

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-139
Hawaii Administrative Rules
January 27, 2006

SUMMARY

Chapter 139 of Title 19, Hawaii Administrative Rules, entitled "Driver Education Program Requirements" is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 139

DRIVER EDUCATION PROGRAM REQUIREMENTS

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Historical note. This chapter is based substantially upon subchapters 2 through 7 of the Rules Relating to the Examination of Applicants for Issuance and Renewal of Motor Vehicle Driver's Licenses and Instruction Permits. [Eff 12/2/00; am and comp 11/30/02; R **MAY 18 2006**]

SUBCHAPTER 1
GENERAL PROVISIONS

§19-139-1 Purpose. Subchapters 1 to 6 establish policies and procedures to establish a statewide driver education and behind-the-wheel driver training program for persons under the age of eighteen applying for a Class 1, 2 or 3 license as required in section 286-108.4, Hawaii Revised Statutes. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-2 Definitions. As used in subchapters 1 through 6, unless a different meaning clearly appears from the context:

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"Behind-the-wheel" means driving instruction in a vehicle by a certified instructor.

"Behind-the-wheel student completion certificate" means the form given to the student who has successfully completed all requirements for a behind-the-wheel driving course or a certified driving simulator curriculum.

"Commercial school" means any for-profit driving school or instructor.

"County" means the county agency having the responsibility for administering the driver licensing program.

"Curriculum" means the course of instruction certified by the department for use in driver education, simulator, and behind-the-wheel driving courses.

"Department" means the state department of transportation.

"Director" means the state director of transportation.

"Driver education" means certified formal classroom instruction, on-line or Internet course on how to drive a motor vehicle, traffic laws, and effective driving behaviors.

"Driver education instructor certificate" means the card issued to an instructor who has been certified by the department to conduct driver education or behind-the-wheel driving courses or both.

"Driver education student completion certificate" means the document given to the student who has successfully completed all requirements for a driver education course through a certified classroom course, or on-line or Internet course.

"Driver training car" means a vehicle that is used to teach behind-the-wheel driving.

"Dual control" means a vehicle that is equipped with driving controls that can be

controlled by both the driver and the front seat passenger.

"Instructor" means an individual who has been issued a driver education instructor certificate by the department to administer driver education or behind-the-wheel driving courses or both in accordance with the requirements of this chapter.

"On-line course" or "Internet course" means an interactive driver education program available on a computer through the Internet at approved locations and consists of a certified driver education curriculum.

"Private school" means any non-public school.

"Public school" means any school administered by the state department of education.

"Simulator" means a fully interactive, high performance driving simulation system consisting of realistic driver controls with active force feedback steering, a minimum of 150 degrees forward field of view capable of a minimum 60 Hz update rate, high fidelity vehicle dynamics, fully articulated scenario vehicles, and driving environments developed to meet accepted highway design and sign standards. [Eff **MAY 18 2006**]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-3 Procedure to obtain driver's license for persons under eighteen years of age.
All persons under the age of eighteen, wishing to receive a Class 1, 2, or 3 driver's license, in addition to the requirements of chapter 286, Hawaii Revised Statutes, and chapter 19-122, Hawaii Administrative Rules, shall present a driver education student completion certificate and a behind-the-wheel student completion certificate for the class of license sought, to

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the examiner of drivers. [Eff MAY 18 2006]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-4 Fees. (a) Students will be responsible for paying all fees for driver education, simulator, and behind-the-wheel driving courses. The maximum fee charged by an instructor for each student shall not exceed:

- (1) \$250 per person for driver's education classroom instruction;
- (2) \$100 per person for an on-line or Internet course;
- (3) \$50 per hour for behind-the-wheel driving lessons; and
- (4) \$250 per person for a simulator course.

(b) Fees shall be reviewed biannually by the department and shall be adjusted when the consumer price index for transportation in the state of Hawaii rises more than two per cent in the previous two years. [Eff MAY 18 2006]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-5 Third party examiners.
(Reserved).

§§19-139-6 to 19-139-9 (Reserved).

SUBCHAPTER 2

REQUIREMENTS FOR DRIVER EDUCATION INSTRUCTORS

§19-139-10 General provisions. (a) No person shall be certified as a driver education

or behind-the-wheel driving instructor unless the applicant satisfies the following conditions:

- (1) Possesses a valid Hawaii driver's license with the classification and endorsements required for operation of the class and type of motor vehicle used in driver education;
- (2) Has successfully completed a training course certified, or subsequently certified, by the department in subchapter 5. Instructors who have been certified by the department of education within five years prior to 12/2/00, will be considered to have successfully completed a department certified course;
- (3) Subject to section 19-139-13(h), applicant has not had more than one moving traffic violation within one year prior to obtaining certification; not more than two moving traffic violations within three years prior to obtaining certification; and not more than three moving traffic violations within five years prior to obtaining certification;
- (4) Has no driving under the influence of alcohol or drugs conviction within five years prior to obtaining certification;
- (5) Has no driver's license suspension, revocation, cancellation, or disqualification within three years prior to obtaining certification;
- (6) Is at least twenty-one years of age and possesses the equivalent of a high school diploma;
- (7) Has had a valid driver's license recognized by the State of Hawaii for at least five consecutive years prior to obtaining certification;

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- (8) Meets the requirements of subchapter 3, provided that "applicants" and "employees" and "persons who have been employed continuously by the department of education on a salary basis prior to July 1, 1990" as defined in chapter 8-7, Hawaii Administrative Rules, may meet this requirement by complying with chapter 8-7, Hawaii Administrative Rules. At the expiration of the chapter 8-7 certification, "applicants" and "employees" as defined in chapter 8-7, Hawaii Administrative Rules, must recertify according to subchapter 3; and
- (9) Has effective communication skills; is capable of assessing and observing appropriate student behavior; is capable of engaging students in meaningful driver education activities; and models positive driving behaviors.

(b) Application for instructor certification shall be made on a form supplied by the department which shall require the following information and attachments:

- (1) Full name, residence and business address(es), telephone and fax number(s), and email address (if any);
- (2) A copy of original Social Security card;
- (3) A certified copy of the applicant's birth certificate;
- (4) A copy of the person's:
 - (A) Driver's license;
 - (B) High school diploma or equivalent; and
 - (C) Driver education instructor certificate;
- (5) An original traffic abstract;
- (6) Proof of insurance in the amounts

- described in sections 19-139-13(g) and 19-139-16;
- (7) A certified or sealed copy of a Hawaii criminal history record check showing convictions, and proof of application for a FBI criminal history record check as defined in subchapter 3;
 - (8) A statement agreeing to indemnify, defend, and hold harmless the department and the county from liability resulting from the instructor's teaching of driver's education or behind-the-wheel driving courses;
 - (9) Employment history for the ten years prior to the date of the application, with names, addresses, and telephone numbers of current and former employers that are listed;
 - (10) State general excise tax number and tax clearance;
 - (11) Two 2" x 2" photos;
 - (12) A sworn statement indicating:
 - (A) Whether the person ever had a teaching certificate or other professional license revoked or not renewed;
 - (B) Whether the person within the past ten years was suspended, fired, asked to resign from employment, or separated from military service under conditions other than honorable;
 - (C) Whether the person had been convicted of a crime, other than a minor traffic offense involving a fine of \$50 or less;
 - (D) Whether the person had been diagnosed as having a mental or emotional condition which may

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affect the person's ability to responsibly manage, supervise, control, and interact with children;

- (E) A detailed explanation for each of the items in clauses (A) through (E) when applicable; and
- (F) Names, addresses and phone numbers of at least five persons who can attest to the good character of the applicant. [Eff **MAY 18 2006**]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-11 Certification courses for instructors. All applicants for certification as instructors must complete a course in driver education and behind-the-wheel teaching methods that has been certified, or subsequently certified, by the department:

- (1) Courses that are offered by the University of Hawaii to certify driver education instructors for the department of education are pre-approved to meet the requirements of this section.
- (2) The curricula of other instructor training courses shall be submitted to the department for review and certification by a task force established by the department and certification by the director, as provided in subchapter 5. [Eff **MAY 18 2006**]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-12 Duties and responsibilities of driver education instructors and other providers.

The duties and responsibilities of driver education instructors and other providers shall be as follows:

- (1) Conduct instruction in accordance with the requirements of this chapter;
- (2) Maintain records of all students taught for five years. Each record shall include:
 - (A) Student's complete name, address and birth date;
 - (B) Student's permit or driver license number with the jurisdiction that issued the license, if applicable;
 - (C) Dates the student took and completed the course and attendance record;
 - (D) A copy of the written contract, if applicable, with any person being taught, including amounts charged for the course(s); and
 - (E) A notarized statement from a parent or guardian received by the driver education instructor or provided prior to the issuance of the behind-the-wheel student completion certificate, stating that the applicant has completed forty hours of daytime driving and ten hours of nighttime driving supervised by a licensed driver over the age of eighteen. Applicants for a Class 1 or 2 license are exempt from the ten hours of nighttime supervised driving;
- (3) Issue a driver education student completion certificate or behind-the-wheel student completion certificate or both when all requirements of this chapter have been successfully

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completed;

- (4) Be in full compliance with all department rules; and
- (5) Cooperate fully with the department in the investigation of any complaint relating to their certification as an instructor under this chapter. Failure to do so will result in the termination of the driver education instructor certificate as required in section 19-139-15.

