

By: Zaffirini, et al.
(King of Hemphill)

S.B. No. 478

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of the motorcycle operator training
3 and safety program and requirements for the issuance of certain
4 driver's licenses and commercial driver's licenses; requiring an
5 occupational license; authorizing a fee.

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

7 SECTION 1. Section [521.148](#), Transportation Code, is amended
8 by adding Subsection (d) to read as follows:

9 (d) This section does not apply to a person who holds a valid
10 driver's license issued by another state that includes an
11 authorization to operate a motorcycle.

12 SECTION 2. Section [521.1601](#), Transportation Code, as added
13 by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
14 Session, 2009, is amended to read as follows:

15 Sec. 521.1601. DRIVER EDUCATION REQUIRED; EXCEPTION. (a)
16 Subject to Subsection (b), the [The] department may not issue a
17 driver's license to a person who is younger than 25 years of age
18 unless the person submits to the department a driver education
19 certificate issued under Chapter [1001](#), Education Code, that states
20 that the person has completed and passed:

21 (1) a driver education and traffic safety course
22 conducted by an entity exempt from licensure under Section
23 [1001.002](#), Education Code, or a driver education course approved by
24 the Texas Department of Licensing and Regulation under Chapter

1 1001, Education Code; or

2 (2) if the person is 18 years of age or older, a driver
3 education course approved by the Texas Department of Licensing and
4 Regulation under Section 1001.101 or 1001.1015, Education Code.

5 (b) This section does not apply to a person who holds a valid
6 driver's license issued by another state.

7 SECTION 3. Section 522.034, Transportation Code, is amended
8 by adding Subsection (d) to read as follows:

9 (d) Subsections (a) and (b) do not apply to a person who
10 holds a valid driver's license issued by another state that
11 includes an authorization to operate a motorcycle.

12 SECTION 4. Section 662.0005, Transportation Code, is
13 amended by adding Subdivisions (4-a) and (4-b) and amending
14 Subdivision (5) to read as follows:

15 (4-a) "Instructor training course" means a course
16 offered by an instructor training provider to prepare an individual
17 for licensure as an instructor.

18 (4-b) "Instructor training provider" means an
19 individual who holds a license issued under this chapter that
20 entitles the individual to offer and conduct instructor training
21 courses for consideration.

22 (5) "Motorcycle school" means a person who holds a
23 license issued under this chapter that entitles the person to offer
24 and conduct courses on motorcycle operation and safety for
25 consideration [~~as part of the motorcycle operator training and~~
26 ~~safety program~~].

27 SECTION 5. Section 662.0035, Transportation Code, is

1 amended to read as follows:

2 Sec. 662.0035. FEES. The commission may set fees in
3 amounts reasonable and necessary to cover the costs of
4 administering this chapter, including fees for:

- 5 (1) the issuance and renewal of:
- 6 (A) [a] motorcycle school licenses;
7 (B) [license and] instructor licenses; and
8 (C) instructor training provider licenses
9 [license]; and

- 10 (2) the approval of:
- 11 (A) [courses provided under the] motorcycle
12 operation [operator training] and safety courses; and
13 (B) instructor training courses [program].

14 SECTION 6. Section 662.0037(b), Transportation Code, is
15 amended to read as follows:

16 (b) The advisory board must consist of nine members
17 appointed by the presiding officer of the commission, on approval
18 of the commission, as follows:

- 19 (1) three members:
- 20 (A) each of whom must be an [a licensed]
21 instructor or represent a [licensed] motorcycle school; and
22 (B) who must collectively represent the
23 diversity in size and type of the motorcycle schools licensed under
24 this chapter;
- 25 (2) one member who represents the motorcycle dealer
26 retail industry;
- 27 (3) one representative of a law enforcement agency;

1 (4) one representative of the Texas A&M Transportation
2 Institute;

3 (5) one member who is an instructor training provider
4 [~~representative of the Texas A&M Engineering Extension Service~~];
5 and

6 (6) two public members who hold a valid Class M
7 driver's license issued under Chapter 521.

8 SECTION 7. Section 662.005(a), Transportation Code, is
9 amended to read as follows:

10 (a) The department may contract with qualified persons,
11 including institutions of higher education, as necessary to achieve
12 the purposes of this chapter [+

13 [~~(1) offer and conduct motorcycle operator training~~
14 ~~and safety courses under the program; or~~

15 [~~(2) research motorcycle safety in this state~~].

