

CHAPTER 38-07-04
COMMERCIAL DRIVER TRAINING INSTRUCTOR REQUIREMENTS

Section

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38-07-04-01. Instructor requirements.

An applicant for a commercial driver training instructor license must:

1. Be a resident of the state of North Dakota, unless waived by the superintendent for good cause.
2. Furnish the superintendent information relating to all previous places of residence located outside of the state of North Dakota.
3. Be at least twenty-one years of age.
4. Read, write, and speak the English language.
5. Have normal peripheral vision, depth perception, and color vision. Visual acuity of at least 20/40 in each eye, with or without corrective lenses.
6. Have been a licensed driver for three years for class license instruction, holding a valid North Dakota driver's license unless waived by the superintendent 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.
7. Submit with the application a copy of the applicant's driving record dated not earlier than thirty days prior to the receipt of application by the superintendent.
8. Not have been convicted of a crime involving moral turpitude.
9. Furnish the superintendent with one set of fingerprints and photographs and authorize investigation with the bureau of criminal investigation and the federal bureau of investigation to determine if the applicant has a criminal record.
 - a. The attorney general's office request for criminal history record form, authorization form, fingerprints, and fee for background check must be submitted with the application for an instructor license.
 - b. If the applicant has been convicted of a misdemeanor or felony, then the applicant is ineligible to be an instructor unless:
 - (1) The superintendent determines the crime does not directly relate to the position of instructor; or
 - (2) The applicant has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor.
10. 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 drivers license division. The superintendent may periodically require a licensed instructor to submit to

a written examination consisting of all or any part of the test specified in this section. The test must include:

- a. The operation of a motor vehicle.
 - b. Traffic laws.
 - c. Road signs, laws and regulations, and other material pertaining to and affecting the driver, traffic, and motor vehicle.
11. 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 department of transportation medical card every two years. The superintendent 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 superintendent.
12. Instructor preparation:
- a. Hold a valid North Dakota driver education certificate issued by the department of public instruction; or
 - b. 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 superintendent. 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 should consist of thirty hours of classroom and thirty 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 will also be considered for approval.
13. Instructor requirements may be waived by the superintendent for good cause when pertaining to a commercial driving school licensed to offer the internet course only.

History: Effective December 1, 1988; amended effective April 1, 1992; June 1, 2002; July 1, 2013.

General Authority: NDCC 39-25-02

Law Implemented: NDCC 39-06-01.1, 39-25-04

38-07-04-02. Instructor license.

The application for an instructor license will indicate the commercial driver training school, when applicable, by whom employed or to be employed. When employment of an instructor is terminated with a commercial driver training school, the school administrator shall return the terminated instructor's commercial instruction license to the superintendent within ten days of the termination date.

History: Effective December 1, 1988.

General Authority: NDCC 39-25-02

Law Implemented: NDCC 39-25-04

38-07-04-03. Driver's license requirement.

Instructors must at all times, while giving behind-the-wheel or "on-street on-cycle" instruction, carry a valid driver's license applicable to the type of vehicle for which instruction is being conducted.

History: Effective December 1, 1988; amended effective April 1, 1992.

General Authority: NDCC 39-25-02

Law Implemented: NDCC 39-25-04

38-07-04-04. Expiration and renewal of instructor license.

All instructor licenses expire on the last day of the calendar year and may be renewed upon application to the superintendent as prescribed. Each application for an original or renewal license must be accompanied by a fee of ten dollars. No license fees may be refunded in the event any application is rejected or a license suspended or revoked.

History: Effective December 1, 1988.

General Authority: NDCC 39-25-02

Law Implemented: NDCC 39-25-04