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H.B. No. 339

A BILL TO BE ENTITLED

1 AN ACT
2 relating to driver education and driver's licensing requirements
3 for minors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. This Act shall be known as the Less Tears More
6 Years Act.

7 SECTION 2. Section 29.902, Education Code, is amended by
8 adding Subsection (c) to read as follows:

9 (c) A school district shall consider offering a driver
10 education and traffic safety course during each school year. If the
11 district offers the course, the district may:

12 (1) conduct the course and charge a fee for the course
13 in the amount determined by the agency to be comparable to the fee
14 charged by a driver education school that holds a license under
15 Chapter 1001; or

16 (2) contract with a driver education school that holds
17 a license under Chapter 1001 to conduct the course.

18 SECTION 3. Section 1001.101, Education Code, is amended to
19 read as follows:

20 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
21 TEXTBOOKS. (a) The commissioner by rule shall establish or approve
22 the curriculum and designate the textbooks to be used in a driver
23 education course, including a driver education course conducted by
24 a school district, driver education school, or parent or other

1 individual under Section 521.205, Transportation Code.

2 (b) A driver education course must require the student to
3 complete:

4 (1) 7 hours of behind-the-wheel instruction in the
5 presence of a person who holds a driver education instructor
6 license or who meets the requirements imposed under Section
7 521.205, Transportation Code;

8 (2) 7 hours of observation instruction in the presence
9 of a person who holds a driver education instructor license or who
10 meets the requirements imposed under Section 521.205,
11 Transportation Code; and

12 (3) 20 hours of behind-the-wheel instruction,
13 including at least 10 hours of instruction that takes place at
14 night, in the presence of an adult who meets the requirements of
15 Section 521.222(d)(2), Transportation Code.

16 SECTION 4. Subchapter F, Chapter 1001, Education Code, is
17 amended by adding Section 1001.257 to read as follows:

18 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not
19 issue or renew a driver education instructor license, including a
20 temporary license, to a person who has six or more points assigned
21 to the person's driver's license under Subchapter B, Chapter 708,
22 Transportation Code.

23 SECTION 5. Section 521.165, Transportation Code, is amended
24 by amending Subsection (c) and adding Subsection (d) to read as
25 follows:

26 (c) Except as provided by Subsection (d), in [~~It~~] issuing a
27 driver's license for certain types of vehicles, the director may

1 waive a driving test for an applicant who has successfully
2 completed and passed the training and testing conducted by a person
3 certified under Subsection (a).

4 (d) The director may not waive the driving test required by
5 Section 521.161 for an applicant who is under 18 years of age.

6 SECTION 6. Section 521.204(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department may issue a Class C driver's license to
9 an applicant under 18 years of age only if the applicant:

10 (1) is 16 years of age or older;

11 (2) has submitted to the department a driver education
12 certificate issued under Section 9A, Texas Driver and Traffic
13 Safety Education Act (Article 4413(29c), Vernon's Texas Civil
14 Statutes), that states that the person has completed and passed a
15 driver education course approved by the department under Section
16 521.205 or by the Texas Education Agency;

17 (3) has obtained a high school diploma or its
18 equivalent or is a student:

19 (A) enrolled in a public school, home school, or
20 private school who attended school for at least 80 days in the fall
21 or spring semester preceding the date of the driver's license
22 application; or

23 (B) who has been enrolled for at least 45 days,
24 and is enrolled as of the date of the application, in a program to
25 prepare persons to pass the high school equivalency exam; ~~and~~

26 (4) has submitted to the department written parental
27 or guardian permission for the department to access the applicant's

1 school enrollment records maintained by the Texas Education Agency;
2 and

3 (5) has passed the examination required by Section
4 521.161.