16 SECTION 8. Section 662.0062, Transportation Code, is
17 amended by amending Subsections (a) and (b) and adding Subsections
18 (a-1) and (b-1) to read as follows:

19 (a) To be eligible for an instructor license, an applicant
20 must:

21 (1) have completed a department-approved instructor
22 [~~commission-approved~~] training course [~~program on motorcycle~~
23 ~~operator training and safety instruction administered by the Texas~~
24 ~~A&M Engineering Extension Service~~]; and

25 (2) have held for the two years preceding the date of
26 submitting the application a valid driver's license that entitles
27 the applicant to operate a motorcycle on a public road [~~and~~

1 ~~[(3) have accumulated less than 10 points under the~~
2 ~~driver responsibility program established by Chapter 708].~~

3 (a-1) The department may not issue an instructor license or
4 instructor training provider license to an individual who has been
5 convicted of:

6 (1) during the preceding three years:

7 (A) three or more moving violations described by
8 Section 542.304 or a comparable offense committed in another state,
9 including violations that resulted in an accident; or

10 (B) two or more moving violations described by
11 Section 542.304 or a comparable offense committed in another state
12 that resulted in an accident; or

13 (2) during the preceding seven years, an offense under
14 Chapter 49, Penal Code, other than an offense under Section 49.02,
15 Penal Code, or Section 49.031, Penal Code, or a comparable offense
16 committed in another state.

17 (b) The commission by rule may adopt additional
18 requirements for issuance or renewal of an instructor license.

19 (b-1) To be eligible for the issuance or renewal of an
20 instructor training provider license, an applicant must:

21 (1) have held for the two years preceding the date of
22 submitting the application a valid driver's license that entitles
23 the applicant to operate a motorcycle on a public road; and

24 (2) meet any additional requirement adopted by rule by
25 the commission, including a requirement to hold a license or
26 certification or pass an examination.

27 SECTION 9. Chapter 662, Transportation Code, is amended by

1 adding Section 662.0063 to read as follows:

2 Sec. 662.0063. CRIMINAL HISTORY RECORD INFORMATION
3 REQUIREMENT FOR LICENSE ISSUANCE. (a) The department shall
4 require that an applicant for an instructor license or instructor
5 training provider license submit a complete and legible set of
6 fingerprints, on a form prescribed by the executive director, to
7 the department or to the Department of Public Safety for the purpose
8 of obtaining criminal history record information from the
9 Department of Public Safety and the Federal Bureau of
10 Investigation.

11 (b) The department may not issue an instructor license or
12 instructor training provider license to a person who does not
13 comply with the requirement of Subsection (a).

14 (c) The department shall conduct a criminal history record
15 information check of each applicant for an instructor license or
16 instructor training provider license using information:

17 (1) provided by the individual under this section; and

18 (2) made available to the department by the Department
19 of Public Safety, the Federal Bureau of Investigation, and any
20 other criminal justice agency under Chapter 411, Government Code.

21 (d) The department may:

22 (1) enter into an agreement with the Department of
23 Public Safety to administer a criminal history record information
24 check required under this section; and

25 (2) authorize the Department of Public Safety to
26 collect from each applicant the costs incurred by the Department of
27 Public Safety in conducting the criminal history record information

1 check.

2 SECTION 10. Section 662.0064, Transportation Code, is
3 amended to read as follows:

4 Sec. 662.0064. INSTRUCTOR TRAINING COURSES [~~+~~
5 ~~ADMINISTRATOR~~]. (a) An individual may not offer or conduct an
6 instructor training course unless the individual holds an
7 instructor training provider license issued by the department.

8 (b) An instructor training course must be:

9 (1) approved by the department;

10 (2) offered and conducted in accordance with
11 commission rules; and

12 (3) conducted at a motorcycle school.

13 (c) The commission by rule shall establish minimum
14 curriculum standards for instructor training courses to be offered
15 to meet the requirement of [Texas A&M Engineering Extension
16 Service, in consultation with the department, shall administer the
17 training program required by] Section 662.0062(a)(1).

