

1-1 By: Cook (Senate Sponsor - Birdwell) H.B. No. 90
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 21, 2011, reported
1-5 favorably by the following vote: Yeas 8, Nays 0; May 21, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to eligibility to obtain a driver's license.
1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. This Act shall be known as Aaron's Act.
1-12 SECTION 2. Section 521.201, Transportation Code, is amended
1-13 to read as follows:
1-14 Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. (a) The
1-15 department may not issue any license to a person who:
1-16 (1) is under 15 years of age;
1-17 (2) is under 18 years of age unless the person complies
1-18 with the requirements imposed by Section 521.204;
1-19 (3) is shown to be addicted to the use of alcohol, a
1-20 controlled substance, or another drug that renders a person
1-21 incapable of driving;
1-22 (4) holds a driver's license issued by this state or
1-23 another state or country that is revoked, canceled, or under
1-24 suspension;
1-25 (5) has been determined by a judgment of a court to be
1-26 totally incapacitated or incapacitated to act as the operator of a
1-27 motor vehicle unless the person has, by the date of the license
1-28 application, been:
1-29 (A) restored to capacity by judicial decree; or
1-30 (B) released from a hospital for the mentally
1-31 incapacitated on a certificate by the superintendent or
1-32 administrator of the hospital that the person has regained
1-33 capacity;
1-34 (6) the department determines to be afflicted with a
1-35 mental or physical disability or disease that prevents the person
1-36 from exercising reasonable and ordinary control over a motor
1-37 vehicle while operating the vehicle on a highway, except that a
1-38 person may not be refused a license because of a physical defect if
1-39 common experience shows that the defect does not incapacitate a
1-40 person from safely operating a motor vehicle;
1-41 (7) has been reported by a court under Section
1-42 521.3452 for failure to appear unless the court has filed an
1-43 additional report on final disposition of the case; ~~or~~
1-44 (8) has been reported by a court for failure to appear
1-45 or default in payment of a fine for a misdemeanor that is not
1-46 covered under Subdivision (7) and that is punishable by a fine only,
1-47 including a misdemeanor under a municipal ordinance, committed by a
1-48 person who was under 17 years of age at the time of the alleged
1-49 offense, unless the court has filed an additional report on final
1-50 disposition of the case; or
1-51 (9) except as provided by Section 521.207, is younger
1-52 than 24 years of age and:
1-53 (A) has not obtained a high school diploma or its
1-54 equivalent; or
1-55 (B) is a student:
1-56 (i) enrolled in a public school or private
1-57 school, including a home school, who attended school for at least 80
1-58 days in the fall or spring semester preceding the date of the
1-59 driver's license application; or
1-60 (ii) who has been enrolled for at least 45
1-61 days, and is enrolled as of the date of the application, in a
1-62 program to prepare persons to pass the high school equivalency
1-63 exam.
1-64 (b) Subsection (a)(9) does not apply to the renewal of a

2-1 license issued before January 1, 2012.
 2-2 SECTION 3. Subchapter J, Chapter 521, Transportation Code,
 2-3 is amended by adding Section 521.207 to read as follows:
 2-4 Sec. 521.207. RESTRICTIONS ON CERTAIN PERSONS WITHOUT HIGH
 2-5 SCHOOL DIPLOMA OR EQUIVALENT. (a) The department may issue a
 2-6 restricted license to an applicant who is younger than 24 years of
 2-7 age and who has not obtained a high school diploma or its equivalent
 2-8 that allows the holder to travel between the holder's residence and
 2-9 another place for the purpose of:
 2-10 (1) school;
 2-11 (2) work;
 2-12 (3) any school-sponsored educational or athletic
 2-13 activity;
 2-14 (4) any non-school-sponsored community service or
 2-15 volunteer activity;
 2-16 (5) religious services;
 2-17 (6) essential household duties, including obtaining
 2-18 child care; and
 2-19 (7) obtaining emergency medical care.
 2-20 (b) The department shall adopt rules to implement this
 2-21 section, including:
 2-22 (1) defining types of acceptable documentation of
 2-23 obtaining a high school diploma or its equivalent, including
 2-24 documentation from the applicant's parent or a person standing in
 2-25 parental relation; and
 2-26 (2) designing a license with a marking to indicate the
 2-27 restricted status described by this section.
 2-28 SECTION 4. Section 521.223, Transportation Code, is amended
 2-29 by amending Subsections (b), (c), and (f) and adding Subsections
 2-30 (b-1) and (c-1) to read as follows:
 2-31 (b) An applicant for a license under Subsection (a) must be
 2-32 15 years and 180 days of age or older and must:
 2-33 (1) except as provided by Subsection (b-1), have
 2-34 passed a driver education course approved by the department, which
 2-35 may be a course approved under Section 521.205; and
 2-36 (2) pass the examination required by Section 521.161.
 2-37 (b-1) An applicant for a license to operate a farm vehicle
 2-38 under Subsection (a) must have passed a driver education course
 2-39 approved by the department, which may be a course approved under
 2-40 Section 521.205.
 2-41 (c) Except as provided by Subsection (c-1), to ~~be~~
 2-42 eligible to take the driver education ~~[training]~~ course under
 2-43 Subsection (b)(1), the person must be at least 15 ~~[14]~~ years of age.
 2-44 (c-1) To be eligible to take the driver training course to
 2-45 obtain a license to operate a farm vehicle, the person must be at
 2-46 least 14 years of age.
 2-47 (f) In the manner provided by Subchapter N, the department
 2-48 shall ~~may~~ suspend a license issued under this section if the
 2-49 holder of the license is convicted of a moving violation.
 2-50 SECTION 5. Section 521.223(d), Transportation Code, is
 2-51 repealed.
 2-52 SECTION 6. The change in law made by this Act applies only
 2-53 to the issuance of a hardship license on or after the effective date
 2-54 of this Act. The issuance of a hardship license before the
 2-55 effective date of this Act is governed by the law in effect
 2-56 immediately before the effective date of this Act, and that law is
 2-57 continued in effect for that purpose.
 2-58 SECTION 7. This Act takes effect September 1, 2011.

2-59

* * * * *