

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 12 MOTOR VEHICLE ADMINISTRATION — LICENSING OF BUSINESSES AND OCCUPATIONS

Chapter 09 Driver Improvement Programs and 3-Hour Alcohol and Drug Education Programs

**Authority: Transportation Article, §§12-104(b), 16-103.1, 16-206, 16-212, 16-212.1, 16-404,
Annotated Code of Maryland**

.01 Programs.

Driver rehabilitation and educational programs authorized under Transportation Article, §§16-212 and 16-212.1, Annotated Code of Maryland, are conducted by the Administration or through a private provider approved by the Administration. The programs include driver improvement programs (DIP) and 3-hour alcohol and drug education programs (3-Hour ADEP).

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Motor Vehicle Administration.

(2) "Alcohol and Drug Abuse Administration" means the agency within the Department of Health and Mental Hygiene that approves and certifies programs for the prevention and treatment of alcohol and drug abuse.

(3) "Alternate format" means a program approved by the Administration, which is taught with web-based or other electronic learning tools.

(4) "Alternate format provider" means a provider approved by the Administration to provide a program under Regulation .01 of this chapter in both classroom and alternate formats.

(5) "Attend" means to complete all:

(a) The classroom units of instruction in the approved curriculum and pass the end of program test; or

(b) Instructional units of the approved curriculum presented in an alternate format and pass the end of program test.

(6) "Classroom format" means a program conducted with the participant and an approved instructor in a classroom setting approved by the Administration.

(7) "DIP" means a driver improvement program approved by the Administration to provide driver rehabilitation and education.

(8) "Program" means a driver rehabilitation and education program authorized under Transportation Article, §§16-212 and 16-212.1, Annotated Code of Maryland, and this chapter.

(9) "Provider" means a business entity, organization, or individual approved by the Administration to conduct driver rehabilitation and educational programs.

(10) "3-Hour ADEP" means a 3-hour alcohol and drug education program approved by the Administration and the Alcohol and Drug Abuse Administration to provide alcohol and drug education.

.03 Application for Approval.

A. A business entity, organization, or individual requesting approval to provide driver rehabilitation and education programs under this chapter shall submit to the Administration an application for approval.

B. An application shall be submitted for each rehabilitation and education program to be provided and a separate application is required for each program being presented in an alternate format.

.04 Approval Requirements.

A. The Administration shall require a business entity, organization, or individual requesting approval to provide any of the programs under Regulation .01 of this chapter to sign an agreement stating that they will comply with this chapter and indicating the term of the approval period.

B. A provider shall:

(1) Comply with all State and local requirements to be licensed and authorized to do business in Maryland;

(2) Submit documentation acceptable to the Administration that the business office used to conduct business and the classrooms used to conduct courses or to administer tests meet all State and local building, zoning, fire, and safety regulations, codes, and standards for use as an office or classroom;

(3) Have no past due tax or other financial obligations due to Maryland;

(4) Maintain at least one business office, approved by the Administration, which:

(a) Is located within the borders of Maryland;

(b) Has posted business hours; and

(c) The Administration and customers may access during the posted business hours without prior notice;

(5) Have at least one classroom located within the borders of Maryland that has been inspected and certified to meet all required State and local building, zoning, fire, and safety regulations, codes, and standards including an up-to-date posted certificate identifying the maximum occupant capacity;

(6) Pay all application fees set forth in Regulation .05 of this chapter at the time the application is submitted to the Administration; and

(7) Designate the individuals authorized to transmit DIP and 3-Hour ADEP completion information to the Administration, and shall ensure that these individuals complete the Administration's authorization forms.

C. Operating Requirements. The provider shall:

- (1) Use only instructors approved by the Administration for the specific program to be presented;
- (2) Use only the curriculums, instructional materials, quizzes, tests, and forms approved by the Administration;
- (3) Make operation and participant completion records available for inspection by the Administration's representatives without notice during the provider's posted business hours;
- (4) Comply with the requirements of all applicable local, State, and federal anti-discrimination laws and regulations, including but not limited to, the Americans with Disabilities Act (ADA);
- (5) Enroll provisional driver's license holders younger than 18 years old in only the classroom format for DIP; and
- (6) Transmit DIP participant completion information to the Administration within 24 hours of completing the programs.

