

By: Guillen

H.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

relating to the driver's license of a person younger than 18 years of age.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may 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 the department a driver education certificate issued under Chapter 1001, Education Code [~~Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~], that states that the person has

completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(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 90 percent of the days classes are offered in the semester preceding the date of the driver's license application;

(B) who attended home school for at least 80 days in the [~~fall or spring~~] semester preceding the date of the driver's license application; or

1            (C) [~~(B)~~] who has been enrolled for at least 45  
2 days, and is enrolled as of the date of the application, in a  
3 program to prepare persons to pass the high school equivalency exam  
4 or who has completed such a program and a high school equivalency  
5 exam has not yet been offered in the area of the student's residence  
6 as of the date of the application; and

7            (4) has passed the examination required by Section  
8 521.161.

9            SECTION 2. Subchapter O, Chapter 521, Transportation Code,  
10 is amended by adding Section 521.3467 to read as follows:

11            Sec. 521.3467. AUTOMATIC REVOCATION FOR FAILURE TO MAINTAIN  
12 EDUCATIONAL REQUIREMENTS. (a) A license of a person younger than  
13 18 years of age who has not obtained a high school diploma or its  
14 equivalent shall be revoked if the person:

15            (1) ceases to be enrolled in a public school or private  
16 school or does not attend school for at least 90 percent of the days  
17 classes are offered in the current or preceding semester, subject  
18 to Subsection (e);

19            (2) does not attend home school for at least 80 days in  
20 the current or preceding semester; or

21            (3) ceases to be enrolled in a program to prepare  
22 persons to pass the high school equivalency exam, other than by  
23 completion of the program.

24            (b) If a student enrolled in a public or private school  
25 ceases to be enrolled in school or does not attend school for at  
26 least 90 percent of the days classes are offered in the current or  
27 preceding semester, the school's attendance officer or other

1 appropriate school official shall promptly notify the department.  
2 If a student attending home school does not attend home school for  
3 at least 80 days in the current or preceding semester, the person's  
4 parent or guardian shall notify the superintendent of the public  
5 school district in which the student resides. The superintendent  
6 shall promptly notify the department. If a student enrolled in a  
7 program to prepare persons to pass the high school equivalency exam  
8 ceases to be enrolled in the program, other than by completion of  
9 the program, the program administrator shall promptly notify the  
10 department.

11 (c) On receipt of notification under Subsection (b), the  
12 department shall promptly send by registered mail to the student  
13 notice of revocation of the student's driver's license. The  
14 student's driver's license is automatically revoked on the day  
15 after the date the notice of revocation is received, subject to  
16 Subsection (e).

17 (d) A person whose license is revoked under this section  
18 shall promptly surrender the license to the department.

19 (e) This subsection applies to a person whose license is  
20 subject to revocation under Subsection (a)(1) based on the person's  
21 failure to attend a public school for at least 90 percent of the  
22 days classes are offered in the current or preceding semester. If  
23 the person submits a petition under Section 25.092, Education Code,  
24 to receive credit for the classes involved, the revocation of the  
25 license is stayed pending the attendance committee decision on the  
26 petition and during any appeal of that decision. If the petition is  
27 denied by the attendance committee, revocation of the license takes

1 effect on the 10th day after the date of the denial unless the  
2 person appeals the denial to the board of trustees as permitted by  
3 Section 25.092, Education Code, before that 10th day. If the  
4 petition is denied by the board of trustees, revocation of the  
5 license takes effect on the 10th day after the date of the denial  
6 unless the person appeals the denial to the district court as  
7 permitted by Section 25.092, Education Code, before that 10th day.  
8 If the petition is denied by the district court, revocation of the  
9 license takes effect on the date of the denial. If the class credit  
10 is reinstated by the attendance committee or on appeal, the  
11 revocation does not take effect.

12 SECTION 3. Section 521.457, Transportation Code, is amended  
13 by adding Subsection (d-1) to read as follows:

14 (d-1) It is an affirmative defense to prosecution of an  
15 offense under this section by a person whose driver's license was  
16 revoked under Section 521.3467 that the person is unable to attend  
17 school because of unusual economic hardship of the person's family  
18 or the illness of a member of the person's family.

19 SECTION 4. This Act takes effect September 1, 2007.