

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 4.7 – Schools for Traffic Violators

§ 345.31. Submission of Traffic Violator School Course for Approval.

The purpose of Section 345.31 is to identify the process by which a school can submit their traffic violator school course to the department for approval.

Subsection (i) is adopted to require a traffic violator school owner to submit to the department a Traffic Violator School Foreign Language Approval Request, form OL 775, for review and approval prior to offering a translated course. Once the department reviews the translation and verifies the English version of the course has already been approved, the department will provide the traffic violator school owner with an approved form OL 775 and the course can then be offered in the translated version. The form OL 775 is the department-designated form that a traffic violator school will use to self-certify their translated course. The form also allows the traffic violator school to provide course owner information when the course was purchased by another school. The OL 775 is a four-part form that will be submitted to the department with the translated course and requires the following information to be provided:

Section 1 (School owner information) requires an indication of the school owner's name, telephone number, and mailing address. This information will allow the department to verify the school owner and update the school record to reflect its authorization to use the translated course.

Section 2 (New course curriculum) requires the school to identify the qualifications of the person who translated the course. When establishing translator qualification, the department determined the best option would be to ensure consistency with the standards the department uses on its own translation. A qualified translator is required to have either a minimum of five years of professional translation work, a four-year college degree in the targeted language, or a translator certificate issued by the American Translator Association, or equivalent association. These qualifications are consistent with those the department has in place with its own translators. The selection of qualifications identified on the form will ensure schools have adequate options when selecting a translator and will ensure the translator has sufficient experience and knowledge to perform accurate translations. A note is also included to ensure the school owner is aware that it is their responsibility to verify the experience, education, or certification of the person translating the course.

This is necessary for the self-certification process and will prevent the school from having to pay excessive fees for translations.

Section 3 (Purchased course curriculum) will be completed when a course is purchased from another school. The applicant is required to identify the name of the course owner, the name they are doing business as, and the course certificate approval number. This information will allow the department to verify the course was approved by the department. This provision is necessary as translations must be based on courses that have already been approved by the department. When Section 3 is completed, the form OL 775 must be accompanied by a letter of authorization from the course owner. A note is included in Section 3 that makes clear the letter of authorization must contain the purchaser's full name, occupational license number, and any doing business as name used by the course purchaser. The letter of authorization must also state the purchaser has permission to translate the course. These requirements are consistent with the provisions of Section 345.32(a)(2)(C). This information will verify the relationship between the course owner and purchaser and clearly establish the purchaser's authorization to translate the course.

Section 4 (Certification) requires the applicant to provide their signature, date, and school name and license number. The signature is the applicant's attestation that the curriculum meets the requirements of the regulations and related statutes and is the equivalent of the English version of the course. This provision is necessary because the English version of the course is the version that was approved by the department. The department requires verification, in the form of this certification, that the contents of the course are equal to that course that was reviewed and approved by the department. The certification also requires the applicant to certify (or declare) under penalty of perjury under the laws of the state of California that the information provided on the form is true and correct.

The information collected on the OL 775 will allow the department to verify the school's approved course and have record of the qualifications of the person who translated the course. The form will also allow the department to make separate verifications when a purchased course is being translated.

§ 345.32. Authorization for Purchase.

Section 345.32 identifies the process by which a school owner can sell their course to another school. Part of the course purchase process includes the course owner providing the purchaser with a letter of authorization that includes the program owner name and doing business as name, the program certificate number, a statement acknowledging the purchaser has permission to use the

course, and the purchaser's name and doing business as name. This documentation will sufficiently establish to the department that the course owner has approved the sale and use of the course by another traffic violator school.

Subsection (a)(2)(C) is amended to require the authorization letter to include a statement indicating whether the course owner authorizes the course purchaser to have the course translated to a language other than English. This provision will ensure consistency with the requirements of the form OL 775 requiring a letter of authorization to include a statement from the course seller indicating their authorization to translate the purchased course.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- Cost Or Savings To Any State Agency:
None.
- Other Non-Discretionary Cost or Savings to Local Agencies:
None.
- Costs or Savings in Federal Funding to the State:
None.
- Cost Impact on Representative Private Persons or Businesses:
The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs:
None.
- Local Agency/School District Mandates:
The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact:
This proposed action may impact small businesses.
- Potential significant statewide adverse economic impact:

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

ECONOMIC IMPACT ASSESSMENT

(Government Code section 11346.3)

In considering this proposed regulatory action, the department has determined that this action will not result in,

1) Creation or elimination of jobs within the state

The department does not anticipate this action will create or eliminate jobs within California. This action establishes a process for traffic violator school owners to have courses translated. While the amended regulation will benefit traffic violator schools, it is unlikely the changes will impact jobs within traffic violator schools.

2) Creation of new businesses or the elimination of existing businesses within the state

The department does not anticipate this action will create new businesses or eliminate existing businesses within California. This action establishes a process for traffic violator school owners to have courses translated. While the amended regulation will benefit traffic violator schools, it is unlikely the changes will have any impact on the creation of new businesses or the elimination of existing businesses.

3) Expansion of businesses currently doing business within the state

The department does not anticipate this action is likely to expand businesses currently doing business in California. This action establishes a process for traffic violator school owners to have courses translated. While the amended regulation will benefit traffic violator schools, it is unlikely the changes will be so great that it will expand businesses within California.

4) Benefits to the health and welfare of California residents, worker safety or the state's environment

This action will have no benefit to the health of California residents, worker safety or the state's environment. This action will benefit traffic violators schools within California who will have a less costly process to having their courses translated into other languages. When schools can to offer their courses in multiple languages, residents of California will benefit by having more access to traffic violator school being offered in their language.

**DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE SECTIONS
11346.2(b)(3) THROUGH (b)(5)**

- Studies, Reports or Documents - Government Code section 11346.2(b)(3):
None.

- Reasonable Alternatives and Department's Response – Government
Code section 11346.2(b)(4)(A):

No alternatives were presented that would be as effective.

- Reasonable Alternatives That Would Lessen Any Adverse Impact on Small
Business – Government Code section 11346.2(b)(4)(B):

No alternatives were presented that would lessen any adverse impact on
small businesses.

- Evidence Supporting Determination of No Significant Adverse Economic
Impact on Business – Government Code section 11346.2(b)(5):

The department is not aware of any cost impacts that a representative
private person or business would necessarily incur in reasonable
compliance with the proposed action. Traffic Violator School owners
currently spend several thousands of dollars to have their course
translated to other languages. This action will allow a school to self-certify
a translated course, which will reduce the financial burden currently
associated with course translations.