

By: Phillips

H. B. No. 339

A BILL TO BE ENTITLED

1 AN ACT

2 relating to driver education and driver's licensing requirements
3 for minors.

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

5 SECTION 1. Section 29.902, Education Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) A school district shall offer a driver education and
8 traffic safety course during each school year. The district may
9 charge a fee for the course in the amount determined by the agency
10 to be comparable to the fee charged by commercial driving schools.

11 SECTION 2. Section 1001.101, Education Code, is amended to
12 read as follows:

13 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
14 TEXTBOOKS. (a) The commissioner by rule shall establish the
15 curriculum and designate the textbooks to be used in a driver
16 education course.

17 (b) A driver education course for a student who is under 18
18 years of age must require the student to complete 34 hours of
19 behind-the-wheel instruction, including at least 10 hours of
20 instruction that takes place at night.

21 (c) The commissioner by rule shall determine the number of
22 hours of behind-the-wheel instruction required under Subsection
23 (b) to be conducted in the presence of a licensed instructor or in
24 the presence of an adult who meets the requirements of Section

1 521.222(d)(2), Transportation Code.

2 SECTION 3. Subchapter F, Chapter 1001, Education Code, is
3 amended by adding Section 1001.257 to read as follows:

4 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not
5 issue or renew a driver education instructor license, including a
6 temporary license, to a person who has six or more points assigned
7 to the person's driver's license under Subchapter B, Chapter 708,
8 Transportation Code.

9 SECTION 4. Section 521.165, Transportation Code, is amended
10 by amending Subsection (c) and adding Subsection (d) to read as
11 follows:

12 (c) Except as provided by Subsection (d), in [In] issuing a
13 driver's license for certain types of vehicles, the director may
14 waive a driving test for an applicant who has successfully
15 completed and passed the training and testing conducted by a person
16 certified under Subsection (a).

17 (d) The director may not waive the driving test required by
18 Section 521.161 for an applicant who is under 18 years of age.

19 SECTION 5. Section 521.205(a), Transportation Code, is
20 amended to read as follows:

21 (a) The department by rule shall provide for approval of a
22 driver education course conducted by the parent, stepparent, legal
23 guardian, step-grandparent, or grandparent of a person who is
24 required to complete a driver education course to obtain a Class C
25 license. The rules must provide that:

26 (1) the person conducting the course possess a valid
27 license for the preceding three years that [and the license] has not

1 been suspended, revoked, or forfeited in the past three years for an
2 offense that involves the operation of a motor vehicle [~~traffic~~
3 ~~related violations~~];

4 (2) the student driver spend a minimum number of hours
5 in:

6 (A) classroom instruction; and
7 (B) behind-the-wheel instruction;

8 (3) the person conducting the course not be convicted
9 of:

10 (A) criminally negligent homicide; or
11 (B) driving while intoxicated; [~~and~~]

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

14 (5) the person conducting the course not have six or
15 more points assigned to the person's driver's license under
16 Subchapter B, Chapter 708.

17 SECTION 6. Subchapter J, Chapter 521, Transportation Code,
18 is amended by adding Section 521.206 to read as follows:

19 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)
20 The department shall collect data regarding collisions of students
21 taught by public schools, commercial driving schools, and other
22 entities that offer driver education courses to students for which
23 a uniform certificate of course completion is issued. The
24 collision rate is computed by determining the number of an entity's
25 students who complete a driver education course during a state
26 fiscal year, dividing that number by the number of collisions that
27 involved students who completed such a course and that occurred in

1 the 12-month period following their licensure, and expressing the
2 quotient as a percentage.

3 (b) The department shall collect data regarding the
4 collision rate of students taught by course instructors approved
5 under Section 521.205. The collision rate is computed by
6 determining the number of students who completed a course approved
7 under Section 521.205 during a state fiscal year, dividing that
8 number by the number of collisions that involved students who
9 completed such a course and that occurred in the 12-month period
10 following their licensure, and expressing the quotient as a
11 percentage.

