

BILL ANALYSIS

Senate Research Center

H.B. 339
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has one of the highest accident rates among teen drivers in the nation. Changes are needed to enhance the effectiveness of teen driver education programs.

H.B. 339 requires each school district to consider offering a driver education course for a fee, increases the hours of behind-the-wheel driving instruction a teen receives, makes the qualifications for driving instructors more stringent, and requires the Department of Public Safety of the State of Texas to conduct a driving test for each applicant under 18 years of age and to collect statistics to analyze the effectiveness of different methods of driver education. The bill prohibits the use of a wireless device by a teen while operating a vehicle, except in case of an emergency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 1001.101, Education Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 7 (Section 521.205, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Establishes this Act as the Less Tears More Years Act.

SECTION 2. Amends Section 29.902, Education Code, by adding Subsection (c), as follows:

(c) Requires a school district to consider offering a driver education and traffic safety course during each school year. Authorizes the district, if the district offers the course, to conduct the course and charge a fee for the course in the amount determined by the Texas Education Agency (TEA) to be comparable to the fee charged by a driver education school that holds a license under Chapter 1001 (Driver and Traffic Safety Education) or contract with a driver education school that holds a license under Chapter 1001 to conduct the course.

SECTION 3. Amends Section 1001.101, Education Code, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) Creates this subsection from existing text. Requires the commissioner of education (commissioner), by rule, to establish or approve the curriculum and designate the textbooks to be used in a driver education course, including a driver education course conducted by a school district, driver education school, or parent or other individual under Section 521.205 (Department-Approved Courses), Transportation Code.

(b) Requires a driver education course to require the student to complete:

(1) 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements imposed under Section 521.205, Transportation Code;

(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements imposed under Section 521.205, Transportation Code; and

(3) 20 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2) (relating to certain qualifications that must be met by the person accompanying an instruction permit holder), Transportation Code.

SECTION 4. Amends Subchapter F, Chapter 1001, Education Code, by adding Section 1001.257, as follows:

Sec. 1001.257. DENIAL OF LICENSE. Prohibits the commissioner from issuing or renewing a driver education instructor license, including a temporary license, to a person who has six or more points assigned to the person's driver's license under Subchapter B (Driver's License Points Surcharge), Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 5. Amends Section 521.165, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Authorizes the public safety director (director), except as provided by Subsection (d), in issuing a driver's license for certain types of vehicles, to waive a driving test for an applicant who has successfully completed and passed the training and testing conducted by a person certified under Subsection (a) (relating to the certification and standards set by the director for the certification of certain employers). Makes a nonsubstantive change.

(d) Prohibits the director from waiving the driving test required by Section 521.161 (Examination of License Applicants) for an applicant who is under 18 years of age.

SECTION 6. Amends Section 521.204(a), Transportation Code, as follows:

(a) Authorizes the Department of Public Safety of the State of Texas (DPS) to issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to DPS a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4412 (29c), V.T.C.S.), that states that the person has completed and passed a driver education course approved by DPS under Section 521.205 or by TEA;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam;

(4) has submitted to DPS written parental or guardian permission for DPS to access the applicant's school enrollment records maintained by TEA; and

(5) has passed the examination required by Section 521.161. Makes a nonsubstantive change.

SECTION 7. Amends Section 521.205(a), Transportation Code, as follows:

(a) Requires DPS by rule to provide for approval of a driver education course conducted by the parent, stepparent, foster parent, legal guardian, step-grandparent, or grandparent of a person who is required to complete a driver education course to obtain a Class C license. Requires that the rules provide that:

(1) the person conducting the course possesses a valid license for the preceding three years that has not been suspended, revoked or forfeited in the past three years for an offense that involves the operation of a motor vehicle, rather than traffic related violations;

(2) the student driver spend a minimum number of hours in classroom instruction and behind-the-wheel instruction;

(3) the person conducting the course not be convicted of criminally negligent homicide or driving while intoxicated;

(4) the person conducting the course not be disabled because of mental illness; and

(5) the person conducting the course not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, at the time the person begins conducting the course. Makes nonsubstantive changes.

SECTION 8. Amends Subchapter J, Chapter 521, Transportation Code, by adding Section 521.206, as follows:

Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a) Requires DPS to collect data regarding collisions of students taught by public schools, driver education schools licensed under Chapter 1001, Education Code, and other entities that offer driver education courses to students for which a uniform certificate of course completion is issued. Provides that the collision rate is computed by determining the number of an entity's students who complete a driver education course during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(b) Requires DPS to collect data regarding the collision rate of students taught by course instructors approved under Section 521.205. Provides that the collision rate is computed by determining the number of students who completed a course approved under Section 521.205 during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(c) Requires DPS, not later than October 1 of each year, to issue a publication listing the collision rate for students taught by each driver education entity and the collision rate for students taught by a course instructor approved under Section 521.205, noting the severity of collisions involving students of each entity and each type of course.

