

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Cook

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to eligibility to obtain a driver's license.

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

SECTION 1. This Act shall be known as Aaron's Act.

SECTION 2. 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, is younger  
21 than 24 years of age and:

22 (A) has not obtained a high school diploma or its  
23 equivalent; or

24 (B) is a student:

25 (i) enrolled in a public school or private  
26 school, including a home school, who attended school for at least 80  
27 days in the fall or spring semester preceding the date of the

1 driver's license application; or

2 (ii) who has been enrolled for at least 45  
3 days, and is enrolled as of the date of the application, in a  
4 program to prepare persons to pass the high school equivalency  
5 exam.

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

8 SECTION 3. Subchapter J, Chapter 521, Transportation Code,  
9 is amended by adding Section 521.207 to read as follows:

10 Sec. 521.207. RESTRICTIONS ON CERTAIN PERSONS WITHOUT HIGH  
11 SCHOOL DIPLOMA OR EQUIVALENT. (a) The department may issue a  
12 restricted license to an applicant who is younger than 24 years of  
13 age and who has not obtained a high school diploma or its equivalent  
14 that allows the holder to travel between the holder's residence and  
15 another place for the purpose of:

16 (1) school;

17 (2) work;

18 (3) any school-sponsored educational or athletic  
19 activity;

20 (4) any non-school-sponsored community service or  
21 volunteer activity;

22 (5) religious services;

23 (6) essential household duties, including obtaining  
24 child care; and

25 (7) obtaining emergency medical care.

26 (b) The department shall adopt rules to implement this  
27 section, including:

1           (1) defining types of acceptable documentation of  
2 obtaining a high school diploma or its equivalent, including  
3 documentation from the applicant's parent or a person standing in  
4 parental relation; and

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

7           SECTION 4. Section 521.223, Transportation Code, is amended  
8 by amending Subsections (b), (c), and (f) and adding Subsections  
9 (b-1) and (c-1) to read as follows:

10           (b) An applicant for a license under Subsection (a) must be  
11 15 years and 180 days of age or older and must:

12           (1) except as provided by Subsection (b-1), have  
13 passed a driver education course approved by the department, which  
14 may be a course approved under Section 521.205; and

15           (2) pass the examination required by Section 521.161.

16           (b-1) An applicant for a license to operate a farm vehicle  
17 under Subsection (a) must have passed a driver education course  
18 approved by the department, which may be a course approved under  
19 Section 521.205.

20           (c) Except as provided by Subsection (c-1), to [~~Te~~] be  
21 eligible to take the driver education [~~training~~] course under  
22 Subsection (b)(1), the person must be at least 15 [~~14~~] years of age.

23           (c-1) To be eligible to take the driver training course to  
24 obtain a license to operate a farm vehicle, the person must be at  
25 least 14 years of age.

26           (f) In the manner provided by Subchapter N, the department  
27 shall [~~may~~] suspend a license issued under this section if the

1 holder of the license is convicted of a moving violation.

2 SECTION 5. Section 521.223(d), Transportation Code, is  
3 repealed.

4 SECTION 6. The change in law made by this Act applies only  
5 to the issuance of a hardship license on or after the effective date  
6 of this Act. The issuance of a hardship license before the  
7 effective date of this Act is governed by the law in effect  
8 immediately before the effective date of this Act, and that law is  
9 continued in effect for that purpose.

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

# ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2011

BY:

*Brian S. Sullivan*

*Arlene Spaw*  
Secretary of the Senate

1 Amend H.B. No. 90 (senate committee printing) as follows:

2 (1) Strike SECTIONS 2, 3, and 4 of the bill, amending  
3 Sections 521.201 and 521.223, Transportation Code, and adding  
4 Section 521.207, Transportation Code (page 1, line 12, through page  
5 2, line 49), and substitute the following:

6 SECTION \_\_\_\_\_. Section 521.223(f), Transportation Code, is  
7 amended to read as follows:

8 (f) In the manner provided by Subchapter N, the department  
9 shall [~~may~~] suspend a license issued under this section if the  
10 holder of the license is convicted of two or more [~~a~~] moving  
11 violations committed within a 12-month period [~~violation~~].

12 (2) Strike SECTION 6 of the bill (page 2, lines 52-57).

13 (3) Renumber SECTIONS of the bill accordingly.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 24, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB90** by Cook (Relating to eligibility to obtain a driver's license.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require DPS to suspend a hardship license if the license holder is convicted of two or more moving violations within a 12-month period. The bill would also prevent DPS from waiving certain requirements for a hardship license related to driver training courses. This analysis assumes DPS could implement the provisions of the bill within existing resources. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, GG, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB90** by Cook (Relating to eligibility to obtain a driver's license.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it relates to hardship driver's licenses. The bill would increase the minimum age for applicants for a hardship driver's license. The bill would prevent the Department of Public Safety (DPS) from waiving the requirement that applicants complete a driver training course. The bill would amend the length of temporary hardship licenses and require DPS to suspend any hardship licenses if the license holder is convicted of a moving violation.

The bill would amend the Transportation Code to prohibit DPS from issuing a driver's license to certain persons who have not obtained a high school diploma or its equivalent. The bill would permit DPS to issue restricted driver's licenses to certain persons who have not obtained a high school diploma or its equivalent.

This analysis assumes DPS could implement the provisions of the bill within existing resources. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, GG, ESi



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 30, 2011**

**TO:** Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB90** by Cook (Relating to the minimum age and education requirements necessary to obtain a hardship license. ), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it relates to hardship driver's licenses. The bill would increase the minimum age for applicants for a hardship driver's license. The bill would prevent the Department of Public Safety (DPS) from waiving the requirement that applicants complete a driver training course. The bill would amend the length of temporary hardship licenses and require DPS to suspend any hardship licenses if the license holder is convicted of a moving violation. This analysis assumes DPS could implement the provisions of the bill within existing appropriations. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 7, 2011**

**TO:** Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB90** by Cook (Relating to the minimum age and education requirements necessary to obtain a hardship license.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it relates to hardship driver's licenses. The bill would increase the minimum age for applicants for a hardship driver's license. The bill would prevent the Department of Public Safety (DPS) from waiving the requirement that applicants complete a driver training course. The bill would amend the length of temporary hardship licenses and require DPS to suspend any hardship licenses if the license holder is convicted of a moving violation. This analysis assumes DPS could implement the provisions of the bill within existing appropriations. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG