

CHAPTER 37-13-04

COMMERCIAL DRIVER TRAINING INSTRUCTOR REQUIREMENTS

Section

37-13-04-01 Instructor - License Required - Contents of Application for License

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1. An applicant for a commercial driver training instructor license must:
 - a. Be a resident of the state of North Dakota, unless waived by the director for good cause.
 - b. Furnish the director information relating to all previous places of residence located outside of the state of North Dakota.
 - c. Be at least twenty-one years of age.
 - d. Read, write, and speak the English language.
 - e. Have normal peripheral and color vision and visual acuity of at least 20/40 in each eye, with or without corrective lenses.
 - f. Have been a licensed driver for three years for class of vehicle instruction, holding a valid North Dakota driver's license unless waived by the director for good cause, free from requirement to show proof of financial responsibility, and have a satisfactory driving record free from any conviction that would constitute the basis for suspension or revocation of the instructor license.
 - g. Authorize the director to investigate the applicant's background and review the applicant's driving record.
 - h. Submit to a nationwide fingerprint-based criminal history record check with the federal bureau of investigation at no expense to the department of transportation.
 - (1) If the applicant has been convicted of a crime involving moral turpitude, the applicant is ineligible to be an instructor.
 - (2) If the applicant has been convicted of a misdemeanor or felony, the applicant is ineligible to be an instructor unless:
 - (a) The director determines the crime does not directly relate to the position of instructor; or
 - (b) The applicant has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor.
 - i. Pass a written and road test for each class of license for which driver training is to be offered. The tests must be administered by the North Dakota department of transportation driver's license division. The director may accept commercial driver's license test results from another state if the applicant currently holds a valid commercial driver's license. The director may periodically require a licensed instructor to submit to a written examination and road test consisting of all or any part of the test specified in this section. The test must include:
 - (1) The operation of a motor vehicle.
 - (2) Traffic laws.

- (3) Road signs, laws and regulations, and other material pertaining to and affecting the driver, traffic, and motor vehicle.
- j. Be in good physical and mental health, and having no illness or condition that would render the applicant unable to safely perform the duties as an instructor. The applicant shall submit to a physical examination by a licensed physician and a certificate must accompany the application. For commercial driver's license instruction, the instructor shall submit a copy of the federal department of transportation medical card every two years. The director may periodically require a licensed instructor to submit to a physical examination by a licensed physician and a certificate of the examination must be submitted to the director.
- k. Instructor preparation:
 - (1) Hold a valid North Dakota driver education certificate issued by the department of public instruction; or
 - (2) Have successfully completed an approved preparation course or courses for commercial driver education instructors. Instructor preparation courses must be submitted to and approved by the director. Preparation courses conducted by a licensed commercial driver training school must consist of both classroom training and practical driving situations. At a minimum, instructor development training for class D must consist of thirty hours of classroom and thirty hours of behind-the-wheel practical training. At a minimum, instructor development training for class A, B, or C must consist of forty hours of classroom and eighty hours of behind-the-wheel practical training. The behind-the-wheel practical training must consist of both actual driving and riding along and observing a licensed instructor during a student training session. Driver education instructor development courses offered through a university system may also be considered for approval.
- l. Instructor requirements may be waived by the director for good cause when pertaining to a commercial driving school licensed to offer the internet course only.
- 2. When employment of an instructor is terminated, the school administrator shall return the terminated instructor's commercial instruction license to the director within ten days of the termination date.

History: Effective April 1, 2016.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-25-04, 39-25-08