(b) The duties and responsibilities of driver education instructors shall also be as follows:

- (1) Participate in professional development courses, including driver education courses, workshops, seminars;
- (2) Notify the department of any changes that would disqualify them from meeting the requirements of section 19-139-10. Failure to do so shall result in termination of the driver education instructor certificate as required in section 19-139-15; and
- (3) Utilize a vehicle for behind-the-wheel training that meets the requirements of section 19-139-16. [Eff

MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-13 Driver education instructor certificate. (a) A driver education instructor certificate will be issued authorizing the instructor to conduct driver education or behind-the-wheel driving courses or both.

(b) The driver education instructor certificate will be granted upon satisfactory completion of a training course certified, or subsequently certified, under section 19-139-11

and when all requirements in section 19-139-10, have been met.

(c) The driver education instructor certificate shall be non-transferable.

(d) Subject to section 19-139-13(h), the driver education instructor certificate is renewable annually for four years with the submittal of a traffic abstract that records no more than one moving traffic violation within the past year, not more than two moving traffic violations within the past three years; and not more than three moving violations within the past five years; a state tax clearance; and proof of general liability and vehicle insurance.

(e) Every fifth year, the certificate will be renewed:

- (1) Upon completion of all requirements in section 19-139-10; and
- (2) Upon completion of a professional development course approved by the department.

(f) It is the responsibility of the certificate holder to initiate the renewal process.

(g) The instructor shall provide the department a certificate of liability insurance covering commercial general liability in the sum of one million dollars, in a form and with provisions satisfactory to the department, listing the State of Hawaii and the counties as additional insureds.

(h) If a certified instructor receives:

- (1) One moving traffic violation in one year, the instructor shall be sent a warning letter by the department;
- (2) If the instructor receives two moving traffic violations within three years, the instructor's certificate shall be suspended for three months;
- (3) If the instructor receives three moving

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traffic violations within five years, the instructor's certificate shall be suspended for six months;

- (4) If the instructor receives four moving traffic violations within ten years, the instructor's certificate shall be terminated. [Eff MAY 18 2006]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-14 Display of driver education instructor certificate. All instructors shall display their driver education instructor certificate to their students in the vehicle during the time of instruction. [Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-15 Denial or termination of driver education instructor certificate. (a) The department may deny any application for a driver education instructor certificate upon any of the following grounds:

- (1) Failure to comply with or satisfy any of the requirements of this chapter; or
- (2) Falsification of any information provided to the department.

(b) Any instructor may voluntarily terminate a driver education instructor certificate by returning the certificate to the department with a signed letter of explanation.

(c) The department may revoke, suspend, cancel, or terminate the driver education instructor certificate and require the return of the certificate upon any of the following grounds:

- (1) Failure to comply with or satisfy any of the requirements of this chapter;

- (2) Falsification of any records or information required by this chapter or otherwise relating to driver education;
- (3) Commission of any act which endangers a student;
- (4) Driver license suspension, revocation, cancellation, or disqualifications;
- (5) Inappropriate behavior directed toward a student by the instructor;
- (6) Mental or physical incapacity;
- (7) Unsatisfactory criminal history record check; or
- (8) Moving traffic violations as described in section 19-139-13(h).

(d) The department may allow the instructor to cure any deficiency, if curable, within thirty days of receipt of notice by the department.

(e) Any applicant whose application has been denied by the department or whose driver education instructor certificate has been suspended, revoked, canceled, or terminated and who has not cured the deficiency may within ten calendar days after receiving the notice of denial, suspension, revocation, cancellation, or termination appeal the department's action by submitting to the department a written request for an administrative review of the decision by the department. The request shall state the reasons why the application should not be denied, suspended, revoked, or terminated. Upon such request, the department shall respond in writing with an administrative review decision within thirty calendar days. Failure to request a review within ten calendar days after receiving the notice of denial, suspension, revocation, or termination of the application or driver education instructor certificate shall be deemed a waiver of a right to appeal.

(f) Any person aggrieved by the administrative review decision of the department

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may, within ten calendar days of the date of the decision, submit a written appeal of that decision to the department. The department may hold hearings on a timely appeal in accordance with chapter 91, Hawaii Revised Statutes. [Eff
MAY 18 2006] (Auth: HRS §286-108.4) (Imp:
HRS §286-108.4)

§19-139-16 Driver education vehicle requirements. All vehicles used in behind-the-wheel driving courses must meet the following minimum standards:

- (1) The vehicle must have a current motor vehicle registration and safety check.
- (2) The vehicle must be in good working condition.
- (3) The vehicle must be equipped with dual brakes and instructor's eye check mirrors.
- (4) The vehicle must display a "Student Driver" sign in a prominent location on the vehicle when the vehicle is used in instruction.
- (5) The vehicle must be covered by insurance in a form and with provisions satisfactory to the department, including as a minimum:
 - (A) Bodily injury--\$100,000 per person, \$300,000 per occurrence; and
 - (B) Property damage--\$20,000 per occurrence.

