

1-1 By: Phillips, et al. (Senate Sponsor - Carona) H.B. No. 339  
1-2 (In the Senate - Received from the House May 7, 2009;  
1-3 May 12, 2009, read first time and referred to Committee on  
1-4 Administration; May 22, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 339 By: Uresti

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to driver education and driver's licensing requirements  
1-11 for minors.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. This Act shall be known as the Less Tears More  
1-14 Years Act.

1-15 SECTION 2. Section 29.902, Education Code, is amended by  
1-16 adding Subsection (c) to read as follows:

1-17 (c) A school district shall consider offering a driver  
1-18 education and traffic safety course during each school year. If the  
1-19 district offers the course, the district may:

1-20 (1) conduct the course and charge a fee for the course  
1-21 in the amount determined by the agency to be comparable to the fee  
1-22 charged by a driver education school that holds a license under  
1-23 Chapter 1001; or

1-24 (2) contract with a driver education school that holds  
1-25 a license under Chapter 1001 to conduct the course.

1-26 SECTION 3. Section 1001.101, Education Code, is amended to  
1-27 read as follows:

1-28 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND  
1-29 TEXTBOOKS. (a) The commissioner by rule shall establish or approve  
1-30 the curriculum and designate the textbooks to be used in a driver  
1-31 education course, including a driver education course conducted by  
1-32 a school district, driver education school, or parent or other  
1-33 individual under Section 521.205, Transportation Code.

1-34 (b) A driver education course must require the student to  
1-35 complete:

1-36 (1) 7 hours of behind-the-wheel instruction in the  
1-37 presence of a person who holds a driver education instructor  
1-38 license or who meets the requirements imposed under Section  
1-39 521.205, Transportation Code;

1-40 (2) 7 hours of observation instruction in the presence  
1-41 of a person who holds a driver education instructor license or who  
1-42 meets the requirements imposed under Section 521.205,  
1-43 Transportation Code; and

1-44 (3) 20 hours of behind-the-wheel instruction,  
1-45 including at least 10 hours of instruction that takes place at  
1-46 night, in the presence of an adult who meets the requirements of  
1-47 Section 521.222(d)(2), Transportation Code.

1-48 SECTION 4. Subchapter F, Chapter 1001, Education Code, is  
1-49 amended by adding Section 1001.257 to read as follows:

1-50 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not  
1-51 issue or renew a driver education instructor license, including a  
1-52 temporary license, to a person who has six or more points assigned  
1-53 to the person's driver's license under Subchapter B, Chapter 708,  
1-54 Transportation Code.

1-55 SECTION 5. Section 521.165, Transportation Code, is amended  
1-56 by amending Subsection (c) and adding Subsection (d) to read as  
1-57 follows:

1-58 (c) Except as provided by Subsection (d), in [~~It~~] issuing a  
1-59 driver's license for certain types of vehicles, the director may  
1-60 waive a driving test for an applicant who has successfully  
1-61 completed and passed the training and testing conducted by a person  
1-62 certified under Subsection (a).

1-63 (d) The director may not waive the driving test required by

2-1 Section 521.161 for an applicant who is under 18 years of age.

2-2 SECTION 6. Section 521.204(a), Transportation Code, is  
2-3 amended to read as follows:

2-4 (a) The department may issue a Class C driver's license to  
2-5 an applicant under 18 years of age only if the applicant:

2-6 (1) is 16 years of age or older;

2-7 (2) has submitted to the department a driver education  
2-8 certificate issued under Section 9A, Texas Driver and Traffic  
2-9 Safety Education Act (Article 4413(29c), Vernon's Texas Civil  
2-10 Statutes), that states that the person has completed and passed a  
2-11 driver education course approved by the department under Section  
2-12 521.205 or by the Texas Education Agency;

2-13 (3) has obtained a high school diploma or its  
2-14 equivalent or is a student:

2-15 (A) enrolled in a public school, home school, or  
2-16 private school who attended school for at least 80 days in the fall  
2-17 or spring semester preceding the date of the driver's license  
2-18 application; or

2-19 (B) who has been enrolled for at least 45 days,  
2-20 and is enrolled as of the date of the application, in a program to  
2-21 prepare persons to pass the high school equivalency exam; ~~and~~

2-22 (4) has submitted to the department written parental  
2-23 or guardian permission for the department to access the applicant's  
2-24 school enrollment records maintained by the Texas Education Agency;  
2-25 and

2-26 (5) has passed the examination required by Section  
2-27 521.161.

2-28 SECTION 7. Section 521.205(a), Transportation Code, is  
2-29 amended to read as follows:

2-30 (a) The department by rule shall provide for approval of a  
2-31 driver education course conducted by the parent, stepparent, foster  
2-32 parent, legal guardian, step-grandparent, or grandparent of a  
2-33 person who is required to complete a driver education course to  
2-34 obtain a Class C license. The rules must provide that:

2-35 (1) the person conducting the course possess a valid  
2-36 license for the preceding three years that ~~and the license~~ has not  
2-37 been suspended, revoked, or forfeited in the past three years for an  
2-38 offense that involves the operation of a motor vehicle ~~traffic~~  
2-39 ~~related violations~~;

2-40 (2) the student driver spend a minimum number of hours  
2-41 in:

2-42 (A) classroom instruction; and

2-43 (B) behind-the-wheel instruction;

2-44 (3) the person conducting the course not be convicted  
2-45 of:

2-46 (A) criminally negligent homicide; or

2-47 (B) driving while intoxicated; ~~and~~

2-48 (4) the person conducting the course not be disabled  
2-49 because of mental illness; and

2-50 (5) the person conducting the course not have six or  
2-51 more points assigned to the person's driver's license under  
2-52 Subchapter B, Chapter 708, at the time the person begins conducting  
2-53 the course.

2-54 SECTION 8. Subchapter J, Chapter 521, Transportation Code,  
2-55 is amended by adding Section 521.206 to read as follows:

2-56 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)

2-57 The department shall collect data regarding collisions of students  
2-58 taught by public schools, driver education schools licensed under  
2-59 Chapter 1001, Education Code, and other entities that offer driver  
2-60 education courses to students for which a uniform certificate of  
2-61 course completion is issued. The collision rate is computed by  
2-62 determining the number of an entity's students who complete a  
2-63 driver education course during a state fiscal year, dividing that  
2-64 number by the number of collisions that involved students who  
2-65 completed such a course and that occurred in the 12-month period  
2-66 following their licensure, and expressing the quotient as a  
2-67 percentage.

2-68 (b) The department shall collect data regarding the  
2-69 collision rate of students taught by course instructors approved

3-1 under Section 521.205. The collision rate is computed by  
 3-2 ~~determining the number of students who completed a course approved~~  
 3-3 ~~under Section 521.205 during a state fiscal year, dividing that~~  
 3-4 ~~number by the number of collisions that involved students who~~  
 3-5 ~~completed such a course and that occurred in the 12-month period~~  
 3-6 ~~following their licensure, and expressing the quotient as a~~  
 3-7 ~~percentage.~~

3-8 (c) Not later than October 1 of each year, the department  
 3-9 shall issue a publication listing the collision rate for students  
 3-10 taught by each driver education entity and the collision rate for  
 3-11 students taught by a course instructor approved under Section  
 3-12 521.205, noting the severity of collisions involving students of  
 3-13 each entity and each type of course.

3-14 SECTION 9. Section 521.271, Transportation Code, is amended  
 3-15 by amending Subsection (a) and adding Subsection (a-1) to read as  
 3-16 follows:

3-17 (a) Each original driver's license and provisional license  
 3-18 expires as follows:

3-19 (1) except as provided by Section 521.2711, a driver's  
 3-20 license expires on the first birthday of the license holder  
 3-21 occurring after the sixth anniversary of the date of the  
 3-22 application;

3-23 (2) a provisional license expires on ~~[the earlier of:~~  
 3-24 ~~[(A)]~~ the 18th birthday of the license holder~~+~~  
 3-25 ~~or~~

3-26 ~~[(B) the first birthday of the license holder~~  
 3-27 ~~occurring after the date of the application];~~

3-28 (3) an instruction permit expires on the 18th birthday  
 3-29 of the license holder ~~[second birthday of the license holder~~  
 3-30 ~~occurring after the date of the application];~~ and

3-31 (4) an occupational license expires on the first  
 3-32 anniversary of the court order granting the license.

3-33 (a-1) The department and the Texas Education Agency shall  
 3-34 enter into a memorandum of understanding under which the department  
 3-35 may access the agency's electronic enrollment records to verify a  
 3-36 student's enrollment in a public school. The memorandum of  
 3-37 understanding must specify that the department may only access  
 3-38 information necessary to verify the identity and enrollment status  
 3-39 of a license renewal applicant and only if a parent or guardian of  
 3-40 the applicant has provided written permission for the department to  
 3-41 access that information. Nothing in this subsection may be  
 3-42 construed to allow the release of information in violation of the  
 3-43 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
 3-44 Section 1232g).

3-45 SECTION 10. Section 521.421(c), Transportation Code, is  
 3-46 amended to read as follows:

3-47 (c) The fee for issuance ~~[or renewal]~~ of a provisional  
 3-48 license or instruction permit is \$15 ~~[\$5]~~.

3-49 SECTION 11. Section 545.424, Transportation Code, is  
 3-50 amended by amending Subsections (a), (b), and (c) and adding  
 3-51 Subsection (f) to read as follows:

3-52 (a) A person under 18 years of age~~[, during the six-month~~  
 3-53 ~~period following issuance of an original Class A, B, or C driver's~~  
 3-54 ~~license to the person,]~~ may not operate a motor vehicle:

3-55 (1) during the 12-month period following issuance of  
 3-56 an original Class A, B, or C driver's license to the person:

3-57 (A) after midnight and before 5 a.m. unless the  
 3-58 operation of the vehicle is necessary for the operator to attend or  
 3-59 participate in employment or a school-related activity or because  
 3-60 of a medical emergency; or

3-61 (B) ~~[(2)]~~ with more than one passenger in the  
 3-62 vehicle under 21 years of age who is not a family member; or

3-63 (2) ~~[(3)]~~ while using a wireless communications  
 3-64 device, except in case of emergency.

