

BILL ANALYSIS

Senate Research Center

S.B. 478
By: Zaffirini
Transportation
2/21/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To become a certified motorcycle instructor in Texas, a person must complete the Motorcycle Operator Training Instructor Preparation (MOTIP) course, which the Texas A&M Engineering Extension Service (TEEX) offers exclusively. High demand and limited capacity, however, 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 with fewer accidents, injuries, and fatalities.

S.B. 478 would allow third parties, as approved by the Texas Department of Licensing and Regulation, also to offer the MOTIP course. This would increase the number of motorcycle instructors, enabling more potential motorcyclists to take training and safety classes and reducing the risk of road traffic injuries and death.

As proposed, S.B. 478 amends current law relating to the administration of the motorcycle operator training and safety program, requires an occupational license, and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 5 (Section 662.0062, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 7 (Section 662.0064, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 662.0005, Transportation Code, by adding Subdivisions (4-a) and (4-b) and amending Subdivision (5), to define "instructor training course" and "instructor training provider" and to redefine "motorcycle school."

SECTION 2. Amends Section 662.0035, Transportation Code, as follows:

Sec. 662.0035. FEES. Authorizes the Texas Commission of Licensing and Regulation (TCLR) to set fees in amounts reasonable and necessary to cover the costs of administering Chapter 662 (Motorcycle Operator Training and Safety), including fees for:

- (1) the issuance and renewal of motorcycle school licenses, instructor licenses, and instructor training provider licenses. Makes nonsubstantive changes; and
- (2) the approval of motorcycle operation and safety courses and instructor training courses, rather than courses provided under the motorcycle operator training and safety program. Makes nonsubstantive changes.

SECTION 3. Amends Section 662.0037(b), Transportation Code, as follows:

(b) Requires the advisory board to consist of nine members appointed by the presiding officer of TCLR, on approval of TCLR, as follows:

(1) three members:

(A) each of whom is required to be an instructor or represent a motorcycle school, rather than a licensed instructor or represent a licensed motorcycle school; and

(B) makes no changes to this paragraph;

(2)-(4) makes no changes to these subdivisions;

(5) one member who is an instructor training provider, rather than a representative of the Texas A&M Engineering Extension Service; and

(6) makes no changes to this subdivision.

SECTION 4. Amends Section 662.005(a), Transportation Code, as follows:

(a) Authorizes the Texas Department of Licensing and Regulation (TDLR) to contract with qualified persons, including institutions of higher education, as necessary to achieve the purposes of this chapter. Deletes existing text authorizing TDLR to contract with qualified persons, including institutions of higher education, to offer and conduct motorcycle operator training and safety courses under the program or research motorcycle safety in this state.

SECTION 5. Amends Section 662.0062, Transportation Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1), as follows:

(a) Requires an applicant, to be eligible for an instructor license, to:

(1) have completed a TDLR-approved instructor training course, rather than a TCLR-approved training program on motorcycle operator training and safety instruction administered by the Texas A&M Engineering Extension Service; and

(2) makes a nonsubstantive change to this subdivision.

Deletes existing text requiring an applicant, to be eligible for an instructor license, to have accumulated less than 10 points under the driver responsibility program established by Chapter 708 (Driver Responsibility Program).

(a-1) Prohibits TDLR from issuing an instructor license to an individual who has been convicted of:

(1) during the preceding three years:

(A) three or more moving violations described by Section 542.304 (Moving Violations for Certain Purposes) or a comparable offense committed in another state, including violations that resulted in an accident; or

(B) two or more moving violations described by Section 542.04 or a comparable offense committed in another state that resulted in an accident; or

(2) during the preceding seven years, an offense under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code, other than an offense under Section 49.02 (Public Intoxication), Penal Code, or Section 49.031 (Possession of

Alcoholic Beverage in Motor Vehicle), Penal Code, or a comparable offense committed in another state.

(b) Authorizes TCLR by rule to adopt additional requirements for issuance or renewal of an instructor license.

(b-1) Authorizes TCLR by rule to adopt additional eligibility requirements and criteria for the issuance of an instructor training provider license.

SECTION 6. Amends Chapter 662, Transportation Code, by adding Section 662.0063, as follows:

Sec. 662.0063. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR INSTRUCTOR LICENSE ISSUANCE. (a) Requires TDLR to require that an applicant for an instructor license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to TDLR or to the Department of Public Safety of the State of Texas (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI).

(b) Prohibits TDLR from issuing an instructor license to a person who does not comply with the requirement of Subsection (a).

(c) Requires TDLR to conduct a criminal history record information check of each applicant for an instructor license using information:

(1) provided by the individual under this section; and

(2) made available to TDLR by DPS, the FBI, and any other criminal justice agency under Chapter 411 (Department of Public Safety of the State of Texas), Government Code.

(d) Authorizes TDLR to:

(1) enter into an agreement with DPS to administer a criminal history record information check required under this section; and

(2) authorize DPS to collect from each applicant the costs incurred by DPS in conducting the criminal history record information check.

SECTION 7. Amends Section 662.0064, Transportation Code, as follows:

Sec. 662.0064. New heading: INSTRUCTOR TRAINING COURSES. (a) Prohibits an individual from offering or conducting an instructor training course unless the individual holds an instructor training provider license issued by TDLR.

(b) Requires that an instructor training course be:

(1) approved by TDLR;

(2) offered and conducted in accordance with TCLR rules; and

(3) conducted at a motorcycle school.

(c) Requires TCLR by rule to establish minimum curriculum standards for instructor training courses to be offered to meet the requirement of Section 662.0062(a)(1).

Deletes existing text requiring the Texas A&M Engineering Extension Service, in consultation with TDLR, to administer the training program required by Section 662.0062(a)(1).

SECTION 8. Amends Section 662.008, Transportation Code, as follows:

Sec. 662.008. New heading: **GROUND FOR DISCIPLINARY ACTION.** (a) Authorizes the executive director or TCLR to deny an application for or for the renewal of, suspend, or revoke a license issued under this chapter if the applicant, instructor, instructor training provider, or motorcycle school takes or fails to take certain actions.

(b) Provides that a proceeding under this section is a contested case under Chapter 2001 (Administrative Procedure), Government Code. Deletes existing text requiring that notice and opportunity for a hearing, following denial of an application for a license or the suspension or revocation of a license issued under this chapter, be given as provided by Chapter 2001, Government Code and Chapter 53 (Consequences of Criminal Conviction), Occupations Code.

SECTION 9. Amends Section 662.011(b), Transportation Code, as follows:

(b) Deletes existing text authorizing money deposited to the credit of the motorcycle education fund account to be used to defray the cost of administering the grant program under Section 662.0115 (Motorcycle Safety Grant Program). Makes nonsubstantive changes.

SECTION 10. Amends Section 662.012, Transportation Code, as follows:

Sec. 662.012. **REPORTS.** (a) Authorizes, rather than requires, TDLR to require each motorcycle school to report on the school's program in the form and manner prescribed by TDLR. Deletes existing text requiring that the report include certain information.

(a-1) 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.

(b) Requires TDLR, if TDLR requires a motorcycle school or instructor training provider to submit a report under this section, to specify the information that is required to be included in the report. Deletes existing text requiring TDLR to maintain the reports submitted under Subsection (a) on a by-site basis.

(c) Requires TDLR to provide without charge a copy of the most recent reports submitted under this section, rather than under Subsection (a), to any member of the legislature on request.

SECTION 11. Repealer: Section 662.0115 (Motorcycle Safety Grant Program), Transportation Code.

SECTION 12. Effective date: January 1, 2024.