The insurance policy must name the State of Hawaii and the counties as additional insureds unless the insurance coverage required by this section is included in the commercial general liability policy required by section 19-139-13(g).

- (6) All persons in the vehicle must use occupant protection at all times. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-17 Driver education seal. The department will issue each certified instructor a driver education seal which the certified instructor shall use to place a seal upon the driver education student completion certificate or the behind-the-wheel student completion certificate. The director may charge instructors a refundable deposit of up to \$100 for the seal. The deposit, if any, shall be returned when the seal is returned to the department. [Eff **MAY 18 2006**] (Auth: HRS §286-108) (Imp: HRS §286-108)

§§19-139-18 to 19-139-49 (Reserved)

SUBCHAPTER 3

DRIVER EDUCATION INSTRUCTOR APPLICANTS; CRIMINAL HISTORY RECORD; EMPLOYMENT HISTORY; BACKGROUND CHECK

§19-139-50 Definitions. As used in this subchapter:

"Affected individual" means the person to which a Federal Bureau of Investigation (FBI) identification record pertains.

"Applicant" means a person seeking certification as a certified driver education instructor according to the requirements of subchapter 2.

"Arrest records" means criminal history information obtained from sources other than the FBI pertaining to arrests for alleged criminal behavior.

"Background information" means information pertaining to a person's behavioral history that may indicate a significant risk to the health, safety, or well-being of children.

"Children" means students enrolled in driver education or behind-the-wheel driving courses certified by the department in subchapter 4.

"Clean criminal history record" means that an individual's criminal history record check shows no indication of criminal behavior.

"Criminal conviction record" means criminal history information obtained from sources other than the FBI pertaining to an individual's conviction of a crime.

"Criminal history" means information about a person's actual or alleged criminal offense(s).

"Criminal history record" means evidence of a person's actual or alleged criminal offense(s) (arrests, convictions and supporting information) on file with law enforcement agencies, courts, the Hawaii criminal justice data center, or in the national criminal history record files.

"Criminal history record check" means an examination or search for evidence of an individual's criminal history by means of:

- (1) A search for the individual's fingerprints in the national criminal history record files and, if found, an analysis and any other information available pertaining thereto; and
- (2) A criminal history record check conducted through the files maintained by the Hawaii criminal justice data center.

"Department" means the department of transportation.

"Driver education instructor certificate" means the card issued to an instructor who has completed all requirements and has been certified by the department to conduct driver education or

behind-the-wheel driving courses or both as defined in subchapter 4.

"Employment history" means information relating to a person's past work experiences.

"FBI identification record" means a listing of certain information taken from fingerprint cards submitted to and retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprint cards submitted in connection with federal employment, naturalization, or military service. The FBI identification record is often referred to as a "rap sheet". The identification record includes the name of the agency or institution which submitted the fingerprint card to the FBI. If the fingerprint card concerns a criminal offense, the identification record includes the date arrested or received, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint cards, disposition reports and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Identification Division is not the source of the arrest data reflected on an identification record.

"FBI rules to correct the FBI identification record" means regulations published in the Federal Register by the FBI pertaining to the procedure for the affected individual to obtain, review, and request change, correction or updating of any alleged deficiency to the FBI identification record.

"Fingerprinting" means the recording of a person's fingerprints using conventionally accepted equipment and procedures to satisfy the quality, readability, and specifications of the FBI's criminal history record checking requirements. [Eff MAY 18 2006] (Auth:

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HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-51 General rule. (a) Applicants who work in close proximity to children shall be of reputable and responsible character.

(b) The department may refuse to issue a driver education instructor certificate to, may terminate the driver education instructor certificate of, or may revoke the driver education instructor certificate of any applicant who has a criminal history record, employment history, or background involving violence, alcohol or drug abuse, sex offense, offense involving children or any other circumstance which indicates that the applicant may pose a risk to the health, safety, or well-being of children. The refusal, termination, or revocation action may be based on:

- (1) Conviction of a crime which indicates that the person poses a risk to the health, safety, or well-being of children (the type of criminal offense, when it occurred, and evidence of rehabilitation may be considered in determining whether the criminal history record indicates a risk to children);
- (2) Other information or evidence which reflect upon the character and fitness of the person which indicates that the person poses a risk to children;
- (3) Failure to accurately and fully complete and submit certification application documents; or
- (4) Failure to declare, concealing, or falsifying criminal history, employment history, or background information to the department. [Eff

MAY 18 2006]

(Auth: HRS §286-108.4) (Imp: HRS
§286-108.4)

§19-139-52 Applicant duty to provide information. (a) Except as otherwise specified or exempted from criminal history record check requirements, any person who teaches driver's education or seeks certification as a driver education instructor with the department in a position which places that person in close proximity to children is required to provide to the department:

- (1) An accurately and fully completed certification application with all requested information and documents including employment references; and
- (2) A written consent for the department to obtain information from current and past employers and references.

