

By: Zaffirini

S.B. No. 478

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the motorcycle operator training and safety program; requiring an occupational license; authorizing a fee.

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

SECTION 1. Section 662.0005, Transportation Code, is amended by adding Subdivisions (4-a) and (4-b) and amending Subdivision (5) to read as follows:

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

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

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

SECTION 2. Section 662.0035, Transportation Code, is amended to read as follows:

Sec. 662.0035. FEES. The commission may set fees in amounts reasonable and necessary to cover the costs of

1 administering this chapter, including fees for:

2 (1) the issuance and renewal of:

3 (A) [a] motorcycle school licenses;

4 (B) [license and] instructor licenses; and

5 (C) instructor training provider licenses

6 [license]; and

7 (2) the approval of:

8 (A) [courses provided under the] motorcycle  
9 operation [operator training] and safety courses; and

10 (B) instructor training courses [program].

11 SECTION 3. Section 662.0037(b), Transportation Code, is  
12 amended to read as follows:

13 (b) The advisory board must consist of nine members  
14 appointed by the presiding officer of the commission, on approval  
15 of the commission, as follows:

16 (1) three members:

17 (A) each of whom must be an [a licensed]  
18 instructor or represent a [licensed] motorcycle school; and

19 (B) who must collectively represent the  
20 diversity in size and type of the motorcycle schools licensed under  
21 this chapter;

22 (2) one member who represents the motorcycle dealer  
23 retail industry;

24 (3) one representative of a law enforcement agency;

25 (4) one representative of the Texas A&M Transportation  
26 Institute;

27 (5) one member who is an instructor training provider

1 ~~[representative of the Texas A&M Engineering Extension Service];~~  
2 and

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

5 SECTION 4. Section 662.005(a), Transportation Code, is  
6 amended to read as follows:

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

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

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

13 SECTION 5. Section 662.0062, Transportation Code, is  
14 amended by amending Subsections (a) and (b) and adding Subsections  
15 (a-1) and (b-1) to read as follows:

16 (a) To be eligible for an instructor license, an applicant  
17 must:

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

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

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

27 (a-1) The department may not issue an instructor license to

1 an individual who has been convicted of:

2 (1) during the preceding three years:

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

6 (B) two or more moving violations described by  
7 Section 542.04 or a comparable offense committed in another state  
8 that resulted in an accident; or

9 (2) during the preceding seven years, an offense under  
10 Chapter 49, Penal Code, other than an offense under Section 49.02,  
11 Penal Code, or Section 49.031, Penal Code, or a comparable offense  
12 committed in another state.

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

15 (b-1) The commission by rule may adopt additional  
16 eligibility requirements and criteria for the issuance of an  
17 instructor training provider license.

18 SECTION 6. Chapter 662, Transportation Code, is amended by  
19 adding Section 662.0063 to read as follows:

20 Sec. 662.0063. CRIMINAL HISTORY RECORD INFORMATION  
21 REQUIREMENT FOR INSTRUCTOR LICENSE ISSUANCE. (a) The department  
22 shall require that an applicant for an instructor license submit a  
23 complete and legible set of fingerprints, on a form prescribed by  
24 the executive director, to the department or to the Department of  
25 Public Safety for the purpose of obtaining criminal history record  
26 information from the Department of Public Safety and the Federal  
27 Bureau of Investigation.

1        (b) The department may not issue an instructor license to a  
2 person who does not comply with the requirement of Subsection (a).

3        (c) The department shall conduct a criminal history record  
4 information check of each applicant for an instructor license using  
5 information:

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

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

10        (d) The department may:

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

14            (2) authorize the Department of Public Safety to  
15 collect from each applicant the costs incurred by the Department of  
16 Public Safety in conducting the criminal history record information  
17 check.

18        SECTION 7. Section 662.0064, Transportation Code, is  
19 amended to read as follows:

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

24        (b) An instructor training course must be:

25            (1) approved by the department;

26            (2) offered and conducted in accordance with  
27 commission rules; and

1           (3) conducted at a motorcycle school.

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

7           SECTION 8. Section 662.008, Transportation Code, is amended  
8 to read as follows:

9           Sec. 662.008. GROUND FOR DISCIPLINARY ACTION [~~DENIAL,~~  
10 ~~SUSPENSION, OR REVOCATION OF INSTRUCTOR OR MOTORCYCLE SCHOOL~~  
11 ~~LICENSE~~]. (a) The executive director or commission may deny an  
12 application for or for the renewal of, suspend, or revoke a license  
13 issued under this chapter if the applicant, instructor, instructor  
14 training provider, or motorcycle school:

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

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

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

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

23 or

24           (5) fails to comply with this chapter or rules adopted  
25 under this chapter.

26           (b) A proceeding under this section is a contested case  
27 under Chapter 2001, Government Code [~~Following denial of an~~

1 ~~application for a license or the suspension or revocation of a~~  
2 ~~license issued under this chapter, notice and opportunity for a~~  
3 ~~hearing must be given as provided by:~~

4 ~~[(1) Chapter 2001, Government Code, and~~

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

6 SECTION 9. Section 662.011(b), Transportation Code, is  
7 amended to read as follows:

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

10 (1) administering the motorcycle operator training  
11 and safety program; and

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

14 ~~[(3) administering the grant program under Section~~  
15 ~~662.0115].~~

16 SECTION 10. Section 662.012, Transportation Code, is  
17 amended to read as follows:

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

22 ~~[(1) the number and types of courses provided in the~~  
23 ~~reporting period,~~

24 ~~[(2) the number of persons who took each course in the~~  
25 ~~reporting period,~~

26 ~~[(3) the number of instructors available to provide~~  
27 ~~training under the school's program in the reporting period,~~

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

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

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

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

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

16           (c) The department shall provide without charge a copy of  
17 the most recent reports submitted under this section ~~[Subsection~~  
18 ~~(a)]~~ to any member of the legislature on request.

19           SECTION 11. Section [662.0115](#), Transportation Code, is  
20 repealed.

21           SECTION 12. This Act takes effect January 1, 2024.