

By: Smithee

H.B. No. 3769

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing driver education courses to be delivered by
3 course providers.

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

5 SECTION 1. Section 1001.001(4), Education Code, is amended
6 to read as follows:

7 (4) "Course provider" means an enterprise that:

8 (A) maintains a place of business or solicits
9 business in this state;

10 (B) is operated by an individual, association,
11 partnership, or corporation; and

12 (C) has received an approval for a driving safety
13 course or a driver education course from the commissioner or has
14 been designated by a person who has received that approval to
15 conduct business and represent the person in this state.

16 SECTION 2. Section 1001.206, Education Code, is amended to
17 read as follows:

18 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.

19 The commissioner shall approve an application for a course provider
20 license if on investigation the agency determines that:

21 (1) the course provider has an approved course that at
22 least one licensed driver training [~~driving safety~~] school is
23 willing to offer;

24 (2) the course provider has adequate educational

1 qualifications and experience;

2 (3) the course provider will:

3 (A) develop and provide to each driver training
4 [~~driving safety~~] school that offers the approved course a copy of:

5 (i) the refund policy; and

6 (ii) the regulations relating to absence,
7 grading policy, and rules of operation and conduct; and

8 (B) provide to the driver training [~~driving~~
9 ~~safety~~] school the name, mailing address, and telephone number of
10 the agency for the purpose of directing complaints to the agency;

11 (4) a copy of the information provided to each driver
12 training [~~driving safety~~] school under Subdivision (3) will be
13 provided to each student by the school before enrollment;

14 (5) not later than the 15th working day after the date
15 the person successfully completes a driving safety [~~the~~] course,
16 the course provider will mail a uniform certificate of course
17 completion to the person indicating the course name and successful
18 completion;

19 (6) the course provider maintains adequate records as
20 prescribed by the commissioner to show attendance and progress or
21 grades and enforces satisfactory standards relating to attendance,
22 progress, and conduct;

23 (7) the course provider complies with all county,
24 municipal, state, and federal laws, including assumed name
25 registration and other applicable requirements;

26 (8) the course provider is financially sound and
27 capable of fulfilling its commitments for training;

1 (9) the course provider is of good reputation and
2 character;

3 (10) the course provider maintains and publishes as a
4 part of its student enrollment contract the proper policy for the
5 refund of the unused portion of tuition, fees, and other charges if
6 a student fails to take the course or withdraws or is discontinued
7 from the school at any time before completion;

8 (11) the course provider does not use erroneous or
9 misleading advertising, either by actual statement, omission, or
10 intimation, as determined by the commissioner;

11 (12) the course provider does not use a name similar to
12 the name of another existing school or tax-supported educational
13 institution in this state, unless specifically approved in writing
14 by the commissioner;

15 (13) the course provider does not owe an
16 administrative penalty under this chapter; and

17 (14) the course provider meets additional criteria
18 required by the commissioner.

19 SECTION 3. Section 1001.351, Education Code, is amended by
20 adding Subsection (d) to read as follows:

21 (d) A course provider shall meet all requirements of this
22 chapter in providing a driver education course.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2011.