

## **BILL ANALYSIS**

S.B. 153  
By: Wentworth  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a driver with a learner's permit is authorized to operate a vehicle while accompanied by a licensed driver 21 years of age or older. There are currently no provisions prohibiting this accompanying licensed passenger from sleeping while the driver with a learner's permit operates the vehicle.

S.B. 153 makes it an offense for the accompanying licensed passenger of a driver with a learner's permit to sleep, be intoxicated, or to engage in any activity that prevents the passenger from observing and responding to the actions of the driver of the vehicle.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 521.222, Transportation Code, by adding Subsections (g) and (h), as follows:

(g) Establishes that a person who occupies the seat in a vehicle by a holder of an instruction permit commits an offense if, while the holder is operating the vehicle, the person sleeps, is intoxicated, as defined by Section 49.01, Penal Code, or is engaged in any activity that prevents the person from observing and responding to the actions of the operator.

(h) Provides that it is a defense to prosecution to this violation that at the time of the violation another person in addition to the defendant occupied the seat by the operator, complied with the requirements of Subsections (d)(2)(A) - (C) (regarding requirements for accompanying a holder of an instruction permit while the permittee is operating a vehicle), and was not in violation of Subsection (g).

SECTION 2. Effective date: September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.