

## **BILL ANALYSIS**

Senate Research Center

H.B. 2751  
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### **DIGEST AND PURPOSE**

Under current law, an alternative driving safety course, including an Internet course, is subject to the same civil penalties and sanctions as any other driving safety course. This can present a problem for Internet courses because they are in a relatively early stage of development and are still working to fully comply with regulations originally promulgated for traditional classroom courses. H.B. 2751 allows providers to make changes to courses without prior approval and requires the commissioner of education to provide an Internet driving safety course provider with notice of a violation before imposing a civil penalty or sanction.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.) by adding Section 11A, as follows:

Sec. 11A. COURSE CHANGE BY INTERNET COURSE PROVIDER. (a) Provides that this section applies only to a course provider who offers a driving safety course that has been approved under Section 11 of this Act to be taught by an alternative delivery method through the Internet.

(b) Authorizes a course provider to make a change to a driving safety course, including a change in the technology used to conduct the course, without prior approval of the commissioner of education (commissioner).

(c) Provides that, except as provided by Subsections (d) and (e) of this section, if a change implemented under this section violates a provision of this Act, the course provider is liable for any penalty or sanction as permitted by Section 24 or 25 of this Act.

(d) Authorizes the course provider to submit a written notification, including a complete description of the change, by certified mail to the commissioner at the time that a change to the driving safety course is made. Requires the commissioner to approve or disapprove of the change and notify the course provider of the decision by certified mail not later than 30 business days after receiving the notification from the course provider.

(e) Requires the commissioner, if the commissioner disapproves the change based on a determination that the change violates this Act or a rule adopted under this Act, to include an explanation of the alleged violation in the notice to the course provider. Requires the commissioner to grant the course provider five business days from the date the provider receives the notice to cure the alleged violation without a penalty or

sanction. Authorizes the commissioner, if the course provider does not cure the alleged violation in that time, to impose a civil penalty or a sanction on the course provider as permitted by Section 24 or 25 of this Act.

(f) Provides that if a course provider makes a change in a driving safety course for which the commissioner has previously provided written notice to the course provider under Subsection (e) of this section stating that the commissioner has determined that the change violates this Act or a rule adopted under this Act, the commissioner is not required to provide the course provider five business days to cure the alleged violation and may impose a civil penalty or a sanction on the course provider as permitted by Section 24 or 25 of this Act.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.