

Amend CSHB 3459 by adding a new, appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_\_. (a) Notwithstanding any other provision of law, the commissioner of education may contract for the performance of or delegate all or part of the duties assigned to the commissioner or the Texas Education Agency under the Texas Driver and Traffic Safety Education Act, Article 4413(29c) and Section 29.902, Education Code, to a private or public entity in accordance with this section.

(b) The commissioner shall enter into a written agreement that describes the responsibilities of the commissioner and agency and the entity to which a function is delegated or contracted.

(c) Any rule of the commissioner enacted under Article 4413(29c) remains in effect after a delegation or contract authorized under this section until amended by the commissioner. Any investigation, sanction, fine or administrative or judicial proceeding in progress on the date of delegation or effective date of a contract shall continue in effect without regard to the delegation or contract. Any fees due under Article 4413(29c) shall be deposited to the credit of the Texas Education Agency and used to support activities of the agency and to pay reasonable expenses of the entity to which a function is delegated or contracted under this section.

(d) An entity to which authority under Article 4413(29c) or Section 29.902, Education Code, is delegated is considered a state agency for purposes of immunity.

(e) The commissioner may make rules to implement this section. A reference in other law to the commissioner of education or the Texas Education Agency with regard to duties or actions under Article 4413(29c) or Section 29.902, Education Code, shall mean an entity delegated or contracted a function by the commissioner to the extent necessary to implement the delegation or contract.