D. Information Requirements. Before enrollment, the provider shall make available the following information in writing, or in electronic format for alternate format programs, to program participants:

- (1) Classroom and testing locations, dates, and times;
- (2) The provider's established policy regarding program:
 - (a) Cancellations and postponements; and
 - (b) Course fees, payment methods, refunds, and any retest fees; and
- (3) Notice that the:
 - (a) Updating of the participant's driving record is dependent on the provider transmitting the DIP completion information to the Administration within 24 hours of completing the program; and
 - (b) Administration may not remove a suspension or reinstate the participant's driving privilege until the provider submits the program completion information updates to the participant's driving record in those cases where a letter of assignment to the DIP was issued by the Administration.

E. Information Security and Documentation Retention Requirements. A provider shall:

- (1) Identify, to the Administration, the individuals that will be authorized to transmit DIP and 3-Hour ADEP completion information to the Administration and ensure that the individuals are approved before conducting a DIP or 3-Hour ADEP;
- (2) Notify the Administration within 24 hours if the individual authorized to transmit data to the Administration is no longer employed by the provider or no longer authorized to transmit completion information to the Administration;
- (3) Accept full responsibility and indemnify the Administration for all claims by program participants when the provider fails to:

- (a) Notify the Administration within 24 hours of the successful completion of the program by the participant; or
- (b) Correct errors in transmitted participant completion information within 24 hours of notification by the Administration;
- (4) Retain electronically or in paper format all participant enrollment, participation, and completion records for at least 3 years from the participant's completion date; and
- (5) Secure all program records, including testing materials and answer templates in a manner acceptable to the Administration that protects the participant's privacy and ensures the integrity of the testing materials.

F. Additional Requirements for DIP Providers.

(1) A provider of DIP shall:

- (a) Require each participant in a DIP to present a government issued driver's license or photo identification card;
- (b) Require all participants enrolling in a DIP to present the Administration's letter of assignment to the program, if applicable, at the time of:
 - (i) Enrollment if the participant is completing a classroom format program; or
 - (ii) Final testing if using an alternate program format;
- (c) Issue a certification of program completion to participants who successfully complete the program in a format required by the Administration that includes the:
 - (i) Provider's name, address, and phone number, and the Administration's provider identification number;
 - (ii) Participant's full name as it appears on the assignment letter, driver's license, or photo identification card;
 - (iii) Participant's driver's license number;
 - (iv) Date the program was completed; and
 - (v) Location where the program was completed;
- (d) Submit electronically to the Administration the participant's completion reports within 24 hours after completion of the program;
- (e) Correct all electronically submitted participant completion reports and re-submit to the Administration within 24-hours of discovery;
- (f) Schedule a retest date with the participant at the time the individual fails the end of program test;
- (g) Verify course completion before administering the final test;
- (h) Notify the Administration 48 hours in advance of any non-emergency change in operational hours; and
- (i) Notify the Administration before making any changes in a program.

(2) The final test in §F(1)(g) of this regulation shall contain at least 20 questions from the pool of 100 questions provided by the Administration. The pool of questions shall be used to create multiple and distinctly different tests to ensure that a test is not repeated until after a fourth retest.

(3) A provider of DIP may not:

(a) Issue a certification of completion to a participant who has not scored at least an 80 percent on the end of program test; or

(b) Allow a participant who fails the end of program test to retake the test on the same day the test is failed.

G. Additional Requirements for DIP and Alternate Format Providers.

(1) Alternate format providers shall meet the additional requirements of this section.

(2) The provider shall first be approved by the Administration as a classroom format provider for DIP in Maryland for 2 years before applying to the Administration to provide an alternate format DIP.

(3) All alternate format programs shall be offered through a secure website with an active security certificate acceptable to the Administration.

(4) The provider shall allow the Administration to access and monitor, at no cost, their alternate format programs.

(5) Alternate format programs shall require participants:

(a) To achieve a minimum score of 80 percent on the end of unit quizzes before moving to the next unit of instruction; and

(b) That do not achieve the 80 percent score on the unit quiz to repeat the unit before retaking the quiz.

(6) The end of program test alternate format programs shall occur only in a classroom setting approved by the Administration.

(7) The alternate provider may not allow a participant to retake the end of program test on the same day the test is failed.

(8) A provider may not permit a provisional driver's license holder younger than 18 years old to participate in an alternate format program.

(9) The alternate format provider shall have a help desk that participants can contact by phone, email, or facsimile if they are having a problem with the provider's electronic site or have questions regarding the programs. An Administration approved instructor shall respond to the participant for curriculum related issues by phone, email, or facsimile within 24 hours of being contacted by the participant.

