

COURSE PROVIDERS
(DES)

Class A

Penalty Range:
\$100 to \$250

Administrative Violations

- Failed to provide the department written notice of a driver safety school closure within 5 days of being notified 84.60(g)(2)
- Failed to maintain a current mailing address with the department 84.61(b)(2)
- Failed to ensure that applications for licenses or approvals are forwarded to the department within 10 days of receipt at the course provider facilities 84.61(b)(5)
- Failed to ensure that instructor performance is monitored and documented as required 84.61(b)(6)
- Failed to keep instructor evaluation forms on file either at the course provider or school location for a period of 1 year 84.61(b)(6)
- Failed to notify the department of the closure date of the course provider at least 15 business days before the closure 84.62(j)
- Failed to include information regarding duplicate certificate in the student enrollment contract 84.63(a)(16)
- Failed to implement and maintain methods for efficiently issuing and mailing original uniform certificates 84.63(a)(17)
- Failed to include required statement in any contract or instrument transferring the ownership of a course provider 84.62(g)(2)
- Failed to ensure a copy of each contract is a part of the student files maintained by the course provider 84.82(b)(5)
- Failure of a course provider to submit proposed or amended contracts to the division for approval prior to use by schools 84.82(b)(6)

Posting and Public Information-Related Violations

- Failed to have a written grievance procedure that is disclosed to all students 84.83(a)
- Failed to notify consumers and service recipients of the department's complaint information as required 84.83(c); 84.84; 84.61(b)(11)

Class B

Penalty Range:

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

Administrative and Records Violations

- Fail to make available accurate records as required 1001.451(2)
- Failed to ensure the issue date indicated on the certificate is the date the course provider mailed the certificate to the student 84.61(b)(10)
- Failed to notify the department in writing of any change of address at least 15 working days before the move 84.62(h)
- Fail to submit appropriate fee and all documents 84.62(h)
- Failed to make all records available for review by the department within 30 days of the date the course provider closed 84.62(j)
- Failed to ensure course provider or course provider facilities are located within the United States 84.62(k)
- Fail to report the findings of the investigation, including preventative measures for recurrence, to the department within 30 days of the discovery. 84.63(a)(7)
- Failed to sequentially number original uniform certificates of course completion from the block of numbers purchased from the department 84.63(a)(13)
- Failed to ensure that a duplicate uniform certificate of course completion issued by the course provider bears a serial number from the block of numbers purchased from the department by the course provider 84.63(a)(14)
- Failed to clearly indicate the number of both the duplicate and the original serial number of the certificate being replaced on a duplicate certificate of course completion 84.63(a)(14)
- Failed to clearly indicate both the original data and the replacement data on any item on a duplicate uniform certificate of course completion that has different data than that shown on the original certificate 84.63(a)(15)
- Failed to issue a duplicate uniform certificate of course completion at no cost to the student when required 84.63(a)(16)
- Failed to ensure that schools endorsed to offer the approved course are aware of the requirement to issue a duplicate uniform certificate of course completion at no cost to the student when required 84.63(a)(16)
- Failed to provide evidence to the department of an instructor's completion of continuing education 84.64(e)(1)
- Failed to locate the course provider at the physical address stated on the course provider license 84.90(i)

Advertising Violations

- Used advertising that was false, misleading, or deceptive 1001.451(1); 84.80(d)
- Conducted business or advertised under a name that is deceptively similar to another without approval 84.80(a)
- Used names other the approved course provider name 84.80(b)

