

By: Averitt

S.B. No. 20

A BILL TO BE ENTITLED

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AN ACT

relating to the regulation of drivers education and driving safety programs by the Texas Department of Regulation.

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

SECTION 1. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department [~~commissioner~~].

(3) "Commission" [~~"Commissioner"~~] means the Texas Commission of Licensing and Regulation [~~commissioner of education~~].

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

(B) is operated by an individual, association, partnership, or corporation; and

(C) has received an approval for a driving safety course from the department [~~commissioner~~] or has been designated by a person who has received that approval to conduct business and represent the person in this state.

(5) "Department" means the Texas Department of Licensing and Regulation [~~Public Safety~~].

(13-a) "Executive director" means the executive

1 director of the department.

2 SECTION 2. Section 1001.002(c), Education Code, is amended
3 to read as follows:

4 (c) A driver education course is exempt from this chapter,
5 other than Section 1001.055, if the course is:

6 (1) conducted by a vocational driver training school
7 operated to train or prepare a person for a field of endeavor in a
8 business, trade, technical, or industrial occupation;

9 (2) conducted by a school or training program that
10 offers only instruction of purely avocational or recreational
11 subjects as determined by the department [~~commissioner~~];

12 (3) sponsored by an employer to train its own
13 employees without charging tuition;

14 (4) sponsored by a recognized trade, business, or
15 professional organization with a closed membership to instruct the
16 members of the organization; or

17 (5) conducted by a school regulated and approved under
18 another law of this state.

19 SECTION 3. Sections 1001.003 and 1001.004, Education Code,
20 are amended to read as follows:

21 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
22 BUSINESSES. It is the intent of the legislature that commission
23 [~~agency~~] rules that affect driver training schools that qualify as
24 small businesses be adopted and administered so as to have the least
25 possible adverse economic effect on the schools.

26 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The cost of
27 administering this chapter shall be included in the state budget

1 allowance for the department [~~agency~~].

2 SECTION 4. Sections 1001.051 and 1001.052, Education Code,
3 are amended to read as follows:

4 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
5 [~~agency~~] has jurisdiction over and control of driver training
6 schools regulated under this chapter.

7 Sec. 1001.052. RULES. The commission [~~agency~~] shall adopt
8 [~~and administer~~] comprehensive rules governing driving safety
9 courses, including rules to ensure the integrity of approved
10 driving safety courses and enhance program quality.

11 SECTION 5. The heading to Section 1001.053, Education Code,
12 is amended to read as follows:

13 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT
14 [~~COMMISSIONER~~].

15 SECTION 6. Section 1001.053(a), Education Code, is amended
16 to read as follows:

17 (a) The department [~~commissioner~~] shall:

18 (1) administer [~~the policies of~~] this chapter;

19 (2) enforce minimum standards for driver training
20 schools under this chapter; and

21 (3) [~~adopt and~~] enforce rules adopted by the
22 commission necessary to administer this chapter [~~, and~~

23 [~~(4) visit a driver training school or course provider~~
24 ~~and reexamine the school or course provider for compliance with~~
25 ~~this chapter~~].

26 SECTION 7. The heading to Section 1001.054, Education Code,
27 is amended to read as follows:

1 Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR~~
2 ~~COMPETITIVE BIDDING~~].

3 SECTION 8. Section 1001.054(c), Education Code, is amended
4 to read as follows:

5 (c) The commission [~~commissioner~~] by rule may restrict
6 advertising by a branch location of a driver training school so that
7 the location adequately identifies the primary location of the
8 school in a solicitation.

9 SECTION 9. Section 1001.055, Education Code, is amended to
10 read as follows:

11 Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a) The
12 department [~~agency~~] shall print and supply to each licensed or
13 exempt driver education school driver education certificates to be
14 used for certifying completion of an approved driver education
15 course to satisfy the requirements of Section 521.204(a)(2),
16 Transportation Code. The certificates must be numbered serially.

17 (b) The commission [~~agency~~] by rule shall provide for the
18 design and distribution of the certificates in a manner that, to the
19 greatest extent possible, prevents the unauthorized reproduction
20 or misuse of the certificates.

21 (c) The department [~~agency~~] may charge a fee of not more
22 than \$4 for each certificate.

23 SECTION 10. Subsections (b), (c), (e) and (g), Section
24 1001.056, Education Code, as amended by H.B. 468, 79th Legislature,
25 Regular Session, are amended to read as follows:

26 (b) The department [~~agency~~] shall provide each licensed
27 course provider with course completion certificate numbers to

1 enable the provider to print and issue [~~agency-approved~~
2 department-approved uniform certificates of course completion.
3 The certificates must be serial.

4 (c) The department [~~agency~~] by rule shall provide for the
5 design of the certificates and the distribution of certificate
6 numbers in a manner that, to the greatest extent possible, prevents
7 the unauthorized production or the misuse of the certificates or
8 certificate numbers.

9 (e) The department [~~agency~~] may charge a fee of not more
10 than \$4 for each course completion certificate number. A course
11 provider that supplies a certificate to an operator shall collect
12 from the operator a fee equal to the amount of the fee paid to the
13 agency for the certificate number.

14 (g) A course provider shall issue a duplicate certificate by
15 United States mail or commercial delivery. The department
16 [~~commissioner~~] by rule shall determine the amount of the fee for
17 issuance of a duplicate certificate under this subsection.

18 SECTION 11. Section 1001.057, Education Code, is amended to
19 read as follows:

20 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
21 COURSE INFORMATION. The department [~~agency~~] shall investigate
22 options to develop and implement procedures to electronically
23 transmit information relating to driving safety courses to
24 municipal and justice courts.

25 SECTION 12. Subchapter B, Chapter 1001, Education Code, is
26 amended by adding Section 1001.058 to read as follows:

27 Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER.

1 The executive director may designate a person knowledgeable in the
2 administration of regulating driver training schools to administer
3 this chapter for the department.

