

STOP Program - Application for Program Certification Approval

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

Legal Division
October 1, 2016



APPLICATION FOR PROGRAM CERTIFICATION APPROVAL

Failure to provide all the required information shall be grounds for denial of the application.

See reverse side for a complete list of ALL information and documentation required to be provided in and included with this application form.

Please print or type all information provided.

NAME OF PROVIDER:
[] INITIAL Certification JURISDICTION: DATE:
[] RENEWAL Certification NOTE: If seeking certification for a program in more than one jurisdiction, provide a separate application for each jurisdiction.

- 1. Curriculum. Accompanies this application. The curriculum must include ALL of the elements listed on the reverse side under Item 1.
2. Successful Completion Standard. Standards or measurements as described under Item 2 on the reverse side accompany this application.
3. Uniform Fee. a) Provider's Fee (uniform fee): \$ (itemized breakdown of the provider's fee as required in Item 3a accompanies this application); b) Fees Charged by Jurisdiction: Itemized breakdown of ALL costs accompanies this application; and c) Fees Received by Jurisdiction: Itemized breakdown of ALL costs accompanies this application.
4. Record Maintenance and Transmittal. Accompanies this application as required under Item 4 on the reverse side.
5. Instructors. New Instructors: Application for Instructor Certification Application form/s accompany this application. Previously Certified Instructor/s: Complete information below, or a list with this information accompanies this application.

NOTE: If any instructor violates the provisions of Title 250 NAC 3, the provider agrees to remove him or her from the program immediately whenever it comes to the provider's attention and the provider shall notify the Department of Motor Vehicles writing in not more than five (5) days. The Department will revoke the instructor's certification on notice from a provider.

Previously Certified Instructor's Name

DMV Certification Date

Blank lines for listing previously certified instructors and their DMV certification dates.

- 6. Location and Contact Individual. Physical address/s where the classes will be taught accompanies this application.
Provider's Name and Physical Address:
Provider's Name and Mailing Address:

Name and Address of Authorized Contact Person (to respond to any inquiries about the provider's program):

7. Signature. I, Signature of Authorized Representative of Provider

Title of Authorized Representative of Provider, certify that the

information provided in and included with the application is true and correct. I agree as Authorized Representative of the Provider to assume all liability for any actions related to its program activities, or activities of its instructors related to such program, and maintain insurance for all such activities. I further agree to hold the State of Nebraska and the Nebraska Department of Motor Vehicles harmless for any losses or damages which the provider or its instructors may incur for activities related to offering a program.

- 8. Application Fee. \$50.00 fee accompanies this application. THE PROVIDER SHALL SUBMIT A SEPARATE APPLICATION FOR EACH JURISDICTION IN WHICH IT PROVIDES A PROGRAM FOR DIVERSION OF MINOR TRAFFIC OFFENSES. NOTE: If the fee is paid by check that is returned unfounded, the application shall be denied.
[] Check Returned Unfounded; Date:

9. Certification, Approval or Denial.

[] APPROVED (with expiration one year from the issuance date). ISSUANCE DATE:
[] DENIED. If the certification is denied as provided in Title 250 NAC 3, the application fee shall NOT be returned. DENIAL DATE:

- 10. Cancellation. Certification of a program shall be cancelled upon the request of the provider when the program is no longer offered or if the provider fails to renew by the expiration date of certification or by agreement between the provider and the Department of Motor Vehicles. CANCELLATION DATE:

- 11. Display. The provider shall display its certificate and that of any certified instructors, or copies of such certificate/s in a prominent place at all location/s where the program is offered.

- 12. Assumption of Liability and Proof of Insurance. Documentation that insurance has been secured for the certification year to carry out activities and the activities of your instructors related to the program accompanies this application. In lieu of insurance, demonstrate that you are self-insured and have sufficient resources to meet any and all liability that may arise from the program activities or activities of the instructors related to the program accompany this application.

Please return this form and ALL required documentation to:

Department of Motor Vehicles
P.O. Box 94699
Lincoln, NE 68509-4699

Attach additional pages as necessary.

NOTE: The application on the reverse side shall contain or be accompanied by ALL of the following required information and documentation.

