

BILL ANALYSIS

S.B. 478
By: Zaffirini
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

To become a certified motorcycle instructor in Texas, a person must complete the motorcycle operator training instructor preparation course, which the Texas A&M Engineering Extension Service offers exclusively. However, high demand and limited capacity have contributed to a motorcycle instructor shortage and fewer classes for aspiring riders. Texans may opt to take a test in lieu of a training and safety course to obtain a motorcyclist license, but the National Highway Traffic Safety Administration associates instructor-taught safety classes result in fewer accidents, injuries, and fatalities. S.B. 478 seeks to increase the number of motorcycle instructors, enabling more potential motorcyclists to take training and safety classes, by providing for the authority the Texas Department of Licensing and Regulation to approve motorcycle operator instructor training courses. The bill also revises certain provisions relating to requirements for the issuance of certain driver's licenses, commercial driver's licenses, and an occupational license.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 8 and 10 of this bill.

ANALYSIS

S.B. 478 amends the Transportation Code to revise the eligibility requirements to apply for an instructor license regarding motorcycle operation and safety as follows:

- removes the requirement that the applicant have completed a program approved by the Texas Commission of Licensing and Regulation (TCLR) on motorcycle operator training and safety instruction administered by the Texas A&M Engineering Extension Service;
- removes the requirement that the applicant have accumulated less than 10 points under the driver responsibility program; and
- instead requires the applicant to have completed an instructor training course approved by the Texas Department of Licensing and Regulation (TDLR).

The bill defines "instructor training course" as a course offered by an instructor training provider to prepare an individual for licensure as an instructor and defines "instructor training provider" as an individual who holds a license that entitles the individual to offer and conduct instructor training courses for consideration. The bill updates the definition of "motorcycle school" to remove the specification that the applicable courses are offered as part of the motorcycle operator training and safety program.

S.B. 478 prohibits an individual from offering or conducting an instructor training course unless the individual holds an instructor training provider license issued by TDLR. An instructor training course must be approved by TDLR, offered and conducted in accordance with TCLR rules, and conducted at a motorcycle school. The bill requires TCLR by rule to establish minimum curriculum standards for an instructor training course to be offered to meet TDLR licensing requirements.

S.B. 478 prohibits TDLR from issuing an instructor license or instructor training provider license to an individual who has been convicted of the following violations or offenses:

- during the preceding three years, three or more moving violations or a comparable offense committed in another state, including violations that resulted in an accident;
- during the preceding three years, two or more moving violations or a comparable offense committed in another state that resulted in an accident; or
- during the preceding seven years, any offense relating to intoxication or alcoholic beverages, other than public intoxication or possession of an alcoholic beverage in a motor vehicle, or a comparable offense committed in another state.

The bill authorizes TCLR by rule to adopt additional requirements for renewal of an instructor license. The bill requires an applicant, to be eligible for the issuance or renewal of an instructor training provider license, to have held for the two years preceding the date of submitting the application a valid driver's license that entitles the applicant to operate a motorcycle on a public road and to meet any additional requirement adopted by TCLR rule, including a requirement to hold a license or certification or pass an examination.

S.B. 478, in provisions that take effect September 1, 2023, exempts a person who holds a valid driver's license issued by another state that includes an authorization to operate a motorcycle from the following:

- license application requirements for a Class M license or other license that includes an authorization to operate motorcycle;
- the requirement to complete and pass an applicable driver education course; and
- requirements for an application for an original commercial driver's license that includes an authorization to operate a motorcycle.

S.B. 478 authorizes TCLR to set fees in amounts reasonable and necessary to cover the costs of issuance and renewal of instructor training provider licenses and the approval of motorcycle operation and safety courses and instructor training courses.

S.B. 478, with respect to the required composition of the motorcycle safety advisory board, removes the requirement for the board to include one representative of the Texas A&M Engineering Extension Service and instead requires the board to include one member who is an instructor training provider.

S.B. 478 removes the specification that TDLR may contract with qualified persons to offer and conduct motorcycle operator training and safety courses and research motorcycle safety in Texas. The bill instead provides for the authority of TDLR to contract with such persons as necessary to achieve the purposes of statutory and bill provisions relating to motorcycle operator training and safety.

S.B. 478 requires TDLR to do the following with respect to an applicant for an instructor license or instructor training provider license:

- require the applicant to submit a complete and legible set of fingerprints, on a form prescribed by the executive director of TDLR, to TDLR or to the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the FBI; and
- conduct a criminal history record information check of each applicant using information provided by the individual and made available to TDLR by DPS, the FBI and any other criminal justice agency.

The bill prohibits TDLR from issuing an applicable license to a person who does not comply with the requirements. The bill authorizes TDLR to enter into an agreement with DPS to administer the required criminal history record information check and authorizes DPS to collect from each applicant the costs incurred by DPS in conducting the check.

S.B. 478 provides for the authority of TDLR or the executive director of TDLR to deny the application or renewal of an applicable license, including an instructor training provider license if the applicant, instructor, provider, or motorcycle school fails to meet the established requirements. The bill removes the requirement, following denial, suspension, or revocation of a license, for notice and opportunity for a hearing to be given as provided by statutory provisions relating to consequences of criminal conviction. The bill specifies that a proceeding regarding such disciplinary action is a contested case under Government Code provisions relating to administrative procedure.

S.B. 478 replaces the requirement for TDLR to require each motorcycle school to report on the school's program in a prescribed form and manner with an authorization to do so and removes provisions setting out the required contents of the report. The bill requires TDLR, if TDLR requires a motorcycle school or instructor training provider to submit such a report, to specify the information that must be included in the report and authorizes TDLR to require each instructor training provider to report on instructor training courses offered by the provider in the form and manner prescribed by TDLR.

S.B. 478 repeals the following provisions of the Transportation Code:

- effective September 1, 2023, Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009; and
- Section 662.0115, Transportation Code, relating to the establishment and administration of a motorcycle safety grant program.

EFFECTIVE DATE

Except as otherwise provided, January 1, 2024.