

BILL ANALYSIS

C.S.H.B. 2320
By: Parker
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent legislative sessions, the Texas Legislature has amended statutory provisions regarding the process the Department of Public Safety (DPS) must undertake in approving an application for a Texas driver's license and issuing the license. Changes include requirements that applicants complete additional measurements and tests administered by DPS. Interested parties note that these additional responsibilities have strained DPS's resources and led to longer-than-anticipated waiting periods while DPS administers all required tests and approves applicants for a driver's license, especially in highly populated areas of Texas that are still experiencing rapid growth. This has led certain stakeholders to question whether enhancing the private sector's ability to assist in the driver's license issuance process would be more beneficial for all parties involved. C.S.H.B. 2320 seeks to create a pilot program under which DPS may designate licensed driver education schools to administer certain examinations required to obtain a Texas driver's license and seeks to provide annual reports on the outcomes of program participants.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 2320 amends the Transportation Code to require the Department of Public Safety (DPS) to establish a pilot program under which DPS may designate driver education schools licensed under applicable Education Code provisions to administer the driving portion of the driver's license examination, in addition to DPS's administration of that examination. The bill requires DPS to establish criteria for determining the eligibility of a driver education school to apply for participation in the pilot program and continue to operate under the pilot program; to monitor participating driver education schools to ensure that the schools are conducting thorough examinations; and to conduct annual reports outlining the number of individuals who opt to have the driving portion administered by a participating driver education school, the number of traffic incidents and citations involving drivers who were administered the examination by such a school under the program and whether that number is proportional to the overall incident and citation rate in Texas, and DPS's assessment of the ability of such schools to effectively administer the driving portion.

C.S.H.B. 2320 authorizes DPS to charge a driver education school a fee for applying to enter and for participating in the pilot program and requires DPS to set the fees in amounts sufficient to cover the costs of administering the program. The bill requires DPS to adopt rules to implement the bill's provisions not later than January 1, 2014.

C.S.H.B. 2320 establishes that the pilot program expires September 1, 2017, but authorizes the Public Safety Commission, after that date and on the recommendation of DPS, to authorize DPS to implement the pilot program as a permanent program.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2320 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter H, Chapter 521, Transportation Code, is amended by adding Section 521.1656 to read as follows:

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Sec. 521.1656. PILOT PROGRAM FOR ADDITIONAL TESTING BY DRIVER EDUCATION SCHOOL.

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(a) This section applies only to a county that has a population of at least 662,000 and is adjacent to three or more counties each of which has a population of 782,000 or more.

(a) The department shall establish a pilot program under which the department may designate driver education schools licensed under Chapter 1001, Education Code, to administer the examination required under Section 521.161(b)(2) in addition to the department's administration of that examination.

(b) The department shall establish in a county to which this section applies a pilot program under which the department may designate driver education schools licensed under Chapter 1001, Education Code, to administer the examination required under Section 521.161(b)(2) in addition to the department's administration of that examination.

(b) The department shall:
(1) establish criteria for determining the eligibility of a driver education school to apply for participation in the pilot program and continue to operate under the pilot program;

(c) The department shall:
(1) establish criteria for a driver education school to apply for participation in the pilot program;

(2) monitor participating driver education schools to ensure that the driver education schools are conducting thorough examinations; and

(2) monitor participating driver education schools to ensure that the driver education schools are conducting thorough examinations; and

(3) conduct annual reports outlining:
(A) the number of individuals who opt to have the examination required under Section 521.161(b)(2) administered by a participating driver education school;
(B) the number of traffic incidents and citations involving drivers who were administered the examination required under Section 521.161(b)(2) by a driver education school under the pilot program and whether that number is proportional to the overall

(3) conduct annual reports outlining:
(A) the number of individuals who opt to have the examination required under Section 521.161(b)(2) administered by a participating driver education school;
(B) the number of traffic incidents and citations involving drivers who were administered the examination required under Section 521.161(b)(2) by a driver education school under the pilot program and whether that number is proportional to

the overall incident and citation rate in this state; and

(C) the department's assessment of the ability of driver education schools to effectively administer the examination required under Section 521.161(b)(2).

(d) The department shall set the amount of the fee a driver education school participating in the pilot program may charge for administering an examination required under Section 521.161(b)(2). A driver education school participating in the pilot program may not accept payment in cash for services provided under this section.

(e) The department may charge a driver education school a fee for applying to enter the pilot program and for participating in the program. The department shall set the fees in amounts sufficient to cover the costs of administering this section.

(f) The department shall adopt rules to implement this section.

(g) This section expires September 1, 2017.

SECTION 2. The Department of Public Safety shall adopt the rules required by Section 521.1656, Transportation Code, as added by this Act, not later than January 1, 2014.

SECTION 3. This Act takes effect September 1, 2013.

incident and citation rate in this state; and

(C) the department's assessment of the ability of driver education schools to effectively administer the examination required under Section 521.161(b)(2).

(c) The department may charge a driver education school a fee for applying to enter the pilot program and for participating in the program. The department shall set the fees in amounts sufficient to cover the costs of administering this section.

(d) The department shall adopt rules to implement this section.

(e) The pilot program established under this section expires September 1, 2017. After September 1, 2017, on the recommendation of the department, the commission may authorize the department to implement the pilot program as a permanent program.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.