

By: Dutton

H.B. No. 1786

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of driver and traffic safety education from the Texas Education Agency and the Department of Public Safety to the Texas Department of Licensing and Regulation; changing the amounts of certain fees; amending a provision subject to a criminal penalty.

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

SECTION 1. Section 29.902(a), Education Code, is amended to read as follows:

(a) The Texas Department of Licensing and Regulation ~~[agency]~~ shall develop a program of organized instruction in driver education and traffic safety for public school students. A student who will be 15 years of age or older before a driver education and traffic safety course ends may enroll in the course.

SECTION 2. Section 51.308, Education Code, is amended to read as follows:

Sec. 51.308. DRIVER EDUCATION. A driver education course for the purpose of preparing students to obtain a driver's license may be offered by an institution of higher education, as defined by Section 61.003, with the approval of the Texas Department of Licensing and Regulation ~~[Central Education Agency]~~.

SECTION 3. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department [~~commissioner~~].

(3) "Commission" [~~"Commissioner"~~] means the Texas Commission of Licensing and Regulation [~~commissioner of education~~].

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

(B) is operated by an individual, association, partnership, or corporation; and

(C) has received an approval for a driving safety course from the department [~~commissioner~~] or has been designated by a person who has received that approval to conduct business and represent the person in this state.

(5) "Department" means the Texas Department of Licensing and Regulation [~~Public Safety~~].

(13-a) "Executive director" means the executive director of the department.

SECTION 4. Section 1001.002(c), Education Code, is amended to read as follows:

(c) A driver education course is exempt from this chapter, other than Section 1001.055, if the course is:

(1) conducted by a vocational driver training school operated to train or prepare a person for a field of endeavor in a business, trade, technical, or industrial occupation;

(2) conducted by a school or training program that offers only instruction of purely avocational or recreational

1 subjects as determined by the department ~~[commissioner]~~;

2 (3) sponsored by an employer to train its own
3 employees without charging tuition;

4 (4) sponsored by a recognized trade, business, or
5 professional organization with a closed membership to instruct the
6 members of the organization; or

7 (5) conducted by a school regulated and approved under
8 another law of this state.

9 SECTION 5. Section 1001.003, Education Code, is amended to
10 read as follows:

11 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
12 BUSINESSES. It is the intent of the legislature that commission
13 ~~[agency]~~ rules that affect driver training schools that qualify as
14 small businesses be adopted and administered so as to have the least
15 possible adverse economic effect on the schools.

16 SECTION 6. Section 1001.004, Education Code, as amended by
17 Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
18 Legislature, Regular Session, 2009, is reenacted and amended to
19 read as follows:

20 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except
21 as provided by Subsection (b), the cost of administering this
22 chapter shall be included in the state budget allowance for the
23 department ~~[agency]~~.

24 (b) The department ~~[commissioner]~~ may charge a fee to each
25 driver education school in an amount not to exceed the actual
26 expense incurred in the regulation of driver education courses
27 established under Section 1001.1015.

SECTION 7. Sections 1001.051, 1001.052, and 1001.053, Education Code, are amended to read as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department ~~[agency]~~ has jurisdiction over and control of driver training schools regulated under this chapter.

Sec. 1001.052. RULES. The commission ~~[agency]~~ shall adopt ~~[and administer]~~ comprehensive rules governing driving safety courses.

Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION, AND EXECUTIVE DIRECTOR ~~[COMMISSIONER]~~. (a) The department and executive director, as appropriate, ~~[commissioner]~~ shall:

(1) administer ~~[the policies of]~~ this chapter;

(2) enforce minimum standards for driver training schools under this chapter;

(3) ~~[adopt and]~~ enforce rules adopted by the commission that are necessary to administer this chapter; and

(4) inspect ~~[visit]~~ a driver training school or course provider and reinspect ~~[reexamine]~~ the school or course provider for compliance with this chapter.

(b) The executive director ~~[commissioner]~~ may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.

(c) The commission shall adopt rules necessary to administer this chapter. The commission ~~[commissioner]~~ may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.

SECTION 8. The heading to Section 1001.054, Education Code,

is amended to read as follows:

Sec. 1001.054. RULES RESTRICTING ADVERTISING ~~[OR
COMPETITIVE BIDDING]~~.

SECTION 9. Section 1001.054(c), Education Code, is amended to read as follows:

(c) The commission ~~[commissioner]~~ by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION 10. Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, are amended to read as follows:

(a) The department ~~[agency]~~ shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter driver education certificates or certificate numbers to enable the school or ~~[and each]~~ approved parent-taught course provider ~~[(approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code)]~~ to print and issue department-approved ~~[agency-approved]~~ driver education certificates ~~[with the certificate numbers]~~ to certify ~~[be used for certifying]~~ completion of an approved driver education course and ~~[to]~~ satisfy the requirements of Sections 521.204(a)(2), Transportation Code, [and] 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009.

(a-1) A certificate printed and issued by a driver education

1 school or parent-taught [~~Department of Public Safety approved~~]
2 course provider approved under this chapter must:

3 (1) be in a form required by the department [~~agency~~];
4 and

5 (2) include an identifying certificate number
6 provided by the department [~~agency~~] that may be used to verify the
7 authenticity of the certificate with the driver education school or
8 approved parent-taught [~~Department of Public Safety approved~~]
9 course provider.

10 (a-2) A driver education school or parent-taught
11 [~~Department of Public Safety approved~~] course provider approved
12 under this chapter that purchases driver education certificate
13 numbers shall provide for the printing and issuance of original and
14 duplicate certificates in a manner that, to the greatest extent
15 possible, prevents the unauthorized production or the misuse of the
16 certificates. The driver education school or approved
17 parent-taught [~~Department of Public Safety approved~~] course
18 provider shall electronically submit to the department [~~agency~~] in
19 the manner established by the department [~~agency~~] data identified
20 by the department [~~agency~~] relating to issuance of
21 department-approved [~~agency-approved~~] driver education
22 certificates with the certificate numbers.

23 (b) The commission [~~agency~~] by rule shall provide for the
24 design and distribution of the certificates and certificate numbers
25 in a manner that, to the greatest extent possible, prevents the
26 unauthorized reproduction or misuse of the certificates or
27 certificate numbers.

1 (c) The commission by rule shall establish ~~[agency may~~
2 ~~charge]~~ a fee ~~[of not more than \$4]~~ for each certificate or
3 certificate number.

4 SECTION 11. Sections 1001.056(b), (c), (d), (e), and (g),
5 Education Code, are amended to read as follows:

6 (b) The department ~~[agency]~~ shall provide each licensed
7 course provider with course completion certificate numbers to
8 enable the provider to print and issue department-approved
9 ~~[agency-approved]~~ uniform certificates of course completion.

10 (c) The commission ~~[agency]~~ by rule shall provide for the
11 design of the certificates and the distribution of certificate
12 numbers in a manner that, to the greatest extent possible, prevents
13 the unauthorized production or the misuse of the certificates or
14 certificate numbers.

15 (d) A certificate under this section must:

16 (1) be in a form required by the department ~~[agency]~~;
17 and

18 (2) include an identifying number by which the
19 department ~~[agency]~~, a court, or the Department of Public Safety
20 ~~[department]~~ may verify its authenticity with the course provider.

21 (e) The commission by rule shall establish ~~[agency may~~
22 ~~charge]~~ a fee ~~[of not more than \$4]~~ for each course completion
23 certificate number. A course provider that supplies a certificate
24 to an operator shall collect from the operator a fee equal to the
25 amount of the fee paid to the department ~~[agency]~~ for the
26 certificate number.

27 (g) A course provider shall issue a duplicate certificate by

1 United States mail or commercial delivery. The commission
2 ~~[commissioner]~~ by rule shall determine the amount of the fee for
3 issuance of a duplicate certificate under this subsection.

4 SECTION 12. Section 1001.057, Education Code, is amended to
5 read as follows:

6 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
7 COURSE INFORMATION. The department ~~[agency]~~ shall investigate
8 options to develop and implement procedures to electronically
9 transmit information relating to driving safety courses to
10 municipal and justice courts.