1. **Curriculum.** A written curriculum of driver's safety training (*minimum four-hour class*) designed to educate persons committing minor traffic violations and to deter future violations which shall contain instruction including, but not limited to, the following elements:
 - a. general driver attitude improvement;
 - b. education on alcohol and drugs and relationship and effect of alcohol or drug use to impaired driving and driving under the influence;
 - c. occupant restraints systems and safety devices including but not limited to correct use of safety belts, child restraints, booster seats and airbags;
 - d. safe driving instruction which shall include but is not limited to:
 - 1) instruction on the Nebraska Rules of the Road (*include: signs, signals and markings, construction and school zones and other speeding violations, vehicle operating tasks, establishing vehicle position, lane use, parking, traffic flow tasks, and differing driving environments, and awareness of other roadway users*);
 - 2) human functions during driving (*include: visual scanning, detection/perception, evaluation, risk assessment, decision-making and motor skills, and factors which affect driver performance*);
 - 3) various causes and types of traffic accidents and crashes and methods to avoid involvement in traffic accidents and crashes;
 - 4) methods to minimize the impact and damage if involved in a traffic accident or crash;
 - 5) legal responsibilities of drivers and vehicle owners if involved in a traffic accident or crash and Financial Responsibility law for motor vehicles; and
 - 6) information concerning the driving privilege and legal status of a driver's license.
2. **Successful Completion Standard.** Describe standards or measurements used to determine the success or failure of persons who attend the program, an example of instruments used to make such determination, and any other standards, if any, which must be met by an individual to successfully complete the program. *An attendee must score at least eighty percent (80%) on a test instrument in order to have successfully completed the program.*
3. **Uniform Fee.** An application for certification of a program shall provide the following information with regard to the fee paid by an individual for participation in a program. A jurisdiction shall charge a uniform fee for participation in a driver's safety training program regardless of the traffic violation for which the applicant (individual taking the class) was cited. The fee shall be composed of the following elements:
 - a. **Provider's Fee.** A provider's application for certification shall state the uniform fee to be paid by the applicant for diversion of the minor traffic violation that is reasonable and appropriate to defray the provider's cost of the presentation of the program. The provider's fee may include any costs reasonable and appropriate to defray the provider's cost of presentation of the program. The application shall include an itemized breakdown of the provider's fee including cost germane to the specific program, and which adhere to generally accepted accounting principles; and;
 - b. **Fees Charged by Jurisdiction.** In addition the application shall state the fee charged by a jurisdiction for an individual's participation in the program. An application for program approval shall contain an itemized breakdown of ALL costs necessary to present the program, which may include costs germane to the specific program in the jurisdiction and which adhere to generally accepted accounting principles.
 - c. **Fees Received by Jurisdiction.** If the jurisdiction utilizes fees received from offering a program to pay for the costs of administering and operating such program, to promote driver safety, and to pay for the costs of administering and operating other safety and educational programs with the jurisdiction, the application shall state how such fees are utilized. An application for program approval shall contain an itemized breakdown of all costs necessary to present the program, which may include costs germane to the specific program and which adhere to generally accepted accounting principles.
4. **Record Maintenance and Transmittal.** The application shall include a description of the method and an example of all records which will be kept by the provider of individuals that attend a program in the jurisdiction for which the provider seeks approval.
 - a. The application for approval shall include an explanation and description of the method the provider will employ to ensure that no individual takes any approved course more than once in any three-year (3-year) period in Nebraska from the date of citation for which the individual previously attended a program to defer a minor traffic violation.
 - b. The application for approval shall include the plan the provider will follow to ensure that no attendee who holds a commercial driver's license is allowed to participate in a program if such participation would be in non-compliance with federal law or regulation and subject the state to possible loss of federal funds.
 - c. The application shall include a description and example of the provider's plan for sharing records of individuals taking the provider's program in the jurisdiction with other similar programs. Such information shall be accessible to providers of all similar programs in other jurisdictions in Nebraska. Such information shall be electronically transmitted and available to providers of other similar programs in Nebraska within twenty-four (24) hours from the conclusion of an individual attendance at a provider's program.
5. **Instructors.** The application shall include a list of instructor/s and the instructors' qualifications for certification as required in Title 250 NAC 3.
 - a. The application may have attached application/s for certification of new instructors. If using previously certified instructor/s, the application shall list the instructor/s and the date of certification by the Department.
 - b. The application shall state that if any instructor violates the provisions of Title 250 NAC 3, the provider agrees to remove him or her from the program immediately whenever it comes to the provider's attention and the provider shall notify the Department in writing in not more than five (5) days of the provider's discovery of the violation. The Department will revoke the instructor's certification on notice from a provider.
6. **Location and Contact Individual.** The application shall include the physical and mailing address of the provider and shall specify the physical address/s where the classes will be taught. The application shall include the name, address, and phone number for an authorized contact person to respond to any inquiries about the provider's program.
7. **Signature.** The application shall be signed by an authorized representative of the provider, shall give the title of the representative, and shall be a certification that the information provided in and included with the application is true and correct.
8. **Application Fee.** The application shall be accompanied by a fee of fifty dollars (\$50.00). If the fee is paid by check that is returned unfunded, the application shall be denied. The provider shall submit a separate application for each jurisdiction in which it provides a program for diversion of minor traffic offenses.
9. **Certification, Approval or Denial.** The Department shall issue an approval or denial of the application for certification. An approved certification shall expire one (1) year from the date of issuance. If the certification is denied, the application fee shall not be returned. An application shall be denied as provided in Title 250 NAC 3.
10. **Cancellation.** Certification of a program shall be cancelled upon the request of the provider when the program is no longer offered or if the provider fails to renew by the expiration date of certification or by agreement between the provider and the Department of Motor Vehicles. Programs that are cancelled are still subject to the record keeping provisions of 007 in Title 250 NAC 3.
11. **Display.** The provider shall display its certificate and that of any certified instructors, or copies of such certificate/s in a prominent place at all location/s where the program is offered.
12. **Assumption of Liability and Proof of Insurance.** The provider shall agree to assume all liability for any actions related to its program activities, or activities of its instructors related to such program, and maintain insurance for all such activities. The provider shall further agree to hold the State of Nebraska and the Nebraska Department of Motor Vehicles harmless for any losses or damages which the provider or its instructors may incur for activities related to offering a program. The provider shall provide documentation that it has secured insurance for the certification year to carry out its activities and the activities of its instructors related to the program with the application. In lieu of insurance, a provider may demonstrate that it is self-insured and that it has sufficient resources to meet any and all liability that may arise from the program activities or activities of the instructors related to the program.