

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1077  
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Transportation & Homeland Security  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1077 is an omnibus bill that serves to address several issues relating to driver's licenses and related issues.

Currently, the Department of Public Safety (DPS) does not have statutory access to the federal Criminal History Report Information (CHRI) database. Access is needed in order to review and process background information for certain permit applicants.

Human trafficking is a growing concern for Texans. Recent press reports have highlighted incidents where people are packed into semi-tractor trailers under inhumane conditions. In most of these instances, the driver of the semi-tractor trailer holds a commercial driver's license. The offense of human trafficking does not result in a suspension of the commercial driver's license.

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

As proposed, S.B. 1077 adds Section 411.0891 to the Government Code to authorize DPS to access the Federal Bureau of Investigation's CHRI database. S.B. 1077 amends Section 522.08 of the Transportation Code to provide for automatic suspension of a commercial driver's license on conviction of certain federal crimes relating to the transportation, harboring, or concealment of an undocumented alien. S.B. 1077 amends Section 54.042(a) of the Family Code to require that the license of a juvenile be suspended if the juvenile violates a state or federal law involving a severe form of trafficking in persons as defined by federal law. S.B. 1077 also amends the Education Code to require that all school districts offer driver's education courses, and requires a total of 34 hours of behind-the-wheel driving experience before a teen may be issued a driver's license. S.B. 1077 also prohibits a person having six or more points assigned to his or her driver's license under the driver accountability program from being certified to teach a driver's education course. Additionally, the bill requires all teen driver's license applicants to take a DPS-conducted driving test. Finally, S.B. 1077 requires DPS to collect statistics regarding collisions by teen drivers.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3.02 (Section 1001.101, Education Code) of this bill.

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 3.05 (Section 521.205, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### **ARTICLE 1. AUTHORITY OF DEPARTMENT TO OBTAIN AND USE CRIMINAL HISTORY RECORD INFORMATION FOR CERTAIN DEPARTMENTAL AUTHORIZATIONS**

SECTION 1.01. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.0891, as follows:

Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD  
INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Authorizes

the Department of Public Safety (DPS), subject to Section 411.087 (Access to Criminal History Record Information Maintained by Federal Bureau of Investigation or Local Criminal Justice Agency), to obtain and use criminal history record information maintained by the Federal Bureau of Investigation or DPS that relates to a certain person who is an applicant for or holds a certain permit or certificate.

(b) Authorizes DPS to release or disclose criminal history record information obtained or used by DPS for a purpose described by Subsection (a) to another person or agency only in a criminal proceeding; in a hearing conducted by DPS; under an order from a court; or with the consent of the person who is the subject of the criminal history information.

(c) Prohibits this section from being construed to limit the authority of DPS to disseminate criminal history record information as provided by Section 411.083 (Dissemination of Criminal History Record Information).

## ARTICLE 2. CIVIL CONSEQUENCES OF CERTAIN CONVICTIONS AND ADJUDICATIONS ON A DRIVER'S LICENSE OR PERMIT

SECTION 2.01. Amends Section 522.081(d), Transportation Code, to provide that a person is disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of an offense under 8 U.S.C. Section 1324 that involves the transportation, concealment, or harboring of an alien. Makes a nonsubstantive change.

SECTION 2.02. Amends Section 54.042(a), Family Code, to require a juvenile court, in a disposition under Section 54.04 (Disposition Hearing), to order DPS to suspend a child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that violates a penal law of this state or the United States, an element or elements of which involve a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102. Makes nonsubstantive changes.

SECTION 2.03. (a) Makes application of Section 522.081, Transportation Code, of this Act prospective.

(b) Makes application of Section 54.042, Family Code, of this Act prospective.

## ARTICLE 3. DRIVER EDUCATION AND DRIVER'S LICENSING REQUIREMENTS FOR MINORS

SECTION 3.01. Amends Section 29.902, Education Code, by adding Subsection (c), to require a school district (district) to offer a driver education and traffic safety course during each school year. Authorizes the district to charge a fee for the course in the amount determined by the Texas Education Agency (TEA) to be comparable to the fee charged by commercial driving schools.

SECTION 3.02. Amends Section 1001.101, Education Code, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) Creates this subsection from existing text.

