

SUBCHAPTER 03G - SCHOOL BUS AND TRAFFIC SAFETY SECTION

SECTION .0100 - GENERAL INFORMATION

19A NCAC 03G .0101 PURPOSE

This Subchapter deals with various driver education programs designed to improve driving skills and promote traffic safety. Rules for commercial driver training schools and school bus driver certification are also established. The following publications are available from the School Bus and Traffic Safety Section of the Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, NC 27697:

- (1) Rules Governing the Licensing of Commercial Driver Training Schools;
- (2) Rules Governing the Issuance and Cancellation of School Bus Driver Certificates;
- (3) Schedule of Driver Improvement Clinics.

History Note: Authority G.S. 20-1; 20-3; 20-7(m); 20-16(c); 20-39(b); 20-88.1; 20-218; 20-320 through 20-328; Eff. July 1, 1978;
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0102 FORMS AND PUBLICATIONS

All forms and publications pertaining to this Subchapter are on file in the Commissioner's Office and are available for inspection during normal working hours.

History Note: Authority G.S. 20-1; 20-39(b);
Eff. July 1, 1978;
Amended Eff. December 1, 1993; February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0103 PUBLICATIONS

History Note: Authority G.S. 20-1; 20-218;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

SECTION .0200 - SCHOOL BUS DRIVER TRAINING AND CERTIFICATION

19A NCAC 03G .0201 SCHOOL BUS DRIVER TRAINING

19A NCAC 03G .0202 REQUIREMENTS FOR CERTIFICATION

History Note: Authority G.S. 20-1; 20-218;
Eff. July 1, 1978;
Amended Eff. February 1, 1982;
Repealed Eff. April 1, 1989.

19A NCAC 03G .0203 SCHOOL BUS DRIVER CERTIFICATES - SCOPE OF RULES

The officials of the North Carolina Division of Motor Vehicles recognize the authority of the local school officials of the various county and city administrative units to select, assign, and dismiss school bus drivers. The rules set out in this Section define the eligibility requirements for certification of school bus drivers as established by the Division of Motor Vehicles and set the standards of performance and conduct necessary to retain certification.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Amended Eff. August 1, 2000; December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0204 DEFINITIONS OF WORDS AND PHRASES

The following words and phrases when used in the rules set out in this Section shall, for the purposes of the rules set out in this Section, have the meanings respectively prescribed to them, except in those instances where the context clearly indicates a different meaning:

- (1) Conviction--A conviction upon a plea of guilty, or of nolo contendere; or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended, and it includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant, unless the forfeiture has been vacated, and shall include prayer for judgment continued.
- (2) Driver Education Specialist or representative--An employee of the Division of Motor Vehicles whose job title it is and whose primary responsibility is the training and certification of school bus drivers.
- (3) Driving Privilege--The privilege to operate a motor vehicle upon the highways of this state as evidenced by a Class A, B, or C driver license issued by the Driver License Section of the North Carolina Division of Motor Vehicles.
- (4) Moving violation--Any violation of the motor vehicle laws of this state, except:
 - (a) Those offenses for which no points may be assessed under the point system specifically set forth in General Statutes 20-16(c);
 - (b) Those equipment violations specified in Part 9 of Article 3 of Chapter 20 of the General Statutes.
- (5) Proximate Cause of an Accident--Any violation of the motor vehicle laws of this state which contributed directly to an accident. Some violations not involving actual physical driving actions shall not be considered proximate causes although they may be assessed points under the point system specifically set forth in General Statutes 20-16(c), including but not limited to:
 - (a) No driver's license;
 - (b) No liability insurance;
 - (c) Failure to report an accident;
 - (d) No motorcycle endorsement; and
 - (e) Other offenses of a like character not involving some actual physical driving action.
- (6) School Bus--Any vehicle, of whatever size and passenger capacity, whose primary and designated purpose is the transportation of school students over an established route to and from school for the regularly scheduled school day and which is equipped with alternately flashing red lights on the front and rear and a mechanical stop signal and which bears the words "School Bus" on the front and rear in letters not less than eight inches in height.
- (7) School Bus and Traffic Safety Section--That section of the North Carolina Division of Motor Vehicles whose primary responsibility is the training and certification of school bus drivers.
- (8) Training Course for School Bus Drivers--The course of study developed by the North Carolina Division of Motor Vehicles which sets forth the rules and laws governing school bus drivers and school bus operation as prescribed by the Division of Motor Vehicles and the State Board of Education.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Amended Eff. December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0205 ISSUING OF ORIGINAL CERTIFICATE

