

## **BILL ANALYSIS**

C.S.S.B. 1040  
By: Lucio  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, a driver education school licensed under the Education Code is authorized to train and test a student on the highway sign and traffic law parts of the examination that is required before receiving a learner's permit or license in Texas (Transportation Code, 521.1655). A school may also administer the vision examination. The basic traffic law course is six hours long. The school issues the permit to the student after the student successfully completes these parts of the examination.

Under the provisions of the federal Real ID Act, it is anticipated that issuing permits and licenses will be done exclusively by the Department of Public Safety ("DPS") in order to allow DPS to verify the identity of those individuals applying for a permit or license.

This bill will clarify the authority of a licensed driver education school to teach and test students on the highway sign and traffic law parts of the examination as they have done in the past.

This bill will continue to benefit DPS by reducing the number of individuals who will have to be tested at the DPS driver license offices, freeing up personnel and space to address new responsibilities brought on by the Real ID Act. It will benefit Texans through better training resulting in safer drivers.

The purpose of the CSSB 1040 is to clarify that driver education schools licensed under the Education Code may train and test individuals on the highway sign and traffic law parts of the examination that is a prerequisite to obtaining a permit or license to drive in Texas. It allows a licensed school the option of testing the student electronically, provided that the school maintains an electronic record of the test. Additionally, it authorizes a school to teach and test a student in traffic laws and signs prior to the student making application for a permit. It removes the authority of a school to administer the vision test. Finally, the bill sets out the topics that must be covered in a highway sign and traffic law course for students who are 18 years or older.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 3 of this bill.

### **ANALYSIS**

Section 1. Amends Section 521.141, Transportation Code, by adding a new subsection (d) to provide that a licensed driver education school may teach and test a student on highway signs and traffic laws prior to the time the student applies for an instruction permit or license.

Section 2. Amends Section 521.1655(a), Transportation Code to provide that a licensed driver education school may administer the highway sign and traffic law parts of the examination provided the student has completed and passed six hours of classroom instruction on signs and traffic laws; deletes driver education school's authority to administer vision test

Adds a new section (a-1) to allow a person conducting a driver education course approved under Section 521.205 (home taught course) to administer the highway sign and traffic law parts of the examination if the student is 15 years of age or older, but under 18 years of age, and has completed and passed the course.

Adds a new subsection (c) to provide that a driver education school may administer the test authorized by this section electronically provided that the school produces and maintains an

electronic record or footprint of the test. Currently a paper form is filled out; school has the option of continuing to use the paper form or to test electronically.

Section 3. Amends 1001.101, Education Code, to require the education commissioner by rule to establish curriculum and textbooks to be used in a six hour traffic law classroom driver education course for adults. Sets out topics that must be covered and provides that a driving safety course does not qualify as such a course.

Section 4. Provides that changes in law made by this Act apply to an application for the issuance of a driver's license filed on or after the effective date of this Act.

Section 5. Act takes effect September 1, 2007.

#### **EFFECTIVE DATE**

September 1, 2007.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSSB 1040, in section 2 of the bill, language is added (page 2, lines 2-9, subsection (a-1)) to allow home taught programs under the Transportation Code to test students on the traffic laws and signs parts of the examination for obtaining a learner's permit.

Under current law, this authority is given to schools licensed under the Education Code. This new provision will allow a driver education course conducted by a parent, stepparent, legal guardian, step-grandparent, or grandparent under Section 521.205 of the Transportation Code to also test students on the traffic laws and signs parts of the examination.