

**DRIVER EDUCATION SCHOOLS AND INSTRUCTORS**  
**(DES)**

**Class A**

Penalty Range:  
\$100 to \$250

**Administrative Violations**

- Failed to require a student to complete 30 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night as required 1001.101(b)(3)
- Failed to carry instructor's license at all times 1001.356
- Failed to maintain a current mailing address, telephone and e-mail address with the department 84.41(a)(1)
- Failed to ensure that no instructor provides more than 10 hours of behind-the-wheel instruction per day 84.41(a)(6)
- Failed to maintain a record reconciling all DE-964s and ADE-1317s 84.43(a)
- Failed to maintain a record reconciling all certificate numbers 84.43(d)(1)
- Failed to notify the department of a change of address in writing within 30 days 84.44(g)
- Failed to provide a statement stating the conditions for dismissal 84.47(1)
- Failed to provide a statement stating the conditions for reentry of students 84.47(2)
- Failed to properly display a copy of the establishment's most recent inspection report 84.100(e)

**Posting and Public Information-Related Violations**

- Failed to notify consumers and service recipients of the department's complaint information 84.41(c)(4);  
84.83(c); 84.84

**Operations-Related Violations**

- Failed to make every effort to resolve disputes between students and the school 84.83(b)

## **Class B**

Penalty Range:

\$150 to \$500 and/or up to 1-year full suspension

### **Administrative Violations**

- Failed to apply for a new driver training school license at least 30 days before the date of a change of ownership 1001.213(b)
- Failed to notify the department in writing of any change of address at least 15 days before the move of a driver education school 84.40(e)(1)
- Failed to submit change of address fee prior to actual move 84.40(e)(2)
- Failed to report all unaccounted DE-964s and ADE-1317s to the department within 15 working days 84.43(b)(3)
- Failed to submit findings of the investigation of unaccounted DE-964 and ADE-1317s to the department within 30 days 84.43(b)(3)
- Failed to issue a duplicate DE-964 or ADE-1317 which indicates the control number of the original certificate 84.43(c)
- Failed to make available to the department upon request an ascending numerical accounting record of certificates issued 84.43(d)(3)
- Failed to report all unaccounted numbers or certificates to the department within 5 working days 84.43(d)(6)
- Failed to submit findings of the investigation of unaccounted numbers or certificates to the department within 30 days 84.43(d)(6)
- Failed to sequentially number original driver education certificates from the block of numbers purchased from the department 84.43(d)(9)
- Failed to ensure the duplicate driver education certificate bears a serial number from the block of numbers purchased from the department by the school 84.43(d)(10)
- Failed to ensure the duplicate driver education certificate contains the number of both the duplicate and the original serial number of the certificate being replaced 84.43(d)(10)
- Failed to provide a cancellation and refund policy in accordance with Code and chapter 84.200(a)

### **Advertising Violations**

- Used advertising that was false, misleading, or deceptive 1001.451(1); 84.80(d)
- Failed to use the same name at branch school as the primary school 84.40(i); 84.80(c)

- Advertised or otherwise stated or implied that a driver's license, permit or DE-964 is guaranteed or assured to any student or individual who will take or complete a course 84.40(j)
- Failed to include the school name or number exactly as it appears on the driver education school license 84.40(k)
- Conducted business or advertised under a name that is deceptively similar to another without approval 84.80(a)
- Used names other than the approved school name 84.80(b)

### **Instructor Violations**

- Failed to abide by the Program of Organized Instruction 84.44(b)(1)(B); 84.44(b)(2)(B)
- Performed other than in-car instruction as a teaching assistant 84.44(b)(3)(C)
- Failed to provide evidence of completing an approved continuing education course 84.44(d)(1)

### **Curriculum-Related Violations**

- Provided courses not on the school's list of approved courses 84.41(a)(3)

