

1-1 By: Carona S.B. No. 1077
1-2 (In the Senate - Filed February 23, 2009; April 13, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 8, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 8, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1077 By: Carona

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
1-30 approve the curriculum and designate the textbooks to be used in a
1-31 driver education course, including a driver education course
1-32 conducted by a school district, driver education school, or parent
1-33 or other 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) seven hours of behind-the-wheel instruction in the
1-37 presence of a person who holds a driver education instructor
1-38 license;

1-39 (2) seven hours of observation instruction in the
1-40 presence of a person who holds a driver education instructor
1-41 license; and

1-42 (3) 20 hours of behind-the-wheel instruction,
1-43 including at least 10 hours of instruction that takes place at
1-44 night, in the presence of an adult who meets the requirements of
1-45 Section 521.222(d)(2), Transportation Code.

1-46 SECTION 4. Subchapter F, Chapter 1001, Education Code, is
1-47 amended by adding Section 1001.257 to read as follows:

1-48 Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not
1-49 issue or renew a driver education instructor license, including a
1-50 temporary license, to a person who has six or more points assigned
1-51 to the person's driver's license under Subchapter B, Chapter 708,
1-52 Transportation Code.

1-53 SECTION 5. Section 521.165, Transportation Code, is amended
1-54 by amending Subsection (c) and adding Subsection (d) to read as
1-55 follows:

1-56 (c) Except as provided by Subsection (d), in [In] issuing a
1-57 driver's license for certain types of vehicles, the director may
1-58 waive a driving test for an applicant who has successfully
1-59 completed and passed the training and testing conducted by a person
1-60 certified under Subsection (a).

1-61 (d) The director may not waive the driving test required by
1-62 Section 521.161 for an applicant who is under 18 years of age.

1-63 SECTION 6. Subsection (a), Section 521.205, Transportation

2-1 Code, is amended to read as follows:

2-2 (a) The department by rule shall provide for approval of a
 2-3 driver education course conducted by the parent, stepparent, foster
 2-4 parent, legal guardian, step-grandparent, or grandparent of a
 2-5 person who is required to complete a driver education course to
 2-6 obtain a Class C license. The rules must provide that:

2-7 (1) the person conducting the course possess a valid
 2-8 license for the preceding three years that ~~[and the license]~~ has not
 2-9 been suspended, revoked, or forfeited in the past three years for an
 2-10 offense that involves the operation of a motor vehicle ~~[traffic~~
 2-11 ~~related violations]~~;

2-12 (2) the student driver spend a minimum number of hours
 2-13 in:

- 2-14 (A) classroom instruction; and
- 2-15 (B) behind-the-wheel instruction;

2-16 (3) the person conducting the course not be convicted
 2-17 of:

- 2-18 (A) criminally negligent homicide; or
- 2-19 (B) driving while intoxicated; ~~[and]~~

2-20 (4) the person conducting the course not be disabled
 2-21 because of mental illness; and

2-22 (5) the person conducting the course not have six or
 2-23 more points assigned to the person's driver's license under
 2-24 Subchapter B, Chapter 708, at the time the person begins conducting
 2-25 the course.

2-26 SECTION 7. Subchapter J, Chapter 521, Transportation Code,
 2-27 is amended by adding Section 521.206 to read as follows:

2-28 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION.

2-29 (a) The department shall collect data regarding collisions of
 2-30 students taught by public schools, driver education schools
 2-31 licensed under Chapter 1001, Education Code, and other entities
 2-32 that offer driver education courses to students for which a uniform
 2-33 certificate of course completion is issued. The collision rate is
 2-34 computed by determining the number of an entity's students who
 2-35 complete a driver education course during a state fiscal year,
 2-36 dividing that number by the number of collisions that involved
 2-37 students who completed such a course and that occurred in the
 2-38 12-month period following their licensure, and expressing the
 2-39 quotient as a percentage.

2-40 (b) The department shall collect data regarding the
 2-41 collision rate of students taught by course instructors approved
 2-42 under Section 521.205. The collision rate is computed by
 2-43 determining the number of students who completed a course approved
 2-44 under Section 521.205 during a state fiscal year, dividing that
 2-45 number by the number of collisions that involved students who
 2-46 completed such a course and that occurred in the 12-month period
 2-47 following their licensure, and expressing the quotient as a
 2-48 percentage.

2-49 (c) Not later than October 1 of each year, the department
 2-50 shall issue a publication listing the collision rate for students
 2-51 taught by each driver education entity and the collision rate for
 2-52 students taught by a course instructor approved under Section
 2-53 521.205, noting the severity of collisions involving students of
 2-54 each entity and each type of course.

2-55 SECTION 8. Section 521.271, Transportation Code, is amended
 2-56 by amending Subsection (a) and adding Subsection (a-1) to read as
 2-57 follows:

2-58 (a) Each original driver's license and provisional license
 2-59 expires as follows:

2-60 (1) except as provided by Section 521.2711, a driver's
 2-61 license expires on the first birthday of the license holder
 2-62 occurring after the sixth anniversary of the date of the
 2-63 application;

2-64 (2) a provisional license expires on ~~[the earlier of:~~
 2-65 ~~[(A)]~~ the 18th birthday of the license holder~~+~~

2-66 ~~or~~
 2-67 ~~[(B) the first birthday of the license holder~~
 2-68 ~~occurring after the date of the application];~~

2-69 (3) an instruction permit expires on the 18th birthday

3-1 of the license holder [~~second birthday of the license holder~~
3-2 ~~occurring after the date of the application~~]; and

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

3-5 (a-1) The Texas Education Agency shall inform the
3-6 department when a person who is a holder of a provisional license or
3-7 instruction permit has dropped out of the school at which the person
3-8 was enrolled. On the date the department receives that
3-9 information, the department shall revoke the person's provisional
3-10 license or instruction permit and in writing notify the person of
3-11 the revocation. The Texas Education Agency and the department
3-12 shall adopt joint rules to implement this subsection.

3-13 SECTION 9. Subsection (c), Section 521.421, Transportation
3-14 Code, is amended to read as follows:

3-15 (c) The fee for issuance [~~or renewal~~] of a provisional
3-16 license or instruction permit is \$15 [~~\$5~~].

3-17 SECTION 10. Section 545.424, Transportation Code, is
3-18 amended by amending Subsections (a), (b), and (c) and adding
3-19 Subsection (f) to read as follows:

3-20 (a) A person under 18 years of age [~~, during the six-month~~
3-21 ~~period following issuance of an original Class A, B, or C driver's~~
3-22 ~~license to the person,~~] may not operate a motor vehicle:

3-23 (1) during the 12-month period following issuance of
3-24 an original Class A, B, or C driver's license to the person:

3-25 (A) after 10 p.m. [~~midnight~~] and before 5 a.m.
3-26 unless the operation of the vehicle is necessary for the operator to
3-27 attend or participate in employment or a school-related activity or
3-28 because of a medical emergency; or

3-29 (B) [~~(2)~~] with more than one passenger in the
3-30 vehicle under 21 years of age who is not a family member; or

3-31 (2) [~~(3)~~] while using a wireless communications
3-32 device.

3-33 (b) A person under 17 years of age who holds a restricted
3-34 motorcycle license or moped license, during the 12-month
3-35 [~~six-month~~] period following the issuance of an original motorcycle
3-36 license or moped license to the person, may not operate a motorcycle
3-37 or moped:

3-38 (1) after 10 p.m. [~~midnight~~] and before 5 a.m. unless:

3-39 (A) the person is in sight of the person's parent
3-40 or guardian; or

3-41 (B) the operation of the vehicle is necessary for
3-42 the operator to attend or participate in employment or a
3-43 school-related activity or because of a medical emergency; or

3-44 (2) while using a wireless communications device.

3-45 (c) This section does not apply to:

3-46 (1) the holder of a hardship license; [~~or~~]

3-47 (2) a person operating a motor vehicle while
3-48 accompanied in the manner required by Section 521.222(d)(2) for the
3-49 holder of an instruction permit; or

3-50 (3) a person licensed by the Federal Communications
3-51 Commission to operate a wireless communication device or a radio
3-52 frequency device.

3-53 (f) In this section, "wireless communication device" means
3-54 a handheld or hands-free device that uses commercial mobile
3-55 service, as defined by 47 U.S.C. Section 332.

3-56 SECTION 11. (a) For the purpose of compiling data for the
3-57 publication required by Section 521.206, Transportation Code, as
3-58 added by this Act, the Department of Public Safety of the State of
3-59 Texas shall determine the number of minor students taught by each
3-60 driver education entity and the total number of minor students
3-61 taught by courses approved under Section 521.205, Transportation
3-62 Code, as amended by this Act, who become licensed during the state
3-63 fiscal year beginning September 1, 2009, and ending August 31,
3-64 2010.

3-65 (b) The first publication of collision rate data compiled
3-66 under Section 521.206, Transportation Code, as added by this Act,
3-67 shall be issued not later than October 1, 2011.

3-68 SECTION 12. Not later than November 30, 2009, the
3-69 Department of Public Safety of the State of Texas shall appoint a

4-1 task force to review and make recommendations regarding the
4-2 effectiveness of the materials provided by the Texas Education
4-3 Agency for use in courses licensed under Chapter 1001, Education
4-4 Code, as amended by this Act, or authorized by Section 521.205,
4-5 Transportation Code, as amended by this Act. The task force shall
4-6 consist of the following members:

- 4-7 (1) a representative of the Texas Department of Public
4-8 Safety;
- 4-9 (2) a representative of the Texas Education Agency;
- 4-10 (3) a commercial provider of driver education courses;
- 4-11 (4) a member of an interested group or association, as
4-12 determined by the department; and
- 4-13 (5) other appropriate members, as determined by the
4-14 department.

4-15 SECTION 13. (a) Subsection (c), Section 29.902, Education
4-16 Code, as added by this Act, applies beginning with the 2010-2011
4-17 school year.

4-18 (b) Not later than January 1, 2010, the commissioner of
4-19 education shall adopt rules as required by Section 1001.101,
4-20 Education Code, as amended by this Act.

4-21 (c) Each driver education and training program approved by
4-22 the Texas Education Agency under Chapter 1001, Education Code, must
4-23 comply with the curriculum requirements of Section 1001.101,
4-24 Education Code, as amended by this Act, not later than May 1, 2010.

4-25 (d) Section 521.165, Transportation Code, as amended by
4-26 this Act, applies only to an application for a driver's license
4-27 submitted on or after the effective date of this Act. An
4-28 application for a driver's license submitted before the effective
4-29 date of this Act is subject to the law in effect on the date the
4-30 application was submitted, and that law is continued in effect for
4-31 that purpose.

4-32 (e) The changes in law made by this Act to Section 521.205,
4-33 Transportation Code, apply to a course approved under that section
4-34 that begins on or after the effective date of this Act. A course
4-35 beginning before the effective date of this Act is governed by the
4-36 law in effect on the date the course was commenced, and that law is
4-37 continued in effect for that purpose.

4-38 (f) The changes in law made by this Act to Sections 521.271,
4-39 521.421, and 545.424, Transportation Code, apply only to a person
4-40 issued a driver's license on or after the effective date of this
4-41 Act. A person issued a driver's license before the effective date
4-42 of this Act is governed by the law in effect on the date the license
4-43 was issued, and that law is continued in effect for that purpose.

4-44 SECTION 14. This Act takes effect September 1, 2009.

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