18 SECTION 11. Section 662.008, Transportation Code, is
19 amended to read as follows:

20 Sec. 662.008. GROUNDS FOR DISCIPLINARY ACTION [~~DENIAL,~~
21 ~~SUSPENSION, OR REVOCATION OF INSTRUCTOR OR MOTORCYCLE SCHOOL~~
22 ~~LICENSE~~]. (a) The executive director or commission may deny an
23 application for or for the renewal of, suspend, or revoke a license
24 issued under this chapter if the applicant, instructor, instructor
25 training provider, or motorcycle school:

26 (1) does not satisfy the requirements established
27 under this chapter to receive or retain the license;

1 (2) permits fraud or engages in a fraudulent practice
2 with reference to an application for the license;

3 (3) induces or countenances fraud or a fraudulent
4 practice by a person applying for a driver's license or permit;

5 (4) permits fraud or engages in a fraudulent practice
6 in an action between the applicant or license holder and the public;
7 or

8 (5) fails to comply with this chapter or rules adopted
9 under this chapter.

10 (b) A proceeding under this section is a contested case
11 under Chapter 2001, Government Code [~~Following denial of an~~
12 ~~application for a license or the suspension or revocation of a~~
13 ~~license issued under this chapter, notice and opportunity for a~~
14 ~~hearing must be given as provided by:~~

15 [~~(1) Chapter 2001, Government Code; and~~

16 [~~(2) Chapter 53, Occupations Code~~].

17 SECTION 12. Section 662.011(b), Transportation Code, is
18 amended to read as follows:

19 (b) Money deposited to the credit of the motorcycle
20 education fund account may be used only to defray the cost of:

21 (1) administering the motorcycle operator training
22 and safety program; and

23 (2) conducting the motorcyclist safety and share the
24 road campaign described by Section 201.621[~~, and~~

25 [~~(3) administering the grant program under Section~~
26 ~~662.0115~~].

27 SECTION 13. Section 662.012, Transportation Code, is

1 amended to read as follows:

2 Sec. 662.012. REPORTS. (a) The department may [~~shall~~]
3 require each motorcycle school to report on the school's program in
4 the form and manner prescribed by the department. [~~The report must~~
5 ~~include:~~

6 ~~[(1) the number and types of courses provided in the~~
7 ~~reporting period;~~

8 ~~[(2) the number of persons who took each course in the~~
9 ~~reporting period;~~

10 ~~[(3) the number of instructors available to provide~~
11 ~~training under the school's program in the reporting period;~~

12 ~~[(4) information collected by surveying persons~~
13 ~~taking each course as to the length of any waiting period the person~~
14 ~~experienced before being able to enroll in the course;~~

15 ~~[(5) the number of persons on a waiting list for a~~
16 ~~course at the end of the reporting period; and~~

17 ~~[(6) any other information the department reasonably~~
18 ~~requires.]~~

19 (a-1) The department may require each instructor training
20 provider to report on instructor training courses offered by the
21 provider in the form and manner prescribed by the department.

22 (b) If the department requires a motorcycle school or
23 instructor training provider to submit a report under this section,
24 the [The] department shall specify the information that must be
25 included in the report [~~maintain the reports submitted under~~
26 ~~Subsection (a) on a by-site basis].~~

27 (c) The department shall provide without charge a copy of

1 the most recent reports submitted under this section [~~Subsection~~
2 ~~(a)~~] to any member of the legislature on request.

3 SECTION 14. Section 1001.055(a), Education Code, is amended
4 to read as follows:

5 (a) The department shall provide to each licensed driver
6 education provider or exempt driver education school driver
7 education certificates or certificate numbers to enable the
8 provider or school to issue department-approved driver education
9 certificates to certify completion of an approved driver education
10 course and satisfy the requirements of Sections 521.204(a)(2)[~~7~~
11 ~~Transportation Code, 521.1601, Transportation Code, as added by~~
12 ~~Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular~~
13 ~~Session, 2009,~~] and 521.1601, Transportation Code[~~7~~, ~~as added by~~
14 ~~Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular~~
15 ~~Session, 2009~~].

16 SECTION 15. Section 521.1601, Transportation Code, as added
17 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
18 Session, 2009, is repealed.

19 SECTION 16. Section 662.0115, Transportation Code, is
20 repealed.

21 SECTION 17. (a) Except as otherwise provided by this
22 section, this Act takes effect January 1, 2024.

23 (b) This section and Sections 1, 2, 3, 14, and 15 of this Act
24 take effect September 1, 2023.