

BILL ANALYSIS

C.S.H.B. 132
By: Gallego
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties indicate that a number of states have enacted laws linking driving privileges for persons under the age of 18 to attending school. These parties observe that currently in Texas, a person who is under the age of 18 must prove that the person either has obtained a high school diploma or its equivalent or is attending school or in a program preparing the person to pass the high school equivalency exam in order to receive or renew a driver's license. Interested parties assert that expanding those requirements would further help to reduce the number of high school dropouts in Texas and encourage students to graduate.

C.S.H.B. 132 seeks to create greater incentive for students to stay in school and graduate by implementing new requirements and restrictions relating to the issuance of a driver's license to a person younger than 24 years of age who has not obtained a high school diploma or its equivalent.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 132 amends the Transportation Code to prohibit the Department of Public Safety, except as provided by the bill's provisions, from issuing a driver's license to a person younger than 24 years of age who has not obtained a high school diploma or its equivalent or who is a student enrolled in a public school or private school, including a home school, who attended school for at least 80 days in the fall or spring semester preceding the date of a driver's license application or who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam. The bill exempts the renewal of a license issued before January 1, 2012, from this prohibition.

C.S.H.B. 132 authorizes the Department of Public Safety (DPS) to issue a restricted license to an applicant who is younger than 24 years of age and who has not obtained a high school diploma or its equivalent that allows the holder to travel between the holder's residence and another place for the purpose of school, work, any school-sponsored educational or athletic activity, any non-school-sponsored community service or volunteer activity, religious services, essential household duties including obtaining child care, and obtaining emergency medical care.

C.S.H.B. 132 requires DPS to adopt rules to implement the bill's provisions relating to the issuance of such a restricted license, including defining types of acceptable documentation of obtaining a high school diploma or its equivalent, including documentation from the applicant's parent or a person standing in parental relation, and designing a license with a marking to indicate the restricted status.

EFFECTIVE DATE

January 1, 2012.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 132 differs from the original, in the provision prohibiting the Department of Public Safety (DPS) from issuing a driver's license to certain persons who have not obtained a high school diploma or its equivalent and to certain students, by making that prohibition apply with respect to a person younger than 24 years of age, whereas the original does not include an age specification.

C.S.H.B. 132 differs from the original, in the provision authorizing DPS to issue a restricted license to certain applicants without a high school diploma or its equivalent, by making that authorization apply with respect to applicants younger than 24 years of age, whereas the original does not include an age specification.

C.S.H.B. 132 differs from the original, in the provision requiring DPS to adopt rules defining types of acceptable documentation from such restricted license applicants of obtaining a high school diploma or its equivalent, by specifying that acceptable documentation includes documentation from the applicant's parent or a person standing in parental relation, whereas the original makes no such specification.