

1-1 By: Hegar (Senate Sponsor - Jackson) H.B. No. 468
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 12, 2005, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 7, Nays 0; May 12, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 468 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to driver and traffic safety education.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1001.001, Education Code, is amended by
1-13 amending Subdivisions (2), (3), (4), and (5) and adding Subdivision
1-14 (13-a) to read as follows:

1-15 (2) "Approved driving safety course" means a driving
1-16 safety course approved by the department [~~commissioner~~].

1-17 (3) "Commission" [~~"Commissioner"~~] means the Texas
1-18 Commission of Licensing and Regulation [~~commissioner of~~
1-19 ~~education~~].

1-20 (4) "Course provider" means an enterprise that:

1-21 (A) maintains a place of business or solicits
1-22 business in this state;

1-23 (B) is operated by an individual, association,
1-24 partnership, or corporation; and

1-25 (C) has received an approval for a driving safety
1-26 course from the department [~~commissioner~~] or has been designated by
1-27 a person who has received that approval to conduct business and
1-28 represent the person in this state.

1-29 (5) "Department" means the Texas Department of
1-30 Licensing and Regulation [~~Public Safety~~].

1-31 (13-a) "Executive director" means the executive
1-32 director of the department.

1-33 SECTION 2. Section 1001.002(c), Education Code, is amended
1-34 to read as follows:

1-35 (c) A driver education course is exempt from this chapter,
1-36 other than Section 1001.055, if the course is:

1-37 (1) conducted by a vocational driver training school
1-38 operated to train or prepare a person for a field of endeavor in a
1-39 business, trade, technical, or industrial occupation;

1-40 (2) conducted by a school or training program that
1-41 offers only instruction of purely avocational or recreational
1-42 subjects as determined by the department [~~commissioner~~];

1-43 (3) sponsored by an employer to train its own
1-44 employees without charging tuition;

1-45 (4) sponsored by a recognized trade, business, or
1-46 professional organization with a closed membership to instruct the
1-47 members of the organization; or

1-48 (5) conducted by a school regulated and approved under
1-49 another law of this state.

1-50 SECTION 3. Sections 1001.003 and 1001.004, Education Code,
1-51 are amended to read as follows:

1-52 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
1-53 BUSINESSES. It is the intent of the legislature that commission
1-54 [~~agency~~] rules that affect driver training schools that qualify as
1-55 small businesses be adopted and administered so as to have the least
1-56 possible adverse economic effect on the schools.

1-57 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The cost of
1-58 administering this chapter shall be included in the state budget
1-59 allowance for the department [~~agency~~].

1-60 SECTION 4. Sections 1001.051 and 1001.052, Education Code,
1-61 are amended to read as follows:

1-62 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
1-63 [~~agency~~] has jurisdiction over and control of driver training

2-1 schools regulated under this chapter.

2-2 Sec. 1001.052. RULES. The commission [~~agency~~] shall adopt
2-3 [~~and administer~~] comprehensive rules governing driver training,
2-4 including rules to ensure the integrity of approved driving safety
2-5 courses and enhance program quality [~~driving safety courses~~].

2-6 SECTION 5. Sections 1001.053 and 1001.054, Education Code,
2-7 are amended to read as follows:

2-8 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT
2-9 [~~COMMISSIONER~~]. [~~(a)~~] The department [~~commissioner~~] shall:

2-10 (1) administer [~~the policies of~~] this chapter;

2-11 (2) enforce minimum standards for driver training
2-12 schools under this chapter;

2-13 (3) [~~adopt and~~] enforce rules adopted by the
2-14 commission necessary to administer this chapter; and

2-15 (4) inspect [~~visit~~] a driver training school or course
2-16 provider and reexamine the school or course provider for compliance
2-17 with this chapter.

2-18 [~~(b) The commissioner may designate a person knowledgeable~~
2-19 ~~in the administration of regulating driver training schools to~~
2-20 ~~administer this chapter.~~

2-21 [~~(c) The commissioner may adopt rules to ensure the~~
2-22 ~~integrity of approved driving safety courses and to enhance program~~
2-23 ~~quality.~~]

2-24 Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR~~
2-25 ~~COMPETITIVE BIDDING~~]. [~~(a) The commissioner may not adopt a rule~~
2-26 ~~restricting advertising or competitive bidding by a driver training~~
2-27 ~~school except to prohibit a false, misleading, or deceptive~~
2-28 ~~practice.~~

2-29 [~~(b) The commissioner may not include in rules to prohibit~~
2-30 ~~false, misleading, or deceptive practices by a driver training~~
2-31 ~~school a rule that restricts:~~

2-32 [~~(1) the use of an advertising medium;~~

2-33 [~~(2) the outside dimensions of a printed advertisement~~
2-34 ~~or outdoor display;~~

2-35 [~~(3) the duration of an advertisement; or~~

2-36 [~~(4) advertisement under a trade name.~~

2-37 [~~(c)~~] The commission [~~commissioner~~] by rule may restrict
2-38 advertising by a branch location of a driver training school so that
2-39 the location adequately identifies the primary location of the
2-40 school in a solicitation.

2-41 SECTION 6. Section 1001.055, Education Code, is amended to
2-42 read as follows:

2-43 Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a) The
2-44 department [~~agency~~] shall print and supply to each licensed or
2-45 exempt driver education school driver education certificates to be
2-46 used for certifying completion of an approved driver education
2-47 course to satisfy the requirements of Section 521.204(a)(2),
2-48 Transportation Code. The certificates must be numbered serially.

2-49 (b) The commission [~~agency~~] by rule shall provide for the
2-50 design and distribution of the certificates in a manner that, to the
2-51 greatest extent possible, prevents the unauthorized reproduction
2-52 or misuse of the certificates.

2-53 (c) The department [~~agency~~] may charge a fee of not more
2-54 than \$4 for each certificate.

2-55 SECTION 7. The heading to Section 1001.056, Education Code,
2-56 is amended to read as follows:

2-57 Sec. 1001.056. UNIFORM CERTIFICATES OF DRIVING SAFETY
2-58 COURSE COMPLETION.

2-59 SECTION 8. Section 1001.056, Education Code, is amended by
2-60 amending Subsections (b), (c), (d), (e), (f), and (g) and adding
2-61 Subsections (b-1), (c-1), and (h) to read as follows:

2-62 (b) The department [~~agency~~] shall provide [~~print and supply~~
2-63 ~~to~~] each licensed course provider with course completion
2-64 certificate numbers to enable the provider to print and issue
2-65 department-approved uniform certificates of course completion.

2-66 (b-1) Certificate numbering under Subsection (b) [~~The~~
2-67 ~~certificates~~] must be serial [~~numbered serially~~].

2-68 (c) The commission [~~agency~~] by rule shall provide for the
2-69 design [~~and distribution~~] of the certificates and the distribution

3-1 of certificate numbers in a manner that, to the greatest extent
 3-2 possible, prevents the unauthorized production or the misuse of the
 3-3 certificates or certificate numbers.

3-4 (c-1) A course provider shall provide for the printing and
 3-5 issuance of original and duplicate certificates in a manner that,
 3-6 to the greatest extent possible, prevents the unauthorized
 3-7 production or the misuse of the certificates.

3-8 (d) A certificate under this section must:

3-9 (1) be in a form required by the department [~~agency~~];
 3-10 and

3-11 (2) include an identifying number by which the
 3-12 department [~~agency~~], a court, or the Department of Public Safety
 3-13 [~~department~~] may verify its authenticity with the course provider.

3-14 (e) The department [~~agency~~] may charge a fee of not more
 3-15 than \$4 for each course completion certificate number. A course
 3-16 provider that supplies a certificate for an operator shall collect
 3-17 from the [~~charge an~~] operator a fee equal to the amount of the fee
 3-18 paid to the department [~~agency~~] for the [~~a~~] certificate number.

3-19 (f) A course provider license entitles a course provider to
 3-20 purchase certificate numbers [~~certificates~~] for only one approved
 3-21 driving safety course.

3-22 (g) A course provider [~~The agency~~] shall issue a duplicate
 3-23 certificate by United States mail or through a commercial delivery
 3-24 service [~~certificates~~]. The commission [~~commissioner~~] by rule
 3-25 shall determine the amount of the fee collected by the course
 3-26 provider for issuance of a duplicate certificate under this
 3-27 subsection.

3-28 (h) If a duplicate certificate issued by a course provider
 3-29 contains information that is different from the original
 3-30 certificate, the course provider shall include on the duplicate
 3-31 certificate, in addition to the new information, the applicable
 3-32 information from the original certificate with the notation
 3-33 "changed to" indicating how the original information was changed.

3-34 SECTION 9. Section 1001.057, Education Code, is amended to
 3-35 read as follows:

3-36 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
 3-37 COURSE INFORMATION. The department [~~agency~~] shall investigate
 3-38 options to develop and implement procedures to electronically
 3-39 transmit information relating to driving safety courses to
 3-40 municipal and justice courts.

3-41 SECTION 10. Subchapter B, Chapter 1001, Education Code, is
 3-42 amended by adding Section 1001.058 to read as follows:

3-43 Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER.
 3-44 The executive director may designate a person knowledgeable in the
 3-45 administration of regulating driver training schools to administer
 3-46 this chapter for the department.

3-47 SECTION 11. Sections 1001.101 and 1001.102, Education Code,
 3-48 are amended to read as follows:

3-49 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
 3-50 TEXTBOOKS. The commission [~~commissioner~~] by rule shall establish
 3-51 the curriculum and designate the textbooks to be used in a driver
 3-52 education course.

3-53 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
 3-54 commission [~~agency~~] by rule shall require that information relating
 3-55 to alcohol awareness and the effect of alcohol on the effective
 3-56 operation of a motor vehicle be included in the curriculum of any
 3-57 driver education course or driving safety course.

3-58 (b) In developing rules under this section, the commission
 3-59 [~~agency~~] shall consult with the Department of Public Safety
 3-60 [~~department~~].

3-61 SECTION 12. Sections 1001.103(b), (d), and (e), Education
 3-62 Code, are amended to read as follows:

3-63 (b) The department [~~agency~~] shall develop standards for a
 3-64 separate school certification and approve curricula for drug and
 3-65 alcohol driving awareness programs that include one or more
 3-66 courses. Except as provided by commission [~~agency~~] rule, a program
 3-67 must be offered in the same manner as a driving safety course.

3-68 (d) In accordance with Section 461.013(b), Health and
 3-69 Safety Code, the department [~~agency~~] and the Texas Department of

4-1 State Health Services [~~Commission on Alcohol and Drug Abuse~~] shall
4-2 enter into a memorandum of understanding for the interagency
4-3 approval of the required curricula.

4-4 (e) The commission [~~Notwithstanding Section 1001.056,~~
4-5 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~]
4-6 may establish fees in connection with the programs under this
4-7 section. The fees must be in amounts reasonable and necessary to
4-8 administer the department's [~~agency's~~] duties under this section.

4-9 SECTION 13. Sections 1001.104 and 1001.105, Education Code,
4-10 are amended to read as follows:

4-11 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)
4-12 The department [~~agency~~] shall enter into a memorandum of
4-13 understanding with the Department of Aging and Disability Services
4-14 [~~Texas Rehabilitation Commission~~] and the Department of Public
4-15 Safety [~~department~~] for the interagency development of curricula
4-16 and licensing criteria for hospital and rehabilitation facilities
4-17 that teach driver education.

4-18 (b) The department [~~agency~~] shall administer comprehensive
4-19 rules governing driver education courses adopted by mutual
4-20 agreement among the commission [~~agency~~], the Department of Aging
4-21 and Disability Services [~~Texas Rehabilitation Commission~~], and the
4-22 Department of Public Safety [~~department~~].

4-23 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
4-24 commission [~~agency~~] shall enter into a memorandum of understanding
4-25 with the Texas Department of Insurance for the interagency
4-26 development of a curriculum for driving safety courses.

4-27 SECTION 14. Sections 1001.106(b), (c), and (d), Education
4-28 Code, are amended to read as follows:

4-29 (b) The commission [~~commissioner~~] by rule shall provide
4-30 minimum standards of curriculum relating to operation of vehicles
4-31 at railroad and highway grade crossings.

4-32 (c) Subchapter F, Chapter 51, Occupations Code, Section
4-33 51.353, Occupations Code, and Section [~~Sections 1001.454,~~
4-34 ~~1001.456 of this code, and 1001.553~~] do not apply to a violation of
4-35 this section or a rule adopted under this section.

4-36 (d) Section 51.352, Occupations Code, and Sections
4-37 [~~1001.455(a)(6),~~] 1001.501 [~~, 1001.551, 1001.552,~~] and 1001.554 of
4-38 this code do not apply to a violation of this section.

4-39 SECTION 15. Section 1001.107, Education Code, is amended to
4-40 read as follows:

4-41 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

4-42 (a) The commission [~~commissioner~~] by rule shall require that
4-43 information relating to litter prevention be included in the
4-44 curriculum of each driver education and driving safety course.

