtain a learner's permit prior to September 1, 2007 shall be required to complete a minimum of 12 hours of on-road instruction consisting of a minimum of 6 hours of behind-the-wheel instruction and 6 hours of observing another student driver. Students who obtain a learner's permit on or after September 1, 2007 shall be required to complete a minimum of 18 hours of on-road instruction consisting of a minimum of 12 hours of behind-the-wheel instruction and 6 hours of observing another student driver. A parent, guardian, or their designee, of students who obtain a learner's permit on or after September 1, 2007 shall be required to attend a 2 hour parent class. A parent or guardian of students over the age of 18 are not required to attend the parent class.
5. Students shall receive no more than 6 hours of classroom instruction per day. Students shall receive a minimum of a fifteen-minute break after every two continuous hours of instruction (Note: Breaks shall not be included or construed as classroom instruction hours for purposes of meeting the 30 hours of required classroom instruction). Students shall receive no more than one on-road session per day and no session shall be for more than 2 hours in length. The maximum combined classroom and on-road instructional hours a student may receive in one day is 6 hours.
6. All licensed driving schools shall offer the student classroom component, parental classroom component, and behind-the-wheel instructional component and shall utilize the latest RMV mandated curriculum.
7. The classroom component of the Driver Education Program curriculum is arranged in a series of numbered modules. All of the material in all of the modules must be taught. A driving school may alter the sequence of these modules, but in doing so, must not vary the topic outlined in any particular module. Licensed driving schools that intend to teach its students the Driver Education Program curriculum in a format other than as intended by the Registrar, shall submit a written outline of the proposed format changes to the Registrar. If a driving school intends a proposed format change, it must document the changes made to the prepared format in a written outline and present the outline to the Registrar for approval. At the conclusion of the classroom component a final exam shall administered. The exam shall consist of a minimum of 50 questions. At least 30 percent of the questions shall pertain to the rules of the road. The remaining questions are subject to the discretion of the driving school. A passing grade of 80 percent must be obtained.
8. Each component (classroom or on-road instruction) of driver's education may be completed at one school or separately at two schools. Each student successfully completing a component of the driver education program shall receive, upon request, a

signed statement of completion for that component from the school providing the component. Students electing to receive the second component from another school must possess a valid Driver Education Statement of Completion for the first component and present it to the school providing the second component.

Transferring partial classroom or on-road instruction hours from one school to another is prohibited unless approved by the RMV. Requests to transfer partial classroom or on-road instruction hours must be made in writing to the RMV and shall be reviewed on a case-by-case basis. Students who receive authorization to transfer partial classroom or on-road instruction hours from one school to another shall receive a Driver Education Statement of Partial Completion issued by the RMV that they may present to the school completing the remaining requirements of the driver's education program.

Requests to transfer partial classroom or on-road instruction hours may be forwarded to the following address:

Registry of Motor Vehicles

Driver Licensing Section

P.O. Box 55889

Boston, MA 02205-5889

Schools that complete the requirements of driver education must retain a copy of the Statement of Completion or Statement of Partial Completion for a period of six-years.

9. No driving school shall submit a student's name for completion of the driver education program unless that student has satisfied all the requirements of driver's education.
10. Students completing all the requirements of driver education are eligible for a road test after attaining the age of sixteen years and six months and having held a learner's permit for six consecutive months immediately preceding taking the road test with a clean driving record during that period. Although a student has completed all requirements of the driver education program, driving school's should not encourage a student, after consultation with a parent or guardian, to take the road test until they feel the student displays safe driving proficiency.
11. At no time shall a driving school engage in on-road instruction on a road course utilized by the Registry of Motor Vehicles to conduct road tests.
12. No smoking shall be allowed in any vehicle used for driving instruction while it is being used for instructional purposes.
13. No person shall use a cellular telephone in a driving instruction vehicle while a student is operating the vehicle except to seek emergency assistance.