

By: Gallego

H.B. No. 132

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a driver's license to a person who has not obtained a high school diploma or its equivalent.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.201, Transportation Code, is amended to read as follows:

Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. (a) The department may not issue any license to a person who:

(1) is under 15 years of age;

(2) is under 18 years of age unless the person complies with the requirements imposed by Section 521.204;

(3) is shown to be addicted to the use of alcohol, a controlled substance, or another drug that renders a person incapable of driving;

(4) holds a driver's license issued by this state or another state or country that is revoked, canceled, or under suspension;

(5) has been determined by a judgment of a court to be totally incapacitated or incapacitated to act as the operator of a motor vehicle unless the person has, by the date of the license application, been:

(A) restored to capacity by judicial decree; or

(B) released from a hospital for the mentally incapacitated on a certificate by the superintendent or

1 administrator of the hospital that the person has regained
2 capacity;

3 (6) the department determines to be afflicted with a
4 mental or physical disability or disease that prevents the person
5 from exercising reasonable and ordinary control over a motor
6 vehicle while operating the vehicle on a highway, except that a
7 person may not be refused a license because of a physical defect if
8 common experience shows that the defect does not incapacitate a
9 person from safely operating a motor vehicle;

10 (7) has been reported by a court under Section
11 521.3452 for failure to appear unless the court has filed an
12 additional report on final disposition of the case; ~~[or]~~

13 (8) has been reported by a court for failure to appear
14 or default in payment of a fine for a misdemeanor that is not
15 covered under Subdivision (7) and that is punishable by a fine only,
16 including a misdemeanor under a municipal ordinance, committed by a
17 person who was under 17 years of age at the time of the alleged
18 offense, unless the court has filed an additional report on final
19 disposition of the case; or

20 (9) except as provided by Section 521.207, has not
21 obtained a high school diploma or its equivalent or is a student:

22 (A) enrolled in a public school, home school, or
23 private school who attended school for at least 80 days in the fall
24 or spring semester preceding the date of the driver's license
25 application; or

26 (B) who has been enrolled for at least 45 days,
27 and is enrolled as of the date of the application, in a program to

1 prepare persons to pass the high school equivalency exam.

2 (b) Subsection (a)(9) does not apply to the renewal of a
3 license issued before January 1, 2012.

4 SECTION 2. Subchapter J, Chapter 521, Transportation Code,
5 is amended by adding Section 521.207 to read as follows:

6 Sec. 521.207. RESTRICTIONS ON PERSONS WITHOUT HIGH SCHOOL
7 DIPLOMA OR EQUIVALENT. (a) The department may issue a restricted
8 license to an applicant who has not obtained a high school diploma
9 or its equivalent that allows the holder to travel between the
10 holder's residence and another place for the purpose of:

11 (1) school;

12 (2) work;

13 (3) any school-sponsored educational or athletic
14 activity;

15 (4) any non-school-sponsored community service or
16 volunteer activity;

17 (5) religious services;

18 (6) essential household duties, including obtaining
19 child care; and

20 (7) obtaining emergency medical care.

21 (b) The department shall adopt rules to implement this
22 section, including:

23 (1) defining types of acceptable documentation of
24 obtaining a high school diploma or its equivalent; and

25 (2) designing a license with a marking to indicate the
26 restricted status described by this section.

27 SECTION 3. This Act takes effect January 1, 2012.