

By: Frullo

H.B. No. 3023

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of providers of driver and traffic safety education.

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

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

(a) The department 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 approved parent-taught course provider to ~~[print and]~~ issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2), Transportation Code, 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 school or parent-taught course provider approved under this chapter must:

- (1) be in a form required by the department; and
- (2) include an identifying certificate number provided by the department that may be used to verify the

1 authenticity of the certificate with the driver education school or
2 approved parent-taught course provider.

3 (a-2) A driver education school or parent-taught course
4 provider approved under this chapter that purchases driver
5 education certificate numbers shall issue ~~[provide for the printing~~
6 ~~and issuance of]~~ original and duplicate certificates in a manner
7 that, to the greatest extent possible, prevents the unauthorized
8 production or the misuse of the certificates. The driver education
9 school or approved parent-taught course provider shall
10 electronically submit to the department in the manner established
11 by the department data identified by the department relating to
12 issuance of department-approved driver education certificates with
13 the certificate numbers.

14 SECTION 2. Section [1001.056](#), Education Code, is amended by
15 amending Subsections (b), (c-1), and (g) to read as follows:

16 (b) The department shall provide each licensed course
17 provider with course completion certificate numbers to enable the
18 provider to ~~[print and]~~ issue department-approved uniform
19 certificates of course completion.

20 (c-1) A course provider shall provide for the ~~[printing and]~~
21 issuance of original and duplicate certificates in a manner that,
22 to the greatest extent possible, prevents the unauthorized
23 production or the misuse of the certificates.

24 (g) A course provider shall issue a duplicate certificate by
25 United States mail or commercial or electronic delivery. The
26 commission by rule shall determine the amount of the fee for
27 issuance of a duplicate certificate under this subsection.

SECTION 3. Section 1001.112, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The commission by rule shall provide for approval of a driver education course conducted by the following persons with the noted relationship to ~~[the parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of]~~ a person who is required to complete a driver education course to obtain a Class C license:

(1) a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent; or

(2) an individual who has been granted power of attorney by a parent or legal guardian.

(a-1) The rules must provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction and that the person conducting the course:

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

(2) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated in the past seven years; and

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

~~[(4)]~~ does not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708,

1 Transportation Code, at the time the person begins conducting the
2 course.

3 SECTION 4. Section 1001.202(b), Education Code, is amended
4 to read as follows:

5 (b) A driving safety school may use multiple classroom
6 locations to teach a driving safety course if each location[+
7 ~~[(1)]~~ is approved by the ~~[parent school and the]~~
8 department[+]

9 ~~[(2) has the same name as the parent school; and~~
10 ~~[(3) has the same ownership as the parent school].~~

11 SECTION 5. Section 1001.204(b), Education Code, is amended
12 to read as follows:

13 (b) The department shall approve an application for a driver
14 education school license if the application is submitted on a form
15 approved by the executive director, includes the fee, and on
16 inspection of the premises of the school, it is determined that the
17 school:

18 (1) has courses, curricula, and instruction of a
19 quality, content, and length that reasonably and adequately achieve
20 the stated objective for which the courses, curricula, and
21 instruction are offered;

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

25 (3) has instructors who have adequate educational
26 qualifications and experience;

27 (4) provides to each student before enrollment:

(A) a copy of:

(i) the refund policy;

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

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

(B) the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

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

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

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

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

(9) ~~[has owners and instructors who are of good reputation and character,~~

~~(10)]~~ maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at

any time before completion;

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

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

(12) [~~(13)~~] submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the school;

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

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

SECTION 6. Section 1001.205(b), Education Code, is amended to read as follows:

(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, the department 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

1 material, and instructors to provide training of good quality;

2 (3) has instructors who have adequate educational
3 qualifications and experience;

4 (4) maintains adequate records as prescribed by the
5 department to show attendance and progress or grades and enforces
6 satisfactory standards relating to attendance, progress, and
7 conduct;

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

11 (6) ~~[has owners and instructors who are of good~~
12 ~~reputation and character;~~

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

16 (8) ~~[(8)]~~ does not use a name similar to the name of
17 another existing school or tax-supported educational establishment
18 in this state, unless specifically approved in writing by the
19 executive director;

20 (8) ~~[(9)]~~ maintains and uses the approved contract and
21 policies developed by the course provider;

22 (9) ~~[(10)]~~ does not owe an administrative penalty for
23 a violation of this chapter;

24 (10) ~~[(11)]~~ will not provide a driving safety course
25 to a person for less than \$25; and

26 (11) ~~[(12)]~~ meets additional criteria required by the
27 department.

SECTION 7. Section 1001.206(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a course provider 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 the department determines that:

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

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

(3) the course provider will:

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

(i) the refund policy; and

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

(B) provide to the driving safety school the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

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

(5) not later than the 15th working day after the date a person successfully completes the course, the course provider will issue and deliver to the person by United States mail or commercial or electronic delivery a uniform certificate of course

1 completion indicating the course name and successful completion;

2 (6) the course provider maintains adequate records as
3 prescribed by the department to show attendance and progress or
4 grades and enforces satisfactory standards relating to attendance,
5 progress, and conduct;

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

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

11 (9) ~~[the course provider is of good reputation and~~
12 ~~character,~~

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

18 (10) ~~[(11)]~~ the course provider does not use erroneous
19 or misleading advertising, either by actual statement, omission, or
20 intimation, as determined by the department;

21 (11) ~~[(12)]~~ the course provider does not use a name
22 similar to the name of another existing school or tax-supported
23 educational institution in this state, unless specifically
24 approved in writing by the executive director;

25 (12) ~~[(13)]~~ the course provider does not owe an
26 administrative penalty for a violation of this chapter; and

27 (13) ~~[(14)]~~ the course provider meets additional

1 criteria required by the department.

2 SECTION 8. Section 1001.209(a), Education Code, is amended
3 to read as follows:

4 (a) Before a license [~~course provider~~] may be issued to a
5 course provider [~~a license~~], the course provider must provide a
6 corporate surety bond in the amount of \$10,000 [~~\$25,000~~].

7 SECTION 9. Section 1001.304(a), Education Code, is amended
8 to read as follows:

9 (a) An application to renew a driver education instructor or
10 driving safety instructor license must include evidence of
11 completion of continuing education [~~and be postmarked at least 30~~
12 ~~days before the expiration date of the license~~].

13 SECTION 10. Section 1001.351(a), Education Code, is amended
14 to read as follows:

15 (a) Not later than the 15th working day after the course
16 completion date, a course provider or a person at the course
17 provider's facilities shall issue and deliver by United States mail
18 or commercial or electronic delivery a uniform certificate of
19 course completion to a person who successfully completes an
20 approved driving safety course.

21 SECTION 11. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect September 1, 2017.