

AN ACT

relating to driver education and driver's licensing requirements.

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

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

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

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

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

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

SECTION 3. Section 1001.004, Education Code, is amended to read as follows:

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except as provided by Subsection (b), the ~~The~~ cost of administering this chapter shall be included in the state budget allowance for the agency.

(b) The commissioner may charge a fee to each driver education school in an amount not to exceed the actual expense

1 incurred in the regulation of driver education courses established
2 under Section 1001.1015.

3 SECTION 4. Section 1001.055(a), Education Code, is amended
4 to read as follows:

5 (a) The agency shall print and supply to each licensed or
6 exempt driver education school driver education certificates to be
7 used for certifying completion of an approved driver education
8 course to satisfy the requirements of Sections [~~Section~~]
9 521.204(a)(2) and 521.1601, Transportation Code. The certificates
10 must be numbered serially.

11 SECTION 5. Section 1001.101, Education Code, is amended to
12 read as follows:

13 Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE
14 CURRICULUM AND TEXTBOOKS. (a) The commissioner by rule shall
15 establish or approve the curriculum and designate the textbooks to
16 be used in a driver education course for minors and adults,
17 including a driver education course conducted by a school district,
18 driver education school, or parent or other individual under
19 Section 521.205, Transportation Code.

20 (b) A driver education course must require the student to
21 complete:

22 (1) 7 hours of behind-the-wheel instruction in the
23 presence of a person who holds a driver education instructor
24 license or who meets the requirements imposed under Section
25 521.205, Transportation Code;

26 (2) 7 hours of observation instruction in the presence
27 of a person who holds a driver education instructor license or who

1 meets the requirements imposed under Section 521.205,
2 Transportation Code; and

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

7 SECTION 6. Subchapter C, Chapter 1001, Education Code, is
8 amended by adding Section 1001.1015 to read as follows:

9 Sec. 1001.1015. ADULT DRIVER EDUCATION COURSE CURRICULUM
10 AND EDUCATIONAL MATERIALS. (a) The commissioner by rule shall
11 establish the curriculum and designate the educational materials to
12 be used in a driver education course exclusively for adults.

13 (b) A driver education course under Subsection (a) must:

14 (1) be a six-hour course; and

15 (2) include instruction in:

16 (A) alcohol and drug awareness;

17 (B) the traffic laws of this state;

18 (C) highway signs, signals, and markings that
19 regulate, warn, or direct traffic; and

20 (D) the issues commonly associated with motor
21 vehicle accidents, including poor decision-making, risk taking,
22 impaired driving, distraction, speed, failure to use a safety belt,
23 driving at night, failure to yield the right-of-way, and using a
24 wireless communication device while operating a vehicle.

25 (c) A course approved under Subsection (a) may be offered as
26 an online course.

27 (d) A driving safety course or a drug and alcohol driving

1 awareness program may not be approved as a driver education course
2 under Subsection (a).

3 SECTION 7. Subchapter C, Chapter 1001, Education Code, is
4 amended by adding Section 1001.110 to read as follows:

5 Sec. 1001.110. INFORMATION RELATING TO DRIVING
6 DISTRACTIONS. (a) The commissioner by rule shall require that
7 information relating to the effect of using a wireless
8 communication device or engaging in other actions that may distract
9 a driver on the safe or effective operation of a motor vehicle be
10 included in the curriculum of each driver education course or
11 driving safety course.

12 (b) In developing rules under this section, the
13 commissioner shall consult with the department.

14 SECTION 8. Subchapter F, Chapter 1001, Education Code, is
15 amended by adding Section 1001.257 to read as follows:

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

21 SECTION 9. Section 521.142(d), Transportation Code, is
22 amended to read as follows:

23 (d) If the applicant is under 21 [~~25~~] years of age, the
24 application must state whether the applicant has completed a driver
25 education course required by Section 521.1601 [~~approved by the~~
26 ~~department~~].

27 SECTION 10. The heading to Subchapter H, Chapter 521,

1 Transportation Code, is amended to read as follows:

2 SUBCHAPTER H. EDUCATION AND EXAMINATION REQUIREMENTS

3 SECTION 11. Subchapter H, Chapter 521, Transportation Code,
4 is amended by adding Sections 521.1601 and 521.167 to read as
5 follows:

6 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
7 may not issue a driver's license to a person who is younger than 21
8 years of age unless the person submits to the department a driver
9 education certificate issued under Chapter 1001, Education Code,
10 that states that the person has completed and passed:

11 (1) a driver education and traffic safety course
12 approved by the Texas Education Agency under Section 29.902,
13 Education Code, or a driver education course approved by that
14 agency under Section 1001.101 of that code or approved by the
15 department under Section 521.205; or

16 (2) if the person is 18 years of age or older, a driver
17 education course approved by the Texas Education Agency under
18 Section 1001.101 or 1001.1015, Education Code.

