

WAC 392-144-103 Disqualifying conditions for authorized school bus drivers. A school bus driver's authorization will be denied, suspended, or revoked as a result of the following conditions:

(1) **Misrepresenting or concealing material facts.** Misrepresenting or concealing a material fact in obtaining or maintaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(2) **Moving violations.** Having a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding five years or having had their commercial driver's license disqualified, suspended, or revoked within the preceding five years; a certified copy of the disqualification, suspension, or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension, or revocation.

(3) **Conviction of motor vehicle violations.** Having been convicted of any of the following motor vehicle violations within the last five years:

- (a) Three or more speeding tickets, including driving too fast for conditions;
- (b) Hit and run driving;
- (c) Vehicular assault;
- (d) Vehicular homicide;
- (e) Driving while intoxicated;
- (f) Being in physical control of motor vehicle while intoxicated;
- (g) Negligent driving in the first degree;
- (h) Reckless driving;
- (i) Any motor vehicle violation agreed to during a court proceeding as a result of an alcohol related driving infraction.

(4) **Transporting students with a suspended, surrendered, or revoked school bus driver's authorization.** Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a lapsed, suspended, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter.

(5) **Transporting students with a disqualified, suspended, surrendered, or revoked driver's license.** Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended or revoked driver's license or a suspended, invalid, disqualified, or revoked commercial driver's license.

(6) **Drug or alcohol test.** Having refused to take a drug or alcohol test or tested positive for drugs or alcohol in accordance with the provisions of 49 C.F.R. 382 within the preceding five years. Notification from the local education agency or the medical review officer will be considered evidence of a refusal or positive test as defined in RCW 46.25.010.

(7) **Conviction of controlled substance or prescription drugs.** Having been convicted of any crime within the last ten years involving the use, sale, possession, or transportation of any controlled substance or prescription drug;

(8) **Conviction of certain felony crimes.** Having been convicted of felony crimes (including instances in which a plea of guilty or *nolo contendere* is the basis for the conviction) or being under a deferred prosecution under chapter 10.05 RCW involving:

- (a) The physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;

(c) The sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;

(e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.030;

(g) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal crimes and crimes committed in other states;

(h) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(i) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(9) **Crimes that impair the worthiness and ability to serve as an authorized school bus driver.** Having been convicted of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as an authorized school bus driver within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person currently authorized as a school bus driver in a suspension or revocation action, the effect on the school bus driving profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or authorized school bus driver has the duty to provide available evidence relative to the above considerations. The superintendent has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or authorized school bus driver.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-103, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-103, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-103, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-103, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR

06-01-039, § 180-20-103, filed 12/15/05, effective 1/15/06; WSR
05-19-107, § 180-20-103, filed 9/20/05, effective 10/21/05.]