

By: Smith of Tarrant

H.B. No. 2678

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of driver training schools and instruction.

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

SECTION 1. The heading to Section 1001.055, Education Code, is amended to read as follows:

Sec. 1001.055. DRIVER EDUCATION CERTIFICATES AND  
CERTIFICATE NUMBERS.

SECTION 2. Section 1001.055, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The agency shall provide ~~[print and supply]~~ to each licensed or exempt driver education school driver education certificates or certificate numbers to enable the school to print and issue agency-approved driver education certificates with the certificate numbers to be used for certifying completion of an approved driver education course to satisfy the requirements of Sections 521.204(a)(2) and 521.1601, Transportation Code. ~~[The certificates must be numbered serially.]~~

(a-1) A certificate printed and issued by a driver education school must:

(1) be in a form required by the agency; and  
(2) include an identifying certificate number  
provided by the agency that may be used to verify the authenticity

1 of the certificate with the driver education school.

2 (a-2) A driver education school that purchases driver  
3 education certificate numbers shall provide for the printing and  
4 issuance of original and duplicate certificates in a manner that,  
5 to the greatest extent possible, prevents the unauthorized  
6 production or the misuse of the certificates. The driver education  
7 school shall electronically submit to the agency in the manner  
8 established by the agency data identified by the agency relating to  
9 issuance of agency-approved driver education certificates with the  
10 certificate numbers.

11 (a-3) Certificate numbers must be in serial order so that  
12 the number on each issued certificate is unique.

13 (b) The agency by rule shall provide for the design and  
14 distribution of the certificates and certificate numbers in a  
15 manner that, to the greatest extent possible, prevents the  
16 unauthorized reproduction or misuse of the certificates or  
17 certificate numbers.

18 (c) The agency may charge a fee of not more than \$4 for each  
19 certificate or certificate number.

20 SECTION 3. Section 1001.151, Education Code, is amended by  
21 adding Subsection (n) to read as follows:

22 (n) A submission for approval of a curriculum under Section  
23 1001.253(e) for a supervising instructor development program for  
24 supervising instructors that has not been evaluated by the  
25 commissioner or under Section 1001.253(f) for an instructor  
26 development program for driver education instructors that has not  
27 been evaluated by the agency or that requires reexamination under

1 Section 1001.253(i) must be accompanied by a nonrefundable fee in  
2 an amount the commissioner considers appropriate, not to exceed the  
3 amount sufficient to cover the costs of considering the submission.

4 SECTION 4. Section 1001.253, Education Code, is amended by  
5 amending Subsections (c), (d), (e), and (f) and adding Subsections  
6 (g), (h), and (i) to read as follows:

7 (c) A person who holds a driver education instructor license  
8 authorizing behind-the-wheel training may not be approved to teach  
9 ~~[assist a classroom instructor in]~~ the classroom phase of driver  
10 education unless the person has:

11 (1) successfully completed the three additional  
12 semester hours of training required for a classroom instructor or a  
13 program of study in driver education approved by the commissioner;  
14 and

15 (2) met all requirements under Subsection (d).

16 (d) Except as provided by Section 1001.254, a driver  
17 education instructor license authorizing a person to teach or  
18 provide classroom training may not be issued unless the person[+]

19 ~~[(1)]~~ has completed nine semester hours of driver and  
20 traffic safety education or a program of study in driver education  
21 approved by the commissioner from an approved driver education  
22 school[+] and:

23 (1) [(2)] holds a teaching certificate and any  
24 additional certification required to teach driver education; or

25 (2) has adequate education qualifications and  
26 experience to conduct classroom training, as determined by the  
27 commissioner.

1 (e) A driver education instructor who has met ~~[completed]~~  
2 the educational requirements prescribed by Subsection (d)(1) or (2)  
3 may not teach instructor training classes unless the instructor has  
4 successfully completed a supervising instructor development  
5 program consisting of at least three ~~[six]~~ additional semester  
6 hours or a program of study in driver education approved by the  
7 commissioner that includes administering driver education programs  
8 and supervising and administering traffic safety education.

9 (f) A driver education school may submit for agency approval  
10 a curriculum for an instructor development program for driver  
11 education instructors. The program must:

12 (1) be taught by a person who has completed a  
13 supervising instructor development program under Subsection (e);

14 (2) ensure that any individual assisting the  
15 supervising instructor in the instructor development program for  
16 driver education instructors meets the requirements under  
17 Subsection (g); and

18 (3) ~~[(2)]~~ satisfy the requirements of this section for  
19 the particular program or type of training to be provided.

20 (g) An individual certified under standards established  
21 under Subsection (a) may assist a supervising instructor in an  
22 instructor development program for driver education instructors if  
23 the individual:

24 (1) meets all requirements for the individual's level  
25 of certification; and

26 (2) receives appropriate training as determined by the  
27 commissioner to assist in the instructor development program.

1        (h) A driver education school may provide all or part of the  
2 classroom portion of a curriculum approved under Subsection (f) for  
3 an instructor development program for driver education instructors  
4 by an alternative method of instruction that does not require  
5 students to be present in a classroom if the commissioner approves  
6 the alternative method.

7        (i) Notwithstanding Section 1001.454, the commissioner may  
8 reexamine an approved instructor development program for driver  
9 education instructors if the commissioner believes that the driver  
10 education school that provides the program has violated this  
11 chapter or a rule adopted under this chapter. The school shall pay  
12 the costs of the reexamination as prescribed under Section  
13 1001.151(n).

14        SECTION 5. Section 1001.304, Education Code, is amended by  
15 adding Subsection (d) to read as follows:

16        (d) An individual applying to renew a license under  
17 Subsection (a) may complete an approved continuing education course  
18 by an alternative method that does not require instructors to be  
19 present in a classroom if the commissioner approves the alternative  
20 method.

21        SECTION 6. Section 1001.401, Education Code, is amended to  
22 read as follows:

23        Sec. 1001.401. CANCELLATION AND SETTLEMENT POLICY. As a  
24 condition for obtaining a driver education school license or course  
25 provider license, the school or course provider must maintain a  
26 cancellation and settlement policy that provides a full refund of  
27 all money paid by a student if:

(1) the student cancels the enrollment contract before midnight of the third day, other than a Saturday, Sunday, or legal holiday, after the date the enrollment contract is signed by the student, unless the student:

(A) successfully completes the course;

(B) ~~or~~ receives a failing grade on the course examination; or

(C) attends any portion of a driver education program offered by the school or course provider, in which case the school or course provider shall provide a refund to the student under this subchapter; or

(2) the enrollment of the student was procured as a result of a misrepresentation in:

(A) advertising or promotional materials of the school or course provider; or

(B) a representation made by an owner or employee of the school or course provider.

SECTION 7. Section 1001.402(b), Education Code, is amended to read as follows:

(b) The policy must provide that:

(1) refunds are based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes is the earlier ~~earliest~~ of:

(A) the last day of attendance, if the student's enrollment is terminated by the school; or

(B) the date the school receives written notice

1 from the student; ~~or~~

2 ~~[(C) the 10th school day after the last day of~~  
3 ~~attendance,]~~

4 (3) if tuition is collected in advance of entrance and  
5 if a student does not enter the school, terminates enrollment, or  
6 withdraws, the school:

7 (A) may retain not more than \$50 as an  
8 administrative expense; and

9 (B) shall refund that portion of the student's  
10 remaining classroom tuition and fees and behind-the-wheel tuition  
11 and fees that corresponds to services the student does not receive;

12 (4) the school shall refund items of extra expense to  
13 the student, including instructional supplies, books, laboratory  
14 fees, service charges, rentals, deposits, and all other charges not  
15 later than the 30th day after the effective date of enrollment  
16 termination if:

17 (A) the extra expenses are separately stated and  
18 shown in the information provided to the student before enrollment;  
19 and

20 (B) the student returns to the school any school  
21 property in the student's possession; and

22 (5) refunds shall be completed not later than the 30th  
23 day after the effective date of enrollment termination.

24 SECTION 8. Not later than January 1, 2012, the commissioner  
25 of education shall adopt rules as necessary to implement the  
26 changes in law made by this Act.

27 SECTION 9. This Act takes effect September 1, 2011.