19 Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION
20 REQUIREMENTS. A person who has completed and passed a driver
21 education course approved by the Texas Education Agency under
22 Section 1001.1015, Education Code, is not required to take the
23 highway sign and traffic law parts of the examination required
24 under Section 521.161 if those parts have been successfully
25 completed as determined by a licensed driver education instructor.

26 SECTION 12. Section 521.165, Transportation Code, is
27 amended by amending Subsection (c) and adding Subsection (d) to

1 read as follows:

2 (c) Except as provided by Subsection (d), in [In] issuing a
3 driver's license for certain types of vehicles, the director may
4 waive a driving test for an applicant who has successfully
5 completed and passed the training and testing conducted by a person
6 certified under Subsection (a).

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

9 SECTION 13. Section 521.204(a), Transportation Code, is
10 amended to read as follows:

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

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

14 (2) has submitted to the department a driver education
15 certificate issued under Section 9A, Texas Driver and Traffic
16 Safety Education Act (Article 4413(29c), Vernon's Texas Civil
17 Statutes), that states that the person has completed and passed a
18 driver education course approved by the department under Section
19 521.205 or by the Texas Education Agency;

20 (3) has obtained a high school diploma or its
21 equivalent or is a student:

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

26 (B) who has been enrolled for at least 45 days,
27 and is enrolled as of the date of the application, in a program to

1 prepare persons to pass the high school equivalency exam; ~~and~~

2 (4) has submitted to the department written parental
3 or guardian permission for the department to access the applicant's
4 school enrollment records maintained by the Texas Education Agency;
5 and

6 (5) has passed the examination required by Section
7 521.161.

8 SECTION 14. Section 521.205(a), Transportation Code, is
9 amended to read as follows:

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

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

20 (2) the student driver spend a minimum number of hours
21 in:

22 (A) classroom instruction; and

23 (B) behind-the-wheel instruction;

24 (3) the person conducting the course not be convicted
25 of:

26 (A) criminally negligent homicide; or

27 (B) driving while intoxicated; ~~and~~

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

3 (5) the person conducting the course not have six or
4 more points assigned to the person's driver's license under
5 Subchapter B, Chapter 708, at the time the person begins conducting
6 the course.

7 SECTION 15. Subchapter J, Chapter 521, Transportation Code,
8 is amended by adding Section 521.206 to read as follows:

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

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

1 following their licensure, and expressing the quotient as a
2 percentage.

3 (c) Not later than October 1 of each year, the department
4 shall issue a publication listing the collision rate for students
5 taught by each driver education entity and the collision rate for
6 students taught by a course instructor approved under Section
7 521.205, noting the severity of collisions involving students of
8 each entity and each type of course.

9 SECTION 16. Section 521.271, Transportation Code, is
10 amended by amending Subsection (a) and adding Subsection (a-1) to
11 read as follows:

12 (a) Each original driver's license and provisional license
13 expires as follows:

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

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

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

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

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

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

13 SECTION 17. Section 521.421(c), Transportation Code, is
14 amended to read as follows:

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

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

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

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

25 (A) after midnight and before 5 a.m. unless the
26 operation of the vehicle is necessary for the operator to attend or
27 participate in employment or a school-related activity or because

1 of a medical emergency; or

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

4 (2) [~~(3)~~] while using a wireless communications
5 device, except in case of emergency.

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

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

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

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

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

19 (c) This section does not apply to:

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

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

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

27 (f) In this section, "wireless communication device" means

1 a handheld or hands-free device that uses commercial mobile
2 service, as defined by 47 U.S.C. Section 332.

3 SECTION 19. (a) For the purpose of compiling data for the
4 publication required by Section 521.206, Transportation Code, as
5 added by this Act, the Texas Department of Public Safety shall
6 determine the number of minor students taught by each driver
7 education entity and the total number of minor students taught by
8 courses approved under Section 521.205, Transportation Code, who
9 become licensed during the state fiscal year beginning September 1,
10 2009, and ending August 31, 2010.

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

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

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

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

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

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

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

1 SECTION 21. (a) Section 29.902(c), Education Code, as
2 added by this Act, applies beginning with the 2010-2011 school
3 year.

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

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

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

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

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

1 of this Act is governed by the law in effect on the date the license
2 was issued, and that law is continued in effect for that purpose.

3 SECTION 22. As soon as practicable after the effective date
4 of this Act, the commissioner of education shall adopt the rules
5 required by Section 1001.110, Education Code, as added by this Act.

6 SECTION 23. The changes in law made by Section 521.142,
7 Transportation Code, as amended by this Act, and Sections 521.1601
8 and 521.167, Transportation Code, as added by this Act, apply to an
9 application for the issuance of a driver's license filed on or after
10 the effective date of this Act. An application for the issuance of
11 a driver's license filed before the effective date of this Act is
12 governed by the law in effect on the date of the filing, and that law
13 is continued in effect for that purpose.

14 SECTION 24. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 339 was passed by the House on May 6, 2009, by the following vote: Yeas 139, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 339 on May 29, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 339 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor