

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Phillips

H.B. No. 2466

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the licensing and operation of motor vehicles by  
3 minors.

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

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

7 (a) The department may issue a Class C driver's license to  
8 an applicant under 18 years of age only if the applicant:

9 (1) is 16 years of age or older;

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

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

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

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

22 (B) who has been enrolled for at least 45 days,  
23 and is enrolled as of the date of the application, in a program to  
24 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 or 521.2965 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. Subchapter N, Chapter 521, Transportation Code,  
6 is amended by adding Section 521.2965 to read as follows:

7 Sec. 521.2965. REVOCATION: PERSON UNDER 18 YEARS OF AGE.

8 (a) Unless the person complies with the requirements of Subsection  
9 (b), the department shall revoke the license of a person under 18  
10 years of age who is enrolled at a public school, home school, or  
11 private school if:

12 (1) the person's parent or guardian notifies the  
13 department that the person has been absent from school for at least  
14 10 consecutive instructional days; or

15 (2) a school administrator or law enforcement officer  
16 notifies the department that the person has been absent from school  
17 for at least 20 consecutive instructional days.

18 (b) The department shall notify the person in writing of a  
19 truancy report made against the person under Subsection (a). The  
20 revocation of a license by the department under this section  
21 becomes effective on the 30th day after the date of the notice,  
22 unless before that date the person provides to the department  
23 information required by the department to demonstrate the person's  
24 school attendance.

25 (c) The notice provided to a person under Subsection (b)  
26 must:

27 (1) state that the revocation becomes effective on the

1 30th day after the date of the notice; and  
2 (2) contain information regarding the procedures and  
3 documentation that the person may provide to the department in  
4 order to avoid the revocation of the person's license.

5 SECTION 5. 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[~~+~~

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

12 SECTION 6. Section 521.271(a-1), Transportation Code, is  
13 repealed.

14 SECTION 7. 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.

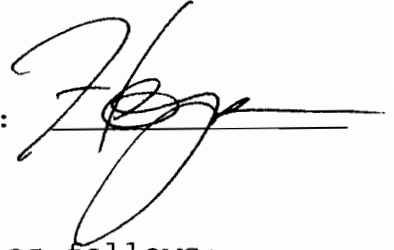
17 SECTION 8. This Act takes effect September 1, 2011.

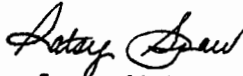
# ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2011

BY:



  
Secretary of the Senate

1 Amend HB 2466 (Senate committee printing) as follows:

2 (1) In SECTION 2 of the bill, in Section 521.296,  
3 Transportation Code (page 1, line 54), strike "or  
4 521.2965".

5 (2) Strike SECTION 4 of the bill and renumber subsequent  
6 sections accordingly.

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

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

**May 25, 2011**

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

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

**IN RE: HB2466** by Phillips (Relating to the licensing and operation of motor vehicles by minors.),  
**As Passed 2nd House**

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

The bill would amend the Transportation Code to prevent the Department of Public Safety (DPS) from issuing a driver's license to a person under 18 years of age without the person providing written parental or guardian consent for school administrators or law enforcement personnel to notify DPS if the person has been absent from school for more than 20 consecutive days. The bill also would prohibit persons less than 18 years of age from using a wireless communications device while driving, except in cases of emergency. The bill would take effect September 1, 2011. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

**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, KJG, GG

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

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

**May 4, 2011**

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

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

**IN RE:** HB2466 by Phillips (Relating to the licensing and operation of motor vehicles by minors.),  
**As Engrossed**

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

The bill would amend the Transportation Code to require the Department of Public Safety (DPS) to revoke the driver's license of a person under 18 years of age who is enrolled at a public school, home school, or private school if the person's parent, guardian or school administrator or a law enforcement officer notifies DPS that the person has been absent from school for certain periods of time. The bill contains provisions for carrying out the revocation and methods in which a person may provide proof of school attendance to avoid revocation. The bill would also prohibit persons less than 18 years of age from using a wireless communications device while driving, except in cases of emergency. The bill would take effect September 1, 2011. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

**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, ESi, GG



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

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

**April 12, 2011**

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

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

**IN RE: HB2466** by Phillips (Relating to the licensing and operation of motor vehicles by minors. ),  
**Committee Report 1st House, Substituted**

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

The bill would amend the Transportation Code to require the Department of Public Safety (DPS) to revoke the driver's license of a person under 18 years of age who is enrolled at a public school, home school, or private school if the person's parent, guardian or school administrator or a law enforcement officer notifies DPS that the person has been absent from school for certain periods of time. The bill contains provisions for carrying out the revocation and methods in which a person may provide proof of school attendance to avoid revocation. The bill would also prohibit persons less than 18 years of age from using a wireless communications device while driving, except in cases of emergency. The bill would take effect September 1, 2011. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

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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 23, 2011**

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

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

**IN RE: HB2466** by Phillips (Relating to the licensing and operation of motor vehicles by minors.),  
**As Introduced**

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

The bill would amend the Transportation Code to require the Department of Public Safety (DPS) to revoke the driver's license of a person under 18 years of age who is enrolled at a public school, home school, or private school if the person's parent, guardian or school administrator or a law enforcement officer notifies DPS that the person has been absent from school for certain periods of time. The bill contains provisions for carrying out the revocation and methods in which a person may provide proof of school attendance to avoid revocation. The bill would also prohibit persons less than 18 years of age from using a wireless communications device while driving, except in cases of emergency. The bill would take effect September 1, 2011. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

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