4-45 (b) In developing rules under this section, the commission
4-46 [~~commissioner~~] shall consult the Department of Public Safety
4-47 [~~department~~].

4-48 SECTION 16. Sections 1001.108(a) and (c), Education Code,
4-49 are amended to read as follows:

4-50 (a) The commission [~~commissioner~~] by rule shall require
4-51 that information relating to anatomical gifts be included in the
4-52 curriculum of each driver education course and driving safety
4-53 course.

4-54 (c) In developing rules under this section, the commission
4-55 [~~commissioner~~] shall consult with the Department of Public Safety
4-56 [~~department~~] and the [~~Texas~~] Department of State Health Services.

4-57 SECTION 17. Section 1001.151, Education Code, is amended to
4-58 read as follows:

4-59 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
4-60 FEES. (a) The commission [~~commissioner~~] shall establish [~~collect~~]
4-61 application, license, and registration fees. The fees must be in
4-62 amounts sufficient to cover administrative costs and are
4-63 nonrefundable. The department shall collect the application,
4-64 license, and registration fees.

4-65 (b) The commission shall establish a fee for:

4-66 (1) an initial driver education school license and [~~is~~
4-67 ~~\$1,000 plus \$850~~] for each branch location; [~~+~~]

4-68 (2) [~~(c) The fee for~~] an initial driving safety
4-69 school license; [~~is an appropriate amount established by the~~]

5-1 ~~commissioner not to exceed \$200.]~~

5-2 (3) [~~(d) The fee for~~] an initial course provider
5-3 license [~~is an appropriate amount established by the commissioner~~
5-4 ~~not to exceed \$2,000~~], except that the commission [~~agency~~] may
5-5 waive the fee if revenue received from the course provider is
5-6 sufficient to cover the cost of licensing the course provider; [~~-~~]

5-7 (4) the [~~(e) The~~] annual renewal [~~fee~~] for a course
5-8 provider, driving safety school, driver education school, or branch
5-9 location [~~is an appropriate amount established by the commissioner~~
5-10 ~~not to exceed \$200~~], except that the commission [~~agency~~] may waive
5-11 the fee if revenue generated by the issuance of [~~uniform~~
5-12 ~~certificates of~~] course completion certificate numbers and driver
5-13 education certificates is sufficient to cover the cost of
5-14 administering this chapter and Article 45.0511, Code of Criminal
5-15 Procedure; [~~-~~]

5-16 (5) [~~(f) The fee for~~] a change of address of [~~+
5-17~~]
5-18 [~~(1)~~] a driver education school, [~~is \$180, and~~
5-19 [~~(2)~~] a driving safety school, or course provider; [~~is~~
5-20 \$50.]

5-21 (6) [~~(g) The fee for~~] a change of name of:
5-22 (A) [~~(1)~~] a driver education school or course
5-23 provider or an owner of a driver education school or course provider
5-24 [~~is \$100~~]; or [~~and~~]

5-25 (B) [~~(2)~~] a driving safety school or owner of a
5-26 driving safety school; [~~is \$50.~~]

5-27 (7) [~~(h) The application fee for~~] each additional
5-28 driver education or driving safety course at a driver training
5-29 school; [~~is \$25.~~]

5-30 (8) an [~~(i) The~~] application of a [~~fee for~~;
5-31 [~~(1) each~~] director, [~~is \$30, and~~
5-32 [~~(2) each~~] assistant director, or administrative
5-33 staff member; [~~is \$15.~~]

5-34 (9) an [~~(j) Each~~] application for approval of a
5-35 driving safety course that has not been evaluated by the
5-36 department; and

5-37 (10) an application for approval to teach an approved
5-38 driving safety course by an alternative method [~~commissioner must~~
5-39 ~~be accompanied by a nonrefundable fee of \$9,000~~].

5-40 (c) [~~(k)~~] An application for an original driver education
5-41 or driving safety instructor license must be accompanied by a
5-42 processing fee [~~of \$50~~] and an annual license fee [~~of \$25~~], except
5-43 that the department [~~commissioner~~] may not collect the processing
5-44 fee from an applicant for a driver education instructor license who
5-45 is currently teaching a driver education course in a public school
5-46 in this state.

5-47 (d) [~~(l)~~] The commission [~~commissioner~~] shall establish the
5-48 amount of the fee for a duplicate license.

5-49 SECTION 18. Section 1001.153, Education Code, is amended to
5-50 read as follows:

5-51 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
5-52 commission [~~commissioner~~] shall establish the amount of the fee to
5-53 investigate a driver training school or course provider to resolve
5-54 a complaint against the school or course provider.

5-55 (b) The fee may be charged only if:

5-56 (1) the complaint could not have been resolved solely
5-57 by telephone or in writing;

5-58 (2) a representative of the department [~~agency~~]
5-59 visited the school or course provider as a part of the complaint
5-60 resolution process; and

5-61 (3) the school or course provider was found to be at
5-62 fault.

5-63 SECTION 19. Section 1001.202(b), Education Code, is amended
5-64 to read as follows:

5-65 (b) A driving safety school may use multiple classroom
5-66 locations to teach a driving safety course if each location:

5-67 (1) is approved by the parent school and the
5-68 department [~~agency~~];

5-69 (2) has the same name as the parent school; and

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

6-1 SECTION 20. Sections 1001.203, 1001.204, 1001.205, and
6-2 1001.206, Education Code, are amended to read as follows:

6-3 Sec. 1001.203. APPLICATION. To operate or do business in
6-4 this state, a driver training school must apply to the department
6-5 [~~commissioner~~] for the appropriate license. The application must:

6-6 (1) be in writing;

6-7 (2) be in the form prescribed by the department
6-8 [~~commissioner~~];

6-9 (3) include all required information; and

6-10 (4) be verified.