(b) Applicants shall cooperate fully and make every reasonable effort to provide information and comply with fingerprinting and other related requirements when so notified and instructed by the department or its representative agents. The department may refuse to certify, or may terminate the driver education instructor certificate or both of any person who wilfully fails to cooperate or fails to provide the requested information. [Eff **MAY 1 8 2006**]
(Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-53 Fingerprinting requirement. The department shall require all applicants to undergo fingerprinting to conduct criminal history record checks as may be accommodated by the Hawaii criminal justice data center. Applicants must pay all charges for fingerprinting and for the criminal history

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record. Applicants shall cooperate fully and make every reasonable effort to comply with fingerprinting and other requirements when so notified and instructed by the department or its representative agents. The department may refuse to certify and may terminate the driver education instructor certificate of any person who wilfully fails to comply or cooperate fully with fingerprinting requirements. [Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-54 Use of criminal history records results. (a) Information obtained from criminal history record checks shall be used exclusively by the department for the purpose of determining whether or not a person is suitable for working in close proximity to children. Use and release of such information obtained from the FBI shall be subject to federal laws and regulations.

(b) The department may disclose information that an affected individual's criminal history record check shows a "clean criminal history record". Federal law (28 U.S.C. §534) otherwise prohibits the disclosure of criminal history information obtained from the FBI. An FBI identification record and information contained therein, however, may be disclosed to the affected individual when explaining decisions or contemplated decisions resulting in refusal to certify an applicant for a driver education instructor certificate or termination of a driver education instructor certificate. Information from an FBI identification record may also be disclosed to a legal representative of the applicant with the consent of the affected individual and may also be displayed, with the consent of the affected individual, at an

administrative hearing to resolve issues concerning the record's content and use. If desired, the affected individual may also request the correction of FBI criminal history information by following FBI rules to correct the FBI identification record.

(c) Criminal history information obtained from sources other than the FBI may be categorized into criminal convictions and arrest records. Criminal convictions are considered public records and may be disclosed to the general public. Arrest records are private and shall not be released by the department except in the process of verifying the disposition of the arrests, or as otherwise required by law. Information regarding a person's arrest records for offenses that may pose a risk to the health, safety, or well-being of children may be used as the basis to delay driver education instructor certificate decisions or for the suspension of a driver education instructor certificate pending further inquiry and investigation. Arrest records shall not be used as the sole basis to refuse a driver education instructor certificate. [Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-55 Current department of education certified driver education instructors. Individuals, who hold driver education certificates issued by the department of education within five years prior to 12/2/00, are subject to the requirements of this subchapter, if required in subchapter 2, upon the expiration of their current certificate and upon applying for a new certificate as required in subchapter 2. [Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

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§§19-139-56 to 19-139-99 (Reserved)

SUBCHAPTER 4

CERTIFICATION STANDARDS FOR DRIVER EDUCATION STUDENT CURRICULUM

§19-139-100 Driver education curriculum task force. A task force appointed by the director shall establish minimum requirements for driver education student curricula and recommend to the director the certification of driver education, simulator, and behind-the-wheel curricula. The director may certify such curricula. The task force shall be composed of a representative of the department of education, a public school driving instructor, a commercial driving school instructor, a county examiner of drivers, and the department. All curricula shall be reviewed by the department every five years to assure that they are relevant. [Eff

MAY 18 2006] (Auth: HRS §286-108.4) (Imp:
HRS §286-108.4)

§19-139-101 Administration of program. No driver education student curriculum shall be certified unless:

- (1) Curriculum is available and in use during all training phases;
- (2) Lesson plans are clearly written with student-centered activities;
- (3) Curriculum is administered during a minimum of:
 - (A) Thirty hours of classroom instruction;
or
 - (B) An on-line or Internet course which contains a minimum of six hours of course content;

- (4) Behind-the-wheel curriculum is administered during a minimum of:
 - (A) Six hours of behind-the-wheel instruction; or
 - (B) A simulator course and two hours of behind-the-wheel driving instruction;
- (5) The program cannot be completed in less than six weeks;
- (6) A maximum of three students are present during any behind-the-wheel session.
 - (A) If there is one student, there is a maximum of one and one-half hours of behind-the-wheel driving during an in-vehicle session;
 - (B) If there are two or three students, there is a maximum of one and one-half hours behind-the-wheel driving time per student during an in-vehicle session;
- (7) All modules are introduced during classroom sessions and reinforced during all training phases;
- (8) All modules consist of concepts that are structured and presented in simple to complex building blocks;
- (9) A student cannot progress to the next module of instruction until the student reaches a certain level of proficiency;
- (10) The program coordinates in-vehicle activities with parent or tutor sessions; and
- (11) Appropriate testing shall occur throughout all courses to test the knowledge of the student. [Eff
MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

