

Unit 4 Penalties

SCHOOL BUS DRIVERS' DRIVING RECORD EVALUATION

The provisions of the Texas Transportation Code Annotated § 521.022 (Vernon's 1996) and the Texas Education Code Annotated § 34.007 (Vernon's 1996) require that a driver record check be made with the Texas Department of Public Safety (DPS) on all school bus drivers prior to employment. Their driving records must be acceptable according to standards developed by the DPS. In accordance with this statutory responsibility, the following standards have been established by the Texas Department of Public Safety rule (Title 37, Texas Administrative Code, § 14.14) as *minimum* requirements to be met by each person seeking to be employed or to remain employed as a school bus driver to drive any motor vehicle while in use as a school bus for the transportation of pupils:

The driver's license record of each school bus driver shall be evaluated *at least annually*, with penalty points assessed for those entries which appear in the accompanying tables traffic law violations and accident involvements. Any person who has accumulated ten (10) or more penalty points shall be considered ineligible to transport pupils until such time as he/she may become qualified.

An applicant for employment as a commercial motor vehicle driver must disclose to the employer any violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the three (3) years preceding the date the application is submitted and any serious traffic violations of which the applicant was convicted during the ten (10) years preceding the date the application is submitted, as well as any suspension, revocation, or cancellation of any driving privilege that resulted from the conviction. For verification purposes, it is strongly recommended that driving records be secured for *all new* applicants that have held an out-of-state drivers license within the past seven (7) years. These records should include all convictions which would result in mandatory suspension of a driver's license in Texas (see Table IV and V for a complete listing of entries).

In determining a person's eligibility to drive a school bus, the following standards shall apply in assessing penalty points for convictions of traffic law violations and accident involvement appearing on his/her current driving record:

Convictions for violations included in Table I shall be assessed one (1) penalty point for each occurrence if the date of the violation is within three (3) years of the date of the driving record evaluation.

Accident involvements included in Table II shall be assessed two (2) penalty points if the date of occurrence is within three (3) years of the date of the driving record evaluation. Persons disqualified because of penalty points assessed for accident involvement shall be notified of their right to a review (see Table II for review procedure).

Convictions for violations included in Table III shall be assessed three (3) penalty points for each occurrence if the date of the violation is within three (3) years of the date of the driving record evaluation.

Convictions for violations included in Table IV shall be assessed ten (10) penalty points for each occurrence if the date of the violation is within seven (7) years of the date of the driving record evaluation.

Convictions for violations included in Table V shall be assessed ten (10) penalty points for each occurrence if the date of the violation *occurs on or after October 7, 1996* and is within five (5) years of the date of the driving record evaluation.

The assessment of penalty points is not required for any entry which does not appear in the alphabetized table listings. However, any entry which is deemed comparable to one appearing in these tables should be assessed an equivalent number of penalty points.

*For assistance in determining driver eligibility, please contact the Texas Department of Public Safety
School Transportation Unit at (254) 759-7111.*

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TABLE I
SCHOOL BUS DRIVERS' DRIVING RECORD EVALUATION
One (1) Point Assessments