5 SECTION 7. Section 521.205(a), Transportation Code, is
6 amended to read as follows:

7 (a) The department by rule shall provide for approval of a
8 driver education course conducted by the parent, stepparent, foster
9 parent, legal guardian, step-grandparent, or grandparent of a
10 person who is required to complete a driver education course to
11 obtain a Class C license. The rules must provide that:

12 (1) the person conducting the course possess a valid
13 license for the preceding three years that [~~and the license~~] has not
14 been suspended, revoked, or forfeited in the past three years for an
15 offense that involves the operation of a motor vehicle [~~traffic~~
16 ~~related violations~~];

17 (2) the student driver spend a minimum number of hours
18 in:

19 (A) classroom instruction; and

20 (B) behind-the-wheel instruction;

21 (3) the person conducting the course not be convicted
22 of:

23 (A) criminally negligent homicide; or

24 (B) driving while intoxicated; [~~and~~]

25 (4) the person conducting the course not be disabled
26 because of mental illness; and

27 (5) the person conducting the course not have six or

1 more points assigned to the person's driver's license under
2 Subchapter B, Chapter 708, at the time the person begins conducting
3 the course.

4 SECTION 8. Subchapter J, Chapter 521, Transportation Code,
5 is amended by adding Section 521.206 to read as follows:

6 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)
7 The department shall collect data regarding collisions of students
8 taught by public schools, driver education schools licensed under
9 Chapter 1001, Education Code, and other entities that offer driver
10 education courses to students for which a uniform certificate of
11 course completion is issued. The collision rate is computed by
12 determining the number of an entity's students who complete a
13 driver education course during a state fiscal year, dividing that
14 number by the number of collisions that involved students who
15 completed such a course and that occurred in the 12-month period
16 following their licensure, and expressing the quotient as a
17 percentage.

18 (b) The department shall collect data regarding the
19 collision rate of students taught by course instructors approved
20 under Section 521.205. The collision rate is computed by
21 determining the number of students who completed a course approved
22 under Section 521.205 during a state fiscal year, dividing that
23 number by the number of collisions that involved students who
24 completed such a course and that occurred in the 12-month period
25 following their licensure, and expressing the quotient as a
26 percentage.

27 (c) Not later than October 1 of each year, the department

1 shall issue a publication listing the collision rate for students
2 taught by each driver education entity and the collision rate for
3 students taught by a course instructor approved under Section
4 521.205, noting the severity of collisions involving students of
5 each entity and each type of course.

6 SECTION 9. Section 521.271, Transportation Code, is amended
7 by amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) Each original driver's license and provisional license
10 expires as follows:

11 (1) except as provided by Section 521.2711, a driver's
12 license expires on the first birthday of the license holder
13 occurring after the sixth anniversary of the date of the
14 application;

15 (2) a provisional license expires on ~~[the earlier of:~~
16 ~~[(A)]~~ the 18th birthday of the license holder~~+~~
17 ~~or~~

18 ~~[(B) the first birthday of the license holder~~
19 ~~occurring after the date of the application];~~

20 (3) an instruction permit expires on the 18th birthday
21 of the license holder ~~[second birthday of the license holder~~
22 ~~occurring after the date of the application]; and~~

23 (4) an occupational license expires on the first
24 anniversary of the court order granting the license.

25 (a-1) The department and the Texas Education Agency shall
26 enter into a memorandum of understanding under which the department
27 may access the agency's electronic enrollment records to verify a

1 student's enrollment in a public school. The memorandum of
2 understanding must specify that the department may only access
3 information necessary to verify the identity and enrollment status
4 of a license renewal applicant and only if a parent or guardian of
5 the applicant has provided written permission for the department to
6 access that information. Nothing in this subsection may be
7 construed to allow the release of information in violation of the
8 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
9 Section 1232g).

10 SECTION 10. Section 521.421(c), Transportation Code, is
11 amended to read as follows:

12 (c) The fee for issuance [~~or renewal~~] of a provisional
13 license or instruction permit is \$15 [~~\$5~~].

14 SECTION 11. Section 543.204, Transportation Code, is
15 amended by adding Subsection (a-1) to read as follows:

16 (a-1) A justice of the peace or municipal judge may not
17 submit a written record of a conviction under Section 545.424.

18 SECTION 12. Section 545.424, Transportation Code, is
19 amended by amending Subsections (a), (b), and (c) and adding
20 Subsection (f) to read as follows:

21 (a) A person under 18 years of age [~~, during the six-month~~
22 ~~period following issuance of an original Class A, B, or C driver's~~
23 ~~license to the person,~~] may not operate a motor vehicle:

24 (1) during the 12-month period following issuance of
25 an original Class A, B, or C driver's license to the person:

26 (A) after midnight and before 5 a.m. unless the
27 operation of the vehicle is necessary for the operator to attend or

1 participate in employment or a school-related activity or because
2 of a medical emergency; or

3 (B) [~~(2)~~] with more than one passenger in the
4 vehicle under 21 years of age who is not a family member; or

5 (2) [~~(3)~~] while using a wireless communications
6 device, except in case of emergency.

