

By: Hegar

H.B. No. 468

Substitute the following for H.B. No. 468:

By: Veasey

C.S.H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education courses.

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

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h) to read as follows:

(b) The agency shall provide [~~print and supply to~~] each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) [~~The certificates~~] must be serial [~~numbered serially~~].

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

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate for an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by United States mail or through a commercial delivery
8 service ~~[certificates]~~. The commissioner by rule shall determine
9 the amount of the fee collected by the course provider for issuance
10 of a duplicate certificate under this subsection.

11 (h) If a duplicate certificate issued by a course provider
12 contains information that is different from the original
13 certificate, the course provider shall include on the duplicate
14 certificate, in addition to the new information, the applicable
15 information from the original certificate with the notation
16 "changed to" indicating how the original information was changed.

17 SECTION 2. Section 1001.151(e), Education Code, is amended
18 to read as follows:

19 (e) The annual renewal fee for a course provider, driving
20 safety school, driver education school, or branch location is an
21 appropriate amount established by the commissioner not to exceed
22 \$200, except that the agency may waive the fee if revenue generated
23 by the issuance of ~~[uniform certificates of]~~ course completion
24 certificate numbers and driver education certificates is
25 sufficient to cover the cost of administering this chapter and
26 Article 45.0511, Code of Criminal Procedure.

27 SECTION 3. Section 1001.209(b), Education Code, is amended

1 to read as follows:

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

3 (1) issued by a company authorized to do business in
4 this state;

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

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

8 (B) to cover the payment of unpaid fees or
9 penalties assessed by the agency; or

10 (C) to recover any ~~[the]~~ cost associated with
11 providing ~~[of uniform certificates of]~~ course completion
12 certificate numbers, including the cancellation of certificate
13 numbers ~~[the agency demands be returned or any cost associated with~~
14 ~~the certificates];~~

15 (3) conditioned on the compliance of the course
16 provider and its officers, agents, and employees with this chapter
17 and rules adopted under this chapter; and

18 (4) issued for a period corresponding to the term of
19 the license.

20 SECTION 4. Sections 1001.351(a) and (b), Education Code,
21 are amended to read as follows:

22 (a) Not later than the 15th working day after the course
23 completion date, a course provider or a person at the course
24 provider's facilities shall issue and send ~~[mail]~~ a uniform
25 certificate of course completion by United States mail or through a
26 commercial delivery service to a person who successfully completes
27 an approved driving safety course.

1 (b) A course provider shall electronically submit to the
2 agency in the manner established by the agency data identified by
3 the agency relating to uniform certificates of course completion
4 issued by the course provider.

5 SECTION 5. Section 1001.456(b), Education Code, is amended
6 to read as follows:

7 (b) If the agency believes that a course provider, driving
8 safety school, or driving safety instructor has violated this
9 chapter or a rule adopted under this chapter, the agency may,
10 without notice:

11 (1) order a peer review of the course provider,
12 driving safety school, or driving safety instructor;

13 (2) suspend the enrollment of students in the school
14 or the offering of instruction by the instructor; or

15 (3) suspend the right to purchase [~~uniform~~
16 ~~certificates of~~] course completion certificate numbers.

17 SECTION 6. Sections 1001.555(a) and (c), Education Code,
18 are amended to read as follows:

19 (a) A person commits an offense if the person knowingly
20 sells, trades, issues, or otherwise transfers, or possesses with
21 intent to sell, trade, issue, or otherwise transfer, a uniform
22 certificate of course completion, including a duplicate
23 certificate, a course completion certificate number, including a
24 duplicate number, or a driver education certificate to an
25 individual, firm, or corporation not authorized to possess the
26 certificate or number.

27 (c) A person commits an offense if the person knowingly

1 possesses a uniform certificate of course completion, including a
2 duplicate certificate, a course completion certificate number,
3 including a duplicate number, or a driver education certificate and
4 is not authorized to possess the certificate or number.

5 SECTION 7. This Act takes effect September 1, 2005.