4 SECTION 13. Sections 1001.101 and 1001.102, Education Code,
5 are amended to read as follows:

6 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
7 TEXTBOOKS. The commission [~~commissioner~~] by rule shall establish
8 the curriculum and designate the textbooks to be used in a driver
9 education course.

10 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
11 commission [~~agency~~] by rule shall require that information relating
12 to alcohol awareness and the effect of alcohol on the effective
13 operation of a motor vehicle be included in the curriculum of any
14 driver education course or driving safety course.

15 (b) In developing rules under this section, the commission
16 [~~agency~~] shall consult with the Department of Public Safety
17 [~~department~~].

18 SECTION 14. Sections 1001.103(b), (d), and (e), Education
19 Code, are amended to read as follows:

20 (b) The department [~~agency~~] shall develop standards for a
21 separate school certification and approve curricula for drug and
22 alcohol driving awareness programs that include one or more
23 courses. Except as provided by commission [~~agency~~] rule, a program
24 must be offered in the same manner as a driving safety course.

25 (d) In accordance with Section 461.013(b), Health and
26 Safety Code, the department [~~agency~~] and the Department of State
27 Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall

1 enter into a memorandum of understanding for the interagency
2 approval of the required curricula.

3 (e) The commission [~~Notwithstanding Section 1001.056,~~
4 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner]~~
5 may establish fees in connection with the programs under this
6 section. The fees must be in amounts reasonable and necessary to
7 administer the department's [~~agency's~~] duties under this section.

8 SECTION 15. Sections 1001.104 and 1001.105, Education Code,
9 are amended to read as follows:

10 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES.

11 (a) The department [~~agency~~] shall enter into a memorandum of
12 understanding with the Texas Department of Assistive and
13 Rehabilitative Services [~~Rehabilitation Commission~~] and the
14 Department of Public Safety [~~department~~] for the interagency
15 development of curricula and licensing criteria for hospital and
16 rehabilitation facilities that teach driver education.

17 (b) The department [~~agency~~] shall administer comprehensive
18 rules governing driver education courses adopted by mutual
19 agreement among the commission [~~agency~~], the Texas Department of
20 Assistive and Rehabilitative Services [~~Rehabilitation Commission~~],
21 and the Department of Public Safety [~~department~~].

22 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
23 commission [~~agency~~] shall enter into a memorandum of understanding
24 with the Texas Department of Insurance for the interagency
25 development of a curriculum for driving safety courses.

26 SECTION 16. Sections 1001.106(b), (c), and (d), Education
27 Code, are amended to read as follows:

1 (b) The commission [~~commissioner~~] by rule shall provide
2 minimum standards of curriculum relating to operation of vehicles
3 at railroad and highway grade crossings.

4 (c) Subchapter F, Chapter 51, Occupations Code, Section
5 51.353, Occupations Code, and Section [~~Sections 1001.454,~~
6 1001.456 of this code [~~, and 1001.553~~] do not apply to a violation of
7 this section or a rule adopted under this section.

8 (d) Section 51.352, Occupations Code, and Sections
9 [~~1001.455(a)(6),~~] 1001.501 [~~, 1001.551, 1001.552,~~] and 1001.554 of
10 this code do not apply to a violation of this section.

11 SECTION 17. Section 1001.107, Education Code, is amended to
12 read as follows:

13 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

14 (a) The commission [~~commissioner~~] by rule shall require that
15 information relating to litter prevention be included in the
16 curriculum of each driver education and driving safety course.

17 (b) In developing rules under this section, the commission
18 [~~commissioner~~] shall consult the Department of Public Safety
19 [~~department~~].

20 SECTION 18. Sections 1001.108(a) and (c), Education Code,
21 are amended to read as follows:

22 (a) The commission [~~commissioner~~] by rule shall require
23 that information relating to anatomical gifts be included in the
24 curriculum of each driver education course and driving safety
25 course.

26 (c) In developing rules under this section, the commission
27 [~~commissioner~~] shall consult with the Department of Public Safety

1 ~~[department]~~ and the ~~[Texas]~~ Department of State Health Services.

2 SECTION 19. Section 1001.151, Education Code, as amended by
3 H.B. 468, 79th Legislature, Regular Session, is amended to read as
4 follows:

5 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
6 FEES. (a) The commission ~~[commissioner]~~ shall establish
7 ~~[collect]~~ application, license, and registration fees. The fees
8 must be in amounts sufficient to cover administrative costs and are
9 nonrefundable. The department shall collect the application,
10 license, and registration fees.

11 (b) The commission shall establish a fee for:

12 (1) an initial driver education school license and ~~[is~~
13 ~~\$1,000 plus \$850]~~ for each branch location; ~~[-~~

14 (2) [-(c)-The fee for] an initial driving safety school
15 license; ~~[is an appropriate amount established by the commissioner~~
16 ~~not to exceed \$200.]~~

17 (3) [-(d)-The fee for] an initial course provider
18 license ~~[is an appropriate amount established by the commissioner~~
19 ~~not to exceed \$2,000]~~, except that the commission ~~[agency]~~ may
20 waive the fee if revenue received from the course provider is
21 sufficient to cover the cost of licensing the course provider; ~~[-~~

22 (4) the [-(e)-The] annual renewal ~~[fee]~~ for a course
23 provider, driving safety school, driver education school, or branch
24 location ~~[is an appropriate amount established by the commissioner~~
25 ~~not to exceed \$200]~~, except that the commission ~~[agency]~~ may waive
26 the fee if revenue generated by the issuance of course completion
27 certificate numbers and driver education certificates is

1 sufficient to cover the cost of administering this chapter and
2 Article 45.0511, Code of Criminal Procedure; ~~[-.]~~

3 (5) ~~[(f) The fee for]~~ a change of address of ~~[+]~~
4 ~~[(1)]~~ a driver education school, ~~[is \$180, and~~
5 ~~[(2)]~~ a driving safety school, ~~[or course provider; [is~~
6 ~~\$50.]~~

7 (6) ~~[(g) The fee for]~~ a change of name of:

8 (A) ~~[(1)]~~ a driver education school or course
9 provider or an owner of a driver education school or course provider
10 ~~[is \$100]; or [and]~~

11 (B) ~~[(2)]~~ a driving safety school or owner of a
12 driving safety school; ~~[is \$50.]~~

13 (7) ~~[(h) The application fee for]~~ each additional
14 driver education or driving safety course at a driver training
15 school; ~~[is \$25.]~~

16 (8) an ~~[(i) The]~~ application of a ~~[fee for:]~~
17 ~~[(1) each]~~ director, ~~[is \$30, and~~
18 ~~[(2) each]~~ assistant director, ~~[or administrative~~
19 staff member; ~~and [is \$15.]~~

20 (9) an ~~[(j) Each]~~ application for approval of a
21 driving safety course that has not been evaluated by the department
22 ~~[commissioner must be accompanied by a nonrefundable fee of~~
23 ~~\$9,000];~~

24 (10) an application for approval to teach an approved
25 driving safety course by an alternative method.

26 (c) ~~[(k)]~~ An application for an original driver education
27 or driving safety instructor license must be accompanied by a

1 processing fee [~~of \$50~~] and an annual license fee [~~of \$25~~], except
2 that the department [~~commissioner~~] may not collect the processing
3 fee from an applicant for a driver education instructor license who
4 is currently teaching a driver education course in a public school
5 in this state.

6 (d) [~~(1)~~] The commission [~~commissioner~~] shall establish the
7 amount of the fee for a duplicate license.

8 SECTION 20. Section 1001.153, Education Code, is amended to
9 read as follows:

10 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
11 commission [~~commissioner~~] shall establish the amount of the fee to
12 investigate a driver training school or course provider to resolve
13 a complaint against the school or course provider.

14 (b) The fee may be charged only if:

15 (1) the complaint could not have been resolved solely
16 by telephone or in writing;

17 (2) a representative of the department [~~agency~~]
18 visited the school or course provider as a part of the complaint
19 resolution process; and

20 (3) the school or course provider was found to be at
21 fault.

22 SECTION 21. Section 1001.202(b), Education Code, is amended
23 to read as follows:

24 (b) A driving safety school may use multiple classroom
25 locations to teach a driving safety course if each location:

26 (1) is approved by the parent school and the
27 department [~~agency~~];

1 (2) has the same name as the parent school; and

2 (3) has the same ownership as the parent school.

3 SECTION 22. Sections 1001.203, 1001.204, 1001.205, and
4 1001.206, Education Code, are amended to read as follows:

5 Sec. 1001.203. APPLICATION. To operate or do business in
6 this state, a driver training school must apply to the department
7 [~~commissioner~~] for the appropriate license. The application must:

8 (1) be in writing;

9 (2) be in the form prescribed by the department
10 [~~commissioner~~];

11 (3) include all required information; and

12 (4) be verified.

13 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL
14 LICENSE. The department [~~commissioner~~] shall approve an
15 application for a driver education school license if, on
16 investigation of the premises of the school, it is determined that
17 the school:

18 (1) has courses, curricula, and instruction of a
19 quality, content, and length that reasonably and adequately achieve
20 the stated objective for which the courses, curricula, and
21 instruction are offered;

22 (2) has adequate space, equipment, instructional
23 material, and instructors to provide training of good quality in
24 the classroom and behind the wheel;

25 (3) has directors, instructors, and administrators
26 who have adequate educational qualifications and experience;

27 (4) provides to each student before enrollment:

- 1 (A) a copy of:
- 2 (i) the refund policy;
- 3 (ii) the schedule of tuition, fees, and
- 4 other charges; and
- 5 (iii) the regulations relating to absence,
- 6 grading policy, and rules of operation and conduct; and
- 7 (B) the department's name, mailing address,
- 8 [~~and~~] telephone number, and Internet website address [~~of the~~
- 9 ~~agency~~] for the purpose of directing complaints to the department
- 10 [~~agency~~];
- 11 (5) maintains adequate records as prescribed by the
- 12 department [~~commissioner~~] to show attendance and progress or grades
- 13 and enforces satisfactory standards relating to attendance,
- 14 progress, and conduct;
- 15 (6) on completion of training, issues each student a
- 16 certificate indicating the course name and satisfactory
- 17 completion;
- 18 (7) complies with all county, municipal, state, and
- 19 federal regulations, including fire, building, and sanitation
- 20 codes and assumed name registration;
- 21 (8) is financially sound and capable of fulfilling its
- 22 commitments for training;
- 23 (9) has administrators, directors, owners, and
- 24 instructors who are of good reputation and character;
- 25 (10) maintains and publishes as part of its student
- 26 enrollment contract the proper policy for the refund of the unused
- 27 portion of tuition, fees, and other charges if a student fails to

1 take the course or withdraws or is discontinued from the school at
2 any time before completion;

3 (11) does not use erroneous or misleading advertising,
4 either by actual statement, omission, or intimation, as determined
5 by the department [~~commissioner~~];

6 (12) does not use a name similar to the name of another
7 existing school or tax-supported educational institution in this
8 state, unless specifically approved in writing by the executive
9 director [~~commissioner~~];

10 (13) submits to the department [~~agency~~] for approval
11 the applicable course hour lengths and curriculum content for each
12 course offered by the school;

13 (14) does not owe an administrative penalty for a
14 violation of [~~under~~] this chapter; and

15 (15) meets any additional criteria required by the
16 department [~~agency~~].

17 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
18 LICENSE. The department [~~commissioner~~] shall approve an
19 application for a driving safety school license if on investigation
20 the department [~~agency~~] determines that the school:

21 (1) has driving safety courses, curricula, and
22 instruction of a quality, content, and length that reasonably and
23 adequately achieve the stated objective for which the course,
24 curricula, and instruction are developed by the course provider;

25 (2) has adequate space, equipment, instructional
26 material, and instructors to provide training of good quality;

27 (3) has instructors and administrators who have

1 adequate educational qualifications and experience;

2 (4) maintains adequate records as prescribed by the
3 department [~~commissioner~~] to show attendance and progress or grades
4 and enforces satisfactory standards relating to attendance,
5 progress, and conduct;

6 (5) complies with all county, municipal, state, and
7 federal laws, including fire, building, and sanitation codes and
8 assumed name registration;

9 (6) has administrators, owners, and instructors who
10 are of good reputation and character;

11 (7) does not use erroneous or misleading advertising,
12 either by actual statement, omission, or intimation, as determined
13 by the department [~~commissioner~~];

14 (8) does not use a name similar to the name of another
15 existing school or tax-supported educational establishment in this
16 state, unless specifically approved in writing by the executive
17 director [~~commissioner~~];

18 (9) maintains and uses the approved contract and
19 policies developed by the course provider;

20 (10) does not owe an administrative penalty for a
21 violation of [~~under~~] this chapter;

22 (11) will not provide a driving safety course to a
23 person for less than \$25; and

24 (12) meets additional criteria required by the
25 department [~~commissioner~~].

26 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.
27 The department [~~commissioner~~] shall approve an application for a

1 course provider license if on investigation the department [~~agency~~]
2 determines that:

3 (1) the course provider has an approved course that at
4 least one licensed driving safety school is willing to offer;

5 (2) the course provider has adequate educational
6 qualifications and experience;

7 (3) the course provider will:

8 (A) develop and provide to each driving safety
9 school that offers the approved course a copy of:

10 (i) the refund policy; and

11 (ii) the regulations relating to absence,
12 grading policy, and rules of operation and conduct; and

13 (B) provide to the driving safety school the
14 department's name, mailing address, [~~and~~] telephone number, and
15 Internet website address [~~of the agency~~] for the purpose of
16 directing complaints to the department [~~agency~~];

17 (4) a copy of the information provided to each driving
18 safety school under Subdivision (3) will be provided to each
19 student by the school before enrollment;

20 (5) not later than the 15th working day after the date
21 the person successfully completes the course, the course provider
22 [~~will mail~~] shall issue a uniform certificate of course completion
23 by United States mail or commercial delivery to the person
24 indicating the course name and successful completion;

25 (6) the course provider maintains adequate records as
26 prescribed by the department [~~commissioner~~] to show attendance and
27 progress or grades and enforces satisfactory standards relating to

1 attendance, progress, and conduct;

2 (7) the course provider complies with all county,
3 municipal, state, and federal laws, including assumed name
4 registration and other applicable requirements;

5 (8) the course provider is financially sound and
6 capable of fulfilling its commitments for training;

7 (9) the course provider is of good reputation and
8 character;

9 (10) the course provider maintains and publishes as a
10 part of its student enrollment contract the proper policy for the
11 refund of the unused portion of tuition, fees, and other charges if
12 a student fails to take the course or withdraws or is discontinued
13 from the school at any time before completion;

14 (11) the course provider does not use erroneous or
15 misleading advertising, either by actual statement, omission, or
16 intimation, as determined by the department [~~commissioner~~];

17 (12) the course provider does not use a name similar to
18 the name of another existing school or tax-supported educational
19 institution in this state, unless specifically approved in writing
20 by the executive director [~~commissioner~~];

21 (13) the course provider does not owe an
22 administrative penalty for a violation of [~~under~~] this chapter; and

23 (14) the course provider meets additional criteria
24 required by the department [~~commissioner~~].

25 SECTION 23. Sections 1001.207(a) and (b), Education Code,
26 are amended to read as follows:

27 (a) Before a driver education school may be issued a

1 license, the school must file a corporate surety bond with the
2 department [~~commissioner~~] in the amount of:

3 (1) \$10,000 for the primary location of the school;
4 and

5 (2) \$5,000 for each branch location.

6 (b) A bond issued under Subsection (a) must be:

7 (1) issued in a form approved by the department
8 [~~commissioner~~];

9 (2) issued by a company authorized to do business in
10 this state;

11 (3) payable to the state to be used only for payment of
12 a refund due to a student or potential student;

13 (4) conditioned on the compliance of the school and
14 its officers, agents, and employees with this chapter and rules
15 adopted under this chapter; and

16 (5) issued for a period corresponding to the term of
17 the license.

18 SECTION 24. Section 1001.209(b), Education Code, as amended
19 by H.B. 468, 79th Legislature, Regular Session, is amended to read
20 as follows:

21 (b) A bond issued under Subsection (a) must be:

22 (1) issued by a company authorized to do business in
23 this state;

24 (2) payable to the state to be used:

25 (A) for payment of a refund due a student of the
26 course provider's approved course;

27 (B) to cover the payment of unpaid fees or

1 penalties assessed by the department [~~agency~~]; or

2 (C) to recover any cost associated with providing
3 course completion certificate numbers, including the cancellation
4 of certificate numbers;

5 (3) conditioned on the compliance of the course
6 provider and its officers, agents, and employees with this chapter
7 and rules adopted under this chapter; and

8 (4) issued for a period corresponding to the term of
9 the license.

10 SECTION 25. Section 1001.210, Education Code, is amended to
11 read as follows:

12 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the
13 bond required by Section 1001.207 or 1001.209, a driver education
14 school or course provider may provide another form of security that
15 is:

16 (1) [~~(A)~~] approved by the department [~~commissioner~~]; and

17 (2) [~~(B)~~] in the amount required for a comparable bond under
18 Section 1001.207 or 1001.209.

19 SECTION 26. Sections 1001.211(a) and (b), Education Code,
20 are amended to read as follows:

21 (a) The department [~~commissioner~~] shall issue a license to
22 an applicant for a license under this subchapter if:

23 (1) the application is submitted in accordance with
24 this subchapter; and

25 (2) the applicant meets the requirements of this
26 chapter.

27 (b) A license must be in a form determined by the department

1 ~~[commissioner]~~ and must show in a clear and conspicuous manner:

2 (1) the date of issuance, effective date, and term of
3 the license;

4 (2) the name and address of the driver training school
5 or course provider;

6 (3) the authority for and conditions of approval;

7 (4) the executive director's ~~[commissioner's]~~
8 signature; and

9 (5) any other fair and reasonable representation that
10 is consistent with this chapter and that the department
11 ~~[commissioner]~~ considers necessary.

12 SECTION 27. Section 1001.212, Education Code, is amended to
13 read as follows:

14 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department
15 ~~[commissioner]~~ shall provide a person whose application for a
16 license under this subchapter is denied a written statement of the
17 reasons for the denial.

18 SECTION 28. Sections 1001.213(c) and (d), Education Code,
19 are amended to read as follows:

20 (c) The commission may establish ~~[Instead of the]~~ fees
21 ~~[required by Section 1001.151, the fee]~~ for a new driver education
22 school or course provider license under Subsection (b) and ~~[is~~
23 ~~\$500, plus \$200]~~ for each branch location that are different from
24 the amounts established under Section 1001.151[7] if:

25 (1) the new owner is substantially similar to the
26 previous owner; and

27 (2) there is no significant change in the management

1 or control of the driver education school or course provider.

2 (d) The department [~~commissioner~~] is not required to
3 reinspect a school or a branch location after a change of ownership.

4 SECTION 29. Section 1001.214, Education Code, is amended to
5 read as follows:

6 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
7 be issued to a driver training school or course provider if:

8 (1) the original license is lost or destroyed; and

9 (2) an affidavit of that fact is filed with the
10 department [~~agency~~].

11 SECTION 30. Sections 1001.251, 1001.252, and 1001.253,
12 Education Code, are amended to read as follows:

13 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
14 person may not teach or provide driver education, either as an
15 individual or in a driver education school, or conduct any phase of
16 driver education, unless the person holds a driver education
17 instructor license issued by the department [~~agency~~].

18 (b) A person may not teach or provide driving safety
19 training, either as an individual or in a driving safety school, or
20 conduct any phase of driving safety education, unless the person
21 holds a driving safety instructor license issued by the department
22 [~~agency~~]. This subsection does not apply to an instructor of a
23 driving safety course that does not provide a uniform certificate
24 of course completion to its graduates.

25 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A
26 license under this subchapter must be signed by the executive
27 director [~~commissioner~~].

1 Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING.

2 (a) The department [~~commissioner~~] shall establish standards for
3 certification of professional and paraprofessional personnel who
4 conduct driver education programs in driver education schools.

5 (b) A driver education instructor license authorizing a
6 person to teach or provide behind-the-wheel training may not be
7 issued unless the person has successfully completed six semester
8 hours of driver and traffic safety education or a program of study
9 in driver education approved by the department [~~commissioner~~] from
10 an approved driver education school.

11 (c) A person who holds a driver education instructor license
12 authorizing behind-the-wheel training may not be approved to
13 [~~assist a classroom instructor~~] provide instruction in the
14 classroom phase of driver education, under the certification of a
15 classroom instructor, unless the person has successfully completed
16 the three additional semester hours of training required for a
17 classroom instructor or a program of study in driver education
18 approved by the department [~~commissioner~~].

19 (d) Except as provided by Section 1001.254, a driver
20 education instructor license authorizing a person to teach or
21 provide classroom training may not be issued unless the person:

22 (1) has completed nine semester hours of driver and
23 traffic safety education or a program of study in driver education
24 approved by the department [~~commissioner~~] from an approved driver
25 education school; and

26 (2) holds a teaching certificate and any additional
27 certification required to teach driver education.

1 (e) A driver education instructor who has completed the
2 educational requirements prescribed by Subsection (d)(1) may not
3 teach instructor training classes unless the instructor has
4 successfully completed a supervising instructor development
5 program consisting of at least six additional semester hours or a
6 program of study in driver education approved by the department
7 [~~commissioner~~] that includes administering driver education
8 programs and supervising and administering traffic safety
9 education, except that the supervising teacher may allow driver
10 education teachers and teaching assistants to provide training in
11 areas appropriate for their level of certification or licensure.

12 (f) A driver education school may submit for department
13 [~~agency~~] approval a curriculum for an instructor development
14 program for driver education instructors. The program must:

15 (1) be taught by a person who has completed a
16 supervising instructor development program under Subsection (e);
17 and

18 (2) satisfy the requirements of this section for the
19 particular program or type of training to be provided.

20 SECTION 31. Section 1001.254(a), Education Code, is amended
21 to read as follows:

22 (a) A temporary driver education instructor license may be
23 issued authorizing a person to teach or provide classroom driver
24 education training if the person:

25 (1) has completed the educational requirements
26 prescribed by Section 1001.253(d)(1);

27 (2) holds a Texas teaching certificate with an

1 effective date before February 1, 1986;

2 (3) meets all license requirements, other than
3 successful completion of the examination required under rules
4 adopted by the State Board for Educator Certification to revalidate
5 the teaching certificate; and

6 (4) demonstrates, in a manner prescribed by the
7 department [~~commissioner~~], the intention to comply with the
8 examination requirement at the first available opportunity.

9 SECTION 32. Sections 1001.255(a), (b), and (c), Education
10 Code, are amended to read as follows:

11 (a) The department [~~agency~~] shall regulate as a driver
12 education school a driver education instructor who:

13 (1) teaches driver education courses in a county
14 having a population of 50,000 or less; and

15 (2) does not teach more than 200 students annually.

16 (b) An instructor described by Subsection (a) must submit to
17 the department [~~agency~~] an application for an initial or renewal
18 driver education school license, together with all required
19 documentation and information.

20 (c) The department [~~commissioner~~] may waive initial or
21 renewal driver education school license fees or the fee for a
22 director or administrative staff member.

23 SECTION 33. Section 1001.256, Education Code, is amended to
24 read as follows:

25 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
26 be issued to a driver education instructor or driving safety
27 instructor if:

1 (1) the original license is lost or destroyed; and

2 (2) an affidavit of that fact is filed with the
3 department [~~agency~~].

