

House Bill 90
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 administrator of the hospital that the person has regained capacity;
- (6) the department determines to be afflicted with a mental or physical disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle on a highway, except that a person may not be refused a license because of a physical defect if common experience shows that the defect does not incapacitate a person from safely operating a motor vehicle;
- (7) has been reported by a court under Section 521.3452 for

SENATE VERSION (IE)

SECTION 1. Same as House version.

No equivalent provision. [SECTION 2 was deleted by FA1(1).]

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failure to appear unless the court has filed an additional report on final disposition of the case; [øø]

(8) has been reported by a court for failure to appear or default in payment of a fine for a misdemeanor that is not covered under Subdivision (7) and that is punishable by a fine only, including a misdemeanor under a municipal ordinance, committed by a person who was under 17 years of age at the time of the alleged offense, unless the court has filed an additional report on final disposition of the case; or

(9) except as provided by Section 521.207, is younger than 24 years of age and:

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

(B) is a student:

(i) enrolled in a public school or private school, including a home 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

(ii) 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.

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

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

Sec. 521.207. RESTRICTIONS ON CERTAIN PERSONS WITHOUT HIGH SCHOOL DIPLOMA OR EQUIVALENT.

(a) The department may issue a restricted license to an applicant who is younger than 24 years of age and who has not obtained a high school diploma or its equivalent that

No equivalent provision. [SECTION 3 was deleted by FA1(1).]

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allows the holder to travel between the holder's residence and another place for the purpose of:

- (1) school;
 - (2) work;
 - (3) any school-sponsored educational or athletic activity;
 - (4) any non-school-sponsored community service or volunteer activity;
 - (5) religious services;
 - (6) essential household duties, including obtaining child care; and
 - (7) obtaining emergency medical care.
- (b) The department shall adopt rules to implement this section, including:
- (1) defining types of acceptable documentation of obtaining a high school diploma or its equivalent, including documentation from the applicant's parent or a person standing in parental relation; and
 - (2) designing a license with a marking to indicate the restricted status described by this section.

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

- (b) An applicant for a license under Subsection (a) must be 15 years and 180 days of age or older and must:
- (1) except as provided by Subsection (b-1), have passed a driver education course approved by the department, which may be a course approved under Section 521.205; and
 - (2) pass the examination required by Section 521.161.
- (b-1) An applicant for a license to operate a farm vehicle under Subsection (a) must have passed a driver education course approved by the department, which may be a course

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No equivalent provision. [SECTION 4 was deleted by FA1(1).]

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approved under Section 521.205.

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

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

(f) [part] In the manner provided by Subchapter N, the department shall [may] suspend a license issued under this section if the holder of the license is convicted of a moving violation.

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

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

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

SENATE VERSION (IE)

SECTION __. Section 521.223(f), Transportation Code, is amended to read as follows:

(f) In the manner provided by Subchapter N, the department shall [may] suspend a license issued under this section if the holder of the license is convicted of two or more [a] moving violations committed within a 12-month period [violation].
[FA1(1)]

SECTION 5. Same as House version.

No equivalent provision. [SECTION 6 was deleted by FA1(2).]

SECTION 7. Same as House version.

CONFERENCE