

BILL ANALYSIS

Senate Research Center
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H.B. 2466
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the 81st Legislature passed legislation relating to the graduated driver's license program. Since then, it has become evident that there is a need for clarification relating to the prohibition against using a wireless communication device by certain motor vehicle operators and to revise the circumstances under which a school, law enforcement officer, or a student's parent or legal guardian can report a student's truancy to the Department of Public Safety of the State of Texas (DPS) for the revocation of the student's driver's license.

H.B. 2466 clarifies that a person under the age of 18 cannot use a wireless communication device while driving unless it is an emergency. The bill repeals the requirement that DPS and the Texas Education Agency enter into a memorandum of understanding to allow DPS to access student enrollment records in order to comply with federal privacy laws. H.B. 2466 would require DPS to revoke the license of a student who is under the age of 18 if the student's parent or guardian report to DPS that the student has been absent from school for 10 consecutive days. Also, the bill requires DPS to revoke the license of a student who is under the age of 18 if a school administrator or law enforcement officer notifies DPS that the student has been absent for 20 consecutive days. H.B. 2466 allows a student to present documentation to DPS to verify his or her school attendance in order to prevent the revocation of his or her driver's license within 30 days after the date of the driver's license suspension notice.

H.B. 2466 amends current law relating to the licensing and operation of motor vehicles by minors.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.204(a), Transportation Code, as follows:

(a) Authorizes the Department of Public Safety of the State of Texas (DPS) to issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to DPS a driver education certificate issued under Section 1001.055 (Driver Education Certificates), Education Code, rather than Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S), that states that the person has completed and passed a driver education course approved by DPS under Section 521.205 (Department-Approved Courses) or by the Texas Education Agency (TEA);

(3) Makes no changes to this subdivision;

(4) has submitted to DPS written parental or guardian permission for DPS to access the applicant's school enrollment records maintained by TEA, and for a

school administrator or law enforcement officer to notify DPS in the event that the person has been absent from school for at least 20 consecutive instructional days; and

(5) has passed the examination required by Section 521.161 (Examination of License Applicants).

SECTION 2. Amends Section 521.295(a), Transportation Code, to require DPS, if DPS suspends a person's license under Section 521.292 (Department's Determination for License Suspension) or revokes a person's license under Section 521.294 (Department's Determination for License Revocation) or 521.2965, to send a notice of suspension or revocation by first class mail to the person's address in the records of DPS.

SECTION 3. Amends Section 521.296, Transportation Code, to require that a notice of suspension under Section 521.292 or revocation under Section 521.294 or 521.2965 state certain information.

SECTION 4. Amends Subchapter N, Chapter 521, Transportation Code, by adding Section 521.2965, as follows:

Sec. 521.2965. REVOCATION: PERSON UNDER 18 YEARS OF AGE. (a) Requires DPS, unless the person complies with the requirements of Subsection (b), to revoke the license of a person under 18 years of age who is enrolled at a public school, home school, or private school, if:

(1) the person's parent or guardian notifies DPS that the person has been absent from school for at least 10 consecutive instructional days; or

(2) a school administrator or law enforcement officer notifies DPS that the person has been absent from school for at least 20 consecutive instructional days.

(b) Requires DPS to notify the person in writing of a truancy report made against the person under Subsection (a). Requires that the revocation of a license by DPS under this section becomes effective on the 30th day after the date of the notice, unless before that date the person provides to DPS information required by DPS to demonstrate the person's school attendance.

(c) Requires that the notice provided to a person under Subsection (b):

(1) state that the revocation becomes effective on the 30th day after the date of the notice; and

(2) contain information regarding the procedures and documentation that the person may provide to DPS in order to avoid the revocation of the person's license.

SECTION 5. Amends Section 545.424, Transportation Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1), as follows:

(a) Prohibits a person under 18 years of age from operating a motor vehicle while using a wireless communications device, except in case of emergency.

(a-1) Prohibits a person under 18 years of age from operating a motor vehicle during the 12-month period following issuance of an original Class A, B, or C driver's license to the person; after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or with more than one passenger in the vehicle under 21 years of age who is not a family member. Deletes existing text prohibiting a person

under 18 years of age from operating a motor vehicle while using a wireless communications device, except in case of emergency. Makes nonsubstantive changes.

(b) Prohibits a person under 17 years of age who holds a restricted motorcycle license or moped license from operating a motorcycle or moped while using a wireless communications device, except in case of emergency.

(b-1) Prohibits a person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month period following the issuance of an original motorcycle license or moped license to the person, from operating a motorcycle or moped after midnight and before 5 a.m. unless the person is in sight of the person's parent or guardian; or the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency. Deletes existing text prohibiting a person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month period following the issuance of an original motorcycle license or moped license to the person, from operating a motorcycle or moped while using a wireless communications device, except in case of emergency. Makes nonsubstantive changes.

SECTION 6. Repealer: Section 521.271(a-1) (relating to authorizing DPS to access TEA's electronic enrollment records with authorization from the parent or guardian), Transportation Code.

SECTION 7. Makes application of Section 521.204(a), Transportation Code, as amended by this Act, prospective.

SECTION 8. Effective date: September 1, 2011.