

By: Carona

S.B. No. 1077

A BILL TO BE ENTITLED

AN ACT

relating to driver education and driver's licensing requirements for minors.

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 1001.101, Education Code, is amended to read as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) The commissioner by rule shall establish or approve the curriculum and designate the textbooks to be used in a driver education course, including a driver education course conducted by a school district, driver education school, or parent

1 or other individual under Section 521.205, Transportation Code.

2 (b) A driver education course must require the student to  
3 complete:

4 (1) seven hours of behind-the-wheel instruction in the  
5 presence of a person who holds a driver education instructor  
6 license;

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

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

14 SECTION 4. 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 5. Section 521.165, Transportation Code, is amended  
22 by amending Subsection (c) and adding Subsection (d) to read as  
23 follows:

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

1 certified under Subsection (a).

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

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

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

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

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

18 (A) classroom instruction; and

19 (B) behind-the-wheel instruction;

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

22 (A) criminally negligent homicide; or

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

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

26 (5) the person conducting the course not have six or  
27 more points assigned to the person's driver's license under

1 Subchapter B, Chapter 708, at the time the person begins conducting  
2 the course.

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

5 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION.

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

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

26 (c) Not later than October 1 of each year, the department  
27 shall issue a publication listing the collision rate for students

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (A) after 10 p.m. [~~midnight~~] and before 5 a.m.  
18 unless the operation of the vehicle is necessary for the operator to  
19 attend or participate in employment or a school-related activity or  
20 because of a medical emergency; or

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

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

25 (b) A person under 17 years of age who holds a restricted  
26 motorcycle license or moped license, during the 12-month  
27 [~~six-month~~] period following the issuance of an original motorcycle

1 license or moped license to the person, may not operate a motorcycle  
2 or moped:

3 (1) after 10 p.m. [~~midnight~~] and before 5 a.m. unless:

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

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

9 (2) while using a wireless communications device.

10 (c) This section does not apply to:

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

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

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

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

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

1 fiscal year beginning September 1, 2009, and ending August 31,  
2 2010.

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

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

14 (1) a representative of the Texas Department of Public  
15 Safety;

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

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

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

20 (5) other appropriate members, as determined by the  
21 department.

22 SECTION 13. (a) Subsection (c), Section 29.902, Education  
23 Code, as added by this Act, applies beginning with the 2010-2011  
24 school year.

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



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

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

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

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

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