

- SUBJECT:** Transferring oversight of driver education programs to TDLR
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 9 ayes — Smith, Gutierrez, Geren, Goldman, Guillen, Kuempel, Miles, D. Miller, S. Thompson
- 0 nays
- WITNESSES:** For — Kevin Makal, Texas Driver Training Safety Education Association; (*Registered, but did not testify:* Chris Shields, American Safety Council)
- Against — Eric Givilancz, Roadworthy Driving Academy; Brandi Bowers, Debora Callahan, Dorothy DeWalt, and Mary Gregory-Fox, Texas Professional Drivers Education Association; Patrick Barrett; Tonya Dansby; Tom Pennington; Ruben Vargas; (*Registered, but did not testify:* Cecilia Jackson and Earnest Weatherford, Texas Professional Drivers Education Association; Charles Dansby; Lauro Flores; Jim Mills; Ezra Reed)
- On — Karen Latta, Sunset Advisory Commission; William Kuntz, Texas Department of Licensing and Regulation; (*Registered, but did not testify:* Michael Strawn, Department of Public Safety; Gaye Estes and Luke Martin, Education Service Center, Region 13; Julie Beisert-Smith, Texas Education Agency)
- BACKGROUND:** Under Education Code, ch. 1001, the Texas Education Agency oversees the licensing and curriculum of private driver training schools, including driver education schools and driving safety schools. This chapter establishes licensing and registration fees for these programs, as well as fines for provider noncompliance.
- Under Transportation Code, sec. 521.205, the Department of Public Safety (DPS) oversees parent-taught driver education programs. DPS

approves and licenses course providers that sell driver-education programs and associated materials to family members, often parents or guardians, who serve as instructors to the student driver during the in-car portion of the program.

DIGEST:

CSHB 1786 would amend Education Code, ch. 1001 to move authority over the driver and traffic safety education program, which governs driver training schools, from the Texas Education Agency (TEA) to the Texas Department of Licensing and Regulation (TDLR). It also would move oversight of parent-taught driver education programs from the Department of Public Safety (DPS) to TDLR by repealing Transportation Code, sec. 521.205 and placing its provisions in Education Code, ch. 1001.

In addition, the bill would place TDLR, instead of TEA, in charge of developing driver education and traffic safety programs offered as courses to students in public schools. Driver education courses offered by institutions of higher education also would be approved by TDLR, rather than by TEA as under current law.

Other changes would include creating an advisory committee for the driver education programs and allowing TDLR to set fee amounts under that chapter.

Parent-taught programs. CSHB 1786 would place provisions governing parent-taught driver education programs in Education Code, ch. 1001 under the authority of TDLR. Completion of a parent-taught course would be equivalent to the completion of another driver education course approved under ch. 1001.

The commission, by rule, would approve driver education courses conducted by parents or other older relatives of a student driver seeking to obtain a class C driver's license to instruct the person in how to operate a motor vehicle. The rules would require that students spend a minimum number of hours in the classroom and behind-the-wheel and that the instructor related to the student meet certain standards related to his or her driving record, criminal record, and mental health.

CSHB 1786 would allow TDLR to approve a parent-taught program if it determined that the course materials were at least equal to those required in a course approved by the department elsewhere in ch. 1001. The rules would have to specify a method for approving courses, submitting proof of course completion and passage of the exam, electronic administration of the highway sign and traffic law examination component, and alternative course material delivery methods, including by electronic means.

Fees for driver education providers. CSHB 1786 would authorize TDLR to set application, license, and registration fees for providers regulated under ch. 1001. It would strike the statutory values of the fees currently in the Education Code, giving the department discretion over the fee amounts.