BRAKES NOT ON ALL WHEELS WHEN REQUIRED	NO PARKING LAMPS
CARRY PASSENGER WITHOUT HELMET	NO REFLECTORS WHEN REQUIRED
CLEARANCE LAMPS IMPROPERLY MOUNTED	NO STOP LAMPS
CLEARANCE LIGHTS NOT VISIBLE SUFF DIST	NO TAIL LAMPS
DEFECTIVE BRAKES	NO TURN SIGNAL LAMPS-WHEN REQUIRED
* DEFECTIVE EQUIP/INABILITY TO CTRL VEH	NO WHITE FLAG ON TOW CHAIN
* DEFECTIVE EQUIPMENT CONDITION	NO WINDSHIELD WIPER OR CABLE
DEFECTIVE HEAD LAMPS	NONE OR DEFECTIVE PARKING BRAKES
DEFECTIVE PARKING LAMPS	*OPERATING WITH DEFECTIVE BRAKES
DEFECTIVE SAFETY GLAZING MATERIAL	*OPERATING WITH DEFECTIVE EXHAUST SYSTEM
DEFECTIVE STOP LAMPS	*OPERATING WITH DEFECTIVE HEADLIGHTS
DEFECTIVE TAIL LAMPS	*OPERATING WITH DEFECTIVE TIRES
DEFECTIVE TURN SIGNAL LAMPS	PULL MORE THAN ONE TRAILER OR VEHICLE
DEFECTIVE WINDSHIELD WIPER	RED LIGHT ON FRONT
DRIVING SAFETY COURSE SEC 143 (A) (1)	REFLECTORS IMPROPERLY MOUNTED
DRIVING SAFETY COURSE SEC 143 (A) (2)	REFLECTORS NOT VISIBLE SUFF DISTANCE
HAZARD MATERIAL PLACARD VIOLATION	SIDE MARKER LAMPS NOT VISIBLE SUFF DIST
HEAD LAMPS GLARING, NOT ADJUSTED	SLOW MOVING VEHICLE EMBLEM VIOLATION
ID LAMPS NOT VISIBLE SUFF DIST	TAIL LAMP IMPROPERLY LOCATED
IMPROPER FLASHING LIGHTS	TELEVISION IMPROPER LOCATED IN VEHICLE
IMPROPER USE OF BACKUP LAMP	TOO MANY AUXILIARY DRIVING LAMPS
IMPROPERLY DIRECTED LAMPS	TOO MANY AUXILLIARY PASSING LAMPS
MIRROR VIOLATION	TOO MANY FOG LAMPS
MORE THAN 4 DRIVING LAMPS LIGHTED	TOO MANY SPOT LAMPS
MUFFLER VIOLATION	UNAUTHORIZED GLASS COATING MATERIAL
MVI INSPECTION VIOLATION	UNAUTHORIZED USE OF SIREN, BELL, WHISTLE
NO AUTO BRAKE APPL ON BREAKAWAY TRAILERS	WARNING DEVICES NOT INSTALLED OR DEFECT
NO BEAM INDICATOR	WRONG COLOR BACKUP LIGHT
NO CLEARANCE LAMPS	WRONG COLOR CLEARANCE LIGHTS
NO FIRE EXTINGUISHER	WRONG COLOR ID LAMP
NO FRONT SEAT BELTS WHEN REQUIRED	WRONG COLOR LICENSE PLATE LIGHT
NO HEAD LAMPS-WHEN NOT EQUIPPED	WRONG COLOR REFLECTORS
NO LICENSE PLATE LIGHT	WRONG COLOR SIDE MARKER
NO MOTORCYCLE ENDORSEMENT	WRONG COLOR SIGNAL DEVICE
NO MUDFLAPS OR IMPROPER MUDFLAPS	WRONG COLOR STOPLIGHT
NO MULTIPLE-BEAM ROADLIGHTING EQUIPMENT	

* ANSI out of state violation

TABLE II
SCHOOL BUS DRIVERS' DRIVING RECORD EVALUATION
Two (2) Point Assessments

- * ACC-CONDITION
- * ACC-NO INDICATION OF FAULT
- * ACC-VIOL MV LAW NO DAMAGE PERSON/PROP
- * ACC-VIOL MV LAW RESULT IN BODILY INJURY
- * ACC-VIOL MV LAW RESULT IN PROP DAMAGE
ACCIDENT
- ACCIDENT FATAL
- ACCIDENT INCAPACITATING INJURY
- ACCIDENT NON-INCAPACITATING INJURY
- ACCIDENT NON-INJURY
- ACCIDENT POSSIBLE INJURY
- * FATALITY CONDITION
- * VIOL MV LAW RESULT IN DEATH OF ANOTHER

* ANSI out of state violations

**REVIEW PROCEDURE
FOR
DISQUALIFICATION APPEAL**

Two (2) points should automatically be assessed for an accident involvement occurring within three (3) years of the date of the driver record evaluation which appears on the driver history record. Applicants disqualified on the basis of penalty points assessed for accident involvements appearing on their driving record may request a review by the person(s) designated by the employer to determine if they were a cause of the accident(s). The applicant must identify the specific accident involvement(s) to be reviewed. Request a copy of the accident report(s) on the approved form. Mail the form to the Accident Records Division, Texas Department of Public Safety at the address listed on the form. The requested reports will be provided on a priority basis without charge.