### **Operations-Related Violations**

- Failed to request an initial inspection from the department 84.101(b)
- Conducted a class at a contract site without prior approval 84.40(l)
- Failed to ensure that all instructors are currently licensed by the department 84.41(a)(2)
- Failed to implement appropriate standards to ascertain the progress of students 84.45; 84.45(1); 84.45(2); 84.45(3)
- Failed to limit driver education training to 5 hours per day 84.46(c)
- Failed to limit classroom instruction to 2 hours per day 84.46(c)
- Failed to limit in-car instruction to 3 hours per day 84.46(c)
- Failed to limit behind-the-wheel instruction to 1 hour per day, except as otherwise provided 84.46(c)(1)
- Failed to include 10-minute break when giving a 2-hour behind-the-wheel instruction 84.46(d)
- Failed to complete a student's hours of instruction within the timeline specified in the original student enrollment contract 84.46(e)
- Initiated or encouraged student absences 84.46(f)
- Failed to obtain parent or guardian agreement for any variance to the timeline in the original enrollment contract 84.46(i)
- Failed to have a written grievance procedure that is disclosed to all students 84.83(a)
- Failed to comply with all state and local ordinances governing housing and safety 84.90(d)

- Failed to retain proof of completion of the refund on file within 75 days of the effective date of termination 84.200(d)
- Failed to identify on refund check student to whom the refund is assigned 84.200(d)

### **Record-Related Violations**

- Failed to make available accurate records as required 1001.451(2);  
84.40(h)(1);  
84.81(a)(1)
- Failed to make available records and all unissued or unnumbered certificates readily available to the department for review 84.43(d)(2)
- Failed to document and maintain student attendance records daily 84.46(a);  
84.81(a)(3)
- Failed to ensure electronic signatures comply with Tex. Bus. and Comm. Code, Ch. 322 84.46(a);  
84.82(a)(1)
- Failed to accurately complete all school records and applications 84.81(a)(1)
- Failed to include in the records accurate timecards and schedules for instructors 84.81(a)(1)
- Failed to retain student records for at least 3 years 84.81(a)(2)
- Failed to maintain student completion records at the site of instruction for 12 months 84.81(a)(2)
- Failed to include required information in the attendance records 84.81(a)(3)(A);  
84.81(a)(3)(B);  
84.81(a)(3)(C);  
84.81(a)(3)(D);  
84.81(a)(3)(E)
- Failed to furnish each student a duplicate of his or her completed instruction record
- Released prohibited student identifying information 84.81(a)(3)(F)
- Failed to include required information in all driver education student enrollment contracts 84.82(a)(2);  
84.82(a)(3)
- Failed to include a copy of each contract in the student file 84.82(a)(5)
- Failed to maintain refund documents for 75 days from the date of termination 84.200(d)

### **Vehicle-Related Violations**

- Conduct in-car instruction in a vehicle not owned or leased by the driver education school 84.42
- Failed to ensure all vehicles used by the school were properly registered and inspected by the Texas Department of Motor Vehicles 84.42(1)
- Failed to ensure all vehicles used by the school are equipped with a dual control brake pedal 84.42(2)

- Failed to ensure all vehicles used by the school are equipped with an extra inside rearview mirror on the instructor's side and an outside rearview mirror on both sides. 84.42(3)
- Failed to ensure all vehicles used by the school are properly insured 84.42(4)

## **Class C**

Penalty Range:

\$250 to \$750 and/or up to revocation

### **Administrative Violations**

- Failed to notify the department within 15 working days of a driver training school closing and the last day of classes 1001.451(2); 84.40(h)(1)
- Failed to provide written notice to the department of the last day of classes 84.40(h)(1)

### **Certificate-Related Violations**

- Issued, sold, traded or transferred a certificate to a person or driver training school not authorized to possess the certificate 1001.451(3)(A)
- Issued, sold, traded or transferred a certificate to a person who has not successfully completed a department-approved course 1001.451(3)(C); 84.41(a)(4); 84.43(d)(5); 84.45(4)
- Failed to develop and maintain a department-approved method for printing and issuing original and duplicate driver education certificates that prevents the unauthorized production or misuse 84.41(c)(3)
- Transferred unassigned DE-964s and ADE-1317s to another school without department approval 84.43(b)(2)
- Failed to maintain effective protective measures to ensure that unissued DE-964s and ADE-1317s are secure 84.43(b)(3)
- Failed to conduct an investigation to determine the circumstances surrounding the unaccounted DE-964s and ADE-1317s 84.43(b)(3)
- Failed to return unissued DE-964 and ADE-1317 certificates to the department within 30 days from the date the school closed 84.43(b)(4)
- Failed to implement and maintain a policy which effectively ensures protective measures for securing certificates numbers 84.43(d)(2)
- Failed to maintain electronic files with data pertaining to all driver education certificate numbers purchased from the department 84.43(d)(3); 84.43(d)(4)
- Failed to ensure security of electronic files and data 84.43(d)(3); 84.43(d)(4)

