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et al.

H.B. No. 3784

A BILL TO BE ENTITLED

1 AN ACT
2 relating to persons approved by the Department of Public Safety to
3 administer online the classroom instruction part of the handgun
4 proficiency course.

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

6 SECTION 1. Section 411.171, Government Code, is amended by
7 adding Subdivision (1) to read as follows:

8 (1) "Approved online course provider" means a person
9 who is certified by the department to offer in an online format the
10 classroom instruction part of the handgun proficiency course and to
11 administer the associated written exam.

12 SECTION 2. Section 411.188, Government Code, is amended by
13 amending Subsections (a), (b), (d), (g), and (i) and adding
14 Subsections (c), (d-1), (e), and (j) to read as follows:

15 (a) The director by rule shall establish minimum standards
16 for handgun proficiency and shall develop a course to teach handgun
17 proficiency and examinations to measure handgun proficiency. The
18 course to teach handgun proficiency is required for each person who
19 seeks to obtain a license and must contain training sessions
20 divided into two parts. One part of the course must be classroom
21 instruction and the other part must be range instruction and an
22 actual demonstration by the applicant of the applicant's ability to
23 safely and proficiently use a handgun. An applicant must be able to
24 demonstrate, at a minimum, the degree of proficiency that is

1 required to effectively operate a handgun of .32 caliber or above.
2 The department shall distribute the standards, course
3 requirements, and examinations on request to any qualified handgun
4 instructor or approved online course provider seeking to administer
5 the course or a part of the course as described by Subsection (b).

6 (b) Only qualified handgun instructors may administer the
7 range instruction part of the handgun proficiency course. A
8 qualified handgun instructor or approved online course provider may
9 administer the classroom instruction part [~~or the range instruction~~
10 ~~part~~] of the handgun proficiency course. The classroom instruction
11 part of the course must include not less than four hours and not
12 more than six hours of instruction on:

13 (1) the laws that relate to weapons and to the use of
14 deadly force;

15 (2) handgun use and safety, including use of restraint
16 holsters and methods to ensure the secure carrying of openly
17 carried handguns;

18 (3) nonviolent dispute resolution; and

19 (4) proper storage practices for handguns with an
20 emphasis on storage practices that eliminate the possibility of
21 accidental injury to a child.

22 (c) An approved online course provider shall administer the
23 classroom instruction part of the handgun proficiency course in an
24 online format. A course administered online must include not less
25 than four hours and not more than six hours of instruction.

26 (d) Except as provided by Subsection (e), only [~~Only~~] a
27 qualified handgun instructor may administer the proficiency

1 examination to obtain a license. The proficiency examination must
2 include:

3 (1) a written section on the subjects listed in
4 Subsection (b); and

5 (2) a physical demonstration of proficiency in the use
6 of one or more handguns and in handgun safety procedures.

7 (d-1) A qualified handgun instructor shall require an
8 applicant who successfully completed an online version of the
9 classroom instruction part of the handgun proficiency course to
10 complete not less than one hour but not more than two hours of the
11 range instruction part of the handgun proficiency course before
12 allowing a physical demonstration of handgun proficiency as
13 described by Subsection (d)(2).

14 (e) An approved online course provider may administer
15 online through a secure portal the written portion of the
16 proficiency examination described by Subsection (d)(1).

17 (g) A person who wishes to obtain a license to carry a
18 handgun must apply in person to a qualified handgun instructor to
19 take the range instruction part of the [~~appropriate course in~~
20 handgun proficiency course and to demonstrate handgun proficiency
21 as required by the department. A person must apply in person to a
22 qualified handgun instructor or online to an approved online course
23 provider, as applicable, to take the classroom instruction part of
24 the handgun proficiency course.

25 (i) A certified firearms instructor of the department may
26 monitor any class or training presented by a qualified handgun
27 instructor. A qualified handgun instructor shall cooperate with

1 the department in the department's efforts to monitor the
2 presentation of training by the qualified handgun instructor.

3 (j) A qualified handgun instructor or approved online
4 course provider shall make available for inspection to the
5 department any and all records maintained by the [~~a qualified~~
6 ~~handgun~~] instructor or course provider under this subchapter. The
7 qualified handgun instructor or approved online course provider
8 shall keep a record of all information required by department rule.

9 SECTION 3. The heading to Section 411.190, Government Code,
10 is amended to read as follows:

11 Sec. 411.190. QUALIFIED HANDGUN INSTRUCTORS AND APPROVED
12 ONLINE COURSE PROVIDERS.

13 SECTION 4. Section 411.190, Government Code, is amended by
14 adding Subsection (a-1) and amending Subsections (b), (c), (d),
15 (e), and (f) to read as follows:

16 (a-1) The director may certify as an approved online course
17 provider a person who has:

18 (1) at least three years of experience in providing
19 online instruction;

20 (2) experience working with governmental entities;
21 and

22 (3) direct knowledge of handgun training.