The designated person(s) shall review information pertinent to the accident(s), which should include the **'Texas Peace Officer's Accident Report'**. In examining this report, consideration of such items as Charges Filed, Investigator's Narrative of What Happened, Diagram, and Factors/Conditions Contributing to the Accident should assist in making a determination as to whether or not the assessment of penalty points is appropriate.

If the designated person(s) reviews the accident report and any other pertinent information and determines that the applicant was not a cause of the accident(s), no penalty points should be assessed. If the designated person(s) determines that the applicant was a cause of the accident(s), two (2) penalty points shall be assessed for each accident.

TABLE III
SCHOOL BUS DRIVERS' DRIVING RECORD EVALUATION
Three (3) Point Assessments

BUS FAILED TO STOP AT RR CROSSING	DROVE TO LEFT OF ROTARY TRAFFIC ISLAND
BUS SHIFTING GEARS WHILE CROSS RR TRACKS	DROVE WITHOUT LIGHTS WHEN REQUIRED
CARELESS DRIVING	DROVE WRONG WAY IN DESIGNATED LANE
CHANGED LANE WHEN UNSAFE	DROVE WRONG WAY ON ONE-WAY ROADWAY
CHILD (4-14) NOT SECURED BY SEAT BELT	DWLS/SR
* COAST/OPERATE WITH GEARS DISENGAGED	* ENDANGER PERSONS/PROP WHILE OPERATE MV
COASTING	ENDORSEMENT VIOLATION-CMV
CONSUME ALCOHOL WHILE DRIVING	* EQUIPMENT MISUSE CONDITION
* CONTEST RACING ON PUBLIC TRAFFICWAY	* EQUIPMENT REGULATION CONDITION
CROSS RR WITH HEAVY EQUIP WITHOUT NOTICE	* EVADE ARREST BY EXTINGUISHING LIGHTS
CROSS RR WITH HEAVY EQUIP W/O STOP/SAFETY	* EVADE ARREST BY FLEEING THE SCENE
CROSSING PHYSICAL BARRIER	EXCESSIVE ACCELERATION
CUT ACROSS DRIVEWAY TO MAKE TURN	* EXCESSIVE SPEEDING-15 MPH OR OVER-CMV
CUT CORNER LEFT TURN	FAIL COMPLY REQ STRIKING UNATTENDED VEH
CUT IN AFTER PASSING	FAIL COMPLY STRIKING FIXTURES ON HIGHWAY
DEPT SUSP B/BTR	FAIL STOP PROPER PLACE-FLASH RED SIGNAL
DEPT SUSP-B/BTR-UNDER 21	* FAIL TO CANCEL SIGNAL AFTER MANEUVER MADE
DID NOT USE DESIGNATED LANE OR DIRECTION	FAIL TO CONTROL SPEED
DISREGARD POLICE OFFICER	* FAIL TO FOLLOW INSTRUCTIONS OF POLICE
DISREGARDED FLASHING RED SIGNAL	* FAIL TO OBEY TRAFFIC SIGN/CNTRL DEVICE
DISREGARDED FLASHING YELLOW SIGNAL	* FAIL TO OBSERVE SAFETY ZONE
DISREGARDED LANE CONTROL SIGNAL	* FAIL TO OBSERVE WARNINGS ON VEHICLE
DISREGARDED NO LANE CHANGE SIGN	* FAIL TO SIGNAL DIRECTION/REDUCE SPEED
DISREGARDED NO PASSING ZONE	FAIL TO STOP FROM ALLEY, DRIVEWAY OR BLDG
DISREGARDED RR CROSSING GATE OR FLAGMAN	FAIL TO STOP PROPER PLACE-NOT INTERSECT
DISREGARDED SIGNAL AT RR CROSSING	FAIL TO STOP PROPER PLACE-TRAFFIC LIGHT
DISREGARDED TRAFFIC CONTROL DEVICE	FAIL TO STOP-DESIGNATED POINT-YIELD SIGN
DISREGARDED TURN MARKS AT INTERSECTION	* FAIL TO USE CARE/CAUTION OPERATING A MV
DISREGARDED WARNING SIGN AT CONSTRUCTION	FAILED TO DIM HEADLIGHTS-FOLLOWING
DRAWBAR OVER 15 FEET	FAILED TO DIM HEADLIGHTS-MEETING
* DRIVE WRONG DIRECTION/ROTARY INTERSECTION	FAILED TO DRIVE IN SINGLE LANE
DRIVER OPENED DOOR IN MOVING TRAFFIC	FAILED TO GIVE ONE-HALF OF ROADWAY
* DRIVING ON SHOULDER/DITCH/SIDEWALK	FAILED TO GIVE WAY WHEN OVERTAKEN
* DRIVING ON WRONG SIDE OF ROAD	FAILED TO KEEP TO RIGHT OF MOUNTAIN ROAD
* DRIVING TOO FAST FOR CONDITIONS	FAILED TO PASS MET VEHICLE TO RIGHT
* DRIVING WRONG WAY ON ONE-WAY STREET	FAILED TO SIGNAL DISTANCE BEFORE TURN
DROVE CENTER LANE-NOT PASS OR LEFT TURN	FAILED TO SIGNAL TURN
DROVE ON SIDEWALK	FAILED TO SIGNAL-FOR STOP
DROVE ON STREETCAR TRACKS WHERE PROHIB	FAILED TO SOUND HORN-MOUNTAIN ROAD
DROVE ON WRONG SIDE-DIVIDED HIGHWAY	FAILED TO STOP AT MARKED RR CROSSING
DROVE ONTO CONTROLLED ACCESS HWY WHERE PROHIBITED	FAILED TO STOP FOR APPROACHING TRAIN
DROVE THROUGH SAFETY ZONE	FAILED TO STOP FOR SCHOOL BUS
	FAILED TO STOP FOR STREETCAR
	FAILED TO USE DUE CARE FOR PEDESTRIANS
	FAILED TO USE PROPER HEADLIGHT BEAM
	FAILED TO YIELD AT STOP INTERSECTION

