

By: Phillips

H.B. No. 339

A BILL TO BE ENTITLED

AN ACT

1  
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. Section 29.902, Education Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c) A school district shall offer a driver education and  
8 traffic safety course during each school year. The district may  
9 charge a fee for the course in the amount determined by the agency  
10 to be comparable to the fee charged by commercial driving schools.

11 SECTION 2. Section 1001.101, Education Code, is amended to  
12 read as follows:

13 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND  
14 TEXTBOOKS. (a) The commissioner by rule shall establish the  
15 curriculum and designate the textbooks to be used in a driver  
16 education course.

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

21 (c) The commissioner by rule shall determine the number of  
22 hours of behind-the-wheel instruction required under Subsection  
23 (b) to be conducted in the presence of a licensed instructor or in  
24 the presence of an adult who meets the requirements of Section

1 521.222(d)(2), Transportation Code.

2 SECTION 3. Subchapter F, Chapter 1001, Education Code, is  
3 amended by adding Section 1001.257 to read as follows:

4 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not  
5 issue or renew a driver education instructor license, including a  
6 temporary license, to a person who has six or more points assigned  
7 to the person's driver's license under Subchapter B, Chapter 708,  
8 Transportation Code.

9 SECTION 4. Section 521.165, Transportation Code, is amended  
10 by amending Subsection (c) and adding Subsection (d) to read as  
11 follows:

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

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

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

21 (a) The department by rule shall provide for approval of a  
22 driver education course conducted by the parent, stepparent, legal  
23 guardian, step-grandparent, or grandparent of a person who is  
24 required to complete a driver education course to obtain a Class C  
25 license. The rules must provide that:

26 (1) the person conducting the course possess a valid  
27 license for the preceding three years that ~~[and the license]~~ has not

1 been suspended, revoked, or forfeited in the past three years for an  
2 offense that involves the operation of a motor vehicle [~~traffic~~  
3 ~~related violations~~];

4 (2) the student driver spend a minimum number of hours  
5 in:

6 (A) classroom instruction; and

7 (B) behind-the-wheel instruction;

8 (3) the person conducting the course not be convicted  
9 of:

10 (A) criminally negligent homicide; or

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

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

14 (5) the person conducting the course not have six or  
15 more points assigned to the person's driver's license under  
16 Subchapter B, Chapter 708.

17 SECTION 6. Subchapter J, Chapter 521, Transportation Code,  
18 is amended by adding Section 521.206 to read as follows:

19 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)  
20 The department shall collect data regarding collisions of students  
21 taught by public schools, commercial driving schools, and other  
22 entities that offer driver education courses to students for which  
23 a uniform certificate of course completion is issued. The  
24 collision rate is computed by determining the number of an entity's  
25 students who complete a driver education course during a state  
26 fiscal year, dividing that number by the number of collisions that  
27 involved students who completed such a course and that occurred in

1 the 12-month period following their licensure, and expressing the  
2 quotient as a percentage.

3 (b) The department shall collect data regarding the  
4 collision rate of students taught by course instructors approved  
5 under Section 521.205. The collision rate is computed by  
6 determining the number of students who completed a course approved  
7 under Section 521.205 during a state fiscal year, dividing that  
8 number by the number of collisions that involved students who  
9 completed such a course and that occurred in the 12-month period  
10 following their licensure, and expressing the quotient as a  
11 percentage.

12 (c) Not later than October 1 of each year, the department  
13 shall issue a publication listing the collision rate for students  
14 taught by each driver education entity and the collision rate for  
15 students taught by a course instructor approved under Section  
16 521.205, noting the severity of collisions involving students of  
17 each entity and each type of course.

18 SECTION 7. Sections 545.424(a) and (b), Transportation  
19 Code, are amended 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 10 p.m. [~~midnight~~] and before 5 a.m.  
26 unless the operation of the vehicle is necessary for the operator to  
27 attend or participate in employment or a school-related activity or

1 because 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.

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 10 p.m. [~~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 SECTION 8. (a) For the purpose of compiling data for the  
19 publication required by Section 521.206, Transportation Code, as  
20 added by this Act, the Texas Department of Public Safety shall  
21 determine the number of minor students taught by each driver  
22 education entity and the total number of minor students taught by  
23 courses approved under Section 521.205, Transportation Code, who  
24 become licensed during the state fiscal year beginning September 1,  
25 2009, and ending August 31, 2010.

26 (b) The first publication of collision rate data compiled  
27 under Section 521.206, Transportation Code, as added by this Act,

1 shall be issued not later than October 1, 2011.

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

8 (1) a representative of the Texas Department of Public  
9 Safety;

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

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

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

14 (5) other appropriate members, as determined by the  
15 department.

16 SECTION 10. (a) Section 29.902(c), Education Code, as  
17 added by this Act, applies beginning with the 2010-2011 school  
18 year.

19 (b) Section 1001.101, Education Code, as amended by this  
20 Act, applies only to a driver education and training program  
21 approved by the Texas Education Agency on or after the effective  
22 date of this Act. A program approved by the Texas Education Agency  
23 before the effective date of this Act is subject to the law in  
24 effect on the date the program was approved, and that law is  
25 continued in effect for that purpose.

26 (c) Section 1001.257, Education Code, as added by this Act,  
27 applies only to a person issued a license or approved to teach a

1 driver education course on or after the effective date of this Act.  
2 A person issued a license or approved to teach a driver education  
3 course before the effective date of this Act is subject to the law  
4 in effect on the date the license was issued, and that law is  
5 continued in effect for that purpose.

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

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

19 (f) The changes in law made by this Act to Section 545.424,  
20 Transportation Code, apply only to a person issued a driver's  
21 license on or after the effective date of this Act. A person issued  
22 a driver's license before the effective date of this Act is governed  
23 by the law in effect on the date the license was issued, and that law  
24 is continued in effect for that purpose.

25 SECTION 11. This Act takes effect September 1, 2009.