23 (b) In addition to the qualifications described by
24 Subsection (a) or (a-1), as appropriate, a qualified handgun
25 instructor or approved online course provider must be qualified to
26 instruct persons in:

27 (1) the laws that relate to weapons and to the use of

1 deadly force;

2 (2) handgun use, proficiency, and safety, including
3 use of restraint holsters and methods to ensure the secure carrying
4 of openly carried handguns;

5 (3) nonviolent dispute resolution; and

6 (4) proper storage practices for handguns, including
7 storage practices that eliminate the possibility of accidental
8 injury to a child.

9 (c) In the manner applicable to a person who applies for a
10 license to carry a handgun, the department shall conduct a
11 background check of a person who applies for certification as a
12 qualified handgun instructor or approved online course provider.
13 If the background check indicates that the applicant for
14 certification would not qualify to receive a handgun license, the
15 department may not certify the applicant as a qualified handgun
16 instructor or approved online course provider. If the background
17 check indicates that the applicant for certification would qualify
18 to receive a handgun license, the department shall provide handgun
19 instructor or online course provider training to the
20 applicant. The applicant shall pay a fee of \$100 to the department
21 for the training. The applicant must take and successfully
22 complete the training offered by the department and pay the
23 training fee before the department may certify the applicant as a
24 qualified handgun instructor or approved online course
25 provider. The department shall issue a license to carry a handgun
26 under the authority of this subchapter to any person who is
27 certified as a qualified handgun instructor or approved online

1 course provider and who pays to the department a fee of \$100 in
2 addition to the training fee. The department by rule may prorate
3 or waive the training fee for an employee of another governmental
4 entity.

5 (d) The certification of a qualified handgun instructor or
6 approved online course provider expires on the second anniversary
7 after the date of certification. To renew a certification, the
8 qualified handgun instructor or approved online course provider
9 must pay a fee of \$100 and take and successfully complete the
10 retraining courses required by department rule.

11 (e) After certification, a qualified handgun instructor or
12 approved online course provider may conduct training for applicants
13 for a license under this subchapter.

14 (f) If the department determines that a reason exists to
15 revoke, suspend, or deny a license to carry a handgun with respect
16 to a person who is a qualified handgun instructor or approved online
17 course provider or an applicant for certification as a qualified
18 handgun instructor or approved online course provider, the
19 department shall take that action against the person's:

20 (1) license to carry a handgun if the person is an
21 applicant for or the holder of a license issued under this
22 subchapter; and

23 (2) certification as a qualified handgun instructor or
24 approved online course provider.

25 SECTION 5. Section [411.191](#), Government Code, is amended to
26 read as follows:

27 Sec. 411.191. REVIEW OF DENIAL, REVOCATION, OR SUSPENSION

1 OF CERTIFICATION AS QUALIFIED HANDGUN INSTRUCTOR OR APPROVED ONLINE
2 COURSE PROVIDER. The procedures for the review of a denial,
3 revocation, or suspension of a license under Section 411.180 apply
4 to the review of a denial, revocation, or suspension of
5 certification as a qualified handgun instructor or approved online
6 course provider. The notice provisions of this subchapter relating
7 to denial, revocation, or suspension of handgun licenses apply to
8 the proposed denial, revocation, or suspension of a certification
9 of a qualified handgun instructor or approved online course
10 provider or an applicant for certification as a qualified handgun
11 instructor or approved online course provider.

12 SECTION 6. Section 411.192(d), Government Code, is amended
13 to read as follows:

14 (d) The department shall make public and distribute to the
15 public at no cost lists of individuals who are certified as
16 qualified handgun instructors by the department and who request to
17 be included as provided by Subsection (e) and lists of approved
18 online course providers. The department shall include on the lists
19 each individual's name, telephone number, e-mail address, and
20 Internet website address. The department shall make the lists
21 [~~list~~] available on the department's Internet website.

22 SECTION 7. Sections 411.208(a), (b), and (e), Government
23 Code, are amended to read as follows:

24 (a) A court may not hold the state, an agency or subdivision
25 of the state, an officer or employee of the state, an institution of
26 higher education, an officer or employee of an institution of
27 higher education, a private or independent institution of higher

1 education that has not adopted rules under Section 411.2031(e), an
2 officer or employee of a private or independent institution of
3 higher education that has not adopted rules under Section
4 411.2031(e), a peace officer, [~~or~~] a qualified handgun instructor,
5 or an approved online course provider liable for damages caused by:

6 (1) an action authorized under this subchapter or a
7 failure to perform a duty imposed by this subchapter; or

8 (2) the actions of an applicant or license holder that
9 occur after the applicant has received a license or been denied a
10 license under this subchapter.

11 (b) A cause of action in damages may not be brought against
12 the state, an agency or subdivision of the state, an officer or
13 employee of the state, an institution of higher education, an
14 officer or employee of an institution of higher education, a
15 private or independent institution of higher education that has not
16 adopted rules under Section 411.2031(e), an officer or employee of
17 a private or independent institution of higher education that has
18 not adopted rules under Section 411.2031(e), a peace officer, [~~or~~]
19 a qualified handgun instructor, or an approved online course
20 provider for any damage caused by the actions of an applicant or
21 license holder under this subchapter.

22 (e) The immunities granted under Subsection (a) to a
23 qualified handgun instructor or approved online course provider do
24 not apply to a cause of action for fraud or a deceptive trade
25 practice.

26 SECTION 8. This Act takes effect September 1, 2017.