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§19-139-102 General provisions. To obtain certification by the department, all driver education classroom, on-line, and Internet course curricula shall contain the following instructional elements:

- (1) The curriculum prepares students for achievements in social wellness, visual skills for awareness, information-processing and decision-making, risk prevention management, vehicle control, vehicle correction skills, and performance excellence;
- (2) The development and habitualization of positive behavioral patterns is emphasized;
- (3) All driving skills are introduced and practiced through hands-on classroom training to ensure in-car success;
- (4) Students also learn driving skills often referred to as advanced, such as off-road recovery and skid prevention, detection, and correction;
- (5) Students learn how to evaluate driving situations and make low-risk decisions;
- (6) Risk versus gain relationships associated with driving are defined and explored;
- (7) Risk perception, prevention, and management is presented as a function of time and space control;
- (8) Activities are utilized to promote effective student involvement in risk management and problem solving;
- (9) Students learn how behavioral, sociological and psychological factors influence driving;
- (10) The physiological effects of alcohol and other drugs, including nicotine and caffeine, on driver performance are explored;

- (11) The effects of fatigue and other physical impairments on driver performance are studied;
- (12) Conflict resolution skills are presented in relation to on-road situations;
- (13) Activities are conducted to demonstrate the problems associated with driver inattentiveness;
- (14) Activities are conducted to help students recognize the stages of anger and how to manage them;
- (15) Various forms of technology and media are used to reinforce driver behavioral patterns;
- (16) Students learn how to positively influence their peers and how to avoid negative peer influence;
- (17) Students learn the value of occupant protection and vehicle readiness;
- (18) Classroom activities demonstrate the importance of a student's responsibility both as a citizen and a driver;
- (19) Students are able to understand the basic laws and rules of the road, Hawaii's traffic laws, and their liability as drivers;
- (20) Students participate in activities to learn the limitations of motor vehicles and of drivers; and
- (21) All driver education course curricula must contain, as a minimum, instruction on driving responsibilities; signs, signals, and roadway markings; basic car control; making safe driving decisions; controlling the vehicle; basic car maneuvers; negotiating intersections; sharing the roadway; driving in different environments and

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situations; driving in urban areas, rural areas, and high speed highways or freeways; adverse conditions; emergencies; being a responsible driver; effects of driver condition on risk taking; alcohol and other drugs; and defensive driving strategies. [Eff ~~108.4~~ ^{MAY 18 2006}] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-103 On-line or Internet driver education student curriculum. The department may certify on-line or Internet course curricula to qualify students for completion of a driver education student completion certificate. The curricula shall meet all requirements as established in this chapter, and in addition, include a technical description of the course, including, but not limited to, provider services and support, course design, and course security. A provider of on-line or Internet driver education courses shall put in place the appropriate procedures, measures, and controls to validate student identity during performance of the course work. [Eff ~~108.4~~ ^{MAY 18 2006}] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-104 Behind-the-wheel student curriculum. (a) To obtain certification by the department, all behind-the-wheel student curricula shall contain, as a minimum, instruction in the following skills:

- (1) Introduction to driving--pre-start, starting the engine, putting the vehicle in motion, stopping, turns;
- (2) Basic maneuvers including lane control, lateral maneuver-move into traffic, backing straight, backing left and

- right, lane changing;
- (3) Residential driving-three-point turnabout, U-turns, scanning skills, blind spots;
- (4) Rural driving-following distance, passing;
- (5) City driving-angle parking, perpendicular parking, parallel parking, curbside parking, uphill and downhill parking; and
- (6) Freeway and highway driving-merging, exiting, lane changing, following distance.

(b) If the student is using a simulator to partially meet the requirement for a behind-the-wheel student completion certificate, the behind-the-wheel driving curriculum must include the requirements of subsection (a)(3) and (5).