7 (b) A person under 17 years of age who holds a restricted
8 motorcycle license or moped license, during the 12-month
9 [~~six-month~~] period following the issuance of an original motorcycle
10 license or moped license to the person, may not operate a motorcycle
11 or moped:

12 (1) after midnight and before 5 a.m. unless:

13 (A) the person is in sight of the person's parent
14 or guardian; or

15 (B) the operation of the vehicle is necessary for
16 the operator to attend or participate in employment or a
17 school-related activity or because of a medical emergency; or

18 (2) while using a wireless communications device,
19 except in case of emergency.

20 (c) This section does not apply to:

21 (1) the holder of a hardship license; [~~or~~]

22 (2) a person operating a motor vehicle while
23 accompanied in the manner required by Section 521.222(d)(2) for the
24 holder of an instruction permit; or

25 (3) a person licensed by the Federal Communications
26 Commission to operate a wireless communication device or a radio
27 frequency device.

1 (f) In this section, "wireless communication device" means
2 a handheld or hands-free device that uses commercial mobile
3 service, as defined by 47 U.S.C. Section 332.

4 SECTION 13. (a) For the purpose of compiling data for the
5 publication required by Section 521.206, Transportation Code, as
6 added by this Act, the Texas Department of Public Safety shall
7 determine the number of minor students taught by each driver
8 education entity and the total number of minor students taught by
9 courses approved under Section 521.205, Transportation Code, who
10 become licensed during the state fiscal year beginning September 1,
11 2009, and ending August 31, 2010.

12 (b) The first publication of collision rate data compiled
13 under Section 521.206, Transportation Code, as added by this Act,
14 shall be issued not later than October 1, 2011.

15 SECTION 14. Not later than November 30, 2009, the Texas
16 Department of Public Safety shall appoint a task force to review and
17 make recommendations regarding the effectiveness of the materials
18 provided by the Texas Education Agency for use in courses licensed
19 under Chapter 1001, Education Code, or authorized by Section
20 521.205. The task force shall consist of the following members:

21 (1) a representative of the Texas Department of Public
22 Safety;

23 (2) a representative of the Texas Education Agency;

24 (3) a commercial provider of driver education courses;

25 (4) a member of an interested group or association, as
26 determined by the department; and

27 (5) other appropriate members, as determined by the

1 department.

2 SECTION 15. (a) Section 29.902(c), Education Code, as
3 added by this Act, applies beginning with the 2010-2011 school
4 year.

5 (b) Not later than January 1, 2010, the commissioner of
6 education shall adopt rules as required by Section 1001.101,
7 Education Code, as amended by this Act.

8 (c) Each driver education and training program approved by
9 the Texas Education Agency under Chapter 1001, Education Code, must
10 comply with the curriculum requirements of Section 1001.101,
11 Education Code, as amended by this Act, not later than May 1, 2010.

12 (d) Section 521.165, Transportation Code, as amended by
13 this Act, applies only to an application for a driver's license
14 submitted on or after the effective date of this Act. An
15 application for a driver's license submitted before the effective
16 date of this Act is subject to the law in effect on the date the
17 application was submitted, and that law is continued in effect for
18 that purpose.

19 (e) The changes in law made by this Act to Section 521.205,
20 Transportation Code, apply to a course approved under that section
21 that begins on or after the effective date of this Act. A course
22 beginning before the effective date of this Act is governed by the
23 law in effect on the date the course was commenced, and that law is
24 continued in effect for that purpose.

25 (f) The changes in law made by this Act to Sections 521.271,
26 521.421, and 545.424, Transportation Code, apply only to a person
27 issued a driver's license on or after the effective date of this

1 Act. A person issued a driver's license before the effective date
2 of this Act is governed by the law in effect on the date the license
3 was issued, and that law is continued in effect for that purpose.

4 SECTION 16. This Act takes effect September 1, 2009.