

4501-7-03 Character and fitness for class "D" and online license schools.

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7- 39 of the Administrative Code.]

(A) Any person connected in any manner with a driver training enterprise, including but not limited to an owner, partner, training manager, instructor, online instructor, or authorizing official, shall be of good character and reputation.

(B) The conviction of any of the above persons of any felony or any misdemeanor, other than a minor misdemeanor, which is reasonably related to a person's ability to serve safely and honestly in connection with a driver training enterprise, shall be grounds to deny issuing or renewing a license or grounds for suspending or revoking a previously issued license.

(C) Every person connected in any manner with a driver training enterprise, including but not limited to an owner, partner, training manager, office manager, instructor, online instructor, or authorizing official, shall comply with all applicable state and federal laws which prohibit discrimination based upon race, color, national origin, sex, age, handicap, disability, ancestry or religion.

(D) The director may deny the issuance of a license to any person if the person applying for a license has had a driver training school, training manager, online instructor, or instructor license revoked or denied within the five years immediately preceding the current filing for an application.

After the five-year revocation period has lapsed, any training manager, online instructor, or instructor whose license has been revoked may apply for a license by following the training procedure set forth in rule 4501-7-05 of the Administrative Code. Granting of a license shall be based upon successful completion of the training procedure including an appropriate course approved by the director and no further violations of Chapter 4507. or Chapter 4508. of the Revised Code or the rules amplifying those chapters.

(E) No training manager or authorizing official shall knowingly permit any training manager, online instructor, or instructor of the enterprise who is physically or mentally unfit to be in contact with students.

(1) Any person who applies for or holds a driver training instructor's, online instructor's, authorizing official's school, or training manager's license shall submit to an examination of that person's physical or mental fitness when the director or the school's training manager or enterprise's authorizing official has evidence to believe the instructor, official, or manager may not be mentally or physically fit to instruct students or operate a motor vehicle.

(2) Any person who applies for or holds a driver training instructor's, online instructor's, or training manager's license shall notify the authorizing official of any driver training enterprise with which the person is affiliated of any injury, any physical or mental impairment, or any drug or medicine the person is taking that gives good cause to believe such injury, impairment, drug or medicine may affect that instructor's or manager's ability to drive or to effectively and safely instruct students or manage training.

(3) The authorizing official is responsible for maintaining records for an online instructor, a training manager and/or instructor's behavioral problem(s) that give good cause for the belief that the online

instructor, training manager and/or instructor could be physically or mentally unfit to perform their duties. The authorizing official is also responsible for maintaining records of disciplinary actions taken to correct such behavior in the instructor's file.

(F) Except for online instructors, instructors and training managers shall provide an annual completed "Driver Training Personnel Physical Examination" to the authorizing official of the driver training enterprise. The authorizing official shall maintain the "Driver Training Personnel Physical Examination" in each instructor's and training manager's personnel file. The authorizing official shall make these records available for inspection upon request of the director.

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