Any applicant for certification as a school bus driver shall meet the following minimum requirements:

- (1) Legal:
 - (a) Shall be at least 18 years of age with at least six months driving experience as a licensed operator of a motor vehicle, and shall possess a valid North Carolina driver license of Class A, B, or C. In the event a prospective driver shall have his place of residence in another state, he may be certified as a school bus driver if he submits a copy of his driving record from the state in which he is licensed before his initial certification. Also,

he must notify both his employer and the N.C. School Bus and Traffic Safety Section within 30 days of a conviction of any moving violation no matter what type of vehicle he was driving.

- (b) Shall within a period of one year (12 months) immediately preceding certification have on his driving record:
 - (i) No more than one conviction of any moving violation;
 - (ii) No conviction whatever of:
 - (A) Reckless driving;
 - (B) Speeding in excess of 15 mph above the posted limit; or
 - (C) Passing a stopped school bus;
 - (iii) No conviction of a moving violation which was the proximate cause of an accident.
 - (c) Shall within a period of two years (24 months) immediately preceding certification have on his driving record no suspension or revocation of the driving privilege other than for such status offenses as:
 - (i) Lapsed liability insurance;
 - (ii) Failure to appear in court;
 - (iii) Failure to comply with out-of-state citation; or
 - (iv) A 30-day revocation not accompanied by a subsequent conviction of driving while impaired.
 - (d) Shall within a period of five years (60 months) immediately preceding certification have on his driving record:
 - (i) No more than three convictions of moving violations of any kind;
 - (ii) No more than two convictions of moving violations which were the proximate causes of accidents;
 - (iii) No conviction of driving while impaired;
 - (iv) No suspension or revocation of the driving privilege other than for:
 - (A) Those status offenses enumerated in Paragraph (c) of this Rule,
 - (B) Those offenses enumerated in G.S. 20-16(a), subsections (9) and (10).
 - (e) Shall have on his driving record no more than one conviction of driving while impaired.
 - (f) Shall have no "STOP" entry appearing on his driving record at the time of certification.
 - (g) Shall have no record of any conviction of a violation of the criminal code greater than a misdemeanor for a period of at least five years immediately preceding certification. Further, shall never have had in any jurisdiction a conviction of an offense against the public morals, including but not limited to rape and child molestation.
 - (h) Shall have a driving record which in its overall character arouses no serious question about the reliability, judgment, or emotional stability of the applicant.
 - (i) Shall successfully complete the training course for school bus drivers.
- (2) Physical Standards for School Bus Drivers. Every school bus driver shall meet the physical standards set forth in The North Carolina Physician's Guide To Driver Medical Evaluation, published in June 1995 by the Division of Epidemiology, North Carolina Department of Health and Human Services, which is available without charge from the School Bus & Traffic Safety Section of the Division of Motor Vehicles including any subsequent amendments and editions.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Amended Eff. August 1, 2000; January 1, 1994;
Temporary Amendment Eff. May 18, 2001;
Amended Eff. April 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0206 PERIOD OF CERTIFICATION

A school bus driver certificate shall expire on the expiration date of the driver's commercial driver license.

