

AN ACT

relating to the licensing and operation of motor vehicles by minors.

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

SECTION 1. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may 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 the department a driver education certificate issued under Section 1001.055, Education Code [~~9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~], that states that the person has

completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(3) has obtained a high school diploma or its equivalent or is a student:

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

(B) 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;

1           (4) has submitted to the department written parental  
2 or guardian permission:

3                    (A) for the department to access the applicant's  
4 school enrollment records maintained by the Texas Education Agency;  
5 and

6                    (B) for a school administrator or law enforcement  
7 officer to notify the department in the event that the person has  
8 been absent from school for at least 20 consecutive instructional  
9 days; and

10           (5) has passed the examination required by Section  
11 521.161.

12           SECTION 2. Section 521.295(a), Transportation Code, is  
13 amended to read as follows:

14           (a) If the department suspends a person's license under  
15 Section 521.292 or revokes a person's license under Section 521.294  
16 or 521.2965, the department shall send a notice of suspension or  
17 revocation by first class mail to the person's address in the  
18 records of the department.

19           SECTION 3. Section 521.296, Transportation Code, is amended  
20 to read as follows:

21           Sec. 521.296. NOTICE OF SUSPENSION OR REVOCATION. A notice  
22 of suspension under Section 521.292 or revocation under Section  
23 521.294 must state:

24                   (1) the reason and statutory grounds for the  
25 suspension or revocation;

26                   (2) the effective date of the suspension or  
27 revocation;

- 1 (3) the right of the person to a hearing;  
2 (4) how to request a hearing; and  
3 (5) the period in which the person must request a  
4 hearing.

5 SECTION 4. Section 545.424, Transportation Code, is amended  
6 by amending Subsections (a) and (b) and adding Subsections (a-1)  
7 and (b-1) to read as follows:

8 (a) A person under 18 years of age may not operate a motor  
9 vehicle while using a wireless communications device, except in  
10 case of emergency.

11 (a-1) A person under 18 years of age may not operate a motor  
12 vehicle[-

13 [~~(1)~~] during the 12-month period following issuance of  
14 an original Class A, B, or C driver's license to the person:

15 (1) [~~(A)~~] after midnight and before 5 a.m. unless the  
16 operation of the vehicle is necessary for the operator to attend or  
17 participate in employment or a school-related activity or because  
18 of a medical emergency; or

19 (2) [~~(B)~~] with more than one passenger in the vehicle  
20 under 21 years of age who is not a family member[-~~or~~

21 ~~[(2) while using a wireless communications device,~~  
22 ~~except in case of emergency].~~

23 (b) A person under 17 years of age who holds a restricted  
24 motorcycle license or moped license may not operate a motorcycle or  
25 moped while using a wireless communications device, except in case  
26 of emergency.

27 (b-1) A person under 17 years of age who holds a restricted

1 motorcycle license or moped license, during the 12-month period  
2 following the issuance of an original motorcycle license or moped  
3 license to the person, may not operate a motorcycle or moped[+]

4 [~~(1)~~] after midnight and before 5 a.m. unless:

5 (1) [~~(A)~~] the person is in sight of the person's parent  
6 or guardian; or

7 (2) [~~(B)~~] the operation of the vehicle is necessary  
8 for the operator to attend or participate in employment or a  
9 school-related activity or because of a medical emergency[+ or

10 [~~(2) while using a wireless communications device,~~  
11 ~~except in case of emergency~~].

12 SECTION 5. Section 521.271(a-1), Transportation Code, is  
13 repealed.

14 SECTION 6. The change in law made by Section 521.204(a),  
15 Transportation Code, as amended by this Act, applies only to a  
16 license issued on or after the effective date of this Act.

17 SECTION 7. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2466 was passed by the House on April 26, 2011, by the following vote: Yeas 147, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2466 on May 26, 2011, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2466 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor