

By: Smith of Tarrant

H.B. No. 1779

A BILL TO BE ENTITLED

AN ACT

relating to education and examination requirements for the issuance of a driver's license to certain persons.

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

SECTION 1. Section 521.142(d), Transportation Code, is amended to read as follows:

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

SECTION 2. The heading to Subchapter H, Chapter 521, Transportation Code, is amended to read as follows:

SUBCHAPTER H. EDUCATION AND EXAMINATION REQUIREMENTS

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

Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department may not issue a driver's license to a person who is younger than 25 years of age unless the person submits to the department a driver education certificate issued under Chapter 1001, Education Code, that states that the person has completed and passed:

(1) a driver education and traffic safety course approved by the Texas Education Agency under Section 29.902, Education Code, or a driver education course approved by that

1 agency under Section 1001.101(a)(1) of that code or approved by the  
2 department under Section 521.205; or

3 (2) if the person is 18 years of age or older, a driver  
4 education course approved by the Texas Education Agency under  
5 Section 1001.101(a)(1) or (2), Education Code.

6 Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION  
7 REQUIREMENTS. (a) A person who has completed and passed a driver  
8 education and traffic safety course approved by the Texas Education  
9 Agency under Section 29.902, Education Code, or a driver education  
10 course approved by that agency under Section 1001.101(a)(1) of that  
11 code or approved by the department under Section 521.205 is not  
12 required to:

13 (1) complete a driver education course established  
14 under Section 1001.101(a)(2), Education Code; or

15 (2) take any part of the examination required under  
16 Section 521.161(b)(2) that:

17 (A) is included under the behind-the-wheel  
18 components of a driver education course; and

19 (B) has been successfully completed as  
20 determined by an appropriately licensed or certified driver  
21 education instructor or by a relative or guardian approved by the  
22 department under Section 521.205 to conduct a driver education  
23 course for the person.

24 (b) A person who has completed and passed a driver education  
25 course approved by the Texas Education Agency under Section  
26 1001.101(a)(2), Education Code, is not required to take the highway  
27 sign and traffic law parts of the examination required under

1 Section 521.161 if those parts have been successfully completed as  
2 determined by a licensed driver education instructor.

3 SECTION 4. Sections 521.165(a) and (c), Transportation  
4 Code, are amended to read as follows:

5 (a) The director may certify and set standards for the  
6 certification of certain employers, government agencies, public  
7 schools conducting a driver education and traffic safety program  
8 under Section 29.902, Education Code, and other appropriate  
9 organizations, including a driver education school licensed under  
10 Chapter 1001, Education Code, to allow those persons to train and  
11 test for the ability to operate certain types of vehicles.

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

16 SECTION 5. Section 521.1655, Transportation Code, is  
17 amended to read as follows:

18 Sec. 521.1655. TESTING BY DRIVER EDUCATION SCHOOL. (a) A  
19 driver education school licensed under Chapter 1001, Education  
20 Code, ~~[the Texas Driver and Traffic Safety Education Act (Article~~  
21 ~~4413(29c), Vernon's Texas Civil Statutes)]~~ may administer to a  
22 student of that school the ~~[vision]~~ highway sign~~[7]~~ and traffic  
23 law parts of the examination required by Section 521.161.

24 (b) An examination administered under this section complies  
25 with the examination requirements of this subchapter as to the  
26 parts of the examination administered. The department shall accept  
27 the passing results of an examination administered under this

1 section.

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

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

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

7 (2) has submitted to the department a driver education  
8 certificate issued under Chapter 1001, Education Code [~~Section 9A,~~  
9 ~~Texas Driver and Traffic Safety Education Act (Article 4413(29c),~~  
10 ~~Vernon's Texas Civil Statutes)~~], that states that the person has  
11 completed and passed 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(a)(1) of that code or approved by the  
15 department under Section 521.205 [~~or by the Texas Education~~  
16 ~~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 90 percent of [~~90~~  
21 ~~days in~~] the fall or spring semester preceding the date of the  
22 driver's license 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 passed the examination required by Section  
27 521.161.

1 SECTION 7. Section 1001.004, Education Code, is amended to  
2 read as follows:

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

7 (b) The commissioner may charge a fee to each driver  
8 education school in an amount not to exceed the actual expense  
9 incurred in the regulation of driver education courses established  
10 under Section 1001.101(a)(2).

11 SECTION 8. Section 1001.055, Education Code, is amended by  
12 amending Subsection (a) and adding Subsection (d) to read as  
13 follows:

14 (a) The agency shall print and supply to each licensed or  
15 exempt driver education school driver education certificates to be  
16 used for certifying completion of an approved driver education  
17 course to satisfy the requirements of Sections [~~Section~~]  
18 521.204(a)(2) and 521.1601, Transportation Code. The certificates  
19 must be numbered serially.

20 (d) A licensed or exempt driver education school shall  
21 electronically submit to the agency in the manner established by  
22 the agency data identified by the agency relating to driver  
23 education certificates issued by the school.

24 SECTION 9. Section 1001.101, Education Code, is amended to  
25 read as follows:

26 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND  
27 EDUCATIONAL MATERIALS [~~TEXTBOOKS~~]. (a) The commissioner by rule

1 shall establish the curriculum and designate the educational  
2 materials [~~textbooks~~] to be used in:

3           (1) a driver education course for minors and adults;

4 and

5           (2) a driver education course exclusively for adults.

6       (b) A driver education course under Subsection (a)(2) must:

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

8           (2) include instruction in:

9                   (A) alcohol and drug awareness;

10                   (B) the traffic laws of this state;

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

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

18       (c) A course approved under Subsection (a)(2) may be offered  
19 as an online course.

20       (d) A driving safety course or a drug and alcohol driving  
21 awareness program may not be approved as a driver education course  
22 under Subsection (a)(2).

23       SECTION 10. The changes in law made by this Act apply to an  
24 application for the issuance of a driver's license filed on or after  
25 the effective date of this Act. An application for the issuance of  
26 a driver's license filed before the effective date of this Act is  
27 governed by the law in effect on the date of the filing, and that law

1 is continued in effect for that purpose.

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