Operations-Related Violations by a Course Provider

- Operated as a course provider without a current course provider license 1001.201(3)
- Failed to issue and deliver within 15 working days a uniform certificate of course completion to a person who successfully completes an approved driving safety course 1001.351(a)
- Failed to electronically submit to the department data relating to uniform certificates of course completion issued by the course provider 1001.351(b)
- Failed to conduct driving safety instructor development courses as required 1001.351(c)
- Refused to cooperate with an investigation by an authorized representative of the department 60.23(a)(3)
- Failed to be located or maintain a registered agent in the State of Texas 84.61(a); 84.71(b)
- Failed to ensure that instruction of the course is provided in a school currently approved to offer the course 84.61(b)(1)
- Failed to ensure that instruction of the course is provided in the manner in which the course was approved 84.61(b)(1)
- Failed to ensure that the course is provided by persons who have a valid current instructor license with the proper endorsement, except otherwise provided 84.61(b)(3)
- Failed to ensure that schools and instructors are provided with the most recent approved course materials, data and information within 60 days of approval 84.61(b)(4)
- Failed make the corporate privacy policy available to all course students 84.61(b)(8)
- Failed to submit a complete application for the renewal of a license for a course provider before the expiration of the license 84.62(i)
- Failed to ensure that adequate training is provided regarding course provider policies and updates on course provider policies to all driving safety schools and instructors 84.63(a)(6)
- 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 furnish upon request any data pertaining to student enrollments and attendance to show compliance with the legal requirements for inspection 84.81(b)(1)
- Failed to retain all student records for at least 3 years 84.81(b)(2);
84.63(a)(2)
- Failed to maintain the records of the students who completed driving safety or specialized driving safety classes for the most current 12 months at the course provider location 84.81(b)(2)
- Failed to retain the actual test of each student for a designated period of time if required 84.81(b)(2)
- Failed maintain a permanent record of instruction given to each student who received instruction to include students who withdrew or were terminated 84.81(b)(3)
- Failed to restrict release of student records that identify the student by name or address, except as permitted 84.81(b)(4)

Class C

Penalty Range:
\$250 to \$750 and/or up to revocation

Certificate-Related Violations by a Course Provider

- Failed to provide for the printing and issuance of original and duplicate certificates in a manner that prevents the unauthorized production or the misuse of the certificates 1001.056(c-1);
84.63(a)(5)
- Failed to issue all original and duplicate certificates as required 1001.056(g);
84.63(a)(9)
- Issued, sold, traded or transferred a uniform certificate of course completion to a person who has not successfully completed an approved, 6-hour driving safety course 1001.451(3)(B);
84.63(a)(11)
- Failed to ensure the security of the data 84.61(b)(7);
84.61(b)(8);
84.63(a)(3)
- Failed to develop and maintain a department-approved method for printing and issuing original and duplicate uniform certificates of course completion that prevents the unauthorized production or misuse of the certificates 84.61(b)(9)
- Failed to report original and duplicate certificate data, by secure electronic transmission, to the department within 30 days of issue using guidelines established and provided by the department 84.61(b)(10)

- Failed to be responsible for original and duplicate uniform certificates of course completion as required 84.63(a)
- Failed to ensure that each instructor completes the verification of course completion document approved by the department 84.63(a)(1)
- Failed to ensure the verification of course completion document is signed by the instructor and contains the required statement 84.63(a)(1)
- Failed to implement and maintain a policy which effectively ensures protective measures are in use at all times for securing original and duplicate uniform certificates of course completion and course completion certificate numbers 84.63(a)(2)
- Failed to ensure the records and unissued or unnumbered original and duplicate uniform certificates of course completion are readily available for review by representatives of the department 84.63(a)(2)
- Failed to maintain electronic files with data pertaining to all course completion certificate numbers purchased from the department 84.63(a)(3)
- Failed to make available to the department upon request an ascending numerical accounting record of the numbered uniform certificates of completion issued 84.63(a)(3)
- Failed to ensure that effective measures are taken to preclude lost data and that a system is in place to recreate electronic data for all certificate numbers and all certificates that have been issued 84.63(a)(4)
- Fail to report all unaccounted original and duplicate course completion certificate numbers or unissued certificates or duplicates to the department within 5 business days of the discovery of the incident 84.63(a)(7)
- Failed to be responsible for conducting an investigation to determine the circumstances surrounding the unaccounted items 84.63(a)(7)
- Transferred course completion certificate numbers to a course other than the course for which the certificates were ordered from the department 84.63(a)(10)
- Issued, mailed, transferred or transmitted an original or duplicate uniform certificate of course completion bearing the serial number of a certificate or duplicate previously issued 84.63(a)(12)

Advertising Violations

- Distributed within 500 feet of a court written information that advertises a course provider 1001.453(a);
1001.453(b)

License-Related Violations

- Operated as a course provider without a course provider license 1001.201(3)
- Fail to apply for a new course provider license at least 30 days before the date of the change of ownership 1001.213(b)

- Failed to obtain an original license upon purchasing a licensed course provider 84.62(g)(1)

Tuition and Refund-Related Violations

- Fail to refund all tuition and fees paid on the discontinuation of a course by a course provider 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)
- Fail to provide a cancellation and refund policy in accordance with Code and chapter 84.200(a)
- 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

- Failed to comply with an order of the executive director or commission 51.353(a)