FAILED TO YIELD AT YIELD INTERSECTION
FAILED TO YIELD RIGHT OF WAY

FAILED TO YIELD ROW AT OPEN INTERSECTION
FAILED TO YIELD TURN RIGHT ON RED SIGNAL
FAILED TO YIELD WHEN CHANGING LANES
* FAILURE TO DIM LIGHTS AS REQUIRED
* FAILURE TO KEEP IN PROPER LANE
* FAILURE TO SIGNAL INTENTION TO PASS
* FAILURE TO YIELD TO OVERTAKING VEHICLE
* FELONY CONDITION
FLEEING FROM POLICE OFFICER
* FOLLOWING EMERGENCY VEHICLE
UNLAWFULLY
* FOLLOWING TOO CLOSELY
* FOLLOWING TOO CLOSELY-CMV
* FSRA/ACCIDENT RESULT PROPERTY DAMAGE
ONLY
* FTY TO SCHOOL BUS
* FTYROW EMERGENCY/OTHER AUTHORIZED
VEHICLE
* FTYROW PED/ANIMAL RIDER/ANIMAL
DRAWN VEH
* FTYROW REQUIRED AT UNSIGNED
INTERSECTION
* FTYROW YIELD/STOP/ENTER FROM PVT
DRIVE
FYROW FOR BLIND OR INCAPACITATED
PERSON
FYROW LEAVING PRIVATE DRIVE, ALLEY, ETC
FYROW-ON GREEN SIGNAL
FYROW ON LEFT AT OBSTRUCTION
FYROW TO EMERGENCY VEHICLE
FYROW TO PED IN CROSSWALK--NO SIGNALS
FYROW TO PED ON SIDEWALK
FYROW TO PEDESTRIAN AT SIGNAL INTERSECT
FYROW-TURN LEFT
* GIVE WRONG SIGNAL
HEAVY EQUIP DISREGARDED SIGNAL OF TRAIN
* HIT AND RUN CONDITION
ILLEGAL BACKING
ILLEGAL LOAD EXTENSION
ILLEGAL PASS ON RIGHT
ILLEGALLY PASSED STREETCAR
IMPEDING TRAFFIC
* IMPROPER BACKING
* IMPROPER ENTRANCE TO/EXIT FROM
TRAFFICWAY
* IMPROPER FOLLOW CONDITION
* IMPROPER LANE CHANGES-CMV
* IMPROPER LANE CHANGING
* IMPROPER LANE CONDITION
IMPROPER LOOKOUT
IMPROPER PASSING

