

By: Driver

H.B. No. 2080

A BILL TO BE ENTITLED

AN ACT

relating to graduated driver licensing.

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

SECTION 1. Chapter 521, Transportation Code, is amended by adding Subchapter T to read as follows:

SUBCHAPTER T. GRADUATED DRIVER LICENSING

Sec. 521.481. DEFINITIONS. In this subchapter:

(1) "Conviction free" means that a person has not been convicted or adjudicated under juvenile proceedings for an offense under state or local law relating to the operation of a motor vehicle, including an offense under Section 106.041, Alcoholic Beverage Code, or an offense under Chapter 49, Penal Code, involving operation of a motor vehicle, but excluding an offense specifically applying only to the type of license or permit held by the person.

(2) "Successfully complied" means that:

(A) the person did not violate any provision of law specifically applying only to the type of license or permit held by the person; or

(B) if the person violated such a provision, the person has been subject to the consequences prescribed by law for the violation.

Sec. 521.482. APPLICATION. This subchapter applies only to a person under 18 years of age.

1 Sec. 521.483. STAGE 1: INSTRUCTION PERMIT. (a) In
2 addition to the restrictions imposed by Section 521.222(d) and
3 other law, a holder of an instruction permit may not operate a motor
4 vehicle unless the person and each passenger in the motor vehicle is
5 secured by a safety belt or child passenger safety seat system.

6 (b) The department shall indicate "INSTRUCTION PERMIT" on
7 the face of each instruction permit.

8 Sec. 521.484. STAGE 2: INTERMEDIATE LICENSE. (a) The
9 department may issue an intermediate license to a person who:

10 (1) meets the requirements of Section 521.204 for
11 issuance of a Class C driver's license; and

12 (2) during the three-month period preceding the date
13 of application for the intermediate license, has:

14 (A) held an instruction permit;

15 (B) been conviction free; and

16 (C) successfully complied with the conditions of
17 holding an instruction permit.

18 (b) In addition to the restrictions imposed by Section
19 545.424 and other law, the holder of an intermediate license may not
20 operate a motor vehicle unless the person and each passenger in the
21 motor vehicle is secured by a safety belt or child passenger safety
22 seat system.

23 (c) The department shall indicate "INTERMEDIATE LICENSE" on
24 the face of each intermediate license.

25 Sec. 521.485. STAGE 3: CLASS A, B, OR C LICENSE. The
26 department may not issue a Class A, B, or C driver's license to a
27 person unless:

1 (1) the person has held an intermediate license for at
2 least six months;

3 (2) the combined period during which the person held
4 an instruction permit and intermediate license is at least one
5 year; and

6 (3) during the one-year period preceding the date of
7 application for the Class A, B, or C license, the person has:

8 (A) been conviction free; and

9 (B) successfully complied with the conditions of
10 holding the applicable license.

11 SECTION 2. Section 521.001(a)(3), Transportation Code, is
12 amended to read as follows:

13 (3) "Driver's license" means an authorization issued
14 by the department for the operation of a motor vehicle. The term
15 includes:

16 (A) a temporary license, ~~[or]~~ instruction
17 permit, or intermediate license; and

18 (B) an occupational license.

19 SECTION 3. Section 521.204, Transportation Code, is amended
20 to read as follows:

21 Sec. 521.204. RESTRICTIONS ON MINOR. ~~[(a)]~~ The department
22 may issue a Class C driver's license to an applicant under 18 years
23 of age only if the applicant:

24 (1) is 16 years of age or older;

25 (2) has submitted to the department a driver education
26 certificate issued under Section 9A, Texas Driver and Traffic
27 Safety Education Act (Article 4413(29c), Vernon's Texas Civil

1 Statutes), that states that the person has completed and passed a
2 driver education course approved by the department under Section
3 521.205 or by the Texas Education Agency;

4 (3) has obtained a high school diploma or its
5 equivalent or is a student:

6 (A) enrolled in a public school, home school, or
7 private school who attended school for at least 80 days in the fall
8 or spring semester preceding the date of the driver's license
9 application; or

10 (B) who has been enrolled for at least 45 days,
11 and is enrolled as of the date of the application, in a program to
12 prepare persons to pass the high school equivalency exam; and

13 (4) has passed the examination required by Section
14 521.161.

15 ~~[(b) The department may not issue a Class A, B, or C driver's~~
16 ~~license other than a hardship license to an applicant under 18 years~~
17 ~~of age unless the applicant has held an instruction permit or~~
18 ~~hardship license for at least six months preceding the date of the~~
19 ~~application.]~~

20 SECTION 4. Section 545.424(a), Transportation Code, is
21 amended to read as follows:

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

26 (1) after midnight and before 5 a.m. unless the
27 operation of the vehicle is necessary for the operator to attend or

1 participate in employment or a school-related activity or because
2 of a medical emergency; or

3 (2) with more than one passenger in the vehicle under
4 21 years of age who is not a family member.

5 SECTION 5. This Act does not affect the validity or effect
6 of a driver's license, including an instruction permit, issued
7 before the effective date of this Act. A license issued before the
8 effective date of this Act is governed by the law in effect when the
9 license was issued, and that law is continued in effect for that
10 purpose.

11 SECTION 6. This Act takes effect September 1, 2003.