

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 26, 2007**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1091** by Guillen (Relating to the driver's license of a person younger than 18 years of age.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it relates to the driver's license of a person younger than 18 years of age.

Section 1 of the bill would amend Transportation Code, Section 521.204(a) which would require drivers license applicants who are under 18 years of age to have attended 90 percent of the days in the semester preceding the date of application in a public or private school if they have not obtained a high school diploma or its equivalent. If an applicant attends a home school, they must have attended home school at least 80 days in the semester preceding the date of application. Driver's license applicants who are under 18 years of age who have completed a high school equivalency program and exam that have not yet been offered in the student's residential area may be issued a Class C driver's license.

Section 2 of the bill would add Transportation Code, Section 521.3467, Automatic Revocation for Failure to Maintain Educational Requirements, which would allow for the automatic revocation of a driver's license for a person younger than 18 years of age if they have not obtained a high school diploma or its equivalent and have failed to maintain a minimum attendance. The appropriate local authority at a private or public school would be required to notify the Department of Public Safety (DPS) of any students who ceased to be enrolled or did not attend school a minimum 90% of days classes were offered during the semester. For students in home schools, the parent or guardian would be required to report students to DPS who failed to attend 80 days during the semester. For students in high school equivalency preparation programs, the program administrator would be required to notify DPS if the student ceases to be enrolled prior to the examination. DPS would be required to provide notice by registered mail to the student to revoke their driver's license. The license is automatically revoked the day after the date of notice of revocation is received. A student whose license is revoked shall promptly surrender the license to DPS.

The bill states that students enrolled in public schools are allowed to appeal to the attendance committee. If the appeal is denied, the driver's license would be revoked the 10<sup>th</sup> day after the denial unless the student appeals to the board of trustees before the 10<sup>th</sup> day. If the board of trustees denied the appeal, the student could appeal to the district court prior to the 10<sup>th</sup> day. If the district court denied the appeal, the driver's license would be revoked revocation of the license takes effect on the date of the court's denial. If the attendance committee reinstates the class credit, the driver's license would not be revoked.

Section 3 of the bill would allow students to cite unusual economic hardship or family illness as a reason for not attending school and not meeting the attendance requirements.

The bill would take effect on September 1, 2007.

The Texas Education Agency and DPS both state that they anticipate no significant fiscal impact to their agencies. This analysis assumes that costs associated with this bill can be absorbed within each agency's current appropriations.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 701 Central Education Agency

**LBB Staff:** JOB, GG, LG, KJG