

**PART VI. BUREAU OF PRIVATE SCHOOLS AND  
VETERANS EDUCATION**

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**CHAPTER 101. PRIVATE DRIVER TRAINING SCHOOLS**

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**Authority**

The provisions of this Chapter 101 issued under act of January 18, 1951 (P. L. 2128 (1952), No. 605) (24 P. S. §§ 2831—2845), unless otherwise noted.

**Source**

The provisions of this Chapter 101 adopted June 1, 1970, 1 Pa.B. 21; §§ 101.1—101.3, 101.11—101.18, 101.21—101.25, 101.31—101.36, 101.41—101.46, 101.51—101.55, 101.61—101.64, 101.71—101.76, 101.81 and 101.91—101.93 were deleted June 5, 1998, effective June 6, 1998, 28 Pa.B. 2580; §§ 101.101—101.105, 101.111—101.117, 101.131—101.137, 101.141—101.147, 101.151—101.157, 101.161—101.164, 101.171—101.176 and 101.181 adopted June 5, 1998, effective June 6, 1998, 28 Pa.B. 2580, unless otherwise noted. Immediately preceding text appears at serial pages (238069) to (238080).

**PRELIMINARY PROVISIONS**

**§§ 101.1—101.3. [Reserved].**

**§§ 101.11—101.18. [Reserved].**

**§§ 101.21—101.25. [Reserved].**

**§§ 101.31—101.36. [Reserved].**

**§§ 101.41—101.46. [Reserved].**

**§§ 101.51—101.55. [Reserved].**

**§§ 101.61—101.64. [Reserved].**

**§§ 101.71—101.76. [Reserved].**

**§ 101.81. [Reserved].**

**§§ 101.91—101.93. [Reserved].**

**PRELIMINARY PROVISIONS**

**§ 101.101. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

*Act*—The act of January 18, 1952 (P. L. (1951) 2128, No. 605) (24 P. S. §§ 2831—2931), known as the Private Driver Education or Training School Act.

*Agent*—A person, whether employed by a private driver education or training school or operating in his own behalf, or whether acting in behalf of a school located within or outside of this Commonwealth, who personally solicits an individual within this Commonwealth to enroll in a school.

*Department*—The Department of Education of the Commonwealth.

*Director*—The supervisor or director of a private driver education or training school.

*Identification card*—A card issued by the Department to a private driver education or training school for a teacher employed by the school.

*Location*—Either the business address for a specific licensed private driver education or training school or the address of the site of the school's theoretical or classroom driver training area.

*Owner*—A person or business entity which owns a private driver education or training school but does not necessarily oversee the daily operation thereof.

*Professional staff member*—An agent, teacher or director of a private driver education or training school.

*School*—A school maintained, classes conducted or instruction offered by an individual, association, partnership or corporation, for a consideration, profit or tuition, the purpose of which is to educate individuals, either practically or theoretically, or both, to operate or drive a motor vehicle.

*Teacher*—A person who provides classroom instruction or practical behind-the-wheel instruction.

*Vehicle*—A car or truck weighing up to 11,000 pounds.

### § 101.102. Laws applicable to private driver training schools.

In addition to the act, the following laws apply to private driver training schools:

(1) *Fictitious Names Act*. 54 Pa.C.S. §§ 301—322 which states that an entity which either alone or in combination with another entity conducts business in this Commonwealth under or through a fictitious name shall register the fictitious name by filing an application for the registration of a fictitious name in the Department of State.

(2) *Untrue, false and misleading advertising*. 18 Pa.C.S. § 4107 which provides that it is unlawful for a person to make, in the course of business, a false statement in an advertisement for the purpose of promoting the purchase or sale of property or services.

(3) *Restraint of unlicensed activities*. The act of April 18, 1949 (P. L. 482, No. 106) (71 P. S. § 1036.1) which authorizes the Department to prohibit and restrain an unlicensed person, association, partnership or corporation from engaging in any activity for which a license is required or issued.

(4) *Cancellation of licenses.* Section 811 of The Administrative Code of 1929 (71 P. S. § 279.2) which authorizes the cancellation of a certificate, license, permit or registration obtained through fraud or misrepresentation.

(5) *Fire and panic regulations.* The fire and panic regulations drafted in accordance with the duties imposed on the Department of Labor and Industry by the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235.1) and pertain to Class I buildings as well as private schools located in places other than Philadelphia, Pittsburgh and Scranton.

(6) *The Public School Code of 1949, section 1519(b).* A private driver training school teacher contracted for driver safety instruction in public schools shall meet the requirements in section 1519(b) of the Public School Code of 1949 (24 P. S. § 15-1519(b)).

