

By: Delisi

H.B. No. 3358

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Education Agency to regulate acceptable minimum standards for driving safety courses.

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

SECTION 1. Article 4413(29c), Texas Driver and Traffic Safety Education Act, is amended by adding Section 6A to read as follows:

Sec. 6A. ADMINISTRATION OF DRIVING SAFETY COURSES. (a) In this section:

(1) "Impertinent" means:

(A) any information addressed in questions given during the lesson, which are used to gauge student comprehension of course material, that is not directly related to driving safety; or

(B) any information addressed in questions on the driving safety course comprehensive examination that is not directly related to driving safety.

(2) "Directly related" means information necessary to make sound driving decisions or information regarding specific traffic laws.

(3) "Traffic offender" means any person who has received a traffic citation from the Department of Public Safety or a local law enforcement agency in the State of Texas, and has pled guilty or nolo contendere.

(4) "Student" means any person who has registered for

1 and is attending a driving safety course.

2 (5) "Insurance benefit" means any incentive to be  
3 received from an automotive insurance provider upon completion of a  
4 driving safety course.

5 (6) "Break" means:

6 (A) an interruption in a course of instruction  
7 occurring after the course introduction and before the  
8 comprehensive exam and course summation; or

9 (B) any routine interruption of a one-day course  
10 of instruction.

11 (b) Rules governing driving safety courses shall include,  
12 but are not limited to the following:

13 (1) There shall be no impertinent questions used to  
14 gauge a student's comprehension of course material;

15 (2) There shall be no impertinent questions on an  
16 examination necessary for the completion of a driving safety  
17 course;

18 (3) No question shall be repeated on any one  
19 examination;

20 (4) There shall be mandatory attendance checks to be  
21 administered immediately upon return from each break. A student's  
22 failure to attend the entire class will result in that student's  
23 failure of the driving safety course without refund. A grace period  
24 may be allowed for students late in returning according to the  
25 discretion of the course instructor, and this rule may be  
26 disregarded in extenuating circumstances at the discretion of the  
27 course instructor. The student may seek to register for a later

1 class for the same fee as that of the failed course;

2 (5) Any period of absence from any portion of  
3 instruction will require that the student complete that portion of  
4 instruction. All make-up lessons must be equivalent in length and  
5 content to the instruction missed and taught by a licensed  
6 instructor;

7 (6) A traffic offender may take a driving safety  
8 course only once in a twelve month period to for purposes of  
9 satisfying a court ruling; and

10 (7) If a student is found to be, or to have been  
11 engaged in activities that, in the opinion of the course  
12 instructor, are dishonest, the result is automatic failure of the  
13 driving safety course without refund. That student's privilege of  
14 taking such a course for the purpose of satisfying a court ruling,  
15 or for insurance benefits is prohibited for a period of twelve  
16 months. If the student was taking the driving safety course for the  
17 purpose of clearing a traffic citation from the student's driving  
18 record, the citation shall be added to that record, along with a  
19 note indicating the dishonest activity in which the student was  
20 engaged.

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2003.