11 SECTION 13. Subchapter B, Chapter 1001, Education Code, is
12 amended by adding Section 1001.058 to read as follows:

13 Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission
14 shall establish an advisory committee to advise the commission and
15 department on rules and educational and technical matters relevant
16 to the administration of this chapter.

17 (b) The advisory committee consists of nine members
18 appointed for staggered six-year terms by the presiding officer of
19 the commission, with the approval of the commission, as follows:

20 (1) one member representing a driver education school
21 that offers a traditional classroom course, alternative methods of
22 instruction, and in-car training;

23 (2) one member representing a driver education school
24 that offers a traditional classroom course, alternative methods of
25 instruction, or in-car training;

26 (3) one member representing a driving safety school
27 offering a traditional classroom course or providing an alternative

1 method of instruction;

2 (4) one member representing a driving safety course
3 provider approved for a traditional classroom course and for an
4 alternative method of instruction;

5 (5) one member representing a driving safety course
6 provider approved for a traditional classroom course or for an
7 alternative method of instruction;

8 (6) one licensed instructor;

9 (7) one representative of the Department of Public
10 Safety;

11 (8) one member representing a drug and alcohol driving
12 awareness program course provider; and

13 (9) one member representing the public.

14 (c) The presiding officer of the commission shall appoint
15 the presiding officer of the advisory committee. The presiding
16 officer of the advisory committee may vote on any matter before the
17 advisory committee.

18 (d) A member may not serve two consecutive full terms.

19 (e) If a vacancy occurs during a term, the presiding officer
20 of the commission, with the approval of the commission, shall
21 appoint a replacement who meets the qualifications of the vacated
22 position to serve for the remainder of the term.

23 (f) A member of the advisory committee may be removed from
24 the advisory committee as provided by Section [51.209](#), Occupations
25 Code.

26 (g) Members of the advisory committee may not receive
27 compensation but are entitled to reimbursement for actual and

1 necessary expenses incurred in performing the functions of the
2 advisory committee, subject to the General Appropriations Act.

3 (h) The committee shall meet at the call of the presiding
4 officer of the commission.

5 (i) Chapter 2110, Government Code, does not apply to the
6 advisory committee.

7 SECTION 14. The heading to Subchapter C, Chapter 1001,
8 Education Code, is amended to read as follows:

9 SUBCHAPTER C. OPERATION OF DRIVER EDUCATION SCHOOL [~~CURRICULUM~~]

10 SECTION 15. Sections 1001.101(a) and (b), Education Code,
11 are amended to read as follows:

12 (a) The commission [~~commissioner~~] by rule shall establish
13 or approve the curriculum and designate the educational materials
14 [~~textbooks~~] to be used in a driver education course for minors and
15 adults, including a driver education course conducted by a school
16 district, driver education school, or parent or other individual
17 under this chapter [~~Section 521.205, Transportation Code~~].

18 (b) A driver education course must require the student to
19 complete:

20 (1) 7 hours of behind-the-wheel instruction in the
21 presence of a person who holds a driver education instructor
22 license or who meets the requirements for a driver education course
23 conducted by a parent or other individual under Section 1001.112
24 [~~imposed under Section 521.205, Transportation Code~~];

25 (2) 7 hours of observation instruction in the presence
26 of a person who holds a driver education instructor license or who
27 meets the requirements for a driver education course conducted by a

1 parent or other individual under Section 1001.112 ~~[imposed under~~
2 ~~Section 521.205, Transportation Code]~~; and

3 (3) 30 hours of behind-the-wheel instruction,
4 including at least 10 hours of instruction that takes place at
5 night, in the presence of an adult who meets the requirements of
6 Section 521.222(d)(2), Transportation Code.

7 SECTION 16. Section 1001.1015(a), Education Code, is
8 amended to read as follows:

9 (a) The commission ~~[commissioner]~~ by rule shall establish
10 the curriculum and designate the educational materials to be used
11 in a driver education course exclusively for adults.

12 SECTION 17. Section 1001.102, Education Code, is amended to
13 read as follows:

14 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
15 commission ~~[agency]~~ by rule shall require that information relating
16 to alcohol awareness and the effect of alcohol on the effective
17 operation of a motor vehicle be included in the curriculum of any
18 driver education course or driving safety course.

19 (b) In developing rules under this section, the commission
20 ~~[agency]~~ shall consult with the Department of Public Safety
21 ~~[department]~~.

22 SECTION 18. Section 1001.1025, Education Code, is amended
23 to read as follows:

24 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) The
25 commission ~~[agency]~~ by rule shall require that information relating
26 to motorcycle awareness, the dangers of failing to yield the
27 right-of-way to a motorcyclist, and the need to share the road with

motorcyclists be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the commission [~~agency~~] shall consult with the Department of Public Safety [~~department~~].

SECTION 19. Sections 1001.103(b), (d), and (e), Education Code, are amended to conform to S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and further amended to read as follows:

(b) The department [~~agency~~] shall develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs that include one or more courses. Except as provided by commission [~~agency~~] rule, a program must be offered in the same manner as a driving safety course.

(d) ~~The department [In accordance with Section 461.013(b), Health and Safety Code, the agency]~~ and the Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) The commission [~~Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~] may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the department's [~~agency's~~] duties under this section.

SECTION 20. Sections 1001.104 and 1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)

The department [~~agency~~] shall enter into a memorandum of understanding with the state agency responsible for administering the vocational rehabilitation program [~~Texas Rehabilitation Commission~~] and the Department of Public Safety [~~department~~] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The department [~~agency~~] shall administer comprehensive rules governing driver education courses developed through interagency cooperation between [~~adopted by mutual agreement among~~] the commission [~~agency~~], the state agency responsible for administering the vocational rehabilitation program [~~Texas Rehabilitation Commission~~], and the Department of Public Safety [~~department~~].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The department [~~agency~~] shall enter into a memorandum of understanding with the Texas Department of Insurance for the [~~interagency~~] development of a curriculum for driving safety courses.

SECTION 21. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The commission [~~commissioner~~] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations Code, [~~Sections 1001.454, 1001.456, and 1001.553~~] do not apply to a violation of this section or a rule adopted under this section.

1 (d) Section 51.352, Occupations Code, and Sections
2 1001.455(a)(6) [, 1001.501, 1001.551, 1001.552,] and 1001.554 of
3 this code do not apply to a violation of this section.

4 SECTION 22. Section 1001.107, Education Code, is amended to
5 read as follows:

6 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

7 (a) The commission [~~commissioner~~] by rule shall require that
8 information relating to litter prevention be included in the
9 curriculum of each driver education and driving safety course.

10 (b) In developing rules under this section, the commission
11 [~~commissioner~~] shall consult the Department of Public Safety
12 [~~department~~].

13 SECTION 23. Sections 1001.108(a) and (c), Education Code,
14 are amended to read as follows:

15 (a) The commission [~~commissioner~~] by rule shall require
16 that information relating to anatomical gifts be included in the
17 curriculum of each driver education course and driving safety
18 course.

19 (c) In developing rules under this section, the commission
20 [~~commissioner~~] shall consult with [~~the department and~~] the [~~Texas~~]
21 Department of State Health Services.

22 SECTION 24. Section 1001.110, Education Code, is amended to
23 read as follows:

24 Sec. 1001.110. INFORMATION RELATING TO DRIVING
25 DISTRACTIONS. (a) The commission [~~commissioner~~] by rule shall
26 require that information relating to the effect of using a wireless
27 communication device or engaging in other actions that may distract

1 a driver on the safe or effective operation of a motor vehicle be
2 included in the curriculum of each driver education course or
3 driving safety course.

4 (b) In developing rules under this section, the commission
5 ~~[commissioner]~~ shall consult with the Department of Public Safety
6 ~~[department]~~.

7 SECTION 25. Section 1001.111(a), Education Code, is amended
8 to read as follows:

9 (a) The commission ~~[commissioner]~~ by rule shall provide
10 minimum standards of curriculum for and designate the educational
11 materials to be used in a driving safety course designed for drivers
12 younger than 25 years of age.