#### Cross References

This section cited in 22 Pa. Code § 101.133 (relating to fire regulations).

### § 101.103. Correspondence.

(a) Inquiries and correspondences shall be directed to Private Driver Training Schools, Department of Education, 333 Market Street, Harrisburg, Pennsylvania 17126-0333.

(b) The Department will assist persons in meeting the requirements which underlie school and agent licensure and relicensure.

### § 101.104. Records.

Every school shall maintain adequate records of students, and shall maintain a permanent cumulative record for 5 years after the student completes driver training. The cumulative record shall include the number of clock hours of instruction received by each student, and shall contain information on attendance, test scores, personal characteristics, health and other information deemed pertinent by the school. The records shall be current and available for inspection by the representatives of the Department during regular school hours.

### § 101.105. Advertising.

Licensed schools may advertise as “licensed for classroom by the Pennsylvania Department of Education” or “licensed for behind-the-wheel instruction by the Pennsylvania Department of Education.”

## APPLICATION FOR SCHOOL LICENSING

### § 101.111. Application forms.

(a) An application for a license to conduct a school shall be made on forms furnished by the Department.

(b) An applicant for a school license shall certify, through completion of the self-authenticating document provided by the Department, its compliance with the act.

(c) An application shall be accompanied by a sworn affidavit certifying the truth of the statements made in the application. An application may not be submitted to the Department by facsimile because of the required notary public certification.

(d) The Department will provide its approval of applications either by mail or facsimile.

#### **Cross References**

This section cited in 22 Pa. Code § 101.181 (relating to outlines to Department).

### **§ 101.112. Additional application materials.**

At the time of application, the following materials shall also be submitted:

(1) For each individual proprietor of a school, each member of the partnership, association or company that owns a school, and each officer or director of a corporation that owns a school, who is directly connected with the conduct and operation of the education program:

(i) A statement certifying that the applicant is of good moral character and at least 18 years of age.

(ii) A list of names, addresses and telephone numbers of three persons serving as character references, none of whom are related to the applicant or are in any way connected to the school.

(2) A statement certifying that persons employed by or directly connected with the conduct and operation of schools are not addicted to the use of alcoholic liquors, morphine, cocaine or other drugs that have a similar effect.

#### **Cross References**

This section cited in 22 Pa. Code § 101.181 (relating to outlines to Department).

### **§ 101.113. Certification under the Fictitious Names Act.**

(a) An applicant for a license who is incorporated or subject to 54 Pa.C.S. Chapter 3 (relating to Fictitious Names Act) shall attach to the application a statement or certification from the Department of State verifying that the applicant has complied with the applicable statute.

(b) The application shall be filed under the fictitious name of the school with the individual, partnership or corporate name added thereto.

#### **Cross References**

This section cited in 22 Pa. Code § 101.181 (relating to outlines to Department).

§ 101.114. Fees.

(a) The amount of all license fees and renewal fees are as follows:

- (1) *School fees:*
  - (i) Initial ..... \$500
  - (ii) Renewal ..... \$300
- (2) *Instructor fees:*
  - (i) Initial ..... \$30
  - (ii) Renewal ..... \$20
- (3) *Agent fees:*
  - (i) Initial ..... \$5
  - (ii) Renewal ..... \$5
- (4) *Vehicle identification registration:*
  - (i) Initial ..... \$10
  - (ii) Renewal/transfer ..... \$5

(b) All license fees and renewal fees shall be paid by money order or check, payable to the "Pennsylvania Department of Revenue" and shall be attached to the application for a license or license renewal.

**Cross References**

This section cited in 22 Pa. Code § 101.181 (relating to outlines to Department).

§ 101.115. Changes in applications or school information.

(a) If changes occur in the facts set forth in an original application for licensure or an application for relicensure, subsequent or supplemental information shall be filed with the Department, and be approved prior to the date the changes go into effect.

(b) The Department will accept changes in applications in person, by mail or by facsimile.

(c) A school wishing to change its location or the location of a practice private training area shall notify the Department in writing or by facsimile prior to the actual change.

(d) A change in a school's location or a change of address of the residence of an owner, director, teacher or agent shall be filed with the Department by mail or by facsimile prior to the actual change.

**Cross References**

This section cited in 22 Pa. Code § 101.181 (relating to outlines to Department).

§ 101.116. Lost or destroyed license.

If a license is lost, mutilated or destroyed, the Department will replace the license without charge. To obtain a replacement, the school shall surrender the mutilated license or attest by affidavit that the license was lost or destroyed.

**§ 101.117. School license renewal applications.**

(a) A license renewal shall be made on an application furnished by the Department.

(b) An application for license renewal shall be filed with the Department on or before April 30 of each year. Applications filed after this date may result in the issuance of licenses or teacher identification cards after June 30.

(c) An incomplete application for license renewal may be returned to the school. License renewal may be delayed or denied when the full information requested is not supplied.

**SCHOOL PLANT****§ 101.131. School licenses.**

An applicant for a school license shall certify, through completion of the self-authenticating document issued by the Department, its compliance with section 4(1)(a)(i) and (ii) of the act (24 P. S. § 2834(1)(a)(i) and (ii)).

**§ 101.132. Prohibited locations.**

(a) Only one school may be licensed for a particular location.

(b) A public school building will not be approved as the primary classroom site for a private driver training school.

(c) The situs of a school, branch school and practice driver training area shall be a distance of at least 1,500 feet from an official examination point used by the Department of Transportation for examining motor vehicle operators, which distance shall be measured along the public streets by the nearest route from the school, branch school or private driver training area to the official examination point.

(d) The outdoor area used during the first 3 hours of practical instruction by persons who hold a learner's permit shall be one which is reasonably free of pedestrian and vehicular traffic, and may not include primary traffic arteries, main highway routes or other thoroughfares that carry large amounts of traffic.

**§ 101.133. Fire regulations.**

(a) Indoor instruction areas will be approved by the Department of Labor and Industry in accordance with the fire and panic regulations cited in § 101.102(e) (relating to laws applicable to private driver training schools). Each applicant for a school license and each applicant for a change of location of the indoor instructional area shall submit a statement or certificate from the proper authority certifying that the indoor instructional area has been approved.

(b) The indoor instructional areas of schools located in Philadelphia, Pittsburgh and Scranton, if occupied by five or more students at the same time, shall

be approved from the standpoint of public safety by the respective fire marshall or other officers having jurisdiction.

**§ 101.134. Space allotment of indoor instruction areas.**

The indoor area used for the theoretical instruction of a group of five or more students shall provide a minimum of 15 square feet of floor area per student and 120 cubic feet of air space per pupil.

**§ 101.135. Classroom equipment.**

An applicant or licensee offering indoor group theoretical instruction to five or more students shall provide in each classroom the following items:

- (1) A desk or an equivalent work station and a chair for each student in attendance.
- (2) A writing board containing an area of at least 24 square feet.

**§ 101.136. Lighting and seating arrangements.**

A school or licensee may not use any seating plan or arrangement in the indoor instructional areas which faces the students toward a source of natural or artificial illumination.

**§ 101.137. Lavatory facilities.**

A school offering theoretical instruction to a group of five or more students shall provide lavatory and toilet facilities which meet State or local requirements.

**PROFESSIONAL STAFF**

**§ 101.141. Professional staff applications.**

(a) Professional staff members who are initially employed by a school, or who were employed by one school and obtain employment with another school after June 6, 1998, shall submit an application for approval to the Department upon the form provided by the Department.

(b) The application of a teacher and a director shall also serve as the application for the written theoretical and practical examinations.

(c) A person who holds a valid Pennsylvania Teaching Certificate, with certification in Driver and Safety Education, will be exempted from the theoretical and practical examinations. An exempted person shall apply for and obtain a valid teacher identification card from the Department prior to being employed by a private driver training school. A person desiring to teach driver education for a fee shall apply for a private driver training school license and teacher identification card.

**Cross References**

This section cited in 22 Pa. Code § 101.162 (relating to reemployment after 12 months).

**§ 101.142. Additional staff application materials.**

A professional staff member shall submit the following to the Department with the administrative and instructional staff application:

- (1) A statement certifying that the applicant is of good moral character, a citizen of the United States and at least 18 years of age.
- (2) A list of names, addresses and telephone numbers of three persons serving as character references, none of whom are related to the applicant or are in any way connected to the school in which the applicant is seeking employment.
- (3) Criminal history background checks which comply with section 111 of the Public School Code of 1949 (24 P. S. §§ 1—111), known as Act 34 of 1985 and §§ 8.1—8.4 (relating to criminal history background checks).
- (4) Official clearance statements which comply with 23 Pa.C.S. §§ 6354—6358 (relating to background checks for employment in schools).

**Cross References**

This section cited in 22 Pa. Code § 101.162 (relating to reemployment after 12 months).

**§ 101.143. Driving records.**

The following information shall also be submitted at the time of the staff application:

- (1) *Driving experience.* By one of the following methods, a teacher and director shall produce evidence that he has driven a minimum of 15,000 miles as a licensed operator, under all kinds of weather conditions in both urban and rural areas:
  - (i) Submitting statements from previous or current employers, in affidavit form, that attest to the specified requirements.
  - (ii) Making certification on his own behalf, if never employed to operate a motor vehicle, attesting to the specified requirements.
  - (iii) Combining statements from previous or current employers, in affidavit form, with a certification made on his own behalf, all of which together attest to the specified requirements.
- (2) *Accidents.* A teacher and director shall provide a 3-year driving abstract obtained from the Bureau of Driver Licensing, Department of Transportation. The abstract shall establish that he has not had more than one reportable accident resulting in a suspension or revocation of his motor vehicle operator's license during the 3-year period preceding the date of application for approval for instructional service. A "reportable accident" means any accident involving the injury or death of a person, or damage to a vehicle to the extent that it cannot be driven in a customary manner under its own power without further

damage or hazard to the vehicle, to other traffic elements or to the roadway, and therefore requires towing.

**Cross References**

This section cited in 22 Pa. Code § 101.162 (relating to reemployment after 12 months).

**§ 101.144. Owners and directors; experience.**

A private driver training school owner or director shall submit documentary evidence of a minimum of 2 years of successful driver education teaching experience in a private driver training school, private high school or public high school. The documentary evidence shall set forth the names of the schools or classes and the place, dates and length of instructional service, including a statement from the official head of the school or class certifying that the teaching experience was successful and attesting to the place, dates and length of the service.

**§ 101.145. Foreign agents.**

An individual who acts as an agent representing a school located outside this Commonwealth shall, in addition to the professional staff application, provide evidence clearly demonstrating that the owner of his school has fulfilled all statutory requirements of the Commonwealth relating to the registration of fictitious names, foreign corporations and business activities carried on in this Commonwealth by persons having commercial headquarters elsewhere.

**§ 101.146. Incomplete applications.**

Prior to the day on which an applicant is scheduled for examination, the applicant shall file with the Department a completed school staff application together with the required list of three references and the 3 year driving abstract. Failure to do so will preclude an applicant from taking the examination.

**§ 101.147. Professional staff renewal applications.**

(a) A professional staff license renewal shall be made on an application furnished by the Department

(b) An application for a professional staff license renewal shall be filed with the Department on or before April 30 of each year. Applications filed after this date may result in the issuance of licenses or identification cards after June 30.

(c) An incomplete application for license renewal may be returned to the school. License renewal may be delayed or denied when the full information requested is not supplied.

**APPLICANT EXAMINATIONS****§ 101.151. Prerequisite evidence.**

To qualify as a teacher in a private driver training school, an applicant shall successfully complete written and practical examinations. Prior to testing, an applicant shall obtain a valid Pennsylvania Class A, B or C driver's license, file a completed school staff application with the Department and submit written evidence that the applicant has done one of the following:

- (1) Secured employment in an established, licensed private driver training school.
- (2) Filed an application for a license to conduct a private driver training school.
- (3) Is a prospective employe of a school not yet licensed but whose application for an original license has been properly filed with the Department.

**§ 101.152. Opportunities to pass.**

For each original staff application filed with the Department, the applicant will be granted three opportunities to pass the written examination and three opportunities to pass the practical examination after passing the written examination.

**§ 101.153. Locations.**

Examinations shall be given at various stipulated locations throughout this Commonwealth. Times and places may be ascertained by contacting the Department at Private Driver Training Schools; Department of Education; 333 Market Street; Harrisburg, Pennsylvania 17126-0333.

**§ 101.154. Identification cards.**

- (a) After an applicant has passed the written and practical examinations, the Department will issue a valid identification card to the school for each teacher. An Instructor's Examination Permit bearing the stamp of the Department of Transportation may serve as a temporary identification card for 45 days from the date that the driving examination was passed.
- (b) A teacher shall hold a valid identification card made out in the name of the school employing the teacher and issued to that school by the Department.
- (c) A teacher or director who gives practical driver training shall carry an identification card on his person.
- (d) Upon terminating a teacher's employment, the school shall file a termination of employment form and return the teacher identification card to the Department.
- (e) To teach classroom or behind-the-wheel instruction for more than one private driver training school, a teacher shall obtain separate cards from the Department by completing the proper applications.

**§ 101.155. Lost or destroyed identification cards.**

If an identification card is lost, mutilated or destroyed, the Department will replace the card without charge. To receive replacements for lost, stolen or destroyed identification cards, the teacher shall surrender the mutilated identification card or attest by affidavit that it was lost or destroyed.