SECTION 9. Amends Section 521.271, Transportation Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that each original driver's license and provisional license expires as follows:

(1) except as provided by Section 521.2711 (License Expiration: Person at Least 85 Years of Age), a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on, rather than the earlier of, the 18th birthday of the license holder;

(3) an instruction permit expired on the 18th birthday of the license holder; and

(4) an occupational license expires on the first anniversary of the court order granting the license. Deletes existing text providing that a provisional license expires on the first birthday of the license holder occurring after the date of the application; and an instruction permit expires on the second birthday of the license holder occurring after the date of the application. Make nonsubstantive changes.

(a-1) Requires DPS and TEA to enter into a memorandum of understanding under which DPS may access TEA's electronic enrollment records to verify a student's enrollment in a public school. Requires the memorandum of understanding to specify that DPS may only access information necessary to verify the identity and enrollment status of a license renewal applicant and only if a parent or guardian of the applicant has provided written permission for DPS to access that information. Provides that nothing in this subsection may be construed to allow the release of information in violation of the Family Education Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

SECTION 10. Amends Section 521.421(c), Transportation Code, to provide that the fee for issuance, rather than issuance or renewal, of a provisional license or instruction permit is \$15, rather than \$5.

SECTION 11. Amends Section 543.204, Transportation Code, by adding Subsection (a-1), to prohibit a justice of the peace or municipal judge from submitting a written record of conviction under Section 545.424 (Operation of Vehicle by Person Under 18 Years of Age).

SECTION 12. Amends Section 545.424, Transportation Code, by amending Subsections (a), (b), and (c), and adding Subsection (f), as follows:

(a) Prohibits a person under 18 years of age from operating a motor vehicle:

(1) during the 12-month period following issuance of an original Class A, B, or C driver's license to the person, rather than during the six-month period following issuance of an original Class A, B, or C driver's license to the person:

(A) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(B) with more than one passenger in the vehicle under 21 years of age who is not a family member; or

(2) while using a wireless communications device, except in case of emergency.

Makes nonsubstantive changes.

(b) Prohibits a person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month, rather than six-month, period following the issuance of an original motorcycle license or moped license to the person, from operating a motorcycle or moped:

(1) after midnight and before 5 a.m. unless:

(A) the person is in sight of the person's parent or guardian; or

(B) the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(2) while using a wireless communications device, except in case of emergency.

(c) Provides that this section does not apply to:

(1) the holder of a hardship license;

(2) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit; or

(3) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.

(f) Defines "wireless communication device" in this section.

SECTION 13. (a) Requires DPS, for the purpose of compiling data for the publication required by Section 521.206, Transportation Code, as added by this Act, to determine the number of minor students taught by each driver education entity and the total number of minor students taught by courses approved under Section 521.205, Transportation Code, who become licensed during the state fiscal year beginning September 1, 2009, and ending August 31, 2010.

(b) Requires that the first publication of collision rate data compiled under Section 521.206, Transportation Code, as added by this Act, be issued not later than October 1, 2011.

SECTION 14. Requires DPS, not later than November 30, 2009, to appoint a task force to review and make recommendations regarding the effectiveness of the materials provided by TEA for use in courses licensed under Chapter 1001, Education Code, or authorized by Section 521.205. Requires that the task force consist of a representative of DPS; a representative of TEA; a commercial provider of driver education courses; a member of an interested group or association, as determined by DPS; and other appropriate members, as determined by DPS.

SECTION 15. (a) Provides that Section 29.902(c), Education Code, as added by this Act, applies beginning with the 2010-2011 school year.

(b) Requires the commissioner, not later than January 1, 2010, to adopt rules as required by Section 1001.101, Education Code, as amended by this Act.

(c) Requires each driver education and training program approved by TEA under Chapter 1001, Education Code, to comply with the curriculum requirements of Section 1001.101, Education Code, as amended by this Act, not later than May 1, 2010.

(d) Makes application of Section 521.165, Transportation Code, as amended by this Act, prospective.

(e) Makes application of Section 521.205, Transportation Code, as amended by this Act, prospective.

(f) Makes application of Sections 521.271, 521.421, and 545.424, Transportation Code, as amended by this Act, prospective.

Section 16. Effective date: September 1, 2009.