6-11 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL
6-12 LICENSE. The department [~~commissioner~~] shall approve an
6-13 application for a driver education school license if, on
6-14 investigation of the premises of the school, it is determined that
6-15 the school:

6-16 (1) has courses, curricula, and instruction of a
6-17 quality, content, and length that reasonably and adequately achieve
6-18 the stated objective for which the courses, curricula, and
6-19 instruction are offered;

6-20 (2) has adequate space, equipment, instructional
6-21 material, and instructors to provide training of good quality in
6-22 the classroom and behind the wheel;

6-23 (3) has directors, instructors, and administrators
6-24 who have adequate educational qualifications and experience;

6-25 (4) provides to each student before enrollment:

6-26 (A) a copy of:

6-27 (i) the refund policy;

6-28 (ii) the schedule of tuition, fees, and
6-29 other charges; and

6-30 (iii) the regulations relating to absence,
6-31 grading policy, and rules of operation and conduct; and

6-32 (B) the department's name, mailing address,
6-33 [~~and~~] telephone number, and Internet website address [~~of the~~
6-34 ~~agency~~] for the purpose of directing complaints to the department
6-35 [~~agency~~];

6-36 (5) maintains adequate records as prescribed by the
6-37 department [~~commissioner~~] to show attendance and progress or grades
6-38 and enforces satisfactory standards relating to attendance,
6-39 progress, and conduct;

6-40 (6) on completion of training, issues each student a
6-41 certificate indicating the course name and satisfactory
6-42 completion;

6-43 (7) complies with all county, municipal, state, and
6-44 federal regulations, including fire, building, and sanitation
6-45 codes and assumed name registration;

6-46 (8) is financially sound and capable of fulfilling its
6-47 commitments for training;

6-48 (9) has administrators, directors, owners, and
6-49 instructors who are of good reputation and character;

6-50 (10) maintains and publishes as part of its student
6-51 enrollment contract the proper policy for the refund of the unused
6-52 portion of tuition, fees, and other charges if a student fails to
6-53 take the course or withdraws or is discontinued from the school at
6-54 any time before completion;

6-55 (11) does not use erroneous or misleading advertising,
6-56 either by actual statement, omission, or intimation, as determined
6-57 by the department [~~commissioner~~];

6-58 (12) does not use a name similar to the name of another
6-59 [~~existing~~] school licensed in this state or of a tax-supported
6-60 educational institution in this state, unless specifically
6-61 approved in writing by the executive director [~~commissioner~~];

6-62 (13) submits to the department [~~agency~~] for approval
6-63 the applicable course hour lengths and curriculum content for each
6-64 course offered by the school;

6-65 (14) does not owe an administrative penalty for a
6-66 violation of [~~under~~] this chapter; and

6-67 (15) meets any additional criteria required by the
6-68 department [~~agency~~].

6-69 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL

7-1 LICENSE. The department [~~commissioner~~] shall approve an
 7-2 application for a driving safety school license if on investigation
 7-3 the department [~~agency~~] determines that the school:

7-4 (1) has driving safety courses, curricula, and
 7-5 instruction of a quality, content, and length that reasonably and
 7-6 adequately achieve the stated objective for which the course,
 7-7 curricula, and instruction are developed by the course provider;

7-8 (2) has adequate space, equipment, instructional
 7-9 material, and instructors to provide training of good quality;

7-10 (3) has instructors and administrators who have
 7-11 adequate educational qualifications and experience;

7-12 (4) maintains adequate records as prescribed by the
 7-13 department [~~commissioner~~] to show attendance and progress or grades
 7-14 and enforces satisfactory standards relating to attendance,
 7-15 progress, and conduct;

7-16 (5) complies with all county, municipal, state, and
 7-17 federal laws, including fire, building, and sanitation codes and
 7-18 assumed name registration;

7-19 (6) has administrators, owners, and instructors who
 7-20 are of good reputation and character;

7-21 (7) does not use erroneous or misleading advertising,
 7-22 either by actual statement, omission, or intimation, as determined
 7-23 by the department [~~commissioner~~];

7-24 (8) does not use a name similar to the name of another
 7-25 [~~existing~~] school licensed in this state or of a tax-supported
 7-26 educational establishment in this state, unless specifically
 7-27 approved in writing by the executive director [~~commissioner~~];

7-28 (9) maintains and uses the approved contract and
 7-29 policies developed by the course provider;

7-30 (10) does not owe an administrative penalty for a
 7-31 violation of [~~under~~] this chapter;

7-32 (11) will not provide a driving safety course to a
 7-33 person for less than \$25; and

7-34 (12) meets additional criteria required by the
 7-35 department [~~commissioner~~].

7-36 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.
 7-37 The department [~~commissioner~~] shall approve an application for a
 7-38 course provider license if on investigation the department [~~agency~~]
 7-39 determines that:

7-40 (1) the course provider has an approved course that at
 7-41 least one licensed driving safety school is willing to offer;

7-42 (2) the course provider has adequate educational
 7-43 qualifications and experience;

7-44 (3) the course provider will:
 7-45 (A) develop and provide to each driving safety
 7-46 school that offers the approved course a copy of:

7-47 (i) the refund policy; and
 7-48 (ii) the regulations relating to absence,
 7-49 grading policy, and rules of operation and conduct; and

7-50 (B) provide to the driving safety school the
 7-51 department's name, mailing address, [~~and~~] telephone number, and
 7-52 Internet website address [~~of the agency~~] for the purpose of
 7-53 directing complaints to the department [~~agency~~];

7-54 (4) a copy of the information provided to each driving
 7-55 safety school under Subdivision (3) will be provided to each
 7-56 student by the school before enrollment;

7-57 (5) not later than the 15th working day after the date
 7-58 the person successfully completes the course, the course provider
 7-59 will mail a uniform certificate of course completion to the person
 7-60 indicating the course name and successful completion;

7-61 (6) the course provider maintains adequate records as
 7-62 prescribed by the department [~~commissioner~~] to show attendance and
 7-63 progress or grades and enforces satisfactory standards relating to
 7-64 attendance, progress, and conduct;

7-65 (7) the course provider complies with all county,
 7-66 municipal, state, and federal laws, including assumed name
 7-67 registration and other applicable requirements;

7-68 (8) the course provider is financially sound and
 7-69 capable of fulfilling its commitments for training;

8-1 (9) the course provider is of good reputation and
8-2 character;

8-3 (10) the course provider maintains and publishes as a
8-4 part of its student enrollment contract the proper policy for the
8-5 refund of the unused portion of tuition, fees, and other charges if
8-6 a student fails to take the course or withdraws or is discontinued
8-7 from the school at any time before completion;

8-8 (11) the course provider does not use erroneous or
8-9 misleading advertising, either by actual statement, omission, or
8-10 intimation, as determined by the department ~~[commissioner]~~;

8-11 (12) the course provider does not use a name similar to
8-12 the name of another ~~[existing]~~ school licensed in this state or of a
8-13 tax-supported educational institution in this state, unless
8-14 specifically approved in writing by the executive director
8-15 ~~[commissioner]~~;

8-16 (13) the course provider does not owe an
8-17 administrative penalty for a violation of ~~[under]~~ this chapter; and

8-18 (14) the course provider meets additional criteria
8-19 required by the department ~~[commissioner]~~.

8-20 SECTION 21. Sections 1001.207(a) and (b), Education Code,
8-21 are amended to read as follows:

8-22 (a) Before a driver education school may be issued a
8-23 license, the school must file a corporate surety bond with the
8-24 department ~~[commissioner]~~ in the amount of:

8-25 (1) \$10,000 for the primary location of the school;
8-26 and

8-27 (2) \$5,000 for each branch location.

8-28 (b) A bond issued under Subsection (a) must be:

8-29 (1) issued in a form approved by the department
8-30 ~~[commissioner]~~;

8-31 (2) issued by a company authorized to do business in
8-32 this state;

8-33 (3) payable to the state to be used only for payment of
8-34 a refund due to a student or potential student;

8-35 (4) conditioned on the compliance of the school and
8-36 its officers, agents, and employees with this chapter and rules
8-37 adopted under this chapter; and

8-38 (5) issued for a period corresponding to the term of
8-39 the license.

8-40 SECTION 22. Section 1001.209(b), Education Code, is amended
8-41 to read as follows:

8-42 (b) A bond issued under Subsection (a) must be:

8-43 (1) issued by a company authorized to do business in
8-44 this state;

8-45 (2) payable to the state to be used:

8-46 (A) for payment of a refund due a student of the
8-47 course provider's approved course;

8-48 (B) to cover the payment of unpaid fees or
8-49 penalties assessed by the department ~~[agency]~~; or

8-50 (C) to recover any ~~[the]~~ cost associated with
8-51 providing ~~[of uniform certificates of]~~ course completion
8-52 certificate numbers, including the cancellation of certificate
8-53 numbers ~~[the agency demands be returned or any cost associated with~~
8-54 ~~the certificates]~~;

8-55 (3) conditioned on the compliance of the course
8-56 provider and its officers, agents, and employees with this chapter
8-57 and rules adopted under this chapter; and

8-58 (4) issued for a period corresponding to the term of
8-59 the license.

8-60 SECTION 23. Section 1001.210, Education Code, is amended to
8-61 read as follows:

8-62 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the
8-63 bond required by Section 1001.207 or 1001.209, a driver education
8-64 school or course provider may provide another form of security that
8-65 is:

8-66 (1) ~~[(A)]~~ approved by the department ~~[commissioner]~~;
8-67 and

8-68 (2) ~~[(B)]~~ in the amount required for a comparable bond
8-69 under Section 1001.207 or 1001.209.

9-1 SECTION 24. Sections 1001.211(a) and (b), Education Code,
9-2 are amended to read as follows:

9-3 (a) The department [~~commissioner~~] shall issue a license to
9-4 an applicant for a license under this subchapter if:

9-5 (1) the application is submitted in accordance with
9-6 this subchapter; and

9-7 (2) the applicant meets the requirements of this
9-8 chapter.

9-9 (b) A license must be in a form determined by the department
9-10 [~~commissioner~~] and must show in a clear and conspicuous manner:

9-11 (1) the date of issuance, effective date, and term of
9-12 the license;

9-13 (2) the name and address of the driver training school
9-14 or course provider;

9-15 (3) the authority for and conditions of approval;

9-16 (4) the executive director's [~~commissioner's~~]
9-17 signature; and

9-18 (5) any other fair and reasonable representation that
9-19 is consistent with this chapter and that the department
9-20 [~~commissioner~~] considers necessary.

9-21 SECTION 25. Section 1001.212, Education Code, is amended to
9-22 read as follows:

9-23 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department
9-24 [~~commissioner~~] shall provide a person whose application for a
9-25 license under this subchapter is denied a written statement of the
9-26 reasons for the denial.

9-27 SECTION 26. Sections 1001.213(c) and (d), Education Code,
9-28 are amended to read as follows:

9-29 (c) The commission may establish [~~Instead of the~~] fees
9-30 [~~required by Section 1001.151, the fee~~] for a new driver education
9-31 school or course provider license under Subsection (b) and [~~is~~
9-32 ~~\$500, plus \$200~~] for each branch location that are different from
9-33 the amounts established under Section 1001.151[7] if:

9-34 (1) the new owner is substantially similar to the
9-35 previous owner; and

9-36 (2) there is no significant change in the management
9-37 or control of the driver education school or course provider.

9-38 (d) The department [~~commissioner~~] is not required to
9-39 reinspect a school or a branch location after a change of ownership.

9-40 SECTION 27. Section 1001.214, Education Code, is amended to
9-41 read as follows:

9-42 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
9-43 be issued to a driver training school or course provider if:

9-44 (1) the original license is lost or destroyed; and

9-45 (2) an affidavit of that fact is filed with the
9-46 department [~~agency~~].

9-47 SECTION 28. Sections 1001.251, 1001.252, and 1001.253,
9-48 Education Code, are amended to read as follows:

9-49 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
9-50 person may not teach or provide driver education, either as an
9-51 individual or in a driver education school, or conduct any phase of
9-52 driver education, unless the person holds a driver education
9-53 instructor license issued by the department [~~agency~~].

9-54 (b) A person may not teach or provide driving safety
9-55 training, either as an individual or in a driving safety school, or
9-56 conduct any phase of driving safety education, unless the person
9-57 holds a driving safety instructor license issued by the department
9-58 [~~agency~~]. This subsection does not apply to an instructor of a
9-59 driving safety course that does not provide a uniform certificate
9-60 of course completion to its graduates.

9-61 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A
9-62 license under this subchapter must be signed by the executive
9-63 director [~~commissioner~~].

9-64 Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. (a)
9-65 The department [~~commissioner~~] shall establish standards for
9-66 certification of professional and paraprofessional personnel who
9-67 conduct driver education programs in driver education schools.

9-68 (b) A driver education instructor license authorizing a
9-69 person to teach or provide behind-the-wheel training may not be

10-1 issued unless the person has successfully completed six semester
 10-2 hours of driver and traffic safety education or a program of study
 10-3 in driver education approved by the department [~~commissioner~~] from
 10-4 an approved driver education school.

10-5 (c) A person who holds a driver education instructor license
 10-6 authorizing behind-the-wheel training may not be approved to assist
 10-7 a classroom instructor in the classroom phase of driver education
 10-8 unless the person has successfully completed the three additional
 10-9 semester hours of training required for a classroom instructor or a
 10-10 program of study in driver education approved by the department
 10-11 [~~commissioner~~].

10-12 (d) Except as provided by Section 1001.254, a driver
 10-13 education instructor license authorizing a person to teach or
 10-14 provide classroom training may not be issued unless the person:

10-15 (1) has completed nine semester hours of driver and
 10-16 traffic safety education or a program of study in driver education
 10-17 approved by the department [~~commissioner~~] from an approved driver
 10-18 education school; and

10-19 (2) holds a teaching certificate and any additional
 10-20 certification required to teach driver education.