13 SECTION 26. Subchapter C, Chapter 1001, Education Code, is
14 amended by adding Section 1001.112 to read as follows:

15 Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION. (a) The
16 commission by rule shall provide for approval of a driver education
17 course conducted by the parent, stepparent, foster parent, legal
18 guardian, grandparent, or step-grandparent of a person who is
19 required to complete a driver education course to obtain a Class C
20 license. The rules must provide that the student driver spend a
21 minimum number of hours in classroom and behind-the-wheel
22 instruction and that the person conducting the course:

23 (1) possess a valid license for the preceding three
24 years that has not been suspended, revoked, or forfeited in the past
25 three years for an offense that involves the operation of a motor
26 vehicle;

27 (2) has not been convicted of:

1 (A) criminally negligent homicide; or

2 (B) driving while intoxicated;

3 (3) is not disabled because of mental illness; and

4 (4) does not have six or more points assigned to the
5 person's driver's license under Subchapter B, Chapter 708,
6 Transportation Code, at the time the person begins conducting the
7 course.

8 (b) The department may approve a course described by
9 Subsection (a) if the department determines that the course
10 materials are at least equal to those required in a course approved
11 by the department, and the department may not require that:

12 (1) the classroom instruction be provided in a room
13 with particular characteristics or equipment; or

14 (2) the vehicle used for the behind-the-wheel
15 instruction have equipment other than the equipment otherwise
16 required by law for operation of the vehicle on a highway while the
17 vehicle is not being used for driver training.

18 (c) The rules must provide a method by which:

19 (1) approval of a course is obtained;

20 (2) an applicant submits proof of completion of the
21 course;

22 (3) approval for delivering course materials by an
23 alternative method, including electronic means, is obtained;

24 (4) a provider of a course approved under this section
25 may administer to an applicant the highway sign and traffic law
26 parts of the examination as provided by Section [521.1655\(a-1\)](#),
27 Transportation Code, through electronic means; and

1 (5) an applicant submits proof of passage of an
2 examination administered under Subdivision (4).

3 (d) Completion of a driver education course approved under
4 this section has the same effect under this chapter as completion of
5 a driver education course approved by the department.

6 SECTION 27. Section 1001.151, Education Code, is amended to
7 read as follows:

8 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
9 FEES. (a) The commission by rule ~~[commissioner]~~ shall establish
10 ~~[collect]~~ application, license, and registration fees. The fees
11 must be in amounts sufficient to cover administrative costs and are
12 nonrefundable. The department shall collect the application,
13 license, and registration fees.

14 (b) The commission by rule shall establish a fee for:

15 (1) an initial driver education school license and ~~[is~~
16 ~~\$1,000 plus \$850]~~ for each branch location; ~~[.]~~

17 (2) [(c) The fee for] an initial driving safety
18 school license;

19 (3) [is an appropriate amount established by the
20 ~~commissioner not to exceed \$200.~~

21 ~~[(d) The fee for]~~ an initial course provider license ~~[is an~~
22 ~~appropriate amount established by the commissioner not to exceed~~
23 ~~\$2,000]~~, except that the executive director ~~[agency]~~ may waive the
24 fee; ~~[if revenue received from the course provider is sufficient to~~
25 ~~cover the cost of licensing the course provider.]~~

26 (4) the ~~[(c) The]~~ annual renewal ~~[fee]~~ for a course
27 provider, driving safety school, driver education school, or branch

location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the executive director ~~[agency]~~ may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure; ~~[+]~~

(5) ~~[(f) The fee for]~~ a change of address of ~~[+]~~
~~[(1)]~~ a driver education school, ~~[is \$180; and]~~
~~[(2) a]~~ driving safety school, ~~[is \$50.]~~ or course provider; [+]

(6) ~~[(g) The fee for]~~ a change of name of:

(A) ~~[(1)]~~ a driver education school or course provider or an owner of a driver education school or course provider ~~[is \$100]; or [and]~~

(B) ~~[(2)]~~ a driving safety school or owner of a driving safety school; ~~[is \$50.]~~

(7) ~~[(h) The application fee for]~~ each additional driver education or driving safety course at a driver training school; and ~~[is \$25.]~~

(8) an initial ~~[(i) The application fee for:]~~

~~[(1) each director is \$30; and]~~

~~[(2) each assistant director or administrative staff member is \$15.]~~

~~[(j) Each]~~ application for approval of a driving safety course that has not been evaluated by the department ~~[commissioner must be accompanied by a nonrefundable fee of \$9,000].~~

(c) ~~[(k)]~~ An application for an initial ~~[original]~~ driver

1 education or driving safety instructor license must be accompanied
2 by a processing fee [~~of \$50~~] and an annual license fee [~~of \$25~~],
3 except that the department [~~commissioner~~] may not collect the
4 processing fee from an applicant for a driver education instructor
5 license who is currently teaching a driver education course in a
6 public school in this state.

7 (d) [~~(1)~~] The commission [~~commissioner~~] shall establish the
8 amount of the fee for a duplicate license.

9 (e) [~~(m)~~] The commission [~~commissioner~~] may establish a fee
10 for an application for approval to offer a driver education course
11 by an alternative method of instruction under Section 1001.3541 [~~in~~
12 ~~an amount the commissioner considers appropriate, not to exceed the~~
13 ~~amount sufficient to cover the costs of considering the~~
14 ~~application~~].

15 SECTION 28. Section 1001.202(b), Education Code, is amended
16 to read as follows:

17 (b) A driving safety school may use multiple classroom
18 locations to teach a driving safety course if each location:

19 (1) is approved by the parent school and the
20 department [~~agency~~];

21 (2) has the same name as the parent school; and

22 (3) has the same ownership as the parent school.

23 SECTION 29. Sections 1001.204, 1001.205, and 1001.206,
24 Education Code, are amended to read as follows:

25 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL
26 LICENSE. (a) The commission by rule [~~commissioner~~] shall establish
27 the criteria [~~approve an application~~] for a driver education school

1 license.

2 **(b) The department shall approve an application for a driver**
3 **education school license if the application is submitted on a form**
4 **approved by the executive director, includes the fee, and on**
5 **inspection** ~~[if, on investigation]~~ of the premises of the school, it
6 is determined that the school:

7 (1) has courses, curricula, and instruction of a
8 quality, content, and length that reasonably and adequately achieve
9 the stated objective for which the courses, curricula, and
10 instruction are offered;

11 (2) has adequate space, equipment, instructional
12 material, and instructors to provide training of good quality in
13 the classroom and behind the wheel;

14 (3) has ~~[directors,~~ instructors~~, ——— and~~
15 ~~administrators]~~ who have adequate educational qualifications and
16 experience;

17 (4) provides to each student before enrollment:

18 (A) a copy of:

19 (i) the refund policy;

20 (ii) the schedule of tuition, fees, and
21 other charges; and

22 (iii) the regulations relating to absence,
23 grading policy, and rules of operation and conduct; and

24 (B) the department's name, mailing address,
25 ~~[and]~~ telephone number, and Internet website address ~~[of the~~
26 ~~agency]~~ for the purpose of directing complaints to the department
27 ~~[agency]~~;

1 (5) maintains adequate records as prescribed by the
2 department [~~commissioner~~] to show attendance and progress or grades
3 and enforces satisfactory standards relating to attendance,
4 progress, and conduct;

5 (6) on completion of training, issues each student a
6 certificate indicating the course name and satisfactory
7 completion;

8 (7) complies with all county, municipal, state, and
9 federal regulations, including fire, building, and sanitation
10 codes and assumed name registration;

11 (8) is financially sound and capable of fulfilling its
12 commitments for training;

13 (9) has [~~administrators, directors,~~] owners[~~r~~] and
14 instructors who are of good reputation and character;

15 (10) maintains and publishes as part of its student
16 enrollment contract the proper policy for the refund of the unused
17 portion of tuition, fees, and other charges if a student fails to
18 take the course or withdraws or is discontinued from the school at
19 any time before completion;

20 (11) does not use erroneous or misleading advertising,
21 either by actual statement, omission, or intimation, as determined
22 by the department [~~commissioner~~];

23 (12) does not use a name similar to the name of another
24 existing school or tax-supported educational institution in this
25 state, unless specifically approved in writing by the executive
26 director [~~commissioner~~];

27 (13) submits to the department [~~agency~~] for approval

the applicable course hour lengths and curriculum content for each course offered by the school;

(14) does not owe an administrative penalty for a violation of ~~[under]~~ this chapter; and

(15) meets any additional criteria required by the department ~~[agency]~~.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE. (a) The commission by rule ~~[commissioner]~~ shall establish the criteria ~~[approve an application]~~ for a driving safety school license.

(b) The department shall approve an application for a driving safety school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school, ~~[if on investigation]~~ the department ~~[agency]~~ determines that the school:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors ~~[and administrators]~~ who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

1 (5) complies with all county, municipal, state, and
2 federal laws, including fire, building, and sanitation codes and
3 assumed name registration;

4 (6) has ~~[administrators,~~ owners~~]~~ and instructors
5 who are of good reputation and character;

6 (7) does not use erroneous or misleading advertising,
7 either by actual statement, omission, or intimation, as determined
8 by the department ~~[commissioner]~~;

9 (8) does not use a name similar to the name of another
10 existing school or tax-supported educational establishment in this
11 state, unless specifically approved in writing by the executive
12 director ~~[commissioner]~~;

13 (9) maintains and uses the approved contract and
14 policies developed by the course provider;

15 (10) does not owe an administrative penalty for a
16 violation of ~~[under]~~ this chapter;

17 (11) will not provide a driving safety course to a
18 person for less than \$25; and

19 (12) meets additional criteria required by the
20 department ~~[commissioner]~~.

21 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.

22 (a) The commission by rule ~~[commissioner]~~ shall establish criteria
23 [approve an application] for a course provider license.

24 (b) The department shall approve an application for a course
25 provider license if the application is submitted on a form approved
26 by the executive director, includes the fee, and on inspection of
27 the premises of the school ~~[if on investigation]~~ the department

1 ~~[agency]~~ determines that:

2 (1) the course provider has an approved course that at
3 least one licensed driving safety school is willing to offer;

4 (2) the course provider has adequate educational
5 qualifications and experience;

6 (3) the course provider will:

7 (A) develop and provide to each driving safety
8 school that offers the approved course a copy of:

9 (i) the refund policy; and

10 (ii) the regulations relating to absence,
11 grading policy, and rules of operation and conduct; and

12 (B) provide to the driving safety school the
13 department's name, mailing address, ~~[and]~~ telephone number, and
14 Internet website address ~~[of the agency]~~ for the purpose of
15 directing complaints to the department ~~[agency]~~;

16 (4) a copy of the information provided to each driving
17 safety school under Subdivision (3) will be provided to each
18 student by the school before enrollment;

19 (5) not later than the 15th working day after the date
20 a ~~[the]~~ person successfully completes the course, the course
21 provider will issue and deliver to the person by United States mail
22 or commercial delivery ~~[mail]~~ a uniform certificate of course
23 completion ~~[to the person]~~ indicating the course name and
24 successful completion;

25 (6) the course provider maintains adequate records as
26 prescribed by the department ~~[commissioner]~~ to show attendance and
27 progress or grades and enforces satisfactory standards relating to

1 attendance, progress, and conduct;

2 (7) the course provider complies with all county,
3 municipal, state, and federal laws, including assumed name
4 registration and other applicable requirements;

5 (8) the course provider is financially sound and
6 capable of fulfilling its commitments for training;

7 (9) the course provider is of good reputation and
8 character;

9 (10) the course provider maintains and publishes as a
10 part of its student enrollment contract the proper policy for the
11 refund of the unused portion of tuition, fees, and other charges if
12 a student fails to take the course or withdraws or is discontinued
13 from the school at any time before completion;

14 (11) the course provider does not use erroneous or
15 misleading advertising, either by actual statement, omission, or
16 intimation, as determined by the department ~~[commissioner]~~;

17 (12) the course provider does not use a name similar to
18 the name of another existing school or tax-supported educational
19 institution in this state, unless specifically approved in writing
20 by the executive director ~~[commissioner]~~;

21 (13) the course provider does not owe an
22 administrative penalty for a violation of ~~[under]~~ this chapter; and

23 (14) the course provider meets additional criteria
24 required by the department ~~[commissioner]~~.

25 SECTION 30. Sections 1001.207(a) and (b), Education Code,
26 are amended to read as follows:

27 (a) Before a driver education school may be issued a

license, the school must file a corporate surety bond with the
department [~~commissioner~~] in the amount of:

(1) \$10,000 for the primary location of the school;
and

(2) \$5,000 for each branch location.

(b) A bond issued under Subsection (a) must be:

(1) issued in a form approved by the department
[~~commissioner~~];

(2) issued by a company authorized to do business in
this state;

(3) payable to the department [~~state~~] to be used only
for payment of a refund due to a student or potential student;

(4) conditioned on the compliance of the school and
its officers, agents, and employees with this chapter and rules
adopted under this chapter; and

(5) issued for a period corresponding to the term of
the license.

SECTION 31. Section 1001.209(b), Education Code, is amended
to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in
this state;

(2) payable to the department [~~state~~] to be used:

(A) for payment of a refund due a student of the
course provider's approved course;

(B) to cover the payment of unpaid fees or
penalties assessed by the executive director or the commission

1 ~~[agency]~~; or

2 (C) to recover any cost associated with providing
3 course completion certificate numbers, including the cancellation
4 of certificate numbers;

5 (3) conditioned on the compliance of the course
6 provider and its officers, agents, and employees with this chapter
7 and rules adopted under this chapter; and

8 (4) issued for a period corresponding to the term of
9 the license.

10 SECTION 32. Section 1001.210, Education Code, is amended to
11 read as follows:

12 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the
13 bond required by Section 1001.207 or 1001.209, a driver education
14 school or course provider may provide another form of security that
15 is:

16 (1) ~~[(A)]~~ approved by the department ~~[commissioner]~~;
17 and

18 (2) ~~[(B)]~~ in the amount required for a comparable bond
19 under Section 1001.207 or 1001.209.

20 SECTION 33. Sections 1001.211(a) and (b), Education Code,
21 are amended to read as follows:

22 (a) The executive director ~~[commissioner]~~ shall issue a
23 license to an applicant for a license under this subchapter if:

24 (1) the application is submitted in accordance with
25 this subchapter; and

26 (2) the applicant meets the requirements of this
27 chapter.

(b) A license must be in a form determined by the department ~~[commissioner]~~ and must show in a clear and conspicuous manner:

(1) the date of issuance, effective date, and term of the license;

(2) the name and address of the driver training school or course provider;

(3) the authority for and conditions of approval; and

(4) ~~[the commissioner's signature; and~~

~~(5)]~~ any other fair and reasonable representation that is consistent with this chapter and that the department ~~[commissioner]~~ considers necessary.

SECTION 34. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission by rule may establish ~~[Instead of the]~~ fees ~~[required by Section 1001.151, the fee]~~ for a new driver education school or course provider license under Subsection (b) and ~~[is \$500, plus \$200]~~ for each branch location~~[7]~~ if:

(1) the new owner is substantially similar to the previous owner; and

(2) there is no significant change in the management or control of the driver education school or course provider.

(d) The department may inspect ~~[commissioner is not required to reinspect]~~ a school or a branch location after a change of ownership.

SECTION 35. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may

be issued to a driver training school or course provider if:

(1) the original license is lost or destroyed; and

(2) an affidavit of that fact is filed with the
department [~~agency~~].

SECTION 36. Section 1001.251, Education Code, is amended to
read as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
person may not teach or provide driver education, either as an
individual or in a driver education school, or conduct any phase of
driver education, unless the person holds a driver education
instructor license issued by the executive director [~~agency~~].

(b) A person may not teach or provide driving safety
training, either as an individual or in a driving safety school, or
conduct any phase of driving safety education, unless the person
holds a driving safety instructor license issued by the executive
director [~~agency~~]. This subsection does not apply to an instructor
of a driving safety course that does not provide a uniform
certificate of course completion to its graduates.