- Failed to report all unaccounted driver education numbers to the department within 5 working days of the discovery 84.43(d)(6)
- Failed to submit a report of the findings of the investigation of unaccounted driver education numbers to the department within 30 days of the discovery 84.43(d)(6)
- Transferred driver education certificate numbers to another school without department approval 84.43(d)(8)
- Failed to return unissued DE-964 and ADE-1317 certificate numbers to the department within 30 days from school closure 84.43(d)(11)

### **Curriculum-Related Violations**

- Failed to require minimum 32-hours of classroom instruction 1001.101(a);  
84.500(b)(1)(A)(i)
- Failed to require a student to complete 7 hours of behind-the-wheel instruction as required 1001.101(b)(1)
- Failed to require a student to complete 7 hours of observation instruction as required 1001.101(b)(2)
- Offered an adult driver education course that was not 6 hours 1001.1015(b)(1)
- Offered an adult driver education course that did not include instruction in required content 1001.1015(b)(2)

### **Facility-Related Violations**

- Conducted a course in a facility not approved by the department 84.90(a)
- Conducted a course in a private residence 84.90(b)
- Failed to meet the use requirements of the maximum number of current students 84.90(c)
- Failed to ensure classroom facilities, when used for instruction, met all requirements 84.90(e)
- Failed to provide designated instructional areas that ensure students are able to see and hear the instructor and audiovisual aids 84.90(f)

### **License or Inspection-Related Violations**

- Operated a school that provides a driver education course without a driver education school license 1001.201(1)
- Taught a driver education course at a branch location of a driver education school without a separate driver education school license for its main business location and each branch location 1001.202(a)
- Taught or provided driver education without a driver education instructor license 1001.251(a)
- Conducted a course of instruction before the date the driver training school receives a driver training school license 1001.452

- Failed to obtain original license or branch school upon purchasing a licensed driver education school 84.40(d)(1)
- Operated a driver education school which has changed ownership without an inspection and approval by the department 84.101(a)

### **Operations-Related Violations**

- Conducted any part of a driver education course without having an instructor physically present 1001.451(5)
- Failed to ensure all instructors are properly licensed with the correct endorsement 84.41(a)(2)
- Authorized, approved, or conducted instruction in a motor vehicle that failed to meet all requirements 84.41(a)(5)
- Failed to develop and maintain a means to ensure the security and integrity of student information 84.41(c)(1); 84.41(c)(2)
- Refused to cooperate with an inspector in the performance of the inspection 84.100(d); 60.23(a)(3)

### **Tuition and Refund-Related Violations**

- Failed to refund all tuition and fees paid on the discontinuation of a course 1001.403
- Negotiated a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except as permitted 1001.451(4)
- Failed to assume all refund liabilities incurred by the seller or any former owner 84.40(d)(2)
- Failed to provide a pro-rata refund (without deducting administrative expense) to a student who is not willing to change location 84.40(e)(3)
- Failed to provide a pro-rata refund (without deducting administrative expense) to a student of a branch school that closes 84.40(h)(3)
- Failed to execute a student contract prior to receiving any money 84.82(a)(1)
- Failed to issue refund that corresponds to the actual instructional hours not provided 84.200(c)
- Failed to complete refund within 30 days after the effective date of termination except as allowed under §84.46 84.200(d)

## **Class D**

Penalty Range:

\$1,000 and/or revocation

### **Compliance, Fraud or Unethical Conduct-Related Violations**

- Failed to comply with an order of the executive director or commission 51.353(a)
- Instructor failed to meet a requirement for issuance of or holding a license 1001.455(a)(1)
- Instructor permitted or engaged in misrepresentation, fraud or deceit in applying for obtaining a certificate, license or permit 1001.455(a)(2)
- Instructor induced fraud or fraudulent practices in an action between the application for a driver's license or permit 1001.455(a)(3)
- Instructor permitted or engaged in any other fraudulent practice in an action between the applicant or license holder and the public 1001.455(a)(4)