

**SUBJECT:** Graduated driver's licensing for newly licensed drivers under age 18

**COMMITTEE:** Public Safety — committee substitute recommended

**VOTE:** 6 ayes — B. Turner, Berman, Driver, Hupp, Isett, P. King  
0 nays  
3 absent — Keel, Gutierrez, Villarreal

**WITNESSES:** For — LaNell Aston; Patrick Barrett; Steve Blackstone, National Transportation Safety Board; Linda Harper-Brown, TEX 21; Pamela Hearne, Texas PTA; Bill Hubbard; Ronnie Kullman; Lauren Leonard; Anne O'Ryan, AAA Texas; Carlos Reyna, Austin Driving Schools; Chris Spene; Teresa Spene; Tom Spurgal, Texas Pediatric Society; Gene Walker, Safe-Way Driving Center; Larry Zacharias, Texas Police Chiefs Association  
  
Against — None  
  
On — Frank Elder, Department of Public Safety

**BACKGROUND:** Transportation Code, sec. 521.204 places restrictions on minors applying for a driver's license. The applicant must be at least 16 years old, submit proof of the completion of an approved driver education course, be a high school graduate or student, and have passed the driving exam. When driving with a learner's permit, the minor must be accompanied by a licensed driver who is at least 18 years old. Sec. 521.223 allows the Department of Public Safety (DPS) to issue a "hardship" license to an applicant at least 15 years old for whom the license is necessary to avoid unusual economic hardship for the applicant's family, because of an illness in the applicant's family or because the applicant is enrolled in a vocational education program.

**DIGEST:** CSHB 432 would prohibit DPS from issuing a driver's license to a person under age 18, other than a hardship license, unless the applicant had held a learner's permit or hardship license for at least six months before the date of the application and submitted a document signed by the applicant's parent or guardian stating that the applicant had completed at least 50 hours of driving,

including at least 10 hours of nighttime driving, accompanied by a licensed adult with at least one year of driving experience.

The bill would prohibit a minor, during the six-month period following the original issuance of a driver's license, from driving between 11 p.m. and 5 a.m. unless driving during those hours was necessary for a job (including work on a family farm), for a school-related activity, or for a medical emergency. During this period, the minor could not drive with a passenger who was under age 21 unless the passenger was the driver's sibling and the parent or guardian of the driver and passenger had permitted it. These restrictions would not apply to a driver with a hardship license or to a driver with a learner's permit while accompanied by a licensed adult driver.

CSHB 432 would increase from 18 to 21 the required age of the licensed adult who must accompany a driver with a learner's permit. It also would change the expiration date of a learner's permit from the first birthday after the date of the application to the second birthday.

This bill would take effect September 1, 2001. It would not affect the validity or effect of a license issued before that date.

**SUPPORTERS  
SAY:**

CSHB 432 is necessary to help curb the high rate of teenage traffic fatalities. According to the National Transportation Safety Board, the crash rate for 16-year-old drivers is by far the highest of any age group, at 43 crashes per million miles driven. The 16-year-old crash rate is 1.5 times higher than that of 17-year-old drivers, three times higher than that of 18- and 19-year-old drivers, and 4.3 times higher than that of 20-to-24-year-old drivers. In 1998, Texas recorded 766 traffic fatalities involving drivers between the ages of 15 and 20, representing more than 18 percent of all highway fatalities in the state. Only 5.5 percent of Texas' licensed drivers are teenagers.

Forty-three other states have instituted some form of graduated licensing and have seen dramatic decreases in traffic fatalities and injuries among 16-year-olds. California has seen a reduction of 19 percent, Michigan 35 percent, and North Carolina 26 percent since enacting legislation similar to CSHB 432.

Teenage drivers and passengers often drive without wearing safety belts in cars with several teenagers. When night driving and sometimes alcohol are

added to the driver's inexperience, the crash risk increases substantially. A graduated licensing system combines restrictions so that the teenager's initial driving experiences occur in less dangerous circumstances until the driver has gained some experience. Graduated licensing must include nighttime driving restrictions. As a new driver's skills and maturity develop, the minor can proceed to full licensure.

A 1994 survey by the Insurance Institute for Highway Safety found that 90 percent of the 1,000 parents polled favored at least a minimum period of supervision before full licensure; 74 percent favored night driving curfews; 43 percent favored restricting teenage passengers during the first few months of driving; and 58 percent favored some sort of graduated licensing package including all of the above.

Although parents may think they will be inconvenienced by these provisions and will have to drive their teenagers everywhere, this has not proven to be the case in states with graduated license laws. Such restrictions apply only to the six months after receiving a license, and exceptions are allowed for work and school-related activities. The choice between a temporary inconvenience and the risk of a child's life should be an easy one.

OPPONENTS  
SAY:

The nighttime curfew proposed by CSHB 432 would not be practical, especially in metropolitan areas. A minor who got stuck in traffic or held up by construction might have to exceed the speed limit to obey the curfew. Parents should be allowed to decide when a teenager can drive.

Graduated licensing could create an inconvenience to parents, who would have to drive their teenagers during the six-month restricted period after issuance of a license. Requiring parents to supervise driver training for their children would be inconvenient, unenforceable, and unnecessary.

OTHER  
OPPONENTS  
SAY:

The lack of enforcement provisions in many graduated license laws could lead to civil liberty violations. Nothing would prohibit law enforcement officers from stopping drivers at night simply because they look like teenagers. This could violate the rights of drivers with full licenses who were pulled over for looking "too young."

NOTES:

The committee substitute made several changes to the filed version, including listing exceptions to the nighttime curfew and establishing that employment would include working on a family farm.

The bill's fiscal note indicates that DPS would have to spend about \$195,000 in fiscal 2002 to implement the bill's provisions.

The companion bill, SB 577 by Bivins, passed the Senate by voice vote on March 14, was reported favorably as substituted by the House Public Safety Committee on March 26, making it eligible to be considered in lieu of HB 432.

During the 76th Legislature, three graduated license bills were introduced: HB 90 by Driver, et al., SB 280 by Bivins, and HB 2129 by Carter. All would have imposed nighttime driving curfews under certain conditions for drivers under 18 and would have increased restrictions on teenagers who could apply for and receive a full driver's license. HB 90 passed the House on the Local, Consent, and Resolutions Calendar, but died in the Senate late in the session.