(b) Requires that a driver education course for a student who is under 18 years of age require the student to complete 34 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night.

(c) Requires the commissioner of education (commissioner) by rule to determine the number of hours of behind-the-wheel instruction required under Subsection (b) to be conducted in the presence of a licensed instructor or in the presence of an adult who meets the requirements of Section 521.222(d)(2) (relating to an instruction permit that entitles the holder to operate a type of motor vehicle on a

highway while the holder is accompanied by a person occupying the seat by a certain operator), Transportation Code.

SECTION 3.03. Amends Subchapter F, Chapter 1001, Education Code, by adding Section 1001.257, as follows:

Sec. 1001.257. DENIAL OF LICENSE. 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 Subchapter B (Driver's License Points Surcharge), Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 3.04. Amends Section 521.165, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Creates an exception under Subsection (d).

(d) Prohibits the public safety director from waiving the driving test required by Section 521.161 (Examination of License Applicants) for an applicant who is under 18 years of age.

SECTION 3.05. Amends Section 521.205(a), Transportation Code, to require that the rules provide that the person conducting a driver education course possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle and that the person conducting the course not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708. Deletes existing text requiring that the rules provide that the person conducting the course possess a valid license for the preceding three years and the license has not been suspended, revoked, or forfeited in the past three years for traffic related violations. Makes nonsubstantive changes.

SECTION 3.06. Amends Subchapter J, Chapter 521, Transportation Code, by adding Section 521.206, as follows:

Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a) Requires DPS to collect data regarding collisions of students taught by public schools, commercial driving schools, and other entities that offer driver education courses to students for which a uniform certificate of course completion is issued. Provides that the collision rate is computed by determining the number of an entity's students who complete a driver education course during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(b) Requires DPS to collect data regarding the collision rate of students taught by course instructors approved under Section 521.205 (Department-Approved Courses). Provides that the collision rate is computed by determining the number of students who completed a course approved under Section 521.205 during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(c) Requires DPS, not later than October 1 of each year, to issue a publication listing the collision rate for students taught by each driver education entity and the collision rate for students taught by a course instructor approved under Section 521.205, noting the severity of collisions involving students of each entity and each type of course.

SECTION 3.07. Amends Sections 545.424(a) and (b), Transportation Code, as follows:

(a) Prohibits a person under 18 years of age from operating a motor vehicle during the 12-month period, rather than the six-month period, following the issuance of an original

Class A, B, or C driver's license to the person after 10 p.m., rather than midnight, and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of medical emergency. Makes nonsubstantive changes.

(b) Prohibits a person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month period, rather than 6-month period, following the issuance of an original motorcycle license or moped license to the person, from operating a motorcycle or moped under certain restrictions, including operating the motorcycle or moped after 10 p.m., rather than midnight, and before 5 a.m. unless certain conditions exist.

SECTION 3.08. (a) Requires DPS, for the purpose of compiling data for the publication required by Section 521.206, Transportation Code, as added by this article, to determine the number of minor students taught by each driver education entity and the total number of minor students taught by courses approved under Section 521.205, Transportation Code, who become licensed during the state fiscal year beginning September 1, 2009, and ending August 31, 2010.

(b) Requires that the first publication of collision rate data compiled under Section 521.206, Transportation Code, as added by this article, be issued not later than October 1, 2011.

SECTION 3.09. Requires DPS, not later than November 30, 2009, to appoint a task force to review and make recommendations regarding the effectiveness of the materials provided by TEA for use in courses licensed under Chapter 1001 (Driver and Traffic Safety Education), Education Code, or authorized by Section 521.205. Sets forth the required members for the task force.

SECTION 3.10. (a) Provides that Section 29.902(c), Education Code, as added by this article, applies beginning with the 2010-2011 school year.

(b) Makes application of Section 1001.101, Education Code, as amended by this article, prospective.

(c) Makes application of Section 1001.257, Education Code, as added by this article, prospective.

(d) Makes application of Section 521.165, Transportation Code, as amended by this article, prospective.

(e) Makes application of Section 521.205, Transportation Code, as amended by this article, prospective.

(f) Makes application of Section 545.424, Transportation Code, as amended by this article, prospective.

#### ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. Effective date: September 1, 2009.