History Note: Authority G.S. 20-39(b); 20-218;

Eff. April 1, 1989;
Amended Eff. August 1, 2000; August 1, 1991; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0207 RENEWAL OF CERTIFICATION

Every driver must be re-certified at the time of the expiration of his Commercial Driver License upon passing the four written tests (general knowledge, passenger transport, school bus, and air brakes), a pre-trip inspection observation, a driving observation, and an eye screening. A driver shall be exempted from the written tests, provided he has accumulated no more than three points on his driving record since his last certification and has had at least one hour of in-service training for each year since his last certification. A driver whose certification expires may be re-certified within 30 days in the same manner as though his certification had not expired. Any driver whose certification expires for more than 30 days may be re-certified within the next year following the expiration upon passing the four written tests (general knowledge, passenger transport, school bus, and air brakes), the three skills tests (pre-trip inspection, basic skills, and road), and an eye screening. If more than one year has elapsed since the expiration of the most recent certification, the applicant must complete the full training course required of a beginning driver.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Amended Eff. June 1, 2004; August 1, 2000; July 1, 1994; August 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0208 TRANSFER OF CERTIFICATION

Certification as a school bus driver may be transferred from any part of this State to any other if all records compiled by the School Bus and Traffic Safety Representative in the former district for which the driver drove shall be forwarded to the School Bus and Traffic Safety Representative in the new district.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Readopted Eff. June 1, 2021.

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.

19A NCAC 03G .0210 APPEAL OF CANCELLATION OF CERTIFICATION

Any driver whose certificate is cancelled under Rule .0209(3)(g) of this Section shall have the opportunity to forward an appeal to the director of the School Bus and Traffic Safety Section in Raleigh, stating the special circumstances which the driver feels should be considered in mitigation of the cancellation. The Director of the School Bus and Traffic Safety Section shall appoint such members of an appeals committee as he shall deem appropriate to consider such appeals; and his decision shall be final.

History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0211 SUSPENSION FOR FAILURE TO APPEAR IN COURT

A driver who fails to appear in court as scheduled to answer charges shall be suspended pending the actual appearance in court of the driver and the disposition of the case.

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

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0212 DATE OF CANCELLATION

*History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Amended Eff. December 1, 1993;
Repealed Eff. June 1, 2021.*

19A NCAC 03G .0213 RENEWAL OF CERTIFICATION AFTER CANCELLATION

(a) Any driver whose school bus driver certificate has been canceled shall not be eligible to apply for re-certification for a period of six months from the date of cancellation. Any person so applying must be recommended by a school official and shall be required to complete the full training course required for a beginning driver. Such person must meet all the requirements of an original applicant.

(b) The only exceptions to this policy shall be in the case of a local cancellation, in which a written request from a school official will be required, and in the case of a suspension for the duration of a status offense such as lapsed liability insurance, failure to appear in court, or failure to comply with an out-of-state citation.

(c) For the purposes of this Section a 30-day revocation shall be considered a suspension for a driving action. The driver will remain suspended until the adjudication of the case. If at the adjudication of the case the driver is found not guilty of driving while impaired, he may be re-instated. If the driver is found guilty of driving while impaired, his suspension will be declared effective, and he will not be considered for re-certification for a period of five years following the date of conviction.

*History Note: Authority G.S. 20-39(b); 20-218;
Eff. April 1, 1989;
Amended Eff. August 1, 2000; August 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

SECTION .0300 - RESTRICTED INSTRUCTION PERMIT

19A NCAC 03G .0301 DRIVER EDUCATION PERMIT

The student's vision and physical condition shall be checked by a representative of the Division or medical personnel and the results recorded on the permit. The restricted instruction permit shall be signed by a representative of the Division.