12 (c) Not later than October 1 of each year, the department
13 shall issue a publication listing the collision rate for students
14 taught by each driver education entity and the collision rate for
15 students taught by a course instructor approved under Section
16 521.205, noting the severity of collisions involving students of
17 each entity and each type of course.

18 SECTION 7. Sections 545.424(a) and (b), Transportation
19 Code, are amended to read as follows:

20 (a) A person under 18 years of age[, ~~during the six-month~~
21 ~~period following issuance of an original Class A, B, or C driver's~~
22 ~~license to the person,~~] may not operate a motor vehicle:

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

25 (A) after 10 p.m. [midnight] and before 5 a.m.
26 unless the operation of the vehicle is necessary for the operator to
27 attend or participate in employment or a school-related activity or

1 because of a medical emergency; or
2 (B) [2] with more than one passenger in the
3 vehicle under 21 years of age who is not a family member; or
4 (2) [3] while using a wireless communications
5 device

6 (b) A person under 17 years of age who holds a restricted
7 motorcycle license or moped license, during the 12-month
8 [~~six-month~~] period following the issuance of an original motorcycle
9 license or moped license to the person, may not operate a motorcycle
10 or moped:

18 SECTION 8. (a) For the purpose of compiling data for the
19 publication required by Section 521.206, Transportation Code, as
20 added by this Act, the Texas Department of Public Safety shall
21 determine the number of minor students taught by each driver
22 education entity and the total number of minor students taught by
23 courses approved under Section 521.205, Transportation Code, who
24 become licensed during the state fiscal year beginning September 1,
25 2009, and ending August 31, 2010.

26 (b) The first publication of collision rate data compiled
27 under Section 521.206, Transportation Code, as added by this Act.

1 shall be issued not later than October 1, 2011.

2 SECTION 9. Not later than November 30, 2009, the Texas
3 Department of Public Safety shall appoint a task force to review and
4 make recommendations regarding the effectiveness of the materials
5 provided by the Texas Education Agency for use in courses licensed
6 under Chapter 1001, Education Code, or authorized by Section
7 521.205. The task force shall consist of the following members:

8 (1) a representative of the Texas Department of Public
9 Safety;

10 (2) a representative of the Texas Education Agency;

11 (3) a commercial provider of driver education courses;

12 (4) a member of an interested group or association, as
13 determined by the department; and

14 (5) other appropriate members, as determined by the
15 department.

16 SECTION 10. (a) Section 29.902(c), Education Code, as
17 added by this Act, applies beginning with the 2010-2011 school
18 year.

19 (b) Section 1001.101, Education Code, as amended by this
20 Act, applies only to a driver education and training program
21 approved by the Texas Education Agency on or after the effective
22 date of this Act. A program approved by the Texas Education Agency
23 before the effective date of this Act is subject to the law in
24 effect on the date the program was approved, and that law is
25 continued in effect for that purpose.

26 (c) Section 1001.257, Education Code, as added by this Act,
27 applies only to a person issued a license or approved to teach a

1 driver education course on or after the effective date of this Act.
2 A person issued a license or approved to teach a driver education
3 course before the effective date of this Act is subject to the law
4 in effect on the date the license was issued, and that law is
5 continued in effect for that purpose.

6 (d) Section 521.165, Transportation Code, as amended by
7 this Act, applies only to an application for a driver's license
8 submitted on or after the effective date of this Act. An
9 application for a driver's license submitted before the effective
10 date of this Act is subject to the law in effect on the date the
11 application was submitted, and that law is continued in effect for
12 that purpose.

13 (e) The changes in law made by this Act to Section 521.205,
14 Transportation Code, apply to a course approved under that section
15 that begins on or after the effective date of this Act. A course
16 beginning before the effective date of this Act is governed by the
17 law in effect on the date the course was commenced, and that law is
18 continued in effect for that purpose.

19 (f) The changes in law made by this Act to Section 545.424,
20 Transportation Code, apply only to a person issued a driver's
21 license on or after the effective date of this Act. A person issued
22 a driver's license before the effective date of this Act is governed
23 by the law in effect on the date the license was issued, and that law
24 is continued in effect for that purpose.

25 SECTION 11. This Act takes effect September 1, 2009.