3-65 (b) A person under 17 years of age who holds a restricted  
 3-66 motorcycle license or moped license, during the 12-month  
 3-67 ~~[six-month]~~ period following the issuance of an original motorcycle  
 3-68 license or moped license to the person, may not operate a motorcycle  
 3-69 or moped:

4-1 (1) after midnight and before 5 a.m. unless:  
4-2 (A) the person is in sight of the person's parent  
4-3 or guardian; or  
4-4 (B) the operation of the vehicle is necessary for  
4-5 the operator to attend or participate in employment or a  
4-6 school-related activity or because of a medical emergency; or  
4-7 (2) while using a wireless communications device,  
4-8 except in case of emergency.  
4-9 (c) This section does not apply to:  
4-10 (1) the holder of a hardship license; ~~[or]~~  
4-11 (2) a person operating a motor vehicle while  
4-12 accompanied in the manner required by Section 521.222(d)(2) for the  
4-13 holder of an instruction permit; or  
4-14 (3) a person licensed by the Federal Communications  
4-15 Commission to operate a wireless communication device or a radio  
4-16 frequency device.  
4-17 (f) In this section, "wireless communication device" means  
4-18 a handheld or hands-free device that uses commercial mobile  
4-19 service, as defined by 47 U.S.C. Section 332.  
4-20 SECTION 12. (a) For the purpose of compiling data for the  
4-21 publication required by Section 521.206, Transportation Code, as  
4-22 added by this Act, the Texas Department of Public Safety shall  
4-23 determine the number of minor students taught by each driver  
4-24 education entity and the total number of minor students taught by  
4-25 courses approved under Section 521.205, Transportation Code, who  
4-26 become licensed during the state fiscal year beginning September 1,  
4-27 2009, and ending August 31, 2010.  
4-28 (b) The first publication of collision rate data compiled  
4-29 under Section 521.206, Transportation Code, as added by this Act,  
4-30 shall be issued not later than October 1, 2011.  
4-31 SECTION 13. Not later than November 30, 2009, the Texas  
4-32 Department of Public Safety shall appoint a task force to review and  
4-33 make recommendations regarding the effectiveness of the materials  
4-34 provided by the Texas Education Agency for use in courses licensed  
4-35 under Chapter 1001, Education Code, or authorized by Section  
4-36 521.205. The task force shall consist of the following members:  
4-37 (1) a representative of the Texas Department of Public  
4-38 Safety;  
4-39 (2) a representative of the Texas Education Agency;  
4-40 (3) a commercial provider of driver education courses;  
4-41 (4) a member of an interested group or association, as  
4-42 determined by the department; and  
4-43 (5) other appropriate members, as determined by the  
4-44 department.  
4-45 SECTION 14. (a) Section 29.902(c), Education Code, as  
4-46 added by this Act, applies beginning with the 2010-2011 school  
4-47 year.  
4-48 (b) Not later than January 1, 2010, the commissioner of  
4-49 education shall adopt rules as required by Section 1001.101,  
4-50 Education Code, as amended by this Act.  
4-51 (c) Each driver education and training program approved by  
4-52 the Texas Education Agency under Chapter 1001, Education Code, must  
4-53 comply with the curriculum requirements of Section 1001.101,  
4-54 Education Code, as amended by this Act, not later than May 1, 2010.  
4-55 (d) Section 521.165, Transportation Code, as amended by  
4-56 this Act, applies only to an application for a driver's license  
4-57 submitted on or after the effective date of this Act. An  
4-58 application for a driver's license submitted before the effective  
4-59 date of this Act is subject to the law in effect on the date the  
4-60 application was submitted, and that law is continued in effect for  
4-61 that purpose.  
4-62 (e) The changes in law made by this Act to Section 521.205,  
4-63 Transportation Code, apply to a course approved under that section  
4-64 that begins on or after the effective date of this Act. A course  
4-65 beginning before the effective date of this Act is governed by the  
4-66 law in effect on the date the course was commenced, and that law is  
4-67 continued in effect for that purpose.  
4-68 (f) The changes in law made by this Act to Sections 521.271,  
4-69 521.421, and 545.424, Transportation Code, apply only to a person

5-1 issued a driver's license on or after the effective date of this  
5-2 Act. A person issued a driver's license before the effective date  
5-3 of this Act is governed by the law in effect on the date the license  
5-4 was issued, and that law is continued in effect for that purpose.

5-5 SECTION 15. This Act takes effect September 1, 2009.

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