

BILL ANALYSIS

C.S.H.B. 339
By: Phillips
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the recent legislative interim, the Transportation Subcommittee on Teen Driver Safety examined the provisions of the Texas graduated driver's license program and overall factors contributing to motor vehicle accidents involving teens, an issue raised by the North Texas community of Pottsboro after several local teens were killed in car accidents.

Testimony from educators, parents, professional driving instructors, law enforcement, first responders, the Home School Coalition, the Texas Transportation Institute, the Department of Public Safety (DPS), and the Texas Education Agency (TEA) led to several recommendations relating to the program included in the subcommittee report and incorporated in C.S.H.B. 339 to strengthen teen driving instruction in Texas.

C.S.H.B. 339 requires each school district to consider offering a driver education course for a fee, increases the hours of behind-the-wheel driving instruction a teen receives, makes the qualifications for driving instructors more stringent, and requires DPS to conduct a driving test for each applicant under 18 years of age and to collect statistics to analyze the effectiveness of different methods of driver education. The bill prohibits the use of a wireless device by a teen while operating a vehicle.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 3 and 13 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTIONS 6, and 8 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 8 of this bill.

ANALYSIS

C.S.H.B. 339 amends the Education Code to require a school district to consider offering a driver education and traffic safety course during each school year and, if the district offers the course, authorize the district to conduct the course and charge a fee for the course in the amount determined by the Texas Education Agency (TEA) to be comparable to the fee charged by a licensed driver education school, or contract with a licensed driver education school to conduct the course. The bill makes these driver education and traffic safety course provisions apply beginning with the 2010-2011 school year. The bill requires the commissioner of education by rule to establish or approve the curriculum for a driver education course conducted by a school district, driver education school, or parent or other individual. The bill requires the commissioner to adopt these rules not later than January 1, 2010, and requires a driver education and training program to comply with curriculum requirements by May 1, 2010. The bill requires a driver education course to require completion of 7 hours of behind-the-wheel instruction in the

presence of a person who holds a driver education instructor license, 7 hours of observation instruction in the presence of such a licensed instructor, and 20 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who holds a driver's license, is 21 years of age or older, and has at least one year of driving experience. The bill prohibits the commissioner from issuing or renewing a driver education instructor license, including a temporary license, to a person who has six or more points assigned to the person's driver's license under the driver responsibility program.

C.S.H.B. 339 amends the Transportation Code to prohibit the public safety director from waiving the driving test required for an applicant who is under 18 years of age who completes the training and passes the testing conducted by certain testing entities certified by the director. The bill requires the rules for approval of a driver education course conducted by a parent or other authorized person to include, among other things, that the person conducting the course not have six or more points assigned to the person's driver's license under the driver responsibility program at the time the person begins conducting the course. The bill adds a foster parent to the list of adults authorized to conduct an approved driver education course.

C.S.H.B. 339 requires the Department of Public Safety (DPS) to collect data regarding collisions of students taught by public schools, licensed driver education schools, parents or other authorized adults, and other entities that offer driver education courses and establishes the methodology for computation of collision rates. The bill requires DPS, not later than October 1 of each year, to issue a collision rate statistics publication listing the collision rate for students taught by each driver education entity or by parents and other authorized persons, noting the severity of collisions involving students of each entity and type of course. The bill requires DPS to determine the total number of minor students who are taught by each driver education entity or by parents and other authorized persons and who become licensed during the state fiscal year beginning September 1, 2009, and ending August 31, 2010, and it requires the first publication of collision rate data to be issued not later than October 1, 2011.

C.S.H.B. 339 specifies that a provisional license expires on the 18th birthday of a license holder, rather than the earlier of the 18th birthday of the license holder or the first birthday of a license holder occurring after the date of the license application, and that an instruction permit expires on the 18th birthday of the license holder, rather than the second birthday of the permit holder after the date of the license application.

C.S.H.B. 339 requires the TEA to inform DPS when a person holding a provisional license or instruction permit has dropped out of the school at which the person was enrolled. The bill requires DPS, on the date DPS receives that information, to revoke the provisional license or instruction permit and in writing notify the person of the revocation. The bill requires TEA and DPS to adopt joint rules to implement these provisions. The bill increases the fee for issuance of a provisional license or instruction permit from \$5 to \$15.

C.S.H.B. 339 extends the duration of certain restrictions on the operation of a motor vehicle by a person under 18 years of age or the operation of a motorcycle or moped by a person under 17 years of age from the 6-month period to the 12-month period following issuance of an original Class A, B, or C driver's license, original motorcycle license, or original moped license. The bill prohibits a person under 18 years of age from operating a motor vehicle while using a wireless communication device regardless of when the person's license was issued. The bill specifies that these restrictions do not apply to a person licensed by the Federal Communications Commission to operate a wireless communication device or radio frequency device and defines "wireless communication device."

C.S.H.B. 339 requires DPS, not later than November 30, 2009, to appoint a task force to review and make recommendations regarding the effectiveness of materials provided by the TEA to driver education entities or to parents and other authorized persons and establishes the membership of the task force.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 339 differs from the original by requiring a school district to consider offering a driver education and traffic safety course, rather than requiring the school district to offer such a course as in the original. The substitute authorizes the school district to charge a fee for a course that is comparable to the fee charged by a licensed driver education school, rather than the fee charged by commercial driving schools as in the original. The substitute adds a provision not in the original that authorizes a school district to contract with a licensed driver education school to conduct the course as an alternative to the district's conducting the course.

C.S.H.B. 339 adds a provision not in the original specifying that the commissioner of education is required either to establish or approve by rule the curriculum and designate the textbooks used in a driver education course conducted by a school district, driver education school, or by a parent or other authorized person, whereas the original does not provide for such approval or specify entities conducting such a course. The substitute adds a provision not in the original that requires the commissioner to adopt these rules not later than January 1, 2010.

C.S.H.B. 339 specifies that a driver education course must require the student's completion of 7 hours of behind-the-wheel instruction in the presence of a licensed driver education instructor, 7 hours of observation instruction with such a person, and 20 hours of behind-the-wheel instruction in the presence of an authorized adult, including at least 10 hours that takes place at night, whereas the original requires completion of 34 hours of behind-the-wheel instruction, with the only specific allocation of hours being the 10 hours of nighttime instruction and requires the commissioner by rule to determine other allocations. The substitute adds a provision not in the original authorizing a foster parent to conduct a driver education course. The substitute, in a provision prohibiting a certain authorized person from conducting a course if the person has six or more points assigned to the person's driver's license, adds a specification not in the original that the prohibition is valid if the person has the points on the person's driver's license at the time the person begins conducting the course.

C.S.H.B. 339 adds a provision not in the original providing for the expiration of a provisional license or an instruction permit on the license holder's 18th birthday and eliminating the alternative expiration date for such a license. The substitute adds requirements not in the original for the TEA to inform DPS when a person holding a provisional license or instruction permit has dropped out of the school at which the person was enrolled and for DPS, on receipt of that information, to revoke the provisional license or instruction permit. The substitute differs from the original by increasing the fee for issuance of a provisional license or instruction permit from \$5 to \$15, whereas the original has no equivalent provision.

C.S.H.B. 339 removes a statutory change in the original to prohibit a person under 18 years of age under certain conditions from operating a motor vehicle after 10 p.m., reverting to the statutory time of midnight. The substitute adds a provision not in the original that exempts a person from restrictions on a driver under the age of 18 if the person is licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device and adds a definition of "wireless communication device" not in the original.