(10) The provider's help desk service shall be available between the hours of noon and midnight, 7 days a week, 365 days a year, excluding Maryland State holidays as defined in State Personnel and Pensions Article, §9-201, Annotated Code of Maryland. If the 24-hour deadline occurs on a State holiday, the provider's deadline for response is extended another 24 hours. This information shall be provided to individuals before enrollment.

(11) The provider's program site shall be visually stimulating and interactive with enhancements such as simulations, sample assessment questions, and multimedia experiences. The provider's program site may not contain

scanned snapshots of the Administration's approved curriculum. The provider's program site shall have clear images and a user-friendly layout.

H. Additional Documentation Requirements for 3-Hour ADEP Providers. A 3-Hour ADEP provider shall:

- (1) Issue a certification of program completion to participants who successfully complete the program, in the manner and format required by the Administration that includes the:
 - (a) Provider's name, address, and phone number, and the Administration's provider identification number;
 - (b) Participant's full name and date of birth;
 - (c) Participant's signature;
 - (d) Date of completion; and
 - (e) Location where the program was completed;
- (2) Provide information regarding the program, instructors, and participants at the Administration's request and in the format established by the Administration;
- (3) Use only instructors approved by the Administration and the Alcohol and Drug Abuse Administration; and
- (4) Acknowledge that 3-Hour ADEP providers and instructors are also subject to regulations by the Alcohol and Drug Abuse Administration.

I. Additional Requirements for 3-Hour ADEP Alternate Format Provider.

- (1) Alternate format providers shall meet the additional requirements of this section.
- (2) The provider shall first be approved by the Administration as a classroom format provider for 3-Hour ADEP in Maryland for 2 years before applying to the Administration to provide an alternate format 3-Hour ADEP.
- (3) All alternate format programs shall be offered through a secure website with an active security certificate acceptable to the Administration.
- (4) The provider shall allow the Administration to access and monitor, at no cost, their alternate format programs.
- (5) The provider shall construct an end of unit quiz for each section of the 3-Hour ADEP that:
 - (a) Consists of a minimum of five questions for each quiz;
 - (b) Does not duplicate questions from other quizzes; and
 - (c) Does not duplicate questions from the final program exam.
- (6) Alternate format programs shall require participants:
 - (a) To achieve a minimum score of 80 percent on the end of unit quizzes before moving to the next unit of instruction; and

- (b) That do not achieve the 80 percent score on the unit quiz to repeat the unit before retaking the quiz.
- (7) The end of program test for 3-Hour ADEP alternate format programs shall occur only in a classroom setting approved by the Administration.
- (8) The alternate 3-Hour ADEP provider may not allow a participant to retake the end of program test on the same day the test is failed.
- (9) The alternate format provider for 3-Hour ADEP shall have a help desk that participants can contact by phone, email, or facsimile if they are having a problem with the provider's electronic site or have questions regarding the programs. An Administration approved instructor shall respond to the participant for curriculum related issues by phone, email, or facsimile within 24 hours of being contacted by the participant.
- (10) The provider's help desk service shall be available between the hours of noon and midnight, 7 days a week, 365 days a year, excluding Maryland State holidays as defined in State Personnel and Pensions Article, §9-201, Annotated Code of Maryland. If the 24-hour deadline occurs on a State holiday, the provider's deadline for response is extended another 24 hours. This information shall be provided to individuals before enrollment.
- (11) The provider's program site shall be visually stimulating and interactive with enhancements such as simulations, sample assessment questions, and multimedia experiences. The provider's program site may not contain scanned snapshots of the Administration's approved curriculum. The provider's program site shall have clear images and a user-friendly layout.

.05 Fees.

A. Application Fee.

- (1) An application fee under this chapter shall be established by the Administration.
- (2) The application fee shall be submitted with each DIP and 3-Hour ADEP application.
- (3) Application fees submitted to the Administration under this regulation are nonrefundable and are only applicable to DIP and 3-Hour ADEP.

B. Fees Charged by Providers.

- (1) Program providers may establish and collect a reasonable fee for providing DIP and 3-Hour ADEP.
- (2) Fees shall be collected for alternate format programs after the completion of the alternate format curriculum and before the end of program test.
- (3) Fees for classroom format programs shall be collected at the time of enrollment.
- (4) A provider shall issue a refund within 48 hours to a participant when the Administration determines a participant is entitled to a full or partial refund.

.06 Instructor Requirements.