*History Note: Authority G.S. 20-7(m); 20-39;
Eff. July 1, 1978;
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;
Readopted Eff. June 1, 2021.*

19A NCAC 03G .0302 COMMERCIAL SCHOOL INSTRUCTORS

19A NCAC 03G .0303 EXEMPTION

19A NCAC 03G .0304 PUBLICATIONS

*History Note: Authority G.S. 20-1; 20-320 through 20-328;
Eff. July 1, 1978;
Repealed Eff. July 2, 1979.*

SECTION .0400 - DRIVER IMPROVEMENT CLINICS

19A NCAC 03G .0401 CLINICS

(a) The School Bus and Traffic Safety Section shall operate driver improvement clinics in various locations across the state. Any volunteer may be allowed to participate in these clinics. Any driver who has been convicted of moving violations may be given an opportunity to attend such a clinic as a part of probationary agreement between

him and a hearing officer of the Driver License Section of the Division of Motor Vehicles. A driver may also be assigned to the clinic by any court in any jurisdiction or by any other state's driver licensing agency.

(b) The course shall be the National Safety Council Defensive Driving Course.

(c) Satisfactory attendance shall be judged by the instructor in the clinic with notification to the assigning agency at the close of the clinic.

History Note: Authority G.S. 20-1; 20-16(c); 20-16(d); 20-16(e); 20-39(b);
Eff. July 1, 1978;
Amended Eff. December 1, 1993; November 1, 1991; October 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0402 INFORMATION

Dates, locations, and places of clinics are available through the School Bus and Traffic Safety Section and are on file in the Commissioner of Motor Vehicles' Office for inspection and review during normal office hours.

History Note: Authority G.S. 20-1; 20-16(c), (d), (e); 20-39(b);
Eff. July 1, 1978;
Amended Eff. November 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

SECTION .0500 - COMMERCIAL DRIVER TRAINING SCHOOL AND INSTRUCTOR LICENSE

19A NCAC 03G .0501 COMMERCIAL DRIVER TRAINING SCHOOLS

History Note: Authority G.S. 20-1; 20-320 through 20-328;
Eff. July 1, 1978;
Repealed March 1, 1982.

19A NCAC 03G .0502 COURSE CONTENT

History Note: Authority G.S. 20-1; 20-3;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

SECTION .0600 - DRIVER EDUCATION PROGRAM

19A NCAC 03G .0601 DRIVER EDUCATION AND SAFETY PROGRAM INFORMATION

(a) The School Bus and Traffic Safety Section provides a number of driver education programs, safety programs, work books and course materials, safety literature and safety films to interested groups. These materials are available on loan to groups that present the programs on their own or, upon request, a driver education specialist will present the program.

(b) Some of the courses offered are:

- (1) defensive driving course (National Safety Council);
- (2) presentations on general traffic safety subjects;
- (3) school bus passenger safety;
- (4) bicycle, mini-bike and pedestrian training;
- (5) basic driver education program.

(c) Information concerning course content, scheduling and an index of safety films (approximately 250 titles) is available from:

School Bus and Traffic Safety Section
Division of Motor Vehicles
1100 New Bern Avenue
Raleigh, North Carolina 27697.

History Note: Authority G.S. 20-1; 20-3; 20-39(b);
Eff. July 1, 1978;
Amended Eff. November 1, 1991; February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03G .0602 INFORMATION

History Note: Authority G.S. 20-1; 20-3;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

SECTION .0700 - BASIC DRIVER EDUCATION COURSE

19A NCAC 03G .0701 DRIVER EDUCATION COURSE
19A NCAC 03G .0702 INFORMATION

History Note: Authority G.S. 20-1; 20-3;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

SECTION .0800 - SAFETY PROGRAMS

19A NCAC 03G .0801 SAFETY PROGRAM INFORMATION
19A NCAC 03G .0802 TRAFFIC SAFETY FILMS
19A NCAC 03G .0803 SAFETY LITERATURE

History Note: Authority G.S. 20-1; 20-3;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

SECTION .0900 - FORMS

19A NCAC 03G .0901 TRAFFIC SAFETY EDUCATION FORMS
19A NCAC 03G .0902 FORM AVAILABILITY

History Note: Authority G.S. 20-1;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.