10-21 (e) A driver education instructor who has completed the
 10-22 educational requirements prescribed by Subsection (d)(1) may not
 10-23 teach instructor training classes unless the instructor has
 10-24 successfully completed a supervising instructor development
 10-25 program consisting of at least six additional semester hours or a
 10-26 program of study in driver education approved by the department
 10-27 [~~commissioner~~] that includes administering driver education
 10-28 programs and supervising and administering traffic safety
 10-29 education.

10-30 (f) A driver education school may submit for department
 10-31 [~~agency~~] approval a curriculum for an instructor development
 10-32 program for driver education instructors. The program must:

10-33 (1) be taught by a person who has completed a
 10-34 supervising instructor development program under Subsection (e);
 10-35 and

10-36 (2) satisfy the requirements of this section for the
 10-37 particular program or type of training to be provided.

10-38 SECTION 29. Section 1001.254(a), Education Code, is amended
 10-39 to read as follows:

10-40 (a) A temporary driver education instructor license may be
 10-41 issued authorizing a person to teach or provide classroom driver
 10-42 education training if the person:

10-43 (1) has completed the educational requirements
 10-44 prescribed by Section 1001.253(d)(1);

10-45 (2) holds a Texas teaching certificate with an
 10-46 effective date before February 1, 1986;

10-47 (3) meets all license requirements, other than
 10-48 successful completion of the examination required under rules
 10-49 adopted by the State Board for Educator Certification to revalidate
 10-50 the teaching certificate; and

10-51 (4) demonstrates, in a manner prescribed by the
 10-52 department [~~commissioner~~], the intention to comply with the
 10-53 examination requirement at the first available opportunity.

10-54 SECTION 30. Sections 1001.255(a), (b), and (c), Education
 10-55 Code, are amended to read as follows:

10-56 (a) The department [~~agency~~] shall regulate as a driver
 10-57 education school a driver education instructor who:

10-58 (1) teaches driver education courses in a county
 10-59 having a population of 50,000 or less; and

10-60 (2) does not teach more than 200 students annually.

10-61 (b) An instructor described by Subsection (a) must submit to
 10-62 the department [~~agency~~] an application for an initial or renewal
 10-63 driver education school license, together with all required
 10-64 documentation and information.

10-65 (c) The department [~~commissioner~~] may waive initial or
 10-66 renewal driver education school license fees or the fee for a
 10-67 director or administrative staff member.

10-68 SECTION 31. Section 1001.256, Education Code, is amended to
 10-69 read as follows:

11-1 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
 11-2 be issued to a driver education instructor or driving safety
 11-3 instructor if:

- 11-4 (1) the original license is lost or destroyed; and
 11-5 (2) an affidavit of that fact is filed with the
 11-6 department [agency].

11-7 SECTION 32. The heading to Subchapter G, Chapter 1001,
 11-8 Education Code, is amended to read as follows:

11-9 SUBCHAPTER G. LICENSE EXPIRATION [~~AND RENEWAL~~]

11-10 SECTION 33. Sections 1001.351(a) and (b), Education Code,
 11-11 are amended to read as follows:

11-12 (a) Not later than the 15th working day after the course
 11-13 completion date, a course provider or a person at the course
 11-14 provider's facilities shall issue and send [mail] a uniform
 11-15 certificate of course completion by United States mail or through a
 11-16 commercial delivery service to a person who successfully completes
 11-17 an approved driving safety course.

11-18 (b) A course provider shall electronically submit to the
 11-19 department [agency] in the manner established by the department
 11-20 [agency] data identified by the department [agency] relating to
 11-21 uniform certificates of course completion issued by the course
 11-22 provider.

11-23 SECTION 34. Sections 1001.354(a) and (b), Education Code,
 11-24 are amended to read as follows:

11-25 (a) A driving safety course may be taught at a driving
 11-26 safety school if the school is approved by the department [agency].

11-27 (b) A driving safety school may teach an approved driving
 11-28 safety course by an alternative method [~~that does not require~~
 11-29 ~~students to be present in a classroom~~] if the department
 11-30 [commissioner] approves the alternative method. The department
 11-31 [commissioner] may approve the alternative method if:

11-32 (1) the department [commissioner] determines that the
 11-33 approved driving safety course can be taught by the alternative
 11-34 method; and

11-35 (2) the alternative method includes testing and
 11-36 security measures that are at least as secure as the methods that
 11-37 would be used if the course were taught at the school and that are
 11-38 comparable to those [measures] available in a [the] usual classroom
 11-39 setting.

11-40 SECTION 35. Sections 1001.404(b) and (c), Education Code,
 11-41 are amended to read as follows:

11-42 (b) The department [commissioner] shall establish annually
 11-43 the rate of interest for a refund at a rate sufficient to provide a
 11-44 deterrent to the retention of student money.

11-45 (c) The department [agency] may except a driver education
 11-46 school or course provider from the payment of interest if the school
 11-47 or course provider makes a good-faith effort to refund tuition,
 11-48 fees, and other charges but is unable to locate the student to whom
 11-49 the refund is owed. On request of the department [agency], the
 11-50 school or course provider shall document the effort to locate a
 11-51 student.

11-52 SECTION 36. Sections 1001.451 and 1001.452, Education Code,
 11-53 are amended to read as follows:

11-54 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

11-55 (1) use advertising designed to mislead or deceive a
 11-56 prospective student;

11-57 (2) fail to notify the department [commissioner] of
 11-58 the discontinuance of the operation of a driver training school
 11-59 before the fourth working day after the date of cessation of classes
 11-60 and make available accurate records as required by this chapter;

11-61 (3) issue, sell, trade, or transfer:

11-62 (A) a uniform certificate of course completion or
 11-63 driver education certificate to a person or driver training school
 11-64 not authorized to possess the certificate;

11-65 (B) a uniform certificate of course completion to
 11-66 a person who has not successfully completed an approved, six-hour
 11-67 driving safety course; or

11-68 (C) a driver education certificate to a person
 11-69 who has not successfully completed a department-approved

12-1 [~~commissioner-approved~~] driver education course;

12-2 (4) negotiate a promissory instrument received as
12-3 payment of tuition or another charge before the student completes
12-4 75 percent of the course, except that before that time the
12-5 instrument may be assigned to a purchaser who becomes subject to any
12-6 defense available against the school named as payee; or

12-7 (5) conduct any part of an approved driver education
12-8 course or driving safety course without having an instructor
12-9 physically present in appropriate proximity to the student for the
12-10 type of instruction being given.

12-11 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
12-12 school may not maintain, advertise, solicit for, or conduct a
12-13 course of instruction in this state before the later of:

12-14 (1) the 30th day after the date the school applies for
12-15 a driver training school license; or

12-16 (2) the date the school receives a driver training
12-17 school license from the department [~~commissioner~~].

12-18 SECTION 37. Sections 1001.453(d) and (e), Education Code,
12-19 are amended to read as follows:

12-20 (d) Subchapter F, Chapter 51, Occupations Code, Section
12-21 51.353, Occupations Code, and Section [~~Sections 1001.454,~~
12-22 1001.456(a) of this code [~~, and 1001.553~~] do not apply to a
12-23 violation of this section or a rule adopted under this section.

12-24 (e) Section 51.352, Occupations Code, and Sections
12-25 [~~1001.455(a)(6),~~] 1001.501 [~~, 1001.551, 1001.552,~~] and 1001.554 of
12-26 this code do not apply to a violation of this section.

12-27 SECTION 38. Section 1001.456, Education Code, is amended to
12-28 read as follows:

12-29 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
12-30 department [~~agency~~] believes that a driver education school or
12-31 instructor has violated this chapter or a rule or order of the
12-32 commission or executive director [~~adopted under this chapter~~], the
12-33 department [~~agency~~] may, without notice:

12-34 (1) order a peer review;
12-35 (2) suspend the enrollment of students in the school
12-36 or the offering of instruction by the instructor; or
12-37 (3) suspend the right to purchase driver education
12-38 certificates.

12-39 (b) If the department [~~agency~~] believes that a course
12-40 provider, driving safety school, or driving safety instructor has
12-41 violated this chapter or a rule or order of the commission or
12-42 executive director [~~adopted under this chapter~~], the department
12-43 [~~agency~~] may, without notice:

12-44 (1) order a peer review of the course provider,
12-45 driving safety school, or driving safety instructor;
12-46 (2) suspend the enrollment of students in the school
12-47 or the offering of instruction by the instructor; or
12-48 (3) suspend the right to purchase [~~uniform~~
12-49 ~~certificates of~~] course completion certificate numbers.

12-50 (c) A peer review ordered under this section must be
12-51 conducted by a team of knowledgeable persons selected by the
12-52 department [~~agency~~]. The team shall provide the department
12-53 [~~agency~~] with an objective assessment of the content of the
12-54 school's or course provider's curriculum and its application. The
12-55 school or course provider shall pay the costs of the peer review.

12-56 (d) A suspension of enrollment under Subsection (a)(2) or
12-57 (b)(2) means a ruling by the executive director [~~commissioner~~] that
12-58 restricts a school from:

12-59 (1) accepting enrollments or reenrollments;
12-60 (2) advertising;
12-61 (3) soliciting; or
12-62 (4) directly or indirectly advising prospective
12-63 students of its program or course offerings.

12-64 SECTION 39. The heading to Subchapter L, Chapter 1001,
12-65 Education Code, is amended to read as follows:

12-66 SUBCHAPTER L. PENALTIES [~~AND ENFORCEMENT PROVISIONS~~]

12-67 SECTION 40. Sections 1001.555(a), (b), and (c), Education
12-68 Code, are amended to read as follows:

12-69 (a) A person commits an offense if the person knowingly

13-1 sells, trades, issues, or otherwise transfers, or possesses with
 13-2 intent to sell, trade, issue, or otherwise transfer, a uniform
 13-3 certificate of course completion, including a duplicate
 13-4 certificate, a course completion certificate number, including a
 13-5 duplicate number, or a driver education certificate to an
 13-6 individual, firm, or corporation not authorized to possess the
 13-7 certificate or number.

13-8 (b) The department [~~agency~~] shall contract with the
 13-9 Department of Public Safety [~~department~~] to provide undercover and
 13-10 investigative assistance in the enforcement of Subsection (a).

13-11 (c) A person commits an offense if the person knowingly
 13-12 possesses a uniform certificate of course completion, including a
 13-13 duplicate certificate, a course completion certificate number,
 13-14 including a duplicate number, or a driver education certificate and
 13-15 is not authorized to possess the certificate or number.

13-16 SECTION 41. Article 45.0511(b), Code of Criminal Procedure,
 13-17 is amended to read as follows:

13-18 (b) The judge shall require the defendant to successfully
 13-19 complete a driving safety course approved by the Texas Department
 13-20 of Licensing and Regulation [~~Education Agency~~] or a course under
 13-21 the motorcycle operator training and safety program approved by the
 13-22 designated state agency under Chapter 662, Transportation Code, if:

13-23 (1) the defendant elects driving safety course or
 13-24 motorcycle operator training course dismissal under this article;

13-25 (2) the defendant has not completed an approved
 13-26 driving safety course or motorcycle operator training course, as
 13-27 appropriate, within the 12 months preceding the date of the
 13-28 offense;

13-29 (3) the defendant enters a plea under Article 45.021
 13-30 in person or in writing of no contest or guilty on or before the
 13-31 answer date on the notice to appear and:

13-32 (A) presents in person or by counsel to the court
 13-33 a request to take a course; or

13-34 (B) sends to the court by certified mail, return
 13-35 receipt requested, postmarked on or before the answer date on the
 13-36 notice to appear, a written request to take a course;

13-37 (4) the defendant has a valid Texas driver's license or
 13-38 permit;

13-39 (5) the defendant is charged with an offense to which
 13-40 this article applies, other than speeding 25 miles per hour or more
 13-41 over the posted speed limit; and

13-42 (6) the defendant provides evidence of financial
 13-43 responsibility as required by Chapter 601, Transportation Code.

13-44 SECTION 42. Section 51.308, Education Code, is amended to
 13-45 read as follows:

13-46 Sec. 51.308. DRIVER EDUCATION. A driver education course
 13-47 for the purpose of preparing students to obtain a driver's license
 13-48 may be offered by an institution of higher education, as defined by
 13-49 Section 61.003, with the approval of the Texas [~~Central~~] Education
 13-50 Agency.

13-51 SECTION 43. Section 521.1655(a), Transportation Code, is
 13-52 amended to read as follows:

13-53 (a) A driver education school licensed under Chapter 1001,
 13-54 Education Code, [the Texas Driver and Traffic Safety Education Act
 13-55 (Article 4413(29c), Vernon's Texas Civil Statutes)] may administer
 13-56 to a student of that school the vision, highway sign, and traffic
 13-57 law parts of the examination required by Section 521.161.

13-58 SECTION 44. Section 521.203, Transportation Code, is
 13-59 amended to read as follows:

13-60 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
 13-61 department may not issue a Class A or Class B driver's license to a
 13-62 person who:

13-63 (1) is under 17 years of age;

13-64 (2) is under 18 years of age unless the person has
 13-65 completed a driver training course approved by the Texas Department
 13-66 of Licensing and Regulation or the Texas [~~Central~~] Education
 13-67 Agency; or

13-68 (3) has not provided the department with an affidavit,
 13-69 on a form prescribed by the department, that states that no vehicle

14-1 that the person will drive that requires a Class A or Class B
 14-2 license is a commercial motor vehicle as defined by Section
 14-3 522.003.

14-4 SECTION 45. Sections 521.205(b) and (d), Transportation
 14-5 Code, are amended to read as follows:

14-6 (b) The department may not approve a course unless it
 14-7 determines that the course materials are at least equal to those
 14-8 required in a course approved by the Texas Department of Licensing
 14-9 and Regulation or the Texas Education Agency, except that the
 14-10 department may not require that:

14-11 (1) the classroom instruction be provided in a room
 14-12 with particular characteristics or equipment; or

14-13 (2) the vehicle used for the behind-the-wheel
 14-14 instruction have equipment other than the equipment otherwise
 14-15 required by law for operation of the vehicle on a highway while the
 14-16 vehicle is not being used for driver training.

14-17 (d) Completion of a driver education course approved under
 14-18 this section has the same effect under this chapter as completion of
 14-19 a driver education course approved by the Texas Department of
 14-20 Licensing and Regulation or the Texas Education Agency.

14-21 SECTION 46. Sections 1001.001(1), 1001.152, 1001.303,
 14-22 1001.304, 1001.454, 1001.455, 1001.457, 1001.458, 1001.459,
 14-23 1001.460, 1001.461, 1001.551, 1001.552, and 1001.553, Education
 14-24 Code, and Subchapter B, Chapter 543, Transportation Code, are
 14-25 repealed.

14-26 SECTION 47. (a) As soon as practicable after the effective
 14-27 date of this Act, the Texas Education Agency and the Texas
 14-28 Department of Licensing and Regulation shall develop a transition
 14-29 plan for transferring the functions performed by the Texas
 14-30 Education Agency under Chapter 1001, Education Code, to the Texas
 14-31 Department of Licensing and Regulation. The transition plan must
 14-32 include a timetable with specific steps and deadlines needed to
 14-33 complete the transfer.

14-34 (b) In accordance with the transition plan developed by the
 14-35 Texas Education Agency and the Texas Department of Licensing and
 14-36 Regulation under Subsection (a) of this section, on September 1,
 14-37 2005:

14-38 (1) all functions and activities relating to Chapter
 14-39 1001, Education Code, performed by the Texas Education Agency
 14-40 immediately before that date are transferred to the Texas
 14-41 Department of Licensing and Regulation;

14-42 (2) a rule or form adopted by the commissioner of
 14-43 education that relates to Chapter 1001, Education Code, is a rule or
 14-44 form of the Texas Commission of Licensing and Regulation or the
 14-45 Texas Department of Licensing and Regulation, as applicable, and
 14-46 remains in effect until amended or replaced by that commission or
 14-47 department;

14-48 (3) a reference to the Texas Education Agency in a law
 14-49 or administrative rule that relates to Chapter 1001, Education
 14-50 Code, means the Texas Commission of Licensing and Regulation or the
 14-51 Texas Department of Licensing and Regulation, as applicable;

14-52 (4) a complaint, investigation, or other proceeding
 14-53 before the Texas Education Agency that is related to Chapter 1001,
 14-54 Education Code, is transferred without change in status to the
 14-55 Texas Department of Licensing and Regulation, and the Texas
 14-56 Department of Licensing and Regulation assumes, as appropriate and
 14-57 without a change in status, the position of the Texas Education
 14-58 Agency in an action or proceeding to which the Texas Education
 14-59 Agency is a party;

14-60 (5) all money, contracts, leases, property, and
 14-61 obligations of the Texas Education Agency related to Chapter 1001,
 14-62 Education Code, are transferred to the Texas Department of
 14-63 Licensing and Regulation;

14-64 (6) all property in the custody of the Texas Education
 14-65 Agency related to Chapter 1001, Education Code, is transferred to
 14-66 the Texas Department of Licensing and Regulation; and

14-67 (7) the unexpended and unobligated balance of any
 14-68 money appropriated by the legislature for the Texas Education
 14-69 Agency related to Chapter 1001, Education Code, is transferred to

15-1 the Texas Department of Licensing and Regulation.

15-2 (c) In accordance with the transition plan developed by the
15-3 Texas Education Agency and the Texas Department of Licensing and
15-4 Regulation under Subsection (a) of this section, on September 1,
15-5 2005, all full-time equivalent employee positions at the Texas
15-6 Education Agency that primarily concern the administration of
15-7 Chapter 1001, Education Code, become positions at the Texas
15-8 Department of Licensing and Regulation. When filling the
15-9 positions, the Texas Department of Licensing and Regulation shall
15-10 give first consideration to an applicant who, as of August 31, 2005,
15-11 was a full-time employee at the Texas Education Agency primarily
15-12 involved in administering Chapter 1001, Education Code.

15-13 (d) Before September 1, 2005, the Texas Education Agency may
15-14 agree with the Texas Department of Licensing and Regulation to
15-15 transfer any property of the Texas Education Agency to the Texas
15-16 Department of Licensing and Regulation to implement the transfer
15-17 required by this Act.

15-18 (e) In the period beginning with the effective date of this
15-19 Act and ending on September 1, 2005, the Texas Education Agency
15-20 shall continue to perform functions and activities under Chapter
15-21 1001, Education Code, as if that chapter had not been amended by
15-22 this Act, and the former law is continued in effect for that
15-23 purpose.

15-24 SECTION 48. The changes in law made by this Act apply only
15-25 to a fee charged on or after September 1, 2005. A fee charged before
15-26 September 1, 2005, is governed by the law in effect immediately
15-27 before that date, and the former law is continued in effect for that
15-28 purpose.

15-29 SECTION 49. The changes in law made by this Act apply only
15-30 to a license issued or renewed on or after September 1, 2005. An
15-31 issuance or renewal that occurs before September 1, 2005, is
15-32 governed by the law in effect immediately before that date, and the
15-33 former law is continued in effect for that purpose.

15-34 SECTION 50. This Act takes effect immediately if it
15-35 receives a vote of two-thirds of all the members elected to each
15-36 house, as provided by Section 39, Article III, Texas Constitution.
15-37 If this Act does not receive the vote necessary for immediate
15-38 effect, this Act takes effect September 1, 2005.

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