IMPROPER TURN
IMPROPER TURN OR STOP SIGNAL
IMPROPER USE OF AUXILIARY DRIVING LAMPS
IMPROPER USE OF FOG LAMPS
IMPROPER USE OF SPOT LAMPS
INCREASED SPEED WHILE BEING OVERTAKEN
INTERFERE WITH FUNERAL PROCESSION
INTERFERE WITH STREETCAR
LACK OF CAUTION ON GREEN ARROW SIGNAL
* LEAVING SCENE BEFORE POLICE ARRIVE
LEAVING SCENE OF ACCIDENT
MADE U-TURN ON CURVE OR HILL
* MAKE IMPROPER TURN
* MAKE LEFT TURN FROM RIGHT TURN LANE
* MAKE RIGHT TURN FROM LEFT TURN LANE
* MISCELLANEOUS CONDITION
NEGLIGENT COLLISION
NO DRIVER'S LICENSE
NO FLAGS ON PROJECTING LOAD DAYTIME
NO LAMPS OR REFLECTORS ON LOAD AT NIGHT
NO SEAT BELT-DRIVER
NO SEAT BELT-PASSENGER
OBSTRUCTED VIEW THROUGH WINDSHIELD
OBSTRUCTING TRAFFIC
* OPEN DOOR WHILE VEHICLE IS IN MOTION
* OPERATE AT ERRATIC CHANGING SPEEDS
* OPERATE CONTRARY TO COND SPECIFIED ON
DL
OPERATE MOTORCYCLE W/O APPROVED
HEADGEAR
* OPERATE MV WITHOUT APPROPRIATE DL
OPERATE VEHICLE WITH CHILD IN OPEN BED
* OPERATE/USE VEH WITHOUT CONSENT OF
OWNER
OPERATING VEHICLE WHERE PROHIBITED
* OPERATING WITHOUT EQUIP REQUIRED BY LAW
* OVERLOAD VEH W/ PASSENGERS OR CARGO
PARKED DOUBLE
PARKED FAIL TO STOP ENGINE
PARKED ON CROSSWALK
PARKED ON GRADE-FAILED TO TURN WHEELS
PARKED UPON A BRIDGE OR IN TUNNEL
PARKED WITH HEAD LAMPS NOT DIMMED
PARKED WITHIN AN INTERSECTION
PARKED WITHOUT LIGHTS
PARKING ON ROADWAY
PASSED VEHICLE STOPPED FOR PEDESTRIAN
PASSED-INSUFFICIENT CLEARANCE
PASSENGER/LOAD OBSTRUCT VIEW OF DRIVER
* PASSING - INSUFFICIENT DISTANCE/VISION
* PASSING BARRIER PROHIBITING TRAFFIC
* PASSING CONDITION

* IMPROPER START FROM A PARKED POSITION

- * PASSING ON THE WRONG SIDE
- * PASSING SCHOOL BUS UNLAWFULLY
- * PASSING WHERE PROHIBITED
- PROBATION BBTR
- PROHIBITED MTR VEH ON CONTROL ACCESS HWY
- RACING
- * RAN OFF ROAD
- RAN RED LIGHT
- RAN STOP SIGN
- * RECKLESS - CARELESS - NEGLIGENT CONDITION
- RECKLESS DRIVING
- * RECKLESS DRIVING-CMV
- RESTRICTION VIOLATION-CMV
- * RIGHT OF WAY CONDITION
- * SEX OFFENSE IN A MOTOR VEHICLE
- * SIGNAL INTENT CONDITION
- * SIGNS/CONTROL DEVICE CONDITION
- SLOWER VEHICLE FAILED TO KEEP TO RIGHT
- * SPEED LESS THAN POSTED MINIMUM
- SPEED-15 MPH OR MORE OVER POSTED LIMIT
- SPEED UNDER MINIMUM
- SPEEDING
- * SPEEDING CONDITION
- * SPEED IN EXCESS OF POSTED MAXIMUM
- * TAMPER/ILLEGAL DISPLAY TRAF CNTRL DEVICE
- TOO MANY RIDERS ON MOTORCYCLE
- * TOWING OR PUSHING VEHICLE IMPROPERLY
- * TRANSPORT HAZMAT WITHOUT PRECAUTIONS

