

By: Phillips, et al.

H.B. No. 339

Substitute the following for H.B. No. 339:

By: Weber

C.S.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;

7 (2) 7 hours of observation instruction in the presence  
8 of a person who holds a driver education instructor license; and

9 (3) 20 hours of behind-the-wheel instruction,  
10 including at least 10 hours of instruction that takes place at  
11 night, in the presence of an adult who meets the requirements of  
12 Section 521.222(d)(2), Transportation Code.

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

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

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

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

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

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

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

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

15        (2) the student driver spend a minimum number of hours  
16 in:

17                    (A) classroom instruction; and

18                    (B) behind-the-wheel instruction;

19        (3) the person conducting the course not be convicted  
20 of:

21                    (A) criminally negligent homicide; or

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

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

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

1 the course.

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

4 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)

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

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

25 (c) Not later than October 1 of each year, the department  
26 shall issue a publication listing the collision rate for students  
27 taught by each driver education entity and the collision rate for

1 students taught by a course instructor approved under Section  
2 521.205, noting the severity of collisions involving students of  
3 each entity and each type of course.

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

7 (a) Each original driver's license and provisional license  
8 expires as follows:

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

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

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

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

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

23 (a-1) The Texas Education Agency shall inform the  
24 department when a person who is a holder of a provisional license or  
25 instruction permit has dropped out of the school at which the person  
26 was enrolled. On the date the department receives that  
27 information, the department shall revoke the person's provisional

1 license or instruction permit and in writing notify the person of  
2 the revocation. The Texas Education Agency and the department  
3 shall adopt joint rules to implement this subsection.

4 SECTION 9. Section 521.421(c), Transportation Code, is  
5 amended to read as follows:

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

8 SECTION 10. Section 545.424, Transportation Code, is  
9 amended by amending Subsections (a), (b), and (c) and adding  
10 Subsection (f) to read as follows:

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

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

16 (A) after midnight and before 5 a.m. unless the  
17 operation of the vehicle is necessary for the operator to attend or  
18 participate in employment or a school-related activity or because  
19 of a medical emergency; or

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

22 (2) [~~(3)~~] while using a wireless communications  
23 device.

24 (b) A person under 17 years of age who holds a restricted  
25 motorcycle license or moped license, during the 12-month  
26 [~~six-month~~] period following the issuance of an original motorcycle  
27 license or moped license to the person, may not operate a motorcycle

1 or moped:

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

3 (A) the person is in sight of the person's parent  
4 or guardian; or

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

8 (2) while using a wireless communications device.

9 (c) This section does not apply to:

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

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

14 (3) a person licensed by the Federal Communications  
15 Commission to operate a wireless communication device or a radio  
16 frequency device.

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

20 SECTION 11. (a) For the purpose of compiling data for the  
21 publication required by Section 521.206, Transportation Code, as  
22 added by this Act, the Texas Department of Public Safety shall  
23 determine the number of minor students taught by each driver  
24 education entity and the total number of minor students taught by  
25 courses approved under Section 521.205, Transportation Code, who  
26 become licensed during the state fiscal year beginning September 1,  
27 2009, and ending August 31, 2010.

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

4 SECTION 12. Not later than November 30, 2009, the Texas  
5 Department of Public Safety shall appoint a task force to review and  
6 make recommendations regarding the effectiveness of the materials  
7 provided by the Texas Education Agency for use in courses licensed  
8 under Chapter 1001, Education Code, or authorized by Section  
9 521.205. The task force shall consist of the following members:

10 (1) a representative of the Texas Department of Public  
11 Safety;

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

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

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

16 (5) other appropriate members, as determined by the  
17 department.

18 SECTION 13. (a) Section 29.902(c), Education Code, as  
19 added by this Act, applies beginning with the 2010-2011 school  
20 year.

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

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



1           (d) Section 521.165, Transportation Code, as amended by  
2 this Act, applies only to an application for a driver's license  
3 submitted on or after the effective date of this Act. An  
4 application for a driver's license submitted before the effective  
5 date of this Act is subject to the law in effect on the date the  
6 application was submitted, and that law is continued in effect for  
7 that purpose.

8           (e) The changes in law made by this Act to Section 521.205,  
9 Transportation Code, apply to a course approved under that section  
10 that begins on or after the effective date of this Act. A course  
11 beginning before the effective date of this Act is governed by the  
12 law in effect on the date the course was commenced, and that law is  
13 continued in effect for that purpose.

14           (f) The changes in law made by this Act to Sections 521.271,  
15 521.421, and 545.424, Transportation Code, apply only to a person  
16 issued a driver's license on or after the effective date of this  
17 Act. A person issued a driver's license before the effective date  
18 of this Act is governed by the law in effect on the date the license  
19 was issued, and that law is continued in effect for that purpose.

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