4 SECTION 34. The heading to Subchapter G, Chapter 1001,
5 Education Code, is amended to read as follows:

6 SUBCHAPTER G. LICENSE EXPIRATION [~~AND RENEWAL~~]

7 SECTION 35. Section 1001.351(b), Education Code, as amended
8 by H.B. 468, 79th Legislature, Regular Session, is amended to read
9 as follows:

10 (b) A course provider shall electronically submit to the
11 department [~~agency~~] in the manner established by the department
12 [~~agency~~] data identified by the department [~~agency~~] relating to
13 uniform certificates of course completion issued by the course
14 provider.

15 SECTION 36. Section 1001.352, Education Code, is amended to
16 read as follows:

17 Sec. 1001.352. FEES FOR DRIVING SAFETY COURSE. (a) A
18 course provider shall charge each student:

19 (1) at least \$25 for a driving safety course; and

20 (2) a fee of at least \$3 which shall be retained by the
21 course provider to be used solely for course materials and for
22 supervising and administering the course as required by this
23 chapter and the rules of the commission.

24 (b) The department shall periodically audit course
25 providers to verify compliance with this subsection. A course
26 provider shall make its books and records available to the
27 department as needed to verify compliance with this section and

1 failure to do so may be enforced pursuant to Subchapter J.

2 SECTION 37. Sections 1001.354(a) and (b), Education Code,
3 are amended to read as follows:

4 (a) A driving safety course may be taught at a driving
5 safety school if the school is approved by the department [~~agency~~].

6 (b) A driving safety school may teach an approved driving
7 safety course by an alternative method that does not require
8 students to be present in a classroom if the department
9 [~~commissioner~~] approves the alternative method. The department
10 [~~commissioner~~] may approve the alternative method if:

11 (1) the department [~~commissioner~~] determines that the
12 approved driving safety course can be taught by the alternative
13 method; and

14 (2) the alternative method includes testing and
15 security measures that are at least as secure as the measures
16 available in the usual classroom setting.

17 SECTION 38. Sections 1001.404(b) and (c), Education Code,
18 are amended to read as follows:

19 (b) The department [~~commissioner~~] shall establish annually
20 the rate of interest for a refund at a rate sufficient to provide a
21 deterrent to the retention of student money.

22 (c) The department [~~agency~~] may except a driver education
23 school or course provider from the payment of interest if the school
24 or course provider makes a good-faith effort to refund tuition,
25 fees, and other charges but is unable to locate the student to whom
26 the refund is owed. On request of the department [~~agency~~], the
27 school or course provider shall document the effort to locate a

1 student.

2 SECTION 39. Sections 1001.451 and 1001.452, Education Code,
3 are amended to read as follows:

4 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

5 (1) use advertising designed to mislead or deceive a
6 prospective student;

7 (2) fail to notify the department [~~commissioner~~] of
8 the discontinuance of the operation of a driver training school
9 before the fourth working day after the date of cessation of classes
10 and make available accurate records as required by this chapter;

11 (3) issue, sell, trade, or transfer:

12 (A) a uniform certificate of course completion or
13 driver education certificate to a person or driver training school
14 not authorized to possess the certificate;

15 (B) a uniform certificate of course completion to
16 a person who has not successfully completed an approved, six-hour
17 driving safety course; or

18 (C) a driver education certificate to a person
19 who has not successfully completed a department-approved
20 [~~commissioner-approved~~] driver education course;

21 (4) negotiate a promissory instrument received as
22 payment of tuition or another charge before the student completes
23 75 percent of the course, except that before that time the
24 instrument may be assigned to a purchaser who becomes subject to any
25 defense available against the school named as payee; or

26 (5) conduct any part of an approved driver education
27 course or driving safety course without having an instructor

1 physically present in appropriate proximity to the student for the
2 type of instruction being given.

3 Sec. 1001.452. COURSE OF INSTRUCTION. A driver education
4 [~~training~~] school shall [~~may~~] not enroll a student [~~maintain,~~
5 ~~advertise, solicit for,~~] or conduct a course of instruction in this
6 state before [~~the later of~~]:

7 (1) [~~the 30th day after the date the school applies for~~
8 ~~a driver training school license, or~~]

9 [(~~2~~)] the date the school receives a driver education
10 [~~training~~] school license from the department [~~commissioner~~]; and

11 (2) the facilities and equipment are inspected and
12 approved by the department.

13 SECTION 40. Sections 1001.453(d) and (e), Education Code,
14 are amended to read as follows:

15 (d) Subchapter F, Chapter 51, Occupations Code, Section
16 51.353, Occupations Code, and Section [~~Sections 1001.454,~~]
17 1001.456(a) of this code [~~, and 1001.553~~] do not apply to a
18 violation of this section or a rule adopted under this section.

19 (e) Section 51.352, Occupations Code, and Sections
20 [~~1001.455(a)(6),~~] 1001.501[~~, 1001.551, 1001.552,~~] and 1001.554 of
21 this code do not apply to a violation of this section.

22 SECTION 41. Section 1001.456, Education Code, as amended by
23 H.B. 468, 79th Legislature, Regular Session, is amended to read as
24 follows:

25 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
26 department [~~agency~~] believes that a driver education school or
27 instructor has violated this chapter or a rule or order of the

1 commission or executive director [~~adopted under this chapter~~], the
2 department [~~agency~~] may, without notice:

- 3 (1) order a peer review;
- 4 (2) suspend the enrollment of students in the school
5 or the offering of instruction by the instructor; or
- 6 (3) suspend the right to purchase driver education
7 certificates.

8 (b) If the department [~~agency~~] believes that a course
9 provider, driving safety school, or driving safety instructor has
10 violated this chapter or a rule or order of the commission or
11 executive director [~~adopted under this chapter~~], the department
12 [~~agency~~] may, without notice:

- 13 (1) order a peer review of the course provider,
14 driving safety school, or driving safety instructor;
- 15 (2) suspend the enrollment of students in the school
16 or the offering of instruction by the instructor; or
- 17 (3) suspend the right to purchase course completion
18 certificate numbers.