A. An individual applying for approval to be a DIP instructor shall:

- (1) Be 21 years old or older;

- (2) Be a graduate from a standard high school or possess a state high school equivalence certificate;
- (3) Have a valid driver's license, issued by Maryland or another state, without any alcohol, ignition interlock, or work-only or education-only restrictions;
- (4) Have less than five active points on their driving record;
- (5) Successfully complete, as of March 2008, an Administration approved DIP instructor certification course for DIP instructors or the required instructor training set forth in §B of this regulation for 3-Hours ADEP;
- (6) Have no outstanding charges or convictions of any crime of moral turpitude, unless acceptable evidence is presented to the Administration that satisfactory rehabilitation has taken place for the charge or conviction; and
- (7) Have no sex offense convictions or charges.

B. 3-Hour Alcohol and Drug Education Program Instructors.

- (1) In addition to the requirements set forth in §A of this regulation, a 3-Hour ADEP instructor shall:
 - (a) Complete a course on the effects of alcohol and drugs, or an equivalent course as specified by the Office of Education and Training for Addictions Services, Department of Health and Mental Hygiene;
 - (b) Be approved by the Alcohol and Drug Abuse Administration to instruct an alcohol and drug education program;
or
 - (c) Complete the 3-Hour Alcohol and Drug Education instructor program approved by both the Administration and the Alcohol and Drug Abuse Administration.
- (2) The Administration may waive all or part of the required instructor training for persons certified by the Maryland State Board of Education as teachers.

C. An individual approved by the Administration to teach DIP before March 2008 is not required to complete the DIP instructor certification course if the individual:

- (1) Is currently approved by the Administration as a DIP instructor; and
- (2) Has taught at least one DIP course each year for the last 3 consecutive years.

D. Instructor's Driver Records.

- (1) An instructor of a program under this chapter shall maintain a satisfactory driving record while approved to teach the DIP and 3-Hour ADEP.
- (2) An Administration approved provider for the DIP and 3-Hour ADEP is responsible for:
 - (a) Monitoring the instructor's driver record;
 - (b) Immediately notifying the instructor if the instructor's driving record is unsatisfactory;
 - (c) Not scheduling an instructor with an unsatisfactory driving record to teach DIP or 3-Hour ADEP; and

(d) Notifying the Administration by letter, email, or facsimile of the action taken by the provider against the instructor.

(3) The instructor's driving record is unsatisfactory when the instructor has:

(a) Been convicted of driving offenses, in this or any other state, that if such a conviction occurred in Maryland would result in an accumulation of five or more points on the instructor's driving record;

(b) Been charged or convicted of an offense involving alcohol, drugs, or controlled dangerous substances while operating a motor vehicle;

(c) Been charged or convicted of any felony involving the use of a motor vehicle; or

(d) Had their driving privileges canceled, suspended, revoked, or subject to alcohol, ignition interlock, work-only, or education-only restrictions.

.07 Approval Periods for Providers and Instructors.

A. The approval period for a provider to offer a program under Regulation .01 of this chapter shall be identified in the agreement established in Regulation .04 of this chapter and may not exceed 2 years from the date of approval by the Administration, unless otherwise extended by the Administration through an addendum to the agreement.

B. Approval to offer any program under Regulation .01 of this chapter automatically expires at the end of the approval period as identified in the agreement, unless renewed by the Administration in accordance with the requirements of this chapter.

C. The Administration may terminate its approval and agreement for a provider to offer any program at any time if the provider fails to comply with any of the requirements set forth in this chapter or in the agreement.

D. The Administration may terminate its approval of an instructor at any time if the instructor fails to meet, or fails to continue to meet, the requirements of Regulation .06 of this chapter.

E. To maintain approval as a DIP or 3-Hour ADEP instructor, an individual shall teach at least two DIP programs each year.

.08 Renewal.

A. A provider who requests to renew its approval to offer any of the programs under Regulation .01 of this chapter shall submit a renewal application with the fee, sign the Administrator's agreement, and provide documentation required by the Administration regarding the business office, classroom, Internet format, and approved instructors, not less than 30 days before the end of the approval period.

B. A separate renewal application shall be submitted for each program or format the provider requests to continue to offer. The Administration may combine all or part of the renewal applications on the same form.

Administrative History

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Regulation .01 amended effective April 30, 2012 (39:8 Md. R. 536)

Regulation .02B amended effective April 30, 2012 (39:8 Md. R. 536)

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