S.B. No. 478

AN ACT

relating to the administration of the motorcycle operator training and safety program and requirements for the issuance of certain driver's licenses and commercial driver's licenses; requiring an occupational license; authorizing a fee.

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

SECTION 1.  Section 521.148, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d)  This section does not apply to a person who holds a valid driver's license issued by another state that includes an authorization to operate a motorcycle.

SECTION 2.  Section 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 521.1601.  DRIVER EDUCATION REQUIRED; EXCEPTION. (a) Subject to Subsection (b), the [~~The~~] department may not issue a driver's license to a person who is younger than 25 years of age unless the person submits to the department a driver education certificate issued under Chapter 1001, Education Code, that states that the person has completed and passed:

(1)  a driver education and traffic safety course conducted by an entity exempt from licensure under Section 1001.002, Education Code, or a driver education course approved by the Texas Department of Licensing and Regulation under Chapter 1001, Education Code; or

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

(b)  This section does not apply to a person who holds a valid driver's license issued by another state.

SECTION 3.  Section 522.034, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d)  Subsections (a) and (b) do not apply to a person who holds a valid driver's license issued by another state that includes an authorization to operate a motorcycle.

SECTION 4.  Section 662.0005, Transportation Code, is amended by adding Subdivisions (4-a) and (4-b) and amending Subdivision (5) to read as follows:

(4-a)  "Instructor training course" means a course offered by an instructor training provider to prepare an individual for licensure as an instructor.

(4-b)  "Instructor training provider" means an individual who holds a license issued under this chapter that entitles the individual to offer and conduct instructor training courses for consideration.

(5)  "Motorcycle school" means a person who holds a license issued under this chapter that entitles the person to offer and conduct courses on motorcycle operation and safety for consideration [~~as part of the motorcycle operator training and safety program~~].

SECTION 5.  Section 662.0035, Transportation Code, is amended to read as follows:

Sec. 662.0035.  FEES.  The commission may set fees in amounts reasonable and necessary to cover the costs of administering this chapter, including fees for:

(1)  the issuance and renewal of:

(A)  [~~a~~] motorcycle school licenses;

(B)  [~~license and~~] instructor licenses; and

(C)  instructor training provider licenses [~~license~~]; and

(2)  the approval of:

(A)  [~~courses provided under the~~] motorcycle operation [~~operator training~~] and safety courses; and

(B)  instructor training courses [~~program~~].

SECTION 6.  Section 662.0037(b), Transportation Code, is amended to read as follows:

(b)  The advisory board must consist of nine members appointed by the presiding officer of the commission, on approval of the commission, as follows:

(1)  three members:

(A)  each of whom must be an [~~a licensed~~] instructor or represent a [~~licensed~~] motorcycle school; and

(B)  who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter;

(2)  one member who represents the motorcycle dealer retail industry;

(3)  one representative of a law enforcement agency;

(4)  one representative of the Texas A&M Transportation Institute;

(5)  one member who is an instructor training provider [~~representative of the Texas A&M Engineering Extension Service~~]; and

(6)  two public members who hold a valid Class M driver's license issued under Chapter 521.

SECTION 7.  Section 662.005(a), Transportation Code, is amended to read as follows:

(a)  The department may contract with qualified persons, including institutions of higher education, as necessary to achieve the purposes of this chapter [~~:~~

[~~(1)  offer and conduct motorcycle operator training and safety courses under the program; or~~

[~~(2)  research motorcycle safety in this state~~].

SECTION 8.  Section 662.0062, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1) to read as follows:

(a)  To be eligible for an instructor license, an applicant must:

(1)  have completed a department-approved instructor [~~commission-approved~~] training course [~~program on motorcycle operator training and safety instruction administered by the Texas A&M Engineering Extension Service~~]; and

(2)  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~~

[~~(3)  have accumulated less than 10 points under the driver responsibility program established by Chapter 708~~].

(a-1)  The department may not issue an instructor license or instructor training provider 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 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 542.304 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, Penal Code, other than an offense under Section 49.02, Penal Code, or Section 49.031, Penal Code, or a comparable offense committed in another state.

(b)  The commission by rule may adopt additional requirements for issuance or renewal of an instructor license.

(b-1)  To be eligible for the issuance or renewal of an instructor training provider license, an applicant must:

(1)  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

(2)  meet any additional requirement adopted by rule by the commission, including a requirement to hold a license or certification or pass an examination.

