

BILL ANALYSIS

C.S.S.B. 1077
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas has one of the highest accident rates among teen drivers in the nation. Changes are needed to enhance the effectiveness of teen driver education programs.

C.S.S.B. 1077 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 except in the case of an emergency.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 3 and 15 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 7 of this bill.

ANALYSIS

C.S.S.B. 1077 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, to authorize the district either 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 to contract with a licensed driver education school to conduct the course. The bill makes these driver education and traffic safety course provisions applicable beginning with the 2010-2011 school year. The bill requires the commissioner of education by rule to establish or approve the curriculum and designate the textbooks to be used in 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 seven hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements imposed on driver education courses conducted by certain family members, seven hours of observation instruction in the presence of such a licensed instructor or family member, 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 for certain convictions.

C.S.S.B. 1077 amends the Transportation Code to prohibit the public safety director from waiving the required driving test for an applicant who completes the training and passes the testing conducted by certain testing entities certified by the director if the applicant is under 18 years of age. The bill authorizes the Department of Public Safety (DPS) to issue a Class C driver's license to an applicant under 18 years of age only if the applicant, in addition to complying with existing requirements, has submitted to DPS written parental or guardian permission for DPS to access the applicant's school enrollment records maintained by TEA. The bill requires the DPS-rules for approval of a driver education course conducted by a parent or other authorized person to include a provision 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 adult family authorized to conduct an approved driver education course. The bill clarifies that the provision requiring the person conducting the course not to have had the person's license suspended, revoked, or forfeited in the past three years applies to a license suspension, revocation, or forfeiture for an offense involving the operation of a motor vehicle rather than for traffic violations.

C.S.S.B. 1077 requires 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.S.B. 1077 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.S.B. 1077 requires DPS and TEA to enter into a memorandum of understanding under which DPS may access TEA's electronic enrollment records to verify a student's enrollment in a public school. The bill requires the memorandum of understanding to specify that DPS may only access information necessary to verify a license renewal applicant's identity and enrollment status and only if the applicant's parent or guardian has provided written permission for DPS to access that information. The bill provides that nothing in these provisions may be construed to allow the release of information in violation of the federal Family Educational Rights and Privacy Act of 1974.

C.S.S.B. 1077 increases the fee for issuance of a provisional license or instruction permit from \$5 to \$15.

C.S.S.B. 1077 prohibits a justice of the peace or municipal judge from submitting to DPS a written record of a conviction for operating a vehicle by a person under 18 years of age.

C.S.S.B. 1077 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 exempts a

person under 18 years of age and a person under 17 years of age who holds a restricted motorcycle license or moped license from the respective prohibitions against operating a motor vehicle, motorcycle, or moped while using a wireless communication device if the use of such device is in case of emergency. 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.S.B. 1077 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 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.S.B. 1077 differs from the original by requiring a driver education course to require the student to complete seven hours of behind-the-wheel instruction and seven hours of observation instruction in the presence of a person who either holds a driver education instructor license or meets the requirements imposed on driver education courses conducted by certain family members, whereas the original only requires a driver education course to require the student to complete those hours of behind-the-wheel instruction and observation instruction in the presence of a person who holds a driver education instructor license.

C.S.S.B. 1077 adds a provision not in the original authorizing the Department of Public Safety (DPS) to issue a Class C driver's license to an applicant under 18 years of age only if the applicant, in addition to complying with existing requirements, has submitted to DPS written parental or guardian permission for DPS to access the applicant's school enrollment records maintained by the Texas Education Agency (TEA).

C.S.S.B. 1077 removes provisions in the original requiring 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, requiring 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, and requiring TEA and DPS to adopt joint rules to implement these provisions.

C.S.S.B. 1077 adds a provision not in the original requiring DPS and TEA to enter into a memorandum of understanding under which DPS may access TEA's electronic enrollment records to verify a student's enrollment in a public school and restricting the information that may be accessed or released. The substitute adds a provision not in the original prohibiting a justice of the peace or municipal judge from submitting to DPS a written record of a conviction for operating a vehicle by a person under 18 years of age.

C.S.S.B. 1077 removes a provision in the original expanding the time period during which persons under 18 years of age are prohibited from operating a motor vehicle, motorcycle, or moped, as applicable, during the 12-month period following the issuance of an original license and reverts to the existing time period, which extends from after midnight to before 5 a.m. The substitute adds a provision not in the original exempting a person under 18 years of age who holds a driver's license and a person under 17 years of age who holds a restricted motorcycle or moped license from the respective prohibitions against operating a motor vehicle, motorcycle, or moped, as applicable, while using a wireless communication device if that use is in case of emergency.