DSC Dismissal

1. Does the defendant hold a CDL or did they hold one at the time of the offense?
2. Was the offense committed in a work zone with workers present (other than a vehicle emissions inspection or maintenance offense, a pedestrian offense, a child passenger safety seat offense or a seat belt offense)?

YES

NO

1. Is the defendant charged with a Rules of the Road offense or driving around barricades (or if under 25, with a moving violation);
2. Does the defendant have a valid Texas DL or is an active servicemember/spouse/dependent;
3. Does the defendant have proof of financial responsibility as required by TC Ch. 601; AND
4. Has the defendant entered a plea of guilty or nolo?

NO

Y

Is the defendant charged with:

- Speeding of 25+ mph over or 95+ mph total speed;
- Leaving an accident w/o exchanging info/rendering aid;
- Passing a loading/unloading school bus; **OR**
- Offense in work zone with workers present?

YES

Defendant is ineligible for DSC dismissal

NO

Has it been at least 12 months since the defendant's last DSC and did they enter their DSC request by the appearance date?

NO

Court MAY grant "discretionary" DSC. Procedure is same as below except the fine is capped at maximum fine.

Y

1. Defendant must pay court costs and a reimbursement fee not to exceed $10, or if the defendant is unable to pay, judge must order alternative satisfaction of costs (such as payment plan or community service).
2. Court must issue a written order for the defendant to take a DSC, and submit the completion certificate, a copy of their driving record, and an affidavit within 90 days.

Did the defendant comply?

Y

The case is dismissed and is reported to DPS, including the date of completion of the DSC.

NO

The court must send notice of noncompliance and show cause hearing. Does the defendant appear and show good cause for noncompliance?

YES

The court may grant an extension to allow defendant time to comply.

NO

The judge should enter a conviction and may assess a fine. The defendant may not be held in contempt or charged with FTA for not appearing or not complying.

***NOTE*: A time payment reimbursement fee must be assessed if any amount owed is paid more than 30 days after the order to pay (but only one fee may be assessed per case).**