

- SUBJECT:** Offense for passenger failure to supervise permitted driver
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 8 ayes — Krusee, Phillips, Deshotel, Haggerty, Harless, Hill, Macias, Murphy
- 0 nays
- 1 absent — Harper-Brown
- SENATE VOTE:** On final passage, March 14 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** None
- BACKGROUND:** Transportation Code, sec. 521.222 authorizes the Texas Department of Transportation (TxDOT) or a driver education school licensed under the Texas Driver and Traffic Safety Education Act to issue an instruction permit for a class A or class B driver's license instruction permit to a person who:
- is 15 years old or older, but not 18;
 - has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved by sec. 521.205;
 - has obtained a high school diploma or its equivalent or is a student in a public, home, or private school for at least 80 days in the semester preceding the date of the driver's license application; or has been enrolled for at least 45 days in a program to prepare people to pass the high school equivalency exam; and
 - has passed each exam required by sec. 521.161, other than the driving test.
- An instruction permit entitles the holder to operate a type of motor vehicle on a highway while the permit is in the person's possession and the holder is accompanied by a person occupying the right hand seat who is at least 21 years old, is a licensed driver, and has at least one year's driving experience.

Sec. 521.461 sets general criminal penalties for violations of the chapter. An offense under this section is a misdemeanor punishable by a fine not more than \$200.

DIGEST:

SB 153 would create an offense for a person who occupied the seat in a vehicle by the holder of an instruction permit while the permit holder was operating the vehicle if the person slept, was intoxicated, or was engaged in an activity that prevented the person from observing and responding to the actions of the operator.

It would be a defense to prosecution of a violation of the provisions of the bill that at the time of the violation another person in addition to the defendant occupied the seat by the operator, was a licensed driver with at least one year's driving experience, was at least 21 years old, and was not asleep, intoxicated, or doing something that would distract that person from observing the driver.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

SB 153 is needed to create an offense for someone who was supposed to be monitoring a newly permitted driver but did not take the responsibility as seriously as the person should. Sadly, there have been incidents in Texas in which an adult who was supposed to be supervising a young driver did not, either because the adult fell asleep, or worse, was drinking, that have resulted in catastrophic accidents and loss of life.

It is the Legislature's responsibility to enact laws that ensure the safety of the state's young drivers. There is precedent for these types of laws, including the state's seat belt and open container laws, which apply not only to drivers but to passengers as well. Such laws ensure the safety of everyone on Texas roads and highways.

**OPPONENTS
SAY:**

The bill would create a class C misdemeanor offense with a fine of up to \$200 for passengers who could be ill and were riding in the car with a permitted driver. The Legislature should be cautious about criminalizing the behavior of passengers when there are sufficient laws to regulate the training of young drivers.