*ANSI out of state violations

- * TRUCK FAIL TO LEAVE SUFFICIENT DISTANCE
- * TURN CONDITION
- TURNED LEFT FROM WRONG LANE
- TURNED RIGHT FROM WRONG LANE
- TURNED RIGHT TOO WIDE
- TURNED WHEN UNSAFE
- TURNED ACROSS DIVIDING SECTION
- UNRESTRAINED CHILD UNDER FOUR
- UNRESTRAINED CHILD UNDER TWO
- * UNSAFE OPERATION OF VEHICLE
- UNSAFE SPEED
- UNSAFE START
- * USE MV AS DEVICE TO COMMIT A FELONY
- * USE MV FOR ILLEGAL ACTIVITY/ NO FELONY
- * USE MV IN CONNECTION WITH A FELONY
- * USE MV TO AID AND ABET A FELON
- * USE OF EQUIPMENT PROHIBITED BY LAW
- VEH HAUL EXPL FAIL REDUCE SPEED AT RR CROSSING
- VEH HAUL EXPL FAIL STOP AT RR CROSSING
- * VIOL IN CONNECTION W/FATAL ACCIDENT-CMV
- VIOLATE DL RESTRICTION
- VIOLATE DL RESTRICTION ON OCC LICENSE
- VIOLATION OF RESTRICTION CONDITION
- WARNING DEVICES NOT DISPLAYED
- * WILLFUL/WANTON DISREGARD-CMV
- WRONG SIDE OF ROAD
- WRONG SIDE ROAD-NO PASSING ZONE
- * WRONG WAY/SIDE/DIRECTION CONDITION

TABLE IV
SCHOOL BUS DRIVERS' DRIVING RECORD EVALUATION
Ten (10) Point Assessments

AGGRAVATED ASSAULT WITH MOTOR VEHICLE	* DWI CONDITION
ALCOHOL BEVERAGE CODE OFFENSE	DWI-BOND FORFEITURE
CONTROLLED SUBSTANCE ACT OFFENSE	* DWI/ALCOHOL NARC OR PATHOGENIC DRUGS
CRIMINAL NEGLIGENT HOMICIDE	DWLS-BOND FORFEITURE
DANGEROUS DRUG ACT OFFENSE	FAILURE TO STOP AND RENDER AID
DISQ-BBUTR-CMV	* FELONY - USE OF CMV
DISQ-BBUTR-CMV-HAZT	* FELONY - USE OF CMV - CONTROLLED SUBSTANCE
DRIVE WHILE LICENSE SUSPENDED	FELONY-USE OF CMV
* DRIVER UNDER INFLUENCE - ALCOHOL - CMV	FELONY-USE OF CMV-CONTROLLED SUBSTANCE
* DRIVING AFTER LICENSE DENIED	* FSRA/ACCIDENT RESULT IN BODILY INJURY
DRIVING UNDER INFLUENCE	* ILLEGAL POSSESSION ALCOHOL/DRUGS IN MV
* DRIVING UNDER INFLUENCE - DRUGS - CMV	INVOLUNTARY MANSLAUGHTER
DRIVING UNDER INFLUENCE OF DRUGS	* LEAVING THE SCENE - CMV
* DRIVING WHILE IMPAIRED	MURDER WITH MOTOR VEHICLE
DRIVING WHILE INTOXICATED	PROB .04 OR MORE-CMV
DRIVING WHILE INTOXICATED-PROBATED	PROB .04 OR MORE-CMV-HAZT
DRIVING WHILE INTOXICATED-SEC 24 (A-1) (1)	PROB-BBUTR-CMV
DRIVING WHILE LICENSE DISQUALIFIED - CMV	PROB-BBUTR-CMV HZMT
* DRIVING WHILE REVOKED	* REFUSE TEST FOR ALCOHOL - DWI
* DRIVING WHILE SUSPENDED	VOLATILE CHEMICAL ACT OFFENSE
DRUG OFFENSE SEC 24B	
* DUI - MEDICATION/NON-CONTROLLED SUBSTANCE	

*ANSI out of state violations

TABLE V
SCHOOL BUS DRIVERS' DRIVING RECORD EVALUATION
Ten (10) Point Assessments

ASSESS 10 PENALTY POINTS PER ADMINISTRATIVE LICENSE REVOCATION (ALR) SUSPENSION/DISQUALIFICATION ONLY IF THE VIOLATION OCCURS ON OR AFTER OCTOBER 7, 1996.

* ADMINISTRATIVE PER SE	ALR SUSPENSION - REFUSAL
ALR CMV DISQUALIFICATION - .04 OR MORE	* DISQUALIFIED - ALCOHOL .04/MORE - CMV
ALR CMV DISQUALIFICATION - .04 OR MORE - HAZMAT	* DISQUALIFIED - ALCOHOL .04/MORE - CMV - HAZMAT
ALR CMV DISQUALIFICATION - REFUSAL	* DISQUALIFIED - REFUSE ALCOHOL TEST - CMV - HZM
ALR CMV DISQUALIFICATION - REFUSAL - HAZMAT	* DISQUALIFIED - REFUSED ALCOHOL TEST - CMV
ALR SUSPENSION - FAILURE	

*ANSI out of state violations

**REVIEW PROCEDURE
FOR
DISQUALIFICATION APPEAL**

Ten (10) penalty points should automatically be assessed for any of the code entries listed above that appear on the driver's license record of a school bus driver *if the violation occurred on or after October 7, 1996*. Any persons disqualified from driving a school bus on the basis of penalty points assessed from an Administrative License Revocation (ALR) suspension or disqualification appearing on their driver's license record and who has properly filed an appeal, may request the points be withdrawn pending appeal of the ALR judge's decision.

The school bus driver must provide to the designated person(s) a file-stamped copy of the appeal filed with the State Office of Administrative Hearings and Texas Department of Public Safety. Once the designated person(s) has confirmed that an appeal has been properly filed, the penalty points assessed for an ALR suspension or disqualification shall be removed from the applicant's driving record *pending* the final decision of the appeal if:

(1) the applicant's driver's license has not been suspended as a result of any alcohol-related or drug-related enforcement contact (as defined in the Texas Transportation Code Annotated § 524.001) during the five (5) years preceding the date of the person's arrest; and

(2) the person has not been convicted during the ten (10) years preceding the date of the person's arrest of an offense under:

(A) Article 67011-1, Revised statutes, as that law existed before September 1, 1994;

(B) Section 19.05(a)(2), Penal Code, as that law existed before September 1, 1994;

(C) Section 49.04, Penal Code; or

(D) Section 49.07 or 49.08, Penal Code, if the offense involved the operation of a motor vehicle.

A withdrawal of the penalty points under this table is effective for not more than ninety (90) days after the date the appeal petition is filed. On the expiration of the ninetieth day, the person(s) designated by the employer shall assess ten (10) penalty points. An extension of the ninety day period or additional time shall not be allowed.

If, in the final decision of the court, the driver's license is not suspended/disqualified, no penalty points shall be assessed. If, in the final decision of the court, the driver's license is suspended or disqualified, ten (10) penalty points shall be assessed for each suspension or disqualification arising from a separate arrest.

Credit for concurrent suspension arising from same alcohol-related incident

If a criminal conviction occurs that arises out of the same arrest as the ALR suspension/disqualification, the penalty points shall be assessed for the Table IV criminal conviction only. Any disqualification time already served under the Table V disqualification will be credited to the Table IV disqualification time period. The total disqualification period arising out of the same arrest shall not be longer than seven (7) years.