**§ 101.156. Loss of operating privilege.**

A teacher who loses his privilege to operate a motor vehicle in this Commonwealth shall immediately surrender his identification card to the Department. A teacher shall also give written notification to his employer and to the Department of the violations, all pertinent facts and the dates upon which the behind-the-wheel instructional activities ceased.

**§ 101.157. Time limits.**

Applications for teacher identification cards and vehicle identification cards filed after April 30 will be valid until June 30 of the following year.

**REEMPLOYMENT**

**§ 101.161. Reemployment within 12 months.**

A teacher changing employment to another school within 12 months of employment shall complete an instructional staff application and submit a criminal history background check to secure a valid identification card.

**§ 101.162. Reemployment after 12 months.**

When a continuous period of 12 months or more has elapsed without employment as a driver training teacher, the applicant shall comply with the requirements stated in §§ 101.141—101.143 (relating to professional staff; additional staff application materials; and driving records).

**§ 101.163. Notice of employment.**

A school, upon the employment of a new teacher or the reinstatement of a former employe, shall immediately notify the Department of the dates that the employes were employed.

**§ 101.164. Termination of employment.**

A school shall immediately notify the Department upon terminating the employment of a teacher, stating the starting date of employment and the termination date. This information shall be supplied on the forms provided by the Department.

**VEHICLES AND INSURANCE****§ 101.171. Insurance coverage for vehicles.**

(a) Each school shall provide and maintain insurance on all vehicles used in practical driver training and file a current, valid certificate of insurance for each vehicle with the Department.

(b) The minimum required insurance coverage on each vehicle is: \$50,000—\$100,000, public liability; \$5,000, property damage; and \$5,000, medical payment.

(c) A certificate of insurance shall set forth the year, make and serial number of the vehicle covered, the expiration date of the coverage, and the amounts of medical payment, property damage and public liability coverage carried under that certificate.

(d) A licensee shall immediately notify the Department when any of the required insurance is cancelled.

**§ 101.172. Vehicle identification card.**

Each vehicle used for practical driver training shall carry an identification card issued by the Department. It shall be affixed to the right sun visor or in a manner that makes the identification visible to the vehicle's occupants.

**§ 101.173. Age of vehicles.**

(a) A vehicle used for practical driver training may not be more than 5 years old or have more than 50,000 miles, whichever occurs later.

(b) The date appearing on the face of the original certificate of title shall be used as the date the vehicle was placed in service. Five years from that date will determine the permissible period of operation.

**§ 101.174. Changes or additions to the fleet.**

A school shall immediately report changes or additions to the teaching fleet to the Department prior to the vehicle being placed in service. Each vehicle added to the school fleet shall be registered with the Department by filing a current, valid insurance certificate containing the required information and an affidavit setting forth the year, make, serial number and registration plate of the new vehicle and the fact that the vehicles are equipped with:

- (1) An operable extra brake pedal, and in the case of vehicles equipped with standard transmission an operable extra clutch pedal.
- (2) A defroster and heater in working order.
- (3) A rear-view mirror placed on the inside of the car in the vicinity of the cowl and two outside rear-view mirrors, one on each side of the vehicle.
- (4) Cushions for the proper seating of the student.

**§ 101.175. Vehicle identification card renewal applications.**

(a) A vehicle identification card renewal shall be made on an application furnished by the Department.

(b) An application for a vehicle identification card renewal shall be filed with the Department on or before April 30 of each year. Applications filed after this date may result in the issuance of vehicle identification cards after June 30.

(c) An incomplete application for vehicle identification card renewal may be returned to the school. Vehicle identification card renewal may be delayed or denied when the full information requested is not supplied.

**§ 101.176. Lost or destroyed vehicle identification cards.**

If a vehicle identification card is lost, mutilated or destroyed, the Department will replace the card without charge. To receive replacements for lost, stolen or destroyed vehicle identification cards, the licensee shall surrender the mutilated identification card or attest by affidavit that it was lost or destroyed.

**PROGRAM OF INSTRUCTION**

**§ 101.181. Outlines to Department.**

(a) In addition to the requirements in §§ 101.111—101.115, an applicant for an original license shall provide the Department with an outline for the theoretical and practical instruction in driver education.

(b) Theoretical instruction in driver education shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety, care and mechanics of motor vehicles, driver responsibility, theory of driving, types of automobile insurance and the use of automobile safety devices.

(c) Practical instruction in driver education shall include the demonstration of and actual instruction in starting, stopping, shifting, turning, backing, parking and steering in a training vehicle.

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