

## **BILL ANALYSIS**

C.S.H.B. 2466  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recent legislative efforts made many changes to the graduated driver's license program. Since that time, it has become evident to many that there is need for clarification in certain language. In addition, recent legislation that provided for sharing certain information between certain state agencies needs to be harmonized with federal requirements.

C.S.H.B. 2466 seeks to clarify statutory language relating to the prohibition against using a wireless communications 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 the student's truancy to DPS for the revocation of the student's license.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2466 amends the Transportation Code to require the Department of Public Safety (DPS) 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 the person's parent or guardian notifies DPS that the person has been absent from school for at least 10 consecutive instructional days or if a school administrator or law enforcement officer notifies DPS that the person has been absent from school for at least 20 consecutive instructional days, unless the person provides information to DPS demonstrating the person's school attendance by a specified date. The bill requires DPS to notify the person in writing of such a truancy report made against the person and makes a license revocation 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. The bill requires such a notice to state that the license revocation becomes effective on the 30th day after the date of the notice and contain information regarding the procedures and documentation that the person may provide to DPS in order to avoid the revocation. The bill requires DPS, if DPS revokes the person's license under the bill's provisions, to send notice of revocation by first class mail to the person's address in DPS' records and requires such notice to state the reason and statutory grounds for and the effective date of the revocation, the right of the person to a hearing, how to request a hearing, and the period in which the person must request a hearing. The bill includes among the conditions that must be met for DPS to issue a Class C driver's license to an applicant under 18 years of age the submission by the applicant to DPS of written parental or guardian permission 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.

C.S.H.B. 2466 clarifies that the prohibition against a person under 18 years of age operating a motor vehicle while using a wireless communications device, except in case of emergency, applies regardless of whether the behavior occurs during the 12-month period following the issuance of an original Class A, B, or C driver's license. The bill clarifies that the prohibition

against a person under 17 years of age who holds a restricted motorcycle license or moped license operating a motorcycle or moped while using a wireless communications device, except in case of emergency, applies regardless of whether the behavior occurs during the 12-month period following the issuance of an original such license. The bill makes conforming and nonsubstantive changes.

C.S.H.B. 2466 repeals Section 521.271(a-1), Transportation Code, relating to a memorandum of understanding between DPS and the Texas Education Agency (TEA) that allows DPS access to the TEA's electronic enrollment records to verify a student's enrollment in a public school.

**EFFECTIVE DATE**

September 1, 2011.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2466 contains a provision not included in the original requiring a Class C driver's license applicant younger than 18 years of age to submit to the Department of Public Safety (DPS) written parental or guardian permission 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 before DPS may issue the license. The substitute contains provisions not included in the original requiring DPS to submit to a person under 18 years of age whose license is revoked as a result of a truancy report submitted to DPS by the person's parent or guardian, a school administrator, or law enforcement officer notice of such revocation by first class mail to the person's address and requiring that notice to contain certain information regarding the revocation. The substitute differs from the original in nonsubstantive ways.