

By: Hegar

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 Subsection (b-1) to read as follows:

(b) The agency shall:

(1) print and supply to each licensed course provider uniform certificates of course completion; or

(2) provide a licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved certificates of course completion.

(b-1) Certificate numbering under Subsection (b) [The certificates] must be serial, regardless of whether the agency provides certificates or certificate numbers to a licensed course provider [numbered serially].

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

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

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

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

6 (g) The agency shall issue a duplicate certificate, except
7 that if the original certificate was issued by a licensed course
8 provider, the provider shall issue the duplicate certificate
9 [certificates]. The commissioner by rule shall determine the
10 amount of the fee for issuance of a duplicate certificate under this
11 subsection.

12 SECTION 2. Sections 1001.151(e) and (k), Education Code,
13 are amended to read as follows:

14 (e) The [~~annual~~] renewal fee for a course provider, driving
15 safety school, driver education school, or branch location is an
16 appropriate amount established by the commissioner not to exceed
17 \$400 [~~\$200~~], except that the agency may waive the fee if revenue
18 generated by the issuance of uniform certificates of course
19 completion, course completion certificate numbers, and driver
20 education certificates is sufficient to cover the cost of
21 administering this chapter and Article 45.0511, Code of Criminal
22 Procedure.

23 (k) An application for an original driver education or
24 driving safety instructor license must be accompanied by a
25 processing fee of \$50 and a [~~an annual~~] license fee not to exceed
26 \$50 [~~of \$25~~], except that the commissioner may not collect the
27 processing fee from an applicant for a driver education instructor

1 license who is currently teaching a driver education course in a
2 public school in this state.

3 SECTION 3. Section 1001.209(b), Education Code, is amended
4 to read as follows:

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

6 (1) issued by a company authorized to do business in
7 this state;

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

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

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

13 (C) to recover any [the] cost associated with
14 printing and supplying [of] uniform certificates of course
15 completion or providing course completion certificate numbers,
16 including the return of certificates or the cancellation of
17 certificate numbers [the agency demands be returned or any cost
18 associated with the certificates];

19 (3) conditioned on the compliance of the course
20 provider and its officers, agents, and employees with this chapter
21 and rules adopted under this chapter; and

22 (4) issued for a period corresponding to the term of
23 the license.

24 SECTION 4. Sections 1001.301 and 1001.302, Education Code,
25 are amended to read as follows:

26 Sec. 1001.301. EXPIRATION OF SCHOOL OR COURSE PROVIDER
27 LICENSE. The term of a driver education school, driving safety

1 school, or course provider license may not exceed two years [~~one~~
2 ~~year~~].

3 Sec. 1001.302. EXPIRATION OF INSTRUCTOR LICENSE. The term
4 of a driver education instructor or driving safety instructor
5 license may not exceed two years [~~one-year~~].

6 SECTION 5. Section 1001.303(b), Education Code, is amended
7 to read as follows:

8 (b) A school or course provider that does not comply with
9 Subsection (a) must, as a condition of renewal of the person's
10 license, pay a late renewal fee. The late renewal fee is in
11 addition to the regular [~~annual~~] renewal fee. The late renewal fee
12 must be in the amount established by board rule of at least \$100,
13 subject to Subchapter D.

14 SECTION 6. Sections 1001.351(a) and (b), Education Code,
15 are amended to read as follows:

16 (a) Not later than the 15th working day after the course
17 completion date, a course provider or a person at the course
18 provider's facilities shall mail a uniform certificate of course
19 completion or a certificate of completion having a course
20 completion certificate number provided by the agency to a person
21 who successfully completes an approved driving safety course.

22 (b) A course provider shall electronically submit to the
23 agency in the manner established by the agency data identified by
24 the agency relating to uniform certificates of course completion
25 and all assigned course completion certificate numbers used by the
26 course provider.

27 SECTION 7. Section 1001.456(b), Education Code, is amended

1 to read as follows:

2 (b) If the agency believes that a course provider, driving
3 safety school, or driving safety instructor has violated this
4 chapter or a rule adopted under this chapter, the agency may,
5 without notice:

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

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

10 (3) suspend the right to purchase uniform certificates
11 of course completion or course completion certificate numbers.

12 SECTION 8. Sections 1001.555(a) and (c), Education Code,
13 are amended to read as follows:

14 (a) A person commits an offense if the person knowingly
15 sells, trades, issues, or otherwise transfers, or possesses with
16 intent to sell, trade, issue, or otherwise transfer, a uniform
17 certificate of course completion or certificate of course
18 completion issued by a course provider, course completion
19 certificate number, or a driver education certificate to an
20 individual, firm, or corporation not authorized to possess the
21 certificate or number.

22 (c) A person commits an offense if the person knowingly
23 possesses a [~~uniform~~] certificate of course completion or a driver
24 education certificate and is not authorized to possess the
25 certificate.

26 SECTION 9. This Act takes effect September 1, 2005.