SECTION 37. Sections 1001.2511(b), (c), (d), (e), and (f),
Education Code, are amended to read as follows:

(b) The department [~~agency~~] shall review the national
criminal history record information of a person who holds a license
described by Subsection (a).

(c) The executive director [~~agency~~] shall place a license
described by Subsection (a) on inactive status for the license
holder's failure to comply with a deadline for submitting
information required under this section.

1 (d) The department [~~agency~~] may allow a person who is
2 applying for a license described by Subsection (a) and who
3 currently resides in another state to submit the person's
4 fingerprints and other required information in a manner that does
5 not impose an undue hardship on the person.

6 (e) The commission [~~commissioner~~] may adopt rules to
7 administer this section, including rules establishing:

8 (1) deadlines for a person to submit fingerprints and
9 photographs in compliance with this section;

10 (2) sanctions for a person's failure to comply with the
11 requirements of this section, including suspension or revocation of
12 or refusal to issue a license described by Subsection (a); and

13 (3) notification to a driver education school of
14 relevant information obtained by the department [~~agency~~] under this
15 section.

16 (f) The department [~~agency~~] is not civilly or criminally
17 liable for an action taken in compliance with this section.

18 SECTION 38. Section 1001.2512, Education Code, is amended
19 to read as follows:

20 Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD
21 INFORMATION REVIEW. The commission [~~commissioner~~] by rule shall
22 require a person submitting to a national criminal history record
23 information review under Section 1001.2511 or the driver education
24 school employing the person, as determined by the department
25 [~~agency~~], to pay a fee for the review in an amount not to exceed the
26 amount of any fee imposed on an application for certification under
27 Subchapter B, Chapter 21, for a national criminal history record

1 information review under Section 22.0837.

2 SECTION 39. Sections 1001.2514(a), (b), and (d), Education
3 Code, are amended to read as follows:

4 (a) A driver education school shall discharge or refuse to
5 hire as an instructor an employee or applicant for employment if the
6 department [~~agency~~] obtains information through a criminal history
7 record information review that:

8 (1) the employee or applicant has been convicted of:

9 (A) a felony offense under Title 5, Penal Code;

10 (B) an offense on conviction of which a defendant
11 is required to register as a sex offender under Chapter 62, Code of
12 Criminal Procedure; or

13 (C) an offense under the laws of another state or
14 federal law that is equivalent to an offense under Paragraph (A) or
15 (B); and

16 (2) at the time the offense occurred, the victim of the
17 offense described by Subdivision (1) was under 18 years of age or
18 was enrolled in a public school.

19 (b) The executive director [~~agency~~] shall suspend or revoke
20 a license described by Section 1001.2511(a) held by a person under
21 this subchapter and shall refuse to issue or renew a license
22 described by Section 1001.2511(a) to a person under this subchapter
23 if the person has been convicted of an offense described by
24 Subsection (a) of this section.

25 (d) A driver education school may discharge an employee who
26 serves as an instructor if the school obtains information of the
27 employee's conviction of a felony or of a misdemeanor involving

1 moral turpitude that the employee did not disclose to the school or
2 the department [~~agency~~]. An employee discharged under this
3 subsection is considered to have been discharged for misconduct for
4 purposes of Section 207.044, Labor Code.

5 SECTION 40. Section 1001.253, Education Code, is amended by
6 amending Subsections (a), (b), (c), (d), (e), and (f) and adding
7 Subsection (h) to read as follows:

8 (a) The department [~~commissioner~~] shall establish standards
9 for certification of professional [~~and paraprofessional~~] personnel
10 who conduct driver education programs in driver education schools.

11 (b) A driver education instructor license authorizing a
12 person to teach or provide behind-the-wheel training may not be
13 issued unless the person has successfully completed six semester
14 hours of driver and traffic safety education or a program of study
15 in driver education approved by the department [~~commissioner~~] from
16 an approved driver education school.

17 (c) A person who holds a driver education instructor license
18 authorizing behind-the-wheel training may not be approved to assist
19 a classroom instructor in the classroom phase of driver education
20 unless the person has successfully completed the three additional
21 semester hours of training required for a classroom instructor or a
22 program of study in driver education approved by the department
23 [~~commissioner~~].

24 (d) Except as provided by Subsection (g) or Section
25 1001.254, a driver education instructor license authorizing a
26 person to teach or provide classroom training may not be issued
27 unless the person:

1 (1) has completed nine semester hours of driver and
2 traffic safety education or a program of study in driver education
3 approved by the department [~~commissioner~~] from an approved driver
4 education school; and

5 (2) holds a teaching certificate and any additional
6 certification required to teach driver education.

7 (e) A driver education instructor who has completed the
8 educational requirements prescribed by Subsection (d)(1) may not
9 teach instructor training classes unless the instructor has
10 successfully completed a supervising instructor development
11 program consisting of at least six additional semester hours or a
12 program of study in driver education approved by the department
13 [~~commissioner~~] that includes administering driver education
14 programs and supervising and administering traffic safety
15 education.

16 (f) A driver education school may submit for department
17 [~~agency~~] approval a curriculum for an instructor development
18 program for driver education instructors. The program must:

19 (1) be taught by a person who has completed a
20 supervising instructor development program under Subsection (e);
21 and

22 (2) satisfy the requirements of this section for the
23 particular program or type of training to be provided.

24 (h) The classroom portion of the instructor development
25 program for driver education instructors may be conducted online.

26 SECTION 41. Section [1001.254\(a\)](#), Education Code, is amended
27 to read as follows:

1 (a) A temporary driver education instructor license may be
2 issued authorizing a person to teach or provide classroom driver
3 education training if the person:

4 (1) has completed the educational requirements
5 prescribed by Section 1001.253(d)(1);

6 (2) holds a Texas teaching certificate with an
7 effective date before February 1, 1986;

8 (3) meets all license requirements, other than
9 successful completion of the examination required under rules
10 adopted by the State Board for Educator Certification to revalidate
11 the teaching certificate; and

12 (4) demonstrates, in a manner prescribed by the
13 department [~~commissioner~~], the intention to comply with the
14 examination requirement at the first available opportunity.

15 SECTION 42. Sections 1001.255(a), (b), and (c), Education
16 Code, are amended to read as follows:

17 (a) The department [~~agency~~] shall regulate as a driver
18 education school a driver education instructor who:

19 (1) teaches driver education courses in a county
20 having a population of 50,000 or less; and

21 (2) does not teach more than 200 students annually.

22 (b) An instructor described by Subsection (a) must submit to
23 the department [~~agency~~] an application for an initial or renewal
24 driver education school license, together with all required
25 documentation and information.

26 (c) The executive director [~~commissioner~~] may waive initial
27 or renewal driver education school license fees or the fee for a

1 director or administrative staff member.

2 SECTION 43. Section 1001.256, Education Code, is amended to
3 read as follows:

4 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
5 be issued to a driver education instructor or driving safety
6 instructor if:

7 (1) the original license is lost or destroyed; and

8 (2) an affidavit of that fact is filed with the
9 department [~~agency~~].

10 SECTION 44. Sections 1001.303(c) and (d), Education Code,
11 are amended to read as follows:

12 (c) The department [~~commissioner~~] may inspect [~~reexamine~~] a
13 driver education school's premises.

14 (d) The department [~~commissioner~~] shall renew or cancel the
15 driver education school, driving safety school, or course provider
16 license.

17 SECTION 45. Sections 1001.304(b) and (c), Education Code,
18 are amended to read as follows:

19 (b) The continuing education must be:

20 (1) in courses approved by the department
21 [~~commissioner~~]; and

22 (2) for the number of hours established by the
23 commission [~~commissioner~~].

24 (c) An applicant who does not comply with Subsection (a)
25 must pay a late renewal fee in the amount established by commission
26 rule [~~of \$25~~].

27 SECTION 46. Sections 1001.351(a) and (b), Education Code,

1 are amended to read as follows:

2 (a) Not later than the 15th working day after the course
3 completion date, a course provider or a person at the course
4 provider's facilities shall issue and deliver by United States mail
5 or commercial delivery a uniform certificate of course completion
6 ~~[by mail or commercial delivery]~~ to a person who successfully
7 completes an approved driving safety course.

8 (b) A course provider shall electronically submit to the
9 department ~~[agency]~~ in the manner established by the department
10 ~~[agency]~~ data identified by the department ~~[agency]~~ relating to
11 uniform certificates of course completion issued by the course
12 provider.

13 SECTION 47. Sections 1001.354(a) and (b), Education Code,
14 are amended to read as follows:

15 (a) A driving safety course may be taught at a driving
16 safety school if the school is approved by the department ~~[agency]~~.

17 (b) A driving safety school may teach an approved driving
18 safety course by an alternative method that does not require
19 students to be present in a classroom if the department
20 ~~[commissioner]~~ approves the alternative method. The department
21 ~~[commissioner]~~ may approve the alternative method if:

22 (1) the department ~~[commissioner]~~ determines that the
23 approved driving safety course can be taught by the alternative
24 method; and

25 (2) the alternative method includes testing and
26 security measures that are at least as secure as the measures
27 available in the usual classroom setting.

SECTION 48. Section 1001.3541, Education Code, is amended to read as follows:

Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR DRIVER EDUCATION COURSE. (a) A driver education school may teach all or part of the classroom portion of an approved driver education course by an alternative method of instruction that does not require students to be present in a classroom if the department ~~[commissioner]~~ approves the alternative method.

(b) The department ~~[commissioner]~~ may approve the alternative method only if:

(1) the alternative method includes testing and security measures that the department ~~[commissioner]~~ determines are at least as secure as the measures available in the usual classroom setting; and

(2) the course, with the use of the alternative method, satisfies any other requirement applicable to a course in which the classroom portion is taught to students in the usual classroom setting.

SECTION 49. Sections 1001.404(b) and (c), Education Code, are amended to read as follows:

(b) The department ~~[commissioner]~~ shall establish annually the rate of interest for a refund at a rate sufficient to provide a deterrent to the retention of student money.

(c) The department ~~[agency]~~ may except a driver education school or course provider from the payment of interest if the school or course provider makes a good-faith effort to refund tuition, fees, and other charges but is unable to locate the student to whom

1 the refund is owed. On request of the department [~~agency~~], the
2 school or course provider shall document the effort to locate a
3 student.

4 SECTION 50. Sections 1001.451 and 1001.452, Education Code,
5 are amended to read as follows:

6 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

7 (1) use advertising that is false, misleading, or
8 deceptive [~~designed to mislead or deceive a prospective student~~];

9 (2) fail to notify the department [~~commissioner~~] of
10 the discontinuance of the operation of a driver training school
11 before the 15th [~~fourth~~] working day after the date of cessation of
12 classes and make available accurate records as required by this
13 chapter;

14 (3) issue, sell, trade, or transfer:

15 (A) a uniform certificate of course completion or
16 driver education certificate to a person or driver training school
17 not authorized to possess the certificate;

18 (B) a uniform certificate of course completion to
19 a person who has not successfully completed an approved, six-hour
20 driving safety course; or

21 (C) a driver education certificate to a person
22 who has not successfully completed a department-approved
23 [~~commissioner-approved~~] driver education course;

24 (4) negotiate a promissory instrument received as
25 payment of tuition or another charge before the student completes
26 75 percent of the course, except that before that time the
27 instrument may be assigned to a purchaser who becomes subject to any

defense available against the school named as payee; or

(5) conduct any part of an approved driver education course or driving safety course without having an instructor physically present in appropriate proximity to the student for the type of instruction being given.

Sec. 1001.452. COURSE OF INSTRUCTION. A driver training school may not ~~[maintain, advertise, solicit for, or]~~ conduct a course of instruction in this state before the ~~[later of:~~

~~[(1) the 30th day after the date the school applies for a driver training school license, or~~

~~[(2) the]~~ date the school receives a driver training school license from the department ~~[commissioner]~~.

SECTION 51. Sections 1001.453(b), (d), and (e), Education Code, are amended to read as follows:

(b) The department may revoke the license of a [A] course provider ~~[loses its course provider status]~~ if the course provider or the course provider's agent, employee, or representative violates this section.

(d) Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations Code, ~~[Sections 1001.454, 1001.456(a), and 1001.553]~~ do not apply to a violation of this section or a rule adopted under this section.

(e) Section 51.352, Occupations Code, and Sections 1001.455(a)(6) [~~1001.501, 1001.551, 1001.552,~~] and 1001.554 of this code do not apply to a violation of this section.

SECTION 52. Section 1001.455(a), Education Code, is amended to read as follows:

1 (a) The executive director or the commission [~~agency~~] may
2 deny an application for an instructor license or suspend or revoke
3 the license of an instructor if the instructor:

4 (1) fails to meet a requirement for issuance of or
5 holding a license under this chapter;

6 (2) permits [~~fraud~~] or engages in misrepresentation,
7 fraud, or deceit in applying for or obtaining a certificate,
8 license, or permit [~~fraudulent practices relating to the~~
9 ~~application~~];

10 (3) induces [~~or countenances~~] fraud or fraudulent
11 practices on the part of an applicant for a driver's license or
12 permit;

13 (4) permits or engages in any other fraudulent
14 practice in an action between the applicant or license holder and
15 the public;

16 (5) fails to comply with commission [~~agency~~] rules
17 relating to driver instruction; or

18 (6) fails to comply with this chapter.

19 SECTION 53. Section 1001.555(b), Education Code, is amended
20 to read as follows:

21 (b) The department may [~~agency shall~~] contract with the
22 Department of Public Safety [~~department~~] to provide undercover and
23 investigative assistance in the enforcement of Subsection (a).

24 SECTION 54. Article 45.0511(b), Code of Criminal Procedure,
25 is amended to read as follows:

26 (b) The judge shall require the defendant to successfully
27 complete a driving safety course approved by the Texas Department

1 of Licensing and Regulation [~~Education Agency~~] or a course under
2 the motorcycle operator training and safety program approved by the
3 designated state agency under Chapter 662, Transportation Code, if:

4 (1) the defendant elects driving safety course or
5 motorcycle operator training course dismissal under this article;

6 (2) the defendant:

7 (A) has not completed an approved driving safety
8 course or motorcycle operator training course, as appropriate,
9 within the 12 months preceding the date of the offense; or

10 (B) does not have a valid Texas driver's license
11 or permit, is a member, or the spouse or dependent child of a
12 member, of the United States military forces serving on active
13 duty, and has not completed a driving safety course or motorcycle
14 operator training course, as appropriate, in another state within
15 the 12 months preceding the date of the offense;

16 (3) the defendant enters a plea under Article [45.021](#)
17 in person or in writing of no contest or guilty on or before the
18 answer date on the notice to appear and:

19 (A) presents in person or by counsel to the court
20 a request to take a course; or

21 (B) sends to the court by certified mail, return
22 receipt requested, postmarked on or before the answer date on the
23 notice to appear, a written request to take a course;

24 (4) the defendant:

25 (A) has a valid Texas driver's license or permit;
26 or

27 (B) is a member, or the spouse or dependent child

1 of a member, of the United States military forces serving on active
2 duty;

3 (5) the defendant is charged with an offense to which
4 this article applies, other than speeding at a speed of:

5 (A) 95 miles per hour or more; or

6 (B) 25 miles per hour or more over the posted
7 speed limit; and

8 (6) the defendant provides evidence of financial
9 responsibility as required by Chapter 601, Transportation Code.

10 SECTION 55. Section 501.004(b), Transportation Code, is
11 amended to read as follows:

12 (b) This chapter does not apply to:

13 (1) a trailer or semitrailer used only for the
14 transportation of farm products if the products are not transported
15 for hire;

16 (2) the filing or recording of a lien that is created
17 only on an automobile accessory, including a tire, radio, or
18 heater;

19 (3) a motor vehicle while it is owned or operated by
20 the United States; or

21 (4) a new motor vehicle on loan to a political
22 subdivision of the state for use only in a driver education course
23 approved by the Texas Department of Licensing and Regulation
24 [~~Central Education Agency~~].

25 SECTION 56. Section 521.1601, Transportation Code, as added
26 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
27 Session, 2009, is amended to read as follows:

1 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
2 may not issue a driver's license to a person who is younger than 21
3 years of age unless the person submits to the department a driver
4 education certificate issued under Chapter 1001, Education Code,
5 that states that the person has completed and passed:

6 (1) a driver education and traffic safety course
7 approved by the Texas Department of Licensing and Regulation
8 [~~Education Agency~~] under Section 29.902, Education Code, or a
9 driver education course approved by the Texas Department of
10 Licensing and Regulation [~~that agency~~] under Chapter 1001,
11 Education Code, [~~Section 1001.101 of that code~~] or approved by the
12 department under this chapter [~~Section 521.205~~]; or

13 (2) if the person is 18 years of age or older, a driver
14 education course approved by the Texas Department of Licensing and
15 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015,
16 Education Code.

17 SECTION 57. Section 521.1601, Transportation Code, as added
18 by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
19 Session, 2009, is amended to read as follows:

20 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
21 may not issue a driver's license to a person who is younger than 25
22 years of age unless the person submits to the department a driver
23 education certificate issued under Chapter 1001, Education Code,
24 that states that the person has completed and passed:

25 (1) a driver education and traffic safety course
26 approved by the Texas Department of Licensing and Regulation
27 [~~Education Agency~~] under Section 29.902, Education Code, or a

1 driver education course approved by the Texas Department of
2 Licensing and Regulation [~~that agency~~] under Chapter 1001,
3 Education Code, [~~Section 1001.101(a)(1) of that code~~] or approved
4 by the department under this chapter [~~Section 521.205~~]; or

5 (2) if the person is 18 years of age or older, a driver
6 education course approved by the Texas Department of Licensing and
7 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015
8 [~~Section 1001.101(a)(1) or (2)~~], Education Code.

9 SECTION 58. Section 521.1655(a), Transportation Code, is
10 amended to read as follows:

11 (a) A driver education school licensed under Chapter 1001,
12 Education Code, [~~the Texas Driver and Traffic Safety Education Act~~
13 [~~Article 4413(29c), Vernon's Texas Civil Statutes~~)] may administer
14 to a student of that school the vision, highway sign, and traffic
15 law parts of the examination required by Section 521.161.

16 SECTION 59. Section 521.167, Transportation Code, as added
17 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
18 Session, 2009, is amended to read as follows:

19 Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION
20 REQUIREMENTS. A person who has completed and passed a driver
21 education course approved by the Texas Department of Licensing and
22 Regulation [~~Education Agency~~] under Section 1001.1015, Education
23 Code, is not required to take the highway sign and traffic law parts
24 of the examination required under Section 521.161 if those parts
25 have been successfully completed as determined by a licensed driver
26 education instructor.

27 SECTION 60. Section 521.203, Transportation Code, is

1 amended to read as follows:

2 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
3 department may not issue a Class A or Class B driver's license to a
4 person who:

5 (1) is under 17 years of age;

6 (2) is under 18 years of age unless the person has
7 completed a driver training course approved by the Texas Department
8 of Licensing and Regulation [~~Central Education Agency~~]; or

9 (3) has not provided the department with an affidavit,
10 on a form prescribed by the department, that states that no vehicle
11 that the person will drive that requires a Class A or Class B
12 license is a commercial motor vehicle as defined by Section
13 [522.003](#).

14 SECTION 61. Section [521.204\(a\)](#), Transportation Code, is
15 amended to read as follows:

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

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

19 (2) has submitted to the department a driver education
20 certificate issued under Section [1001.055](#), Education Code, that
21 states that the person has completed and passed a driver education
22 course approved by the [~~department under Section [521.205](#) or by the~~]
23 Texas Department of Licensing and Regulation [~~Education Agency~~];

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

26 (A) enrolled in a public school, home school, or
27 private school who attended school for at least 80 days in the fall

1 or spring semester preceding the date of the driver's license
2 application; or

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

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

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

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

15 (5) has passed the examination required by Section
16 521.161.

17 SECTION 62. Sections 521.206(b) and (c), Transportation
18 Code, are amended to read as follows:

19 (b) The department shall collect data regarding the
20 collision rate of students taught by course instructors approved
21 under Section 1001.112, Education Code [~~Section 521.205~~]. The
22 collision rate is computed by determining the number of students
23 who completed a course approved under Section 1001.112, Education
24 Code, [~~Section 521.205~~] during a state fiscal year, dividing that
25 number by the number of collisions that involved students who
26 completed such a course and that occurred in the 12-month period
27 following their licensure, and expressing the quotient as a

1 percentage.

2 (c) Not later than October 1 of each year, the department
3 shall issue a publication listing the collision rate for students
4 taught by each driver education entity and the collision rate for
5 students taught by a course instructor approved under Section
6 1001.112, Education Code [~~Section 521.205~~], noting the severity of
7 collisions involving students of each entity and each type of
8 course.

9 SECTION 63. Sections 521.222(a) and (c), Transportation
10 Code, are amended to read as follows:

11 (a) The department [~~or a driver education school licensed~~
12 ~~under the Texas Driver and Traffic Safety Education Act (Article~~
13 ~~4413(29c), Vernon's Texas Civil Statutes)~~] may issue a learner
14 license [~~an instruction permit~~], including a Class A or Class B
15 driver's learner license [~~instruction permit~~], to a person who:

16 (1) is 15 years of age or older but under 18 years of
17 age;

18 (2) has satisfactorily completed and passed the
19 classroom phase of an approved driver education course, which may
20 be a course approved under Section 1001.112, Education Code
21 [~~521.205~~];

22 (3) meets the requirements imposed under Section
23 521.204(a)(3) [~~521.204(3)~~]; and

24 (4) has passed each examination required under Section
25 521.161 other than the driving test.

26 (c) The department [~~A driver education school~~] may issue a
27 learner license [~~an instruction permit~~] to a person 18 years of age

or older who has successfully passed:

(1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~]; and

(2) each part of the driver's examination required by Section 521.161 other than the driving test.

SECTION 64. Section 521.223(b), Transportation Code, is amended to read as follows:

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

(1) have passed a driver education course approved by the department, which may be a course approved under Chapter 1001, Education Code [~~Section 521.205~~]; and

(2) pass the examination required by Section 521.161.

SECTION 65. Sections 543.111 and 543.112, Transportation Code, are amended to read as follows:

Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a) The Texas Commission of Licensing and Regulation [~~State Board of Education~~] shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

(b) The Texas Commission of Licensing and Regulation and Texas Department of Licensing and Regulation, as appropriate, [~~Education Agency~~] shall:

(1) adopt and administer comprehensive rules governing driving safety courses; and

(2) investigate options to develop and implement

1 procedures to electronically transmit information pertaining to
2 driving safety courses to municipal and justice courts.

3 Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE
4 COMPLETION. (a) The Texas Commission of Licensing and Regulation
5 [~~Education Agency~~] by rule shall provide for the design and
6 distribution of uniform certificates of course completion so as to
7 prevent to the greatest extent possible the unauthorized production
8 or misuse of the certificates.

9 (b) The uniform certificate of course completion must
10 include an identifying number by which the Texas Department of
11 Licensing and Regulation [~~Education Agency~~], the court, or the
12 department may verify its authenticity with the course provider and
13 must be in a form adopted by the Texas Department of Licensing and
14 Regulation [~~Education Agency~~].

15 (c) The Texas Department of Licensing and Regulation
16 [~~Education Agency~~] shall issue duplicate uniform certificates of
17 course completion. The Texas Commission of Licensing and
18 Regulation [~~State Board of Education~~] by rule shall determine the
19 amount of the fee to be charged for issuance of a duplicate
20 certificate.

21 (d) A driving safety course provider shall electronically
22 submit data identified by the Texas Department of Licensing and
23 Regulation [~~Education Agency~~] pertaining to issued uniform
24 certificates of course completion to the Texas Department of
25 Licensing and Regulation [~~agency~~] as directed by the Texas
26 Department of Licensing and Regulation [~~agency~~].

27 SECTION 66. Sections [543.113](#)(a) and (c), Transportation

Code, are amended to read as follows:

(a) The Texas Department of Licensing and Regulation ~~[Education Agency]~~ shall issue ~~[print]~~ the uniform certificates and supply them to persons who are licensed providers of courses approved under Chapter 1001, Education Code ~~[the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]~~. The Texas Commission of Licensing and Regulation by rule shall establish ~~[Agency may charge]~~ a fee for each certificate. ~~[The fee may not exceed \$4.]~~

(c) Money collected by the Texas Department of Licensing and Regulation ~~[Education Agency]~~ under this section may be used only to pay monetary awards for information relating to abuse of uniform certificates that leads to the conviction or removal of an approval, license, or authorization.

SECTION 67. Section 543.114(a), Transportation Code, is amended to read as follows:

(a) A person may not distribute written information to advertise a provider of a driving safety course within 500 feet of a court having jurisdiction over an offense to which this subchapter applies. A violation of this section by a provider or a provider's agent, employee, or representative results in loss of the provider's status as a provider of a course approved under Chapter 1001, Education Code ~~[the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]~~.

SECTION 68. Section 545.412(g), Transportation Code, is amended to read as follows:

(g) A judge, acting under Article 45.0511, Code of Criminal

1 Procedure, who elects to defer further proceedings and to place a
2 defendant accused of a violation of this section on probation under
3 that article, in lieu of requiring the defendant to complete a
4 driving safety course approved by the Texas Department of Licensing
5 and Regulation [~~Education Agency~~], shall require the defendant to
6 attend and present proof that the defendant has successfully
7 completed a specialized driving safety course approved by the Texas
8 Department of Licensing and Regulation [~~Education Agency~~] under
9 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
10 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
11 that includes four hours of instruction that encourages the use of
12 child passenger safety seat systems and the wearing of seat belts
13 and emphasizes:

14 (1) the effectiveness of child passenger safety seat
15 systems and seat belts in reducing the harm to children being
16 transported in motor vehicles; and

17 (2) the requirements of this section and the penalty
18 for noncompliance.

19 SECTION 69. Section [545.413](#)(i), Transportation Code, is
20 amended to read as follows:

21 (i) A judge, acting under Article [45.0511](#), Code of Criminal
22 Procedure, who elects to defer further proceedings and to place a
23 defendant accused of a violation of Subsection (b) on probation
24 under that article, in lieu of requiring the defendant to complete a
25 driving safety course approved by the Texas Department of Licensing
26 and Regulation [~~Education Agency~~], shall require the defendant to
27 attend and present proof that the defendant has successfully

1 completed a specialized driving safety course approved by the Texas
2 Department of Licensing and Regulation [~~Education Agency~~] under
3 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
4 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
5 that includes four hours of instruction that encourages the use of
6 child passenger safety seat systems and the wearing of seat belts
7 and emphasizes:

8 (1) the effectiveness of child passenger safety seat
9 systems and seat belts in reducing the harm to children being
10 transported in motor vehicles; and

11 (2) the requirements of this section and the penalty
12 for noncompliance.

13 SECTION 70. (a) The following provisions of the Education
14 Code are repealed:

- 15 (1) Section 1001.001(1);
- 16 (2) Sections 1001.054(a) and (b);
- 17 (3) Sections 1001.152 and 1001.153;
- 18 (4) Section 1001.203;
- 19 (5) Section 1001.212;
- 20 (6) Section 1001.252;
- 21 (7) Section 1001.257;
- 22 (8) Sections 1001.303(a) and (b);
- 23 (9) Section 1001.454;
- 24 (10) Section 1001.455(b);
- 25 (11) Sections 1001.456, 1001.457, 1001.458, and
26 1001.459;
- 27 (12) Sections 1001.460 and 1001.461;

(13) Sections 1001.501, 1001.502, and 1001.503; and

(14) Sections 1001.551, 1001.552, and 1001.553.

(b) Section 521.167, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, and Section 521.205, Transportation Code, are repealed.

SECTION 71. The change in law made by this Act applies only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

SECTION 72. (a) In this section, "former governing bodies" means the Texas Education Agency and the Department of Public Safety, relating to the oversight of Chapter 1001, Education Code, and Section 521.205, Transportation Code, respectively.

(b) On September 1, 2015:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the former governing bodies immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) all rules, policies, procedures, decisions, and forms adopted by the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are continued in effect as rules, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the

1 Texas Department of Licensing and Regulation, as applicable, and
2 remain in effect until amended or replaced by that commission or
3 department;

4 (3) a complaint, investigation, or other proceeding
5 before the former governing bodies that is related to Chapter 1001,
6 Education Code, or Section 521.205, Transportation Code, is
7 transferred without change in status to the Texas Department of
8 Licensing and Regulation, and the Texas Department of Licensing and
9 Regulation assumes, as appropriate and without a change in status,
10 the position of the former governing bodies in an action or
11 proceeding to which one of the former governing bodies is a party;

12 (4) all money, contracts, leases, property, and
13 obligations of the former governing bodies relating to Chapter
14 1001, Education Code, or Section 521.205, Transportation Code, are
15 transferred to the Texas Department of Licensing and Regulation;

16 (5) all property in the custody of the former
17 governing bodies related to Chapter 1001, Education Code, or
18 Section 521.205, Transportation Code, is transferred to the Texas
19 Department of Licensing and Regulation; and

20 (6) the unexpended and unobligated balance of any
21 money appropriated by the legislature for the former governing
22 bodies related to Chapter 1001, Education Code, or Section 521.205,
23 Transportation Code, is transferred to the Texas Department of
24 Licensing and Regulation.

25 (c) As soon as practicable after the effective date of this
26 Act, the Texas Education Agency may agree with the Texas Department
27 of Licensing and Regulation to transfer any property of the Texas

1 Education Agency to the Texas Department of Licensing and
2 Regulation to implement the transfer required by this Act.

3 (d) Unless the context indicates otherwise, a reference to
4 the former governing bodies in a law or administrative rule that
5 relates to Chapter 1001, Education Code, or Section 521.205,
6 Transportation Code, means the Texas Commission of Licensing and
7 Regulation or the Texas Department of Licensing and Regulation, as
8 applicable.

9 (e) A license, permit, certification, or registration
10 issued by the former governing bodies is continued in effect as a
11 license, permit, certification, or registration of the Texas
12 Department of Licensing and Regulation.

13 (f) On September 1, 2015, all full-time equivalent employee
14 positions at the former governing bodies and Education Service
15 Center Region 13 that primarily concern the administration,
16 enforcement, or other direct or indirect support of Chapter 1001,
17 Education Code, or Section 521.205, Transportation Code, become
18 positions at the Texas Department of Licensing and Regulation.
19 When filling the positions, the Texas Department of Licensing and
20 Regulation shall give first consideration to an applicant who, as
21 of August 31, 2015, was an employee at the former governing bodies
22 or Education Service Center Region 13 primarily involved in
23 administering or enforcing Chapter 1001, Education Code, or Section
24 521.205, Transportation Code.

25 (g) As soon as practicable after the effective date of this
26 Act, the presiding officer of the Texas Commission of Licensing and
27 Regulation, with the commission's approval, shall make the initial

1 appointments to the advisory committee under Section 1001.058,
2 Education Code, as added by this Act.

3 SECTION 73. The changes in law made by this Act to Chapter
4 1001, Education Code, apply only to a fee charged on or after
5 September 1, 2015. A fee charged before September 1, 2015, is
6 governed by the law in effect immediately before that date, and the
7 former law is continued in effect for that purpose.

8 SECTION 74. To the extent of any conflict, this Act prevails
9 over another Act of the 84th Legislature, Regular Session, 2015,
10 relating to nonsubstantive additions to and corrections in enacted
11 codes.

12 SECTION 75. This Act takes effect September 1, 2015.