Advisory committee. CSHB 1786 would require the Texas Commission of Licensing and Regulation (TCLR) to establish an advisory committee to advise TDLR and the commission on how to administer the driver education programs under ch. 1001. The committee would consist of nine members serving staggered six-year terms. The commission's presiding officer would appoint to the committee one member to represent the public along with one representative from each of the following stakeholder groups:

- driver education schools that offer traditional classroom courses, alternative instruction methods, *and* in-car training;
- driver education schools that offer traditional classroom courses, alternative instruction methods, *or* in-car training;
- driving safety schools that offer traditional classroom courses or provide alternative instruction methods;
- driving safety course providers approved for traditional classroom courses *and* for alternative instruction methods;
- driving safety course providers approved for traditional classroom courses *or* for alternative instruction methods;
- licensed driving instructors;

- the Department of Public Safety; and
- drug-and-alcohol-driving-awareness program course providers.

The presiding officer of the commission would appoint the presiding officer of the committee, who would be a voting member. The committee would meet at the call of the presiding officer. Other provisions related to the advisory committee would address term limits, the process for filling a vacancy or removing a member, and requirements regarding compensation and expense reimbursement.

Effective date and other provisions. CSHB 1786 would make technical revisions throughout Education Code, ch. 1001 and would repeal numerous sections in that chapter to reflect changes made by the bill. Existing rules, policies, procedures, decisions, and forms adopted by TEA and DPS relating to ch. 1001 would remain in effect until they were replaced by TDLR or TCLR.

On the bill's effective date, all full-time equivalent employee positions at Education Service Center (ESC) Region 13 that currently support TEA in administering driver education programs would become positions at TDLR. When filling the positions, TDLR would give first consideration to an applicant who immediately prior was an employee at ESC Region 13 primarily involved in administering or enforcing Chapter 1001.

CSHB 1786 would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 1786 would improve the regulation of driver education programs by enacting recommendations from the Sunset Advisory Commission's 2012-13 review of the Texas Education Agency (TEA). In particular, it would reassign oversight of private driver training schools to the Texas Department of Licensing and Regulation (TDLR), freeing up resources for TEA. Other Sunset Advisory Commission recommendations that appear in the bill include forming an advisory committee and removing fixed fees from statute.

While administering public education is TEA's core competency,

regulating private driver education programs is not. By contrast, TDLR has expertise in regulating businesses of all sorts. In addition, TEA contracts out the majority of its supervision of driver's education to the Education Service Center (ESC), Region 13, so driving schools are well accustomed to interacting with staff outside TEA. Many of these staff likely would join TDLR after the transfer of authority over driver training, which would give the department even more expertise in this area. It is reasonable to expect that TDLR would regulate driving schools and instructors with great success.

According to the Legislative Budget Board, the bill would create modest savings to the state by transferring the programs to TDLR. The bill would further improve efficiency by moving oversight of parent-taught driver education programs from DPS to the department, meaning that the department would oversee all private driver education programs. In addition, rather than anticipating a stiff hike in fees, the fiscal note estimates that revenue collection from fees would remain stable following the transition of driver education programs to the department.

OPPONENTS
SAY:

Driver education is an educational matter and thus should remain under the oversight of the TEA. Driving instructors teach young people to perform an inherently dangerous activity, and they should be overseen by fellow educators at TEA, rather than TDLR. CSHB 1786 would place oversight of driver education under an agency that regulates unrelated businesses, such as hair salons. The education specialists at TEA and ESC Region 13 have provided invaluable support for driving teachers. It is unclear that TDLR could offer the same level of support.

The shift in oversight of most driver education from DPS to TEA in 1989 was followed by a period of uncertainty and a lack of regulatory clarity among driving schools. The transition proposed by CSHB 1786 could result in similar confusion and possible delays in key areas, such as driving education providers receiving or renewing licenses.

Under CSHB 1786, the amounts of fees administered to driving schools would not be written in statute. As a result, TDLR could set fees at an

amount that might make it difficult for some driving schools to stay in business.

NOTES:

The Legislative Budget Board estimates CSHB 1786 would have a positive impact of \$718,991 to general revenue through fiscal 2016-17.