

By: Hegar

H.B. No. 2751

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of a civil penalty or a sanction on certain driving safety courses.

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

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

Sec. 11A. VIOLATION BY INTERNET COURSE PROVIDER. (a) 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) Notwithstanding Sections 24 and 25 of this Act, the commissioner must provide written notice and an opportunity to cure before the commissioner may impose a civil penalty or a sanction on a course provider who is alleged to have violated a provision of this Act. The commissioner shall provide written notice by certified mail to the course provider stating the specific nature of the alleged violation and the required corrective action.

(c) The commissioner shall grant the course provider a reasonable period of not less than 5 business days to cure the alleged violation without a penalty or sanction. On failure to cure, the commissioner may impose a civil penalty or a sanction on the course provider as permitted by Section 24 or 25.

(d) If the commissioner determines that there is credible

1 evidence of intentional fraud, the commissioner may impose a civil
2 penalty or a sanction on the course provider as permitted by Section
3 24 or 25 without allowing the provider an opportunity to cure the
4 violation.

5 SECTION 2. The change in law made by this Act applies only
6 to a violation by an Internet driving safety course provider
7 occurring on or after the effective date of this Act. A violation
8 by an Internet driving safety course provider occurring before the
9 effective date of this act is governed by the law in effect when the
10 violation occurred, and the former law is continued in effect for
11 that purpose.

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