

House Bill 2466
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Section 1001.055, Education Code [~~9A, Texas Driver and Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)~~], that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

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

(A) enrolled in a public school, home school, or private 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

(B) 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;

(4) has submitted to the department written parental or guardian permission:

(A) for the department to access the applicant's school enrollment records maintained by the Texas Education Agency; and

(B) for a school administrator or law enforcement officer to notify the department in the event that the person has been absent from school for at least 20 consecutive instructional days; and

(5) has passed the examination required by Section 521.161.

SENATE VERSION (IE)

SECTION 1. Same as House version.

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SECTION 2. Section 521.295(a), Transportation Code, is amended to read as follows:

(a) If the department suspends a person's license under Section 521.292 or revokes a person's license under Section 521.294 **or 521.2965**, the department shall send a notice of suspension or revocation by first class mail to the person's address in the records of the department.

SECTION 3. Section 521.296, Transportation Code, is amended to read as follows:

Sec. 521.296. NOTICE OF SUSPENSION OR REVOCATION. A notice of suspension under Section 521.292 or revocation under Section 521.294 or 521.2965 must state:

- (1) the reason and statutory grounds for the suspension or revocation;
- (2) the effective date of the suspension or revocation;
- (3) the right of the person to a hearing;
- (4) how to request a hearing; and
- (5) the period in which the person must request a hearing.

SECTION 4. Subchapter N, Chapter 521, Transportation Code, is amended by adding Section 521.2965 to read as follows:

Sec. 521.2965. REVOCATION: PERSON UNDER 18 YEARS OF AGE. (a) Unless the person complies with the requirements of Subsection (b), the department shall revoke the license of a person under 18 years of age who is enrolled at a public school, home school, or private school if:

- (1) the person's parent or guardian notifies the department

SENATE VERSION (IE)

SECTION 2. Section 521.295(a), Transportation Code, is amended to read as follows:

(a) If the department suspends a person's license under Section 521.292 or revokes a person's license under Section 521.294, the department shall send a notice of suspension or revocation by first class mail to the person's address in the records of the department. [FA1(1)]

SECTION 3. Same as House version.

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

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that the person has been absent from school for at least 10 consecutive instructional days; or

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

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

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

(1) state that the revocation becomes effective on the 30th day after the date of the notice; and

(2) contain information regarding the procedures and documentation that the person may provide to the department in order to avoid the revocation of the person's license.

SECTION 5. Section 545.424, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1) to read as follows:

(a) A person under 18 years of age may not operate a motor vehicle while using a wireless communications device, except in case of emergency.

(a-1) A person under 18 years of age may not operate a motor vehicle[=

(1)] during the 12-month period following issuance of an original Class A, B, or C driver's license to the person:

(1) [(A)] after midnight and before 5 a.m. unless the

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operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

~~(2) [(B)] with more than one passenger in the vehicle under 21 years of age who is not a family member[; or~~

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

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license may not operate a motorcycle or moped while using a wireless communications device, except in case of emergency.

(b-1) A person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month period following the issuance of an original motorcycle license or moped license to the person, may not operate a motorcycle or moped[;

~~[(4)]~~ after midnight and before 5 a.m. unless:

~~(1) [(A)]~~ the person is in sight of the person's parent or guardian; or

~~(2) [(B)]~~ the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency[; or

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

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

SECTION 7. The change in law made by Section 521.204(a), Transportation Code, as amended by this Act, applies only to

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SECTION 5. Same as House version.

SECTION 6. Same as House version.

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a license issued on or after the effective date of this Act.

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

SENATE VERSION (IE)

SECTION 7. Same as House version.

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