SECTION 9.  Chapter 662, Transportation Code, is amended by adding Section 662.0063 to read as follows:

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

(b)  The department may not issue an instructor license or instructor training provider license to a person who does not comply with the requirement of Subsection (a).

(c)  The department shall conduct a criminal history record information check of each applicant for an instructor license or instructor training provider license using information:

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

(2)  made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d)  The department may:

(1)  enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

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

SECTION 10.  Section 662.0064, Transportation Code, is amended to read as follows:

Sec. 662.0064.  INSTRUCTOR TRAINING COURSES [~~; ADMINISTRATOR~~]. (a) An individual may not offer or conduct an instructor training course unless the individual holds an instructor training provider license issued by the department.

(b)  An instructor training course must be:

(1)  approved by the department;

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

(3)  conducted at a motorcycle school.

(c)  The commission by rule shall establish minimum curriculum standards for instructor training courses to be offered to meet the requirement of [~~Texas A&M Engineering Extension Service, in consultation with the department, shall administer the training program required by~~] Section 662.0062(a)(1).

SECTION 11.  Section 662.008, Transportation Code, is amended to read as follows:

Sec. 662.008.  GROUNDS FOR DISCIPLINARY ACTION [~~DENIAL, SUSPENSION, OR REVOCATION OF INSTRUCTOR OR MOTORCYCLE SCHOOL LICENSE~~].  (a)  The executive director or commission may 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:

(1)  does not satisfy the requirements established under this chapter to receive or retain the license;

(2)  permits fraud or engages in a fraudulent practice with reference to an application for the license;

(3)  induces or countenances fraud or a fraudulent practice by a person applying for a driver's license or permit;

(4)  permits fraud or engages in a fraudulent practice in an action between the applicant or license holder and the public; or

(5)  fails to comply with this chapter or rules adopted under this chapter.

(b)  A proceeding under this section is a contested case under Chapter 2001, Government Code [~~Following denial of an application for a license or the suspension or revocation of a license issued under this chapter, notice and opportunity for a hearing must be given as provided by:~~

[~~(1)  Chapter 2001, Government Code; and~~

[~~(2)  Chapter 53, Occupations Code~~].

SECTION 12.  Section 662.011(b), Transportation Code, is amended to read as follows:

(b)  Money deposited to the credit of the motorcycle education fund account may be used only to defray the cost of:

(1)  administering the motorcycle operator training and safety program; and

(2)  conducting the motorcyclist safety and share the road campaign described by Section 201.621[~~; and~~

[~~(3)  administering the grant program under Section 662.0115~~].

SECTION 13.  Section 662.012, Transportation Code, is amended to read as follows:

Sec. 662.012.  REPORTS. (a) The department may [~~shall~~] require each motorcycle school to report on the school's program in the form and manner prescribed by the department.  [~~The report must include:~~

[~~(1)  the number and types of courses provided in the reporting period;~~

[~~(2)  the number of persons who took each course in the reporting period;~~

[~~(3)  the number of instructors available to provide training under the school's program in the reporting period;~~

[~~(4)  information collected by surveying persons taking each course as to the length of any waiting period the person experienced before being able to enroll in the course;~~

[~~(5)  the number of persons on a waiting list for a course at the end of the reporting period; and~~

[~~(6)  any other information the department reasonably requires.~~]

(a-1)  The department may require each instructor training provider to report on instructor training courses offered by the provider in the form and manner prescribed by the department.

(b)  If the department requires a motorcycle school or instructor training provider to submit a report under this section, the [~~The~~] department shall specify the information that must be included in the report [~~maintain the reports submitted under Subsection (a) on a by-site basis~~].

(c)  The department shall provide without charge a copy of the most recent reports submitted under this section [~~Subsection (a)~~] to any member of the legislature on request.

SECTION 14.  Section 1001.055(a), Education Code, is amended to read as follows:

(a)  The department shall provide to each licensed driver education provider or exempt driver education school driver education certificates or certificate numbers to enable the provider or school to 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~~].

SECTION 15.  Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 16.  Section 662.0115, Transportation Code, is repealed.

SECTION 17.  (a) Except as otherwise provided by this section, this Act takes effect January 1, 2024.

(b)  This section and Sections 1, 2, 3, 14, and 15 of this Act take effect September 1, 2023.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_President of the Senate             Speaker of the House

I hereby certify that S.B. No. 478 passed the Senate on April 3, 2023, by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 478 passed the House on May 16, 2023, by the following vote:  Yeas 142, Nays 0, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor