

SUBJECT: Driver's education and licensing requirements and restrictions for minors

COMMITTEE: Public Education — committee substitute recommended

VOTE: 7 ayes — Eissler, Allen, Aycock, Farias, Jackson, Shelton, Weber

0 nays

4 absent — Hochberg, Dutton, Olivo, Patrick

SENATE VOTE: On final passage, April 23 — 30-0, on Local and Uncontested Calendar

WITNESSES: (*On companion bill, HB 339:*)

For — Brett Arterburn, Phil Johnson, Less Tears More Years Campaign; Patrick Barrett, Driver Ed in a Box, LLC, Collision-Free Driver Ed; Tim Lambert, Texas Home School Coalition; Anne O'Ryan, AAA Texas; Jill Olson, Texas PTA; (*Registered, but did not testify:* Laura Andersen, Kevin Cooper, Texas Police Chiefs Association; Jeff Pynes, Freeport Police Department; Randy Smith, Surfside Beach Police and EMS; Gary Tittle, on behalf of David Kunkle, Chief of Police, Dallas Police Department)

Against — Mike Baldree, Superintendent of Schools, Blooming Grove; (*Registered, but did not testify:* Jon Taggart, Grandview ISD)

On — Ramiro Canales, Texas Association of School Administrators; David Duty, Texas Association of Community Schools; Eric Givilancz, Roadworthy Driving Academy; Bill Grusendorf, Texas Association of Rural Schools; Russell Henk, Texas Transportation Institute, Texas A&M University System; Carlos Reyna, I Drive Safely Austin, Texas Driving Schools; Julie Shields, Texas Association of School Boards; Sherrie Zgabay, Texas Department of Public Safety; (*Registered, but did not testify:* Lee Deviney, Nina Saint, Texas Education Agency)

BACKGROUND: Each driver's license applicant under the age of 18 must take a comprehensive driver education course that must include 32 hours of classroom instruction and 14 hours of behind-the-wheel training.

DIGEST:

School districts offering driver education. CSSB 1077 would require school districts to consider offering a driver education and traffic safety course during each school year. A school district would be able to charge a fee for the course in an amount determined by the Texas Education Agency (TEA), which would be comparable to the fee charged by a licensed driver education school, or the school district could contract with a licensed driver education school. TEA would establish or approve all curriculum for all classroom instruction for driver education courses, including those conducted by school districts, driver education schools, or parent-taught programs. This section of the bill would apply beginning in the 2009-10 school year.

Driver education course requirements. A driver education course would require a student to complete:

- seven hours of behind-the-wheel instruction with a licensed driver education instructor, or a licensed driver, standing in parent relation to the student, certified to teach a parent-taught driver's license course;
- seven hours observing a licensed driver education instructor, or a licensed driver, standing in parent relation to the student, certified to teach a parent-taught driver's license course; and
- 20 hours of behind-the-wheel instruction, of which at least 10 would have to take place at night in the presence of an adult over the age of 21 with a valid driver's license and at least one year of driving experience.

A driving test would be required for any applicant who applied for a driver's license on or after September 1, 2009, and was under the age of 18. The commissioner would have to adopt rules by January 1, 2010, and each driver education and training program approved by the commissioner would be required to comply with the curriculum requirements by May 1, 2010.

Driver education instructors. The commissioner of education would not be permitted to issue or renew a driver education instructor license, including a temporary license, to a person who had six or more points assigned to the person's driver's license. An individual would not be permitted to teach a parent-taught course if the individual had six or more points assigned to his or her driver's license. The bill would permit a

foster parent to qualify to teach a parent-taught driver education course. This would apply only to licenses issued on or after September 1, 2009.

Revoking provisional license or instruction permit for dropouts. The department and TEA would be required to enter into a memorandum of understanding under which the department could access TEA's electronic enrollment records to verify a student's enrollment in a public school. The department would only be able to access information necessary to verify the identity and enrollment status of an applicant and only if a parent or guardian of the applicant had provided written permission. A driver's license could not be issued to an individual under the age of 18 unless the individual's parent or guardian provided written permission for the Department of Public Safety to access the individual's school enrollment records kept by TEA.

A provisional license or instruction permit would expire on the individual's 18th birthday for any license issued on or after September 1, 2009. The fee for the issuance of a provisional license or instruction permit would increase to \$15.

Driver's license restrictions for minors. A person under the age of 18 would be restricted from operating a motor vehicle during the twelve-month period following the issue of an original Class A, B, or C driver's license:

- after midnight and before 5 a.m. except for work, school or school-related activity, or medical emergency;
- with more than one passenger under the age of 21 who was not a family member; and
- while using a wireless communications device, except in the case of an emergency.

The bill would extend to twelve months after license issuance current motorcycle and moped restrictions for riders under the age of 17. This would apply only to licenses issued on or after September 1, 2009.

The bill would prohibit a justice of the peace or municipal judge from submitting a written record of a conviction for the violation of the above restrictions.

DPS annual report. DPS would collect data regarding collisions of students taught by public schools, licensed driver education schools, parent-taught courses, and other entities that offer driver education courses for which a uniform certificate of completion was issued. The department would issue a publication listing the collision rates by October 1 of each year, noting the severity of the collisions involving students of each entity and each type of course. The first report would be issued no later than October 1, 2011.

DPS would include in the report the number of minor students taught by each driver education entity and the total number of minor students, taught by parent-taught courses, who become licensed during the fiscal 2009-10.

DPS task force. A task force appointed by DPS would review and make recommendations regarding the effectiveness of the materials provided for use in driver education courses taught by a parent or guardian.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSSB 1077 would create the “Less Tears More Years Act” to help ensure that teenage drivers received proper practice and instruction to be safe drivers. Texas law received the rating of fair from the Insurance Institute for Highway Safety. Motor vehicles are the number-one killer of teenagers, accounting for one in three deaths. Last year, children aged 15 to 17 caused more than 70,000 crashes, 300,000 injuries, and over 300 fatalities. A teenager is four times more likely to die than older adults in a crash.

The bill would increase the quality of driver education in Texas by requiring each applicant under the age of 18 to pass a driving test. A driving test would highlight drivers not ready for a license. Driving tests are a credible check on the system that this bill would require. The data-collection section of this bill would help legislators evaluate the different ways by which drivers are licensed, and parents would be able to identify programs whose students have lower collision rates.

School districts would do a better job of teaching driver education and provide a safe atmosphere, and schools and teachers would be more accountable. Claims that school districts would expose themselves to more lawsuits are unfounded. In fact, prior to 1995, nearly all school districts had driver education programs and did not express liability issues.

Claims that this bill would be an expensive mandate for schools are unfounded because the bill would not mandate that each school district establish a driver education program, but would allow school districts that chose to offer driver education courses to assess a fee to cover the cost or to contract with a private provider. Small or rural school districts could consolidate programs to share costs.

OPPONENTS
SAY:

This bill could be an expensive unfunded mandate for school districts, especially for small and rural districts with few eligible students. A school district that decided to establish a program would have to purchase a vehicle, modify the vehicle with a brake pedal on the passenger side, pay a teacher's salary as well as a stipend to attract the teacher to the district, totaling an estimated \$81,000 in start-up costs. If the state is serious about this bill, it should subsidize costs to provide an incentive for school districts to establish programs. Otherwise, school districts may not be able to afford them. This bill could add an additional layer of bureaucracy to school districts and would subject districts to increased liability and expose them to lawsuits. The state should establish a way to indemnify school districts. Data requirements imposed on school districts who establish a driver education program may violate federal confidentiality laws.

This bill would not amend all the necessary statutes to allow for implementation of the bill. There are three media through which to obtain comprehensive driver education, each dictated by a different code, all of which should be updated.

NOTES:

The House companion bill, HB 339 by Parker, passed the House by 139-4 on May 6 and passed the Senate, as amended, on May 25.