

19A NCAC 03G .0209 CANCELLATION OF CERTIFICATION

(a) The Division of Motor Vehicles shall cancel the school bus driver certificate of any driver for the following reasons:

- (1) Any determination that the certificate was issued on the basis of misinformation, false statements, or fraud.
- (2) A suspension, revocation, or cancellation of the driver license.
- (3) Conviction of any of the following motor vehicle moving offenses:
 - (A) Driving while impaired;
 - (B) Passing a stopped school bus;
 - (C) Hit and run;
 - (D) Careless and reckless driving;
 - (E) Excessive speeding involving a single charge of speeding more than 15 miles per hour above the posted speed limit;
 - (F) Two convictions within a period of 12 months;
 - (G) A violation committed while operating a school bus.
 - (H) A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident;
 - (I) Improper or erratic lane changes;
 - (J) Following the vehicle ahead too closely;
 - (K) Driving a commercial motor vehicle without obtaining a commercial driver's license;
 - (L) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession. However, a person shall not be convicted of failing to carry a commercial driver's license if by the date the person is required to appear in court for the violation he or she produces to the court a commercial driver's license that was valid on the date of the offense;
 - (M) Driving a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported.
- (4) A determination of physical or mental inadequacy under the provisions of the physical requirements noted in Rule .0205 of this Section.
- (5) A local cancellation of certification, in the discretion of the local administrative unit, for violation of local regulations, submitted to the Driver Education Specialist for cancellation at the state level. If there is not an offense or conviction that would require a mandatory cancellation by the Section, the Driver Education Specialist shall handle the cancellation locally by canceling the certificate at the garage and retain the pocket card in his files.
- (6) A driving record which in its overall character arouses question about the reliability, judgment, or emotional stability of the driver.
- (7) Conviction of a violation of G.S. 20-142.1 through 20-142.5 when the driver is operating a commercial motor vehicle. The driver shall be disqualified from driving a commercial motor vehicle as follows:
 - (A) For a period of 60 days if convicted of a first violation of a railroad grade crossing offense listed in this Subparagraph;
 - (B) For a period of 120 days if convicted during any three-year period of a second violation of any combination of railroad grade crossing offenses listed in this subparagraph;
 - (C) For a period of one year if convicted during any three-year period of a third or subsequent violation of any combination of railroad grade crossing offenses listed in this Subparagraph.

(b) Upon recommendation of the Driver Education Specialist or local school officials, the Division of Motor Vehicles shall require re-examination of any certified driver whose qualifications become questionable or who exhibits evidence of improper or unsafe driving practices and driving procedures. If such a re-examination reveals a problem, the Driver Education Specialist shall suspend the certified driver from driving any school bus pending re-training of the driver. If the problem cannot be corrected, the Driver Education Specialist shall cancel the certification of the school bus driver.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;

Amended Eff. June 1, 2004; August 1, 2000; December 1, 1993; August 1, 1991; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.