

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1077
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Transportation & Homeland Security
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Committee Report (Substituted)

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 the different types of teen driver's education programs.

C.S.S.B. 1077 amends the Education Code to require that all school districts offer driver's education courses, requires a total of 34 hours of behind-the-wheel driving experience before a teen may be issued a driver's license, and places certain restrictions on driving by persons under 18 years of age, and sets forth provisions relating the expiration of certain permits. This bill also prohibits a person having six or more points assigned to his or her driver's license under the driver accountability program from being certified to teach a driver's education course. Additionally, the bill requires all teen driver's license applicants to take a DPS-conducted driving test. Finally, C.S.S.B. 1077 requires DPS to collect and publish statistics regarding collisions by teen drivers.

RULEMAKING AUTHORITY

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

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 6 (Section 521.205, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 8 (Section 521.271, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 8 (Section 521.271, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Less Tears More Years Act.

SECTION 2. Amends Section 29.902, Education Code, by adding Subsection (c), to require a school district (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 to 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) 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 that a driver education require the student to complete seven hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license; seven hours of observation instruction in the presence of a person who holds a driver education instructor license; and 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 an instruction permit that entitles the holder to operate a type of motor vehicle on a highway while the holder is accompanied by a person occupying the seat by a certain operator), 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) Creates an exception under Subsection (d).

(d) Prohibits the public safety 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 521.205(a), Transportation Code, to require the Texas Department of Public Safety (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 the person conducting a driver education course possess 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 and that 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. Deletes existing text requiring that the rules provide that the person conducting the course possess a valid license for the preceding three years and the license has not been suspended, revoked, or forfeited in the past three years for traffic related violations. Makes nonsubstantive changes.

SECTION 7. 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 (Department-Approved Courses). 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 8. 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:

(2) a provisional license expires on the 18th birthday of the license holder; and

(3) an instruction permit expires on the 18th birthday of the license holder. Deletes existing text providing that a provisional license expires on the earlier of the 18th birthday of the license holder or the first birthday of the license holder occurring after the date of the application, and that an instruction permit expires on the second birthday of the license holder occurring after the date of the application. Makes nonsubstantive changes.

(a-1) Requires TEA to inform DPS when a person who is a holder of a provisional license or instruction permit has dropped out of the school at which the person was enrolled. Requires DPS, on the date DPS receives that information, to revoke the person's provisional license or instruction permit and in writing notify the person of the revocation. Requires TEA and DPS to adopt joint rules to implement this subsection.

SECTION 9. 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 10. Amends Sections 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 during the 12-month period, rather than the six-month period, following the issuance of an original Class A, B, or C driver's license to the person after 10 p.m., rather than 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. 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 period, rather than 6-month period, following the issuance of an original motorcycle license or moped license to the person, from operating a motorcycle or moped under certain restrictions, including operating the motorcycle or moped after 10 p.m., rather than midnight, and before 5 a.m. unless certain conditions exist.

(c) Provides that this section does not apply to a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device. Makes nonsubstantive changes.

(f) Defines "wireless communication device."

SECTION 11. (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 article, be issued not later than October 1, 2011.

SECTION 12. 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 (Driver and Traffic Safety Education), Education Code, or authorized by Section 521.205. Sets forth the required members for the task force.

SECTION 13. (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 that each driver education and training program approved by TEA under Chapter 1001, Education Code, 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 14. Effective date: September 1, 2009.