

By: Carona

S.B. No. 1077

A BILL TO BE ENTITLED

AN ACT

relating to certain persons and activities regulated by the Department of Public Safety.

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

ARTICLE 1. AUTHORITY OF DEPARTMENT TO OBTAIN AND USE CRIMINAL HISTORY RECORD INFORMATION FOR CERTAIN DEPARTMENTAL AUTHORIZATIONS

SECTION 1.01. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0891 to read as follows:

Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Subject to Section 411.087, the department is authorized to obtain and use criminal history record information maintained by the Federal Bureau of Investigation or the department that relates to a person who:

(1) is an applicant for or holds a registration issued by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;

(2) is an applicant for or holds a chemical precursor transfer permit issued by the director under Section 481.078, Health and Safety Code;

(3) is an applicant for or holds a chemical laboratory apparatus transfer permit issued by the director under Section 481.081, Health and Safety Code;

1 (4) is an applicant for certification by the
2 department as an inspection station or an inspector under
3 Subchapter G, Chapter 548, Transportation Code, holds an inspection
4 station or inspector certificate issued under that subchapter, or
5 is the owner of an inspection station operating under that chapter;
6 or

7 (5) is an applicant for approval or has been approved
8 as a program sponsor by the department under Chapter 662,
9 Transportation Code, is an applicant for certification by the
10 department as an instructor under that chapter, or holds an
11 instructor certificate issued under that chapter.

12 (b) The department may release or disclose criminal history
13 record information obtained or used by the department for a purpose
14 described by Subsection (a) to another person or agency only:

15 (1) in a criminal proceeding;

16 (2) in a hearing conducted by the department;

17 (3) under an order from a court; or

18 (4) with the consent of the person who is the subject
19 of the criminal history record information.

20 (c) This section may not be construed to limit the authority
21 of the department to disseminate criminal history record
22 information as provided by Section 411.083.

23 ARTICLE 2. CIVIL CONSEQUENCES OF CERTAIN CONVICTIONS AND

24 ADJUDICATIONS ON A DRIVER'S LICENSE OR PERMIT

25 SECTION 2.01. Section 522.081(d), Transportation Code, is
26 amended to read as follows:

27 (d) A person is disqualified from driving a commercial motor

1 vehicle for life:

2 (1) if the person is convicted two or more times of an
3 offense specified by Subsection (b)(2), or a combination of those
4 offenses, arising from two or more separate incidents;

5 (2) if the person uses a motor vehicle in the
6 commission of a felony involving:

7 (A) the manufacture, distribution, or dispensing
8 of a controlled substance; or

9 (B) possession with intent to manufacture,
10 distribute, or dispense a controlled substance; ~~or~~

11 (3) for any combination of two or more of the
12 following, arising from two or more separate incidents:

13 (A) a conviction of the person for an offense
14 described by Subsection (b)(2);

15 (B) a refusal by the person described by
16 Subsection (b)(3); and

17 (C) an analysis of the person's blood, breath, or
18 urine described by Subsection (b)(4); or

19 (4) if the person uses a motor vehicle in the
20 commission of an offense under 8 U.S.C. Section 1324 that involves
21 the transportation, concealment, or harboring of an alien.

22 SECTION 2.02. Section 54.042(a), Family Code, is amended to
23 read as follows:

24 (a) A juvenile court, in a disposition hearing under Section
25 54.04, shall:

26 (1) order the Department of Public Safety to suspend a
27 child's driver's license or permit, or if the child does not have a

1 license or permit, to deny the issuance of a license or permit to
2 the child if the court finds that the child has engaged in conduct
3 that:

4 (A) violates a law of this state enumerated in
5 Section 521.342(a), Transportation Code; or

6 (B) violates a penal law of this state or the
7 United States, an element or elements of which involve a severe form
8 of trafficking in persons, as defined by 22 U.S.C. Section 7102; or

9 (2) notify the Department of Public Safety of the
10 adjudication, if the court finds that the child has engaged in
11 conduct that violates a law of this state enumerated in Section
12 521.372(a), Transportation Code.

13 SECTION 2.03. (a) The change in law made by this article to
14 Section 522.081, Transportation Code, applies only in connection
15 with a conviction that becomes final on or after the effective date
16 of this article. A conviction that became final before the
17 effective date of this article is covered by Section 522.081,
18 Transportation Code, as that section existed on the date the
19 conviction became final, and the former law is continued in effect
20 for that purpose.

21 (b) The change in law made by this article in amending
22 Section 54.042, Family Code, applies only to conduct that occurs on
23 or after the effective date of this article. Conduct that occurred
24 before the effective date of this article is covered by the law in
25 effect at the time the conduct occurred, and the former law is
26 continued in effect for that purpose.

1 ARTICLE 3. DRIVER EDUCATION AND DRIVER'S LICENSING REQUIREMENTS
2 FOR MINORS

3 SECTION 3.01. Section 29.902, Education Code, is amended by
4 adding Subsection (c) to read as follows:

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

9 SECTION 3.02. Section 1001.101, Education Code, is amended
10 to read as follows:

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

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

19 (c) The commissioner by rule shall determine the number of
20 hours of behind-the-wheel instruction required under Subsection
21 (b) to be conducted in the presence of a licensed instructor or in
22 the presence of an adult who meets the requirements of Section
23 521.222(d)(2), Transportation Code.

24 SECTION 3.03. Subchapter F, Chapter 1001, Education Code,
25 is amended by adding Section 1001.257 to read as follows:

26 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not
27 issue or renew a driver education instructor license, including a

1 temporary license, to a person who has six or more points assigned
2 to the person's driver's license under Subchapter B, Chapter 708,
3 Transportation Code.

4 SECTION 3.04. Section 521.165, Transportation Code, is
5 amended by amending Subsection (c) and adding Subsection (d) to
6 read as follows:

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

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

14 SECTION 3.05. Section 521.205(a), Transportation Code, is
15 amended to read as follows:

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

21 (1) the person conducting the course possess a valid
22 license for the preceding three years that [and the license] has not
23 been suspended, revoked, or forfeited in the past three years for an
24 offense that involves the operation of a motor vehicle [traffic
25 related violations];

26 (2) the student driver spend a minimum number of hours
27 in:

- 1 (A) classroom instruction; and
2 (B) behind-the-wheel instruction;
3 (3) the person conducting the course not be convicted
4 of:

- 5 (A) criminally negligent homicide; or
6 (B) driving while intoxicated; ~~and~~
7 (4) the person conducting the course not be disabled
8 because of mental illness; and

- 9 (5) the person conducting the course not have six or
10 more points assigned to the person's driver's license under
11 Subchapter B, Chapter 708.

12 SECTION 3.06. Subchapter J, Chapter 521, Transportation
13 Code, is amended by adding Section 521.206 to read as follows:

14 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)
15 The department shall collect data regarding collisions of students
16 taught by public schools, commercial driving schools, and other
17 entities that offer driver education courses to students for which
18 a uniform certificate of course completion is issued. The
19 collision rate is computed by determining the number of an entity's
20 students who complete a driver education course during a state
21 fiscal year, dividing that number by the number of collisions that
22 involved students who completed such a course and that occurred in
23 the 12-month period following their licensure, and expressing the
24 quotient as a percentage.

25 (b) The department shall collect data regarding the
26 collision rate of students taught by course instructors approved
27 under Section 521.205. The collision rate is computed by

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

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

13 SECTION 3.07. Sections 545.424(a) and (b), Transportation
14 Code, are amended to read as follows:

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

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

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

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

26 (2) [~~(3)~~] while using a wireless communications
27 device.

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

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

7 (A) the person is in sight of the person's parent
8 or guardian; or

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

12 (2) while using a wireless communications device.

13 SECTION 3.08. (a) For the purpose of compiling data for the
14 publication required by Section 521.206, Transportation Code, as
15 added by this article, the Department of Public Safety shall
16 determine the number of minor students taught by each driver
17 education entity and the total number of minor students taught by
18 courses approved under Section 521.205, Transportation Code, who
19 become licensed during the state fiscal year beginning September 1,
20 2009, and ending August 31, 2010.

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

24 SECTION 3.09. Not later than November 30, 2009, the
25 Department of Public Safety shall appoint a task force to review and
26 make recommendations regarding the effectiveness of the materials
27 provided by the Texas Education Agency for use in courses licensed

1 under Chapter 1001, Education Code, or authorized by Section
2 521.205. The task force shall consist of the following members:

3 (1) a representative of the Department of Public
4 Safety;

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

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

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

9 (5) other appropriate members, as determined by the
10 department.

11 SECTION 3.10. (a) Section 29.902(c), Education Code, as
12 added by this article, applies beginning with the 2010-2011 school
13 year.

14 (b) Section 1001.101, Education Code, as amended by this
15 article, applies only to a driver education and training program
16 approved by the Texas Education Agency on or after the effective
17 date of this article. A program approved by the Texas Education
18 Agency before the effective date of this article is subject to the
19 law in effect on the date the program was approved, and that law is
20 continued in effect for that purpose.

21 (c) Section 1001.257, Education Code, as added by this
22 article, applies only to a person issued a license or approved to
23 teach a driver education course on or after the effective date of
24 this article. A person issued a license or approved to teach a
25 driver education course before the effective date of this article
26 is subject to the law in effect on the date the license was issued,
27 and that law is continued in effect for that purpose.

1 (d) Section 521.165, Transportation Code, as amended by
2 this article, applies only to an application for a driver's license
3 submitted on or after the effective date of this article. An
4 application for a driver's license submitted before the effective
5 date of this article 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 article to Section
9 521.205, Transportation Code, apply only to a course approved under
10 that section that begins on or after the effective date of this
11 article. A course beginning before the effective date of this
12 article is governed by the law in effect on the date the course was
13 commenced, and that law is continued in effect for that purpose.

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

20 ARTICLE 4. EFFECTIVE DATE

21 SECTION 4.01. This Act takes effect September 1, 2009.