(c) The curriculum shall also contain, as a minimum, the following instructional elements:

- (1) The development of driver behavioral patterns is reinforced;
- (2) Legal and social aspects of driving are incorporated into sessions;
- (3) Route plans are structured and used to effectively experience behavioral patterns and to demonstrate various driving situations and circumstances;
- (4) Structured route plans include freeway or high-speed highway driving;
- (5) Vehicle prevention, detection, and correction training is experienced using technology, such as a simulator, if available;
- (6) The student is sufficiently prepared to demonstrate the correct modeling of driving behaviors for the teacher;
- (7) Advanced driver training concepts are reviewed during regularly scheduled lessons. [Eff MAY 18 2008]

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(Auth: HRS §286-108.4) (Imp: HRS
§286-108.4)

§19-139-105 Motorcycle behind-the-wheel student curriculum. To obtain certification by the department, all motorcycle behind-the-wheel curricula shall meet the requirements of section 431:10G-104, Hawaii Revised Statutes and subchapter 4 of Chapter 19-123, Hawaii Administrative Rules (Certification Standard for Rider Education Student Curriculum). [Eff. MAY 18 2006]
] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-106 Driving simulator curriculum. To obtain certification by the department, all driving simulator curricula shall contain the following instructional elements:

- (1) Content is consistent with the requirements of section 19-139-104, as practicable;
- (2) Content is presented with an emphasis on behavioral patterns rather than on task completion;
- (3) The simulator reinforces previous learning and continues to prepare student for in-vehicle training;
- (4) The simulator acts as a tool to monitor and measure the effectiveness of student learning in the classroom to ensure student vehicle readiness;
- (5) Simulators meet all of the requirements of subchapter 6 and are in good working condition;
- (6) The curriculum must be integrated with driver education classroom curricula;
- (7) The provider of the simulator curriculum shall communicate to the parents or guardians, how to integrate simulator instruction with practice

- behind-the-wheel driving; and
- (8) The provider of the simulator curriculum shall provide the student with a simulator completion certificate that the student shall give to the behind-the-wheel instructor. This certificate shall fulfill four hours of the required six hours of behind-the-wheel instruction.

(b) The department may certify driver simulator curricula to qualify students to satisfy four hours of the behind-the-wheel requirement for a student completion certificate. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-107 Monitoring of driver education and behind-the-wheel program effectiveness. The department has the right to monitor all driver education, behind-the-wheel, and simulator courses and certified instructors at any time to assure that the certified curriculum is being taught. Anyone found to not be in compliance with the requirements of this chapter shall have their certificate terminated in accordance with section 19-139-15. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-108 Driver education facilities. All facilities in which driver education courses are taught shall be clean, safe, appropriate, and maintain a comfortable climate. Driver education facilities must adhere to county zoning laws. Classroom courses may not be taught in a residence, unless the classroom is physically separated from the living area. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-109

§19-139-109 Driver education instructional materials. All driver education instructional materials shall be curriculum appropriate and available to all students. Textbooks and videos shall be effective and relevant resources used to enhance the curriculum. A variety of materials shall be utilized and may include computer generated slides, videos, and transparencies. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-110 Parent/guardian involvement. Communication with the parents or guardians shall be evident in all driver education curricula.

- (1) Instructional materials shall be provided to the parent or guardian describing the driver education course and how their involvement will help their student develop good driving habits;
- (2) Parents or guardians shall be provided information on how to remain calm, give commands, keep the car in control, and provide positive feedback when conducting behind-the-wheel practice with their teenagers; and
- (3) Parents or guardians shall be provided in-car support materials defining what to focus on and when to practice. [Eff **MAY 18 2006**] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§§19-139-111 to 19-139-124 (Reserved)

SUBCHAPTER 5

CERTIFICATION STANDARDS FOR DRIVER EDUCATION INSTRUCTOR CURRICULUM

§19-139-125 Driver education instructor curriculum task force. A task force appointed by the director of transportation shall establish minimum requirements for driver education instructor curricula and recommend certification to the director. The director may certify such curricula. The task force shall be composed of a representative of the department of education, a public school driving instructor, a commercial driving school instructor, a county examiner of drivers, and the department. All curricula shall be reviewed by the department every five years to assure that they are relevant. [Eff

MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-126 Objective of instructor curriculum. (a) All driver education instructor classroom curricula shall contain content in classroom methods and principles in teaching driver education to prepare an instructor to carry out the driver education program as described in this chapter. The content shall prepare the instructor to:

- (1) List the purposes of, and convey the concepts of traffic and safety education to others;
- (2) Demonstrate the use of various educational methods, theories, and concepts in teaching the classroom phase of a high school driver education course;
- (3) Demonstrate knowledge of the many and varied aspects of the driving task;
- (4) Develop units of instruction, based upon the state regulations for driver education, which are in psychologically sound sequence, and meet student needs in the classroom;

- (5) Develop instructional materials and activities which facilitate the attainment of the performance sought in the classroom;
- (6) Define and describe the nature of the driving task in the highway transportation system;
- (7) Solve administrative problems after an analysis of such problems are presented in the classroom;
- (8) Select, design, and evaluate devices which measure the abilities of classroom and laboratory driver education teachers;
- (9) Establish and maintain a viable program organization including enrollment, scheduling, records and reports;
- (10) Manage traffic and safety education facilities and appropriate budget allocations for model programs;
- (11) Identify means by which traffic and safety education programs may positively influence public opinion concerning traffic and safety education;
- (12) Plan a complete course of instruction with outlines, lesson plans, and evaluation instruments; and
- (13) All curricula should contain specific information on the Hawaii Motor Vehicle Code, concepts of accident causation and countermeasures, traffic safety education classroom instruction techniques, and administration of a driver education program.

(b) All behind-the-wheel driving instructor curricula shall prepare instructors to teach the laboratory phases of traffic safety education, including the aims, objectives, methods, materials, and techniques of teaching traffic

simulation, and in-car instruction. The content shall prepare the instructor to:

- (1) Define and explain in depth the philosophy and rationale of the various laboratory concepts presented in the course;
- (2) Verbalize the in-car sequence and identify the objectives, rationale and management forces that influence lesson preparation;
- (3) Develop lesson plans using behavioral objectives and teach effectively from these lesson plans in all phases of the course; and
- (4) The curriculum should specifically cover the aims and purposes of behind-the-wheel instruction in driver education, including development of driver competencies, controlled and sequential nature of instruction, entry level proficiencies, perception skills, human functions, driving strategies, understanding limitations, dual control concepts, basic control tasks, traffic flow tasks, teaching methods and techniques, lesson plan development, instructional aids, selection of instructional experience, planning and implementing instruction, techniques for traffic simulation and multiple vehicle concepts, role of the instructor, student and teacher interaction, and teaching activities.

[Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-127 Monitoring of driver education instructor curriculum instruction. The department has the right to monitor all driver

§19-139-127

education instructor courses at any time to assure that the certified curriculum is being taught. Anyone found to not be in compliance with the requirements of this chapter shall have their certificate terminated in accordance with section 19-139-15. [Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§19-139-128 Train the trainer course. The director shall certify the curricula for a train the trainer course for driver education instructors. The curricula must meet national standards set by the American Driver and Traffic Safety Education Association (ADTSEA). [Eff MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§§19-139-129 to 19-139-149 (Reserved)

SUBCHAPTER 6

DRIVING SIMULATOR REQUIREMENTS

§19-139-150 General provisions. Providers of driving simulator education courses must be able to demonstrate a capability to deliver, maintain, and administer a statewide high performance simulation training system for driver education:

- (1) A provider of simulation driver education courses shall put in place the appropriate procedures, measures, and controls to validate student identity during performance of the course work;
- (2) A provider of simulation driver education courses shall provide availability and access to the

simulation device such that students are able to complete the course in a reasonable amount of time once they have registered;

- (3) A driving simulation device used to satisfy training requirements of a simulation course shall conform to the following characteristics:
- (A) The simulator shall be fully interactive as defined by taking in operator control inputs, processing them with a high-fidelity dynamics model, and displaying the resulting vehicle state;
 - (B) The system shall be capable of maintaining a 60 Hz visual update rate in a fully populated, dynamic driving scenario;
 - (C) The simulator shall provide active steering force feedback;
 - (D) The simulator shall present a minimum of 150 degrees forward field-of-view (FOV);
 - (E) The simulator shall include fully articulated scenario vehicles with independent dynamics and tire articulation;
 - (F) The simulator shall support real time driving performance monitoring, presentation of feedback, and storage of training performance data; and
 - (G) The simulator shall simulate Hawaii driving conditions and environment.
- [EFF MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS §286-108.4)

§§19-139-151 to 19-139-199 (Reserved)

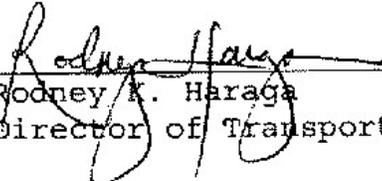
§19-139-200

§19-139-200 Severability. If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of this chapter. [Eff
MAY 18 2006] (Auth: HRS §286-108.4) (Imp: HRS
§286-108.4)

DEPARTMENT OF TRANSPORTATION

Chapter 19-139, Hawaii Administrative Rules, on the Summary Page dated January 27, 2006, was adopted on January 27, 2006, following public hearings held on December 14, 15, and 16, 2004, after public notice was given in the Honolulu Star-Bulletin, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island on November 7, 2004.

The adoption of chapter 19-139 shall take effect ten days after filing with the Office of the Lieutenant Governor.



Rodney K. Haraga
Director of Transportation

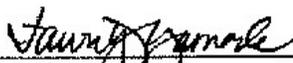
APPROVED:



Linda Lingle
Governor
State of Hawaii

Dated: MAY - 5 2006

APPROVED AS TO FORM:



Deputy Attorney General

Filed

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LIEUTENANT GOVERNOR'S
OFFICE