

By: Hegar

H.B. No. 2751

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changes in driving safety courses conducted through the
3 Internet.

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

5 SECTION 1. The Texas Driver and Traffic Safety Education
6 Act (Article 4413(29c), Vernon's Texas Civil Statutes) is amended
7 by adding Section 11A to read as follows:

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

12 (b) A course provider may make a change to a driving safety
13 course, including a change in the technology used to conduct the
14 course, without prior approval of the commissioner.

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

19 (d) The course provider may submit a written notification,
20 including a complete description of the change, by certified mail
21 to the commissioner at the time that a change to the driving safety
22 course is made. The commissioner shall approve or disapprove of the
23 change and notify the course provider of the decision by certified
24 mail not later than 30 business days after receiving the

1 notification from the course provider.

2 (e) If the commissioner disapproves the change based on a
3 determination that the change violates this Act or a rule adopted
4 under this Act, the commissioner shall include an explanation of
5 the alleged violation in the notice to the course provider. The
6 commissioner shall grant the course provider five business days
7 from the date the provider receives the notice to cure the alleged
8 violation without a penalty or sanction. If the course provider
9 does not cure the alleged violation in that time, the commissioner
10 may impose a civil penalty or a sanction on the course provider as
11 permitted by Section 24 or 25 of this Act.

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

21 SECTION 2. The change in law made by this Act applies only
22 to a change to an Internet driving safety course made on or after
23 the effective date of this Act. A change to an Internet driving
24 safety course made before the effective date of this Act is governed
25 by the law in effect when the change was made, and the former law is
26 continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2003.