19 (c) A peer review ordered under this section must be
20 conducted by a team of knowledgeable persons selected by the
21 department [~~agency~~]. The team shall provide the department
22 [~~agency~~] with an objective assessment of the content of the
23 school's or course provider's curriculum and its application. The
24 school or course provider shall pay the costs of the peer review.

25 (d) A suspension of enrollment under Subsection (a)(2) or
26 (b)(2) means a ruling by the executive director [~~commissioner~~] that
27 restricts a school from:

- 1 (1) accepting enrollments or reenrollments;
- 2 (2) advertising;
- 3 (3) soliciting; or
- 4 (4) directly or indirectly advising prospective
- 5 students of its program or course offerings.

6 SECTION 42. The heading to Subchapter L, Chapter 1001,
7 Education Code, is amended to read as follows:

8 SUBCHAPTER L. PENALTIES [~~AND ENFORCEMENT PROVISIONS~~]

9 SECTION 43. Section 1001.555(b), Education Code, is amended
10 to read as follows:

11 (b) The department [~~agency~~] shall contract with the
12 Department of Public Safety [~~department~~] to provide undercover and
13 investigative assistance in the enforcement of Subsection (a).

14 SECTION 44. Article 45.0511(b), Code of Criminal Procedure,
15 is amended to read as follows:

16 (b) The judge shall require the defendant to successfully
17 complete a driving safety course approved by the Texas Department
18 of Licensing and Regulation [~~Education Agency~~] or a course under
19 the motorcycle operator training and safety program approved by the
20 designated state agency under Chapter 662, Transportation Code, if:

- 21 (1) the defendant elects driving safety course or
- 22 motorcycle operator training course dismissal under this article;
- 23 (2) the defendant has not completed an approved
- 24 driving safety course or motorcycle operator training course, as
- 25 appropriate, within the 12 months preceding the date of the
- 26 offense;
- 27 (3) the defendant enters a plea under Article 45.021

1 in person or in writing of no contest or guilty on or before the
2 answer date on the notice to appear and:

3 (A) presents in person or by counsel to the court
4 a request to take a course; or

5 (B) sends to the court by certified mail, return
6 receipt requested, postmarked on or before the answer date on the
7 notice to appear, a written request to take a course;

8 (4) the defendant has a valid Texas driver's license or
9 permit;

10 (5) the defendant is charged with an offense to which
11 this article applies, other than speeding 25 miles per hour or more
12 over the posted speed limit; and

13 (6) the defendant provides evidence of financial
14 responsibility as required by Chapter 601, Transportation Code.

15 SECTION 45. Section 51.308, Education Code, is amended to
16 read as follows:

17 Sec. 51.308. DRIVER EDUCATION. A driver education course
18 for the purpose of preparing students to obtain a driver's license
19 may be offered by an institution of higher education, as defined by
20 Section 61.003, with the approval of the Texas Department of
21 Licensing and Regulation [~~Central Education Agency~~].

22 SECTION 46. Section 521.1655(a), Transportation Code, is
23 amended to read as follows:

24 (a) A driver education school licensed under Chapter 1001,
25 Education Code, [~~the Texas Driver and Traffic Safety Education Act~~
26 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)~~] may administer
27 to a student of that school the vision, highway sign, and traffic

1 law parts of the examination required by Section 521.161.

2 SECTION 47. Section 521.203, Transportation Code, is
3 amended to read as follows:

4 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
5 department may not issue a Class A or Class B driver's license to a
6 person who:

7 (1) is under 17 years of age;

8 (2) is under 18 years of age unless the person has
9 completed a driver training course approved by the Texas Department
10 of Licensing and Regulation [~~Central Education Agency~~]; or

11 (3) has not provided the department with an affidavit,
12 on a form prescribed by the department, that states that no vehicle
13 that the person will drive that requires a Class A or Class B
14 license is a commercial motor vehicle as defined by Section
15 522.003.

16 SECTION 48. Subsection 521.204(a), Transportation Code, is
17 amended to read as follows:

18 Sec. 521.204. RESTRICTIONS ON MINOR. (a) The department
19 may issue a Class C driver's license to an applicant under 18 years
20 of age only if the applicant:

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

22 (2) has submitted to the department a driver education
23 certificate issued under Section 1001.055, Education Code [~~Section~~
24 ~~9A, Texas Driver and Traffic Safety Education Act (Article~~
25 ~~4413(29c), Vernon's Texas Civil Statutes~~], that states that the
26 person has completed and passed a driver education course approved
27 by the department under Section 521.205 or by the Texas Department

1 of Licensing and Regulation [~~Education Agency~~];

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

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

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

11 (4) has passed the examination required by Section
12 521.161.

13 SECTION 49. Sections 521.205(b) and (d), Transportation
14 Code, are amended to read as follows:

15 (b) The department may not approve a course unless it
16 determines that the course materials are at least equal to those
17 required in a course approved by the Texas Department of Licensing
18 and Regulation [~~Education Agency~~], except that the department may
19 not require that:

20 (1) the classroom instruction be provided in a room
21 with particular characteristics or equipment; or

22 (2) the vehicle used for the behind-the-wheel
23 instruction have equipment other than the equipment otherwise
24 required by law for operation of the vehicle on a highway while the
25 vehicle is not being used for driver training.

26 (d) Completion of a driver education course approved under
27 this section has the same effect under this chapter as completion of

1 a driver education course approved by the Texas Department of
2 Licensing and Regulation [~~Education Agency~~].

3 SECTION 50. Subsections 521.222(a) and (c), Transportation
4 Code, are amended to read as follows:

5 Sec. 521.222. INSTRUCTION PERMIT. (a) The department or a
6 driver education school licensed under Chapter 1001, Education
7 Code, [~~the Texas Driver and Traffic Safety Education Act (Article~~
8 ~~4413(29c), Vernon's Texas Civil Statutes~~] may issue an instruction
9 permit, including a Class A or Class B driver's license instruction
10 permit, to a person who:

11 (1) is 15 years of age or older but under 18 years of
12 age;

13 (2) has satisfactorily completed and passed the
14 classroom phase of an approved driver education course, which may
15 be a course approved under Section 521.205;

16 (3) meets the requirements imposed under Section
17 521.204(3); and

18 (4) has passed each examination required under Section
19 521.161 other than the driving test.

20 (c) A driver education school may issue an instruction
21 permit to a person 18 years of age or older who has successfully
22 passed:

23 (1) a six-hour adult classroom driver education course
24 approved by the Texas Department of Licensing and Regulation
25 [~~Education Agency~~]; and

26 (2) each part of the driver's examination required by
27 Section 521.161 other than the driving test.

1 SECTION 51. Sections 1001.001(1), 1001.053(b) and (c),
2 1001.054(a) and (b), 1001.152, 1001.303, 1001.304, 1001.454,
3 1001.455, 1001.457, 1001.458, 1001.459, 1001.460, 1001.461,
4 1001.551, 1001.552, and 1001.553, Education Code, and Subchapter B,
5 Chapter 543, Transportation Code, are repealed.

6 SECTION 52. (a) As soon as practicable after the effective
7 date of this Act, the Texas Education Agency and the Texas
8 Department of Licensing and Regulation shall develop a transition
9 plan for transferring the functions performed by the Texas
10 Education Agency under Chapter 1001, Education Code, to the Texas
11 Department of Licensing and Regulation. The transition plan must
12 include a timetable with specific steps and deadlines needed to
13 complete the transfer.

14 (b) In accordance with the transition plan developed by the
15 Texas Education Agency and the Texas Department of Licensing and
16 Regulation under Subsection (a) of this section, on January 1,
17 2006:

18 (1) all functions and activities relating to Chapter
19 1001, Education Code, performed by the Texas Education Agency
20 immediately before that date are transferred to the Texas
21 Department of Licensing and Regulation;

22 (2) a rule or form adopted by the commissioner of
23 education that relates to Chapter 1001, Education Code, is a rule or
24 form of the Texas Commission of Licensing and Regulation or the
25 Texas Department of Licensing and Regulation, as applicable, and
26 remains in effect until amended or replaced by that commission or
27 department;

1 (3) a reference in law to or an administrative rule of
2 the Texas Education Agency that relates to Chapter 1001, Education
3 Code, means the Texas Commission of Licensing and Regulation or the
4 Texas Department of Licensing and Regulation, as applicable;

5 (4) a complaint, investigation, or other proceeding
6 before the Texas Education Agency that is related to Chapter 1001,
7 Education Code, is transferred without change in status to the
8 Texas Department of Licensing and Regulation, and the Texas
9 Department of Licensing and Regulation assumes, as appropriate and
10 without a change in status, the position of the Texas Education
11 Agency in an action or proceeding to which the Texas Education
12 Agency is a party;

13 (5) all full-time equivalent employee positions at the
14 Texas Education Agency that primarily concern the administration of
15 Chapter 1001, Education Code, become positions at the Texas
16 Department of Licensing and Regulation and, when filling the
17 positions, the Texas Department of Licensing and Regulation shall
18 give first consideration to an applicant who, as of December 31,
19 2005, was a full-time employee at the Texas Education Agency
20 primarily involved in administering Chapter 1001, Education Code;

21 (6) all money, contracts, leases, property, and
22 obligations of the Texas Education Agency related to Chapter 1001,
23 Education Code, are transferred to the Texas Department of
24 Licensing and Regulation;

25 (7) all property in the custody of the Texas Education
26 Agency related to Chapter 1001, Education Code, is transferred to
27 the Texas Department of Licensing and Regulation; and

1 (8) the unexpended and unobligated balance of any
2 money appropriated by the legislature for the Texas Education
3 Agency related to Chapter 1001, Education Code, is transferred to
4 the Texas Department of Licensing and Regulation.

5 (c) Before January 1, 2006, the Texas Education Agency may
6 agree with the Texas Department of Licensing and Regulation to
7 transfer any property of the Texas Education Agency to the Texas
8 Department of Licensing and Regulation to implement the transfer
9 required by this Act.

10 (d) In the period beginning with the effective date of this
11 Act and ending on January 1, 2006, the Texas Education Agency shall
12 continue to perform functions and activities under Chapter 1001,
13 Education Code, as if that chapter had not been amended by this Act,
14 and the former law is continued in effect for that purpose.

15 SECTION 53. Before December 31, 2007, the department shall
16 perform a complete review and approval of each six-hour driving
17 safety course and alternative delivery method approved before July
18 1, 2005, to verify compliance with Chapter 1001, Education Code,
19 and the rules of the department applicable to the course or method.
20 The department shall charge each course provider and alternative
21 method owner the fee applicable to an application for initial
22 approval of a driving safety course, which funds are appropriated
23 to the department to administer the requirements of this
24 subsection. The department may revoke the approval of any course or
25 alternative delivery method that is not in compliance with Chapter
26 1001, Education Code, the rules of the department under that
27 chapter or this subsection. This subsection does not apply to a

1 specialized driving safety course approved by the Texas Education
2 Agency that includes four hours of instruction that encourages the
3 use of child passenger safety seat systems and the wearing of seat
4 belts.

5 SECTION 54. The changes in law made by this article apply
6 only to a fee charged on or after January 1, 2006. A fee charged
7 before January 1, 2006, is governed by the law in effect immediately
8 before that date, and the former law is continued in effect for that
9 purpose.

10 SECTION 55. Except as otherwise provided by this Act, the
11 changes in law made by this article apply only to a license issued
12 or renewed on or after January 1, 2006. An issuance or renewal that
13 occurs before January 1, 2006, is governed by the law in effect
14 immediately before that date, and the former law is continued in
15 effect for that purpose.

16 SECTION 56. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect November 1, 2005.