

1-1 By: Zaffirini, Parker S.B. No. 478
1-2 (In the Senate - Filed January 17, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Transportation;
1-4 March 27, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 27, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Nichols	X		
1-10	West	X		
1-11	Alvarado	X		
1-12	Eckhardt	X		
1-13	Hancock	X		
1-14	King	X		
1-15	Miles	X		
1-16	Parker	X		
1-17	Perry	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 478 By: West

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the administration of the motorcycle operator training
1-22 and safety program and requirements for the issuance of certain
1-23 driver's licenses and commercial driver's licenses; requiring an
1-24 occupational license; authorizing a fee.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 521.148, Transportation Code, is amended
1-27 by adding Subsection (d) to read as follows:

1-28 (d) This section does not apply to a person who holds a valid
1-29 driver's license issued by another state that includes an
1-30 authorization to operate a motorcycle.

1-31 SECTION 2. Section 521.1601, Transportation Code, as added
1-32 by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
1-33 Session, 2009, is amended to read as follows:

1-34 Sec. 521.1601. DRIVER EDUCATION REQUIRED; EXCEPTION. (a)
1-35 Subject to Subsection (b), the [The] department may not issue a
1-36 driver's license to a person who is younger than 25 years of age
1-37 unless the person submits to the department a driver education
1-38 certificate issued under Chapter 1001, Education Code, that states
1-39 that the person has completed and passed:

1-40 (1) a driver education and traffic safety course
1-41 conducted by an entity exempt from licensure under Section
1-42 1001.002, Education Code, or a driver education course approved by
1-43 the Texas Department of Licensing and Regulation under Chapter
1-44 1001, Education Code; or

1-45 (2) if the person is 18 years of age or older, a driver
1-46 education course approved by the Texas Department of Licensing and
1-47 Regulation under Section 1001.101 or 1001.1015, Education Code.

1-48 (b) This section does not apply to a person who holds a valid
1-49 driver's license issued by another state.

1-50 SECTION 3. Section 522.034, Transportation Code, is amended
1-51 by adding Subsection (d) to read as follows:

1-52 (d) Subsections (a) and (b) do not apply to a person who
1-53 holds a valid driver's license issued by another state that
1-54 includes an authorization to operate a motorcycle.

1-55 SECTION 4. Section 662.0005, Transportation Code, is
1-56 amended by adding Subdivisions (4-a) and (4-b) and amending
1-57 Subdivision (5) to read as follows:

1-58 (4-a) "Instructor training course" means a course
1-59 offered by an instructor training provider to prepare an individual
1-60 for licensure as an instructor.

2-1 (4-b) "Instructor training provider" means an
 2-2 individual who holds a license issued under this chapter that
 2-3 entitles the individual to offer and conduct instructor training
 2-4 courses for consideration.

2-5 (5) "Motorcycle school" means a person who holds a
 2-6 license issued under this chapter that entitles the person to offer
 2-7 and conduct courses on motorcycle operation and safety for
 2-8 consideration ~~[as part of the motorcycle operator training and~~
 2-9 ~~safety program].~~

2-10 SECTION 5. Section 662.0035, Transportation Code, is
 2-11 amended to read as follows:

2-12 Sec. 662.0035. FEES. The commission may set fees in
 2-13 amounts reasonable and necessary to cover the costs of
 2-14 administering this chapter, including fees for:

- 2-15 (1) the issuance and renewal of:
 - 2-16 (A) ~~[a] motorcycle school licenses;~~
 - 2-17 (B) ~~[license and] instructor licenses; and~~
 - 2-18 (C) instructor training provider licenses
- 2-19 ~~[license]; and~~

- 2-20 (2) the approval of:
 - 2-21 (A) ~~[courses provided under the] motorcycle~~
 - 2-22 operation [operator training] and safety courses; and
 - 2-23 (B) instructor training courses [program].

2-24 SECTION 6. Section 662.0037(b), Transportation Code, is
 2-25 amended to read as follows:

2-26 (b) The advisory board must consist of nine members
 2-27 appointed by the presiding officer of the commission, on approval
 2-28 of the commission, as follows:

- 2-29 (1) three members:
 - 2-30 (A) each of whom must be an [a licensed]
 - 2-31 instructor or represent a [licensed] motorcycle school; and
 - 2-32 (B) who must collectively represent the
 - 2-33 diversity in size and type of the motorcycle schools licensed under
 - 2-34 this chapter;
- 2-35 (2) one member who represents the motorcycle dealer
- 2-36 retail industry;
- 2-37 (3) one representative of a law enforcement agency;
- 2-38 (4) one representative of the Texas A&M Transportation
- 2-39 Institute;
- 2-40 (5) one member who is an instructor training provider
- 2-41 ~~[representative of the Texas A&M Engineering Extension Service];~~
- 2-42 and
- 2-43 (6) two public members who hold a valid Class M
- 2-44 driver's license issued under Chapter 521.

2-45 SECTION 7. Section 662.005(a), Transportation Code, is
 2-46 amended to read as follows:

2-47 (a) The department may contract with qualified persons,
 2-48 including institutions of higher education, as necessary to achieve
 2-49 the purposes of this chapter [+

- 2-50 ~~[(1) offer and conduct motorcycle operator training~~
- 2-51 ~~and safety courses under the program; or~~
- 2-52 ~~[(2) research motorcycle safety in this state].~~

2-53 SECTION 8. Section 662.0062, Transportation Code, is
 2-54 amended by amending Subsections (a) and (b) and adding Subsections
 2-55 (a-1) and (b-1) to read as follows:

2-56 (a) To be eligible for an instructor license, an applicant
 2-57 must:

- 2-58 (1) have completed a department-approved instructor
- 2-59 ~~[commission-approved] training course [program on motorcycle~~
- 2-60 ~~operator training and safety instruction administered by the Texas~~
- 2-61 ~~A&M Engineering Extension Service]; and~~
- 2-62 (2) have held for the two years preceding the date of
- 2-63 submitting the application a valid driver's license that entitles
- 2-64 the applicant to operate a motorcycle on a public road ~~[, and~~
- 2-65 ~~[(3) have accumulated less than 10 points under the~~
- 2-66 ~~driver responsibility program established by Chapter 708].~~

2-67 (a-1) The department may not issue an instructor license or
 2-68 instructor training provider license to an individual who has been
 2-69 convicted of:

3-1 (1) during the preceding three years:
 3-2 (A) three or more moving violations described by
 3-3 Section 542.304 or a comparable offense committed in another state,
 3-4 including violations that resulted in an accident; or
 3-5 (B) two or more moving violations described by
 3-6 Section 542.304 or a comparable offense committed in another state
 3-7 that resulted in an accident; or
 3-8 (2) during the preceding seven years, an offense under
 3-9 Chapter 49, Penal Code, other than an offense under Section 49.02,
 3-10 Penal Code, or Section 49.031, Penal Code, or a comparable offense
 3-11 committed in another state.

3-12 (b) The commission by rule may adopt additional
 3-13 requirements for issuance or renewal of an instructor license.

3-14 (b-1) To be eligible for the issuance or renewal of an
 3-15 instructor training provider license, an applicant must:

3-16 (1) have held for the two years preceding the date of
 3-17 submitting the application a valid driver's license that entitles
 3-18 the applicant to operate a motorcycle on a public road; and

3-19 (2) meet any additional requirement adopted by rule by
 3-20 the commission, including a requirement to hold a license or
 3-21 certification or pass an examination.

3-22 SECTION 9. Chapter 662, Transportation Code, is amended by
 3-23 adding Section 662.0063 to read as follows:

3-24 Sec. 662.0063. CRIMINAL HISTORY RECORD INFORMATION
 3-25 REQUIREMENT FOR LICENSE ISSUANCE. (a) The department shall
 3-26 require that an applicant for an instructor license or instructor
 3-27 training provider license submit a complete and legible set of
 3-28 fingerprints, on a form prescribed by the executive director, to
 3-29 the department or to the Department of Public Safety for the purpose
 3-30 of obtaining criminal history record information from the
 3-31 Department of Public Safety and the Federal Bureau of
 3-32 Investigation.

3-33 (b) The department may not issue an instructor license or
 3-34 instructor training provider license to a person who does not
 3-35 comply with the requirement of Subsection (a).

3-36 (c) The department shall conduct a criminal history record
 3-37 information check of each applicant for an instructor license or
 3-38 instructor training provider license using information:

3-39 (1) provided by the individual under this section; and

3-40 (2) made available to the department by the Department
 3-41 of Public Safety, the Federal Bureau of Investigation, and any
 3-42 other criminal justice agency under Chapter 411, Government Code.

3-43 (d) The department may:

3-44 (1) enter into an agreement with the Department of
 3-45 Public Safety to administer a criminal history record information
 3-46 check required under this section; and

3-47 (2) authorize the Department of Public Safety to
 3-48 collect from each applicant the costs incurred by the Department of
 3-49 Public Safety in conducting the criminal history record information
 3-50 check.

3-51 SECTION 10. Section 662.0064, Transportation Code, is
 3-52 amended to read as follows:

3-53 Sec. 662.0064. INSTRUCTOR TRAINING COURSES [+
 3-54 ADMINISTRATOR]. (a) An individual may not offer or conduct an
 3-55 instructor training course unless the individual holds an
 3-56 instructor training provider license issued by the department.

3-57 (b) An instructor training course must be:

3-58 (1) approved by the department;

3-59 (2) offered and conducted in accordance with
 3-60 commission rules; and

3-61 (3) conducted at a motorcycle school.

3-62 (c) The commission by rule shall establish minimum
 3-63 curriculum standards for instructor training courses to be offered
 3-64 to meet the requirement of [Texas A&M Engineering Extension
 3-65 Service, in consultation with the department, shall administer the
 3-66 training program required by] Section 662.0062(a)(1).

3-67 SECTION 11. Section 662.008, Transportation Code, is
 3-68 amended to read as follows:

3-69 Sec. 662.008. GROUNDS FOR DISCIPLINARY ACTION [DENIAL,

4-1 ~~SUSPENSION, OR REVOCATION OF INSTRUCTOR OR MOTORCYCLE SCHOOL~~
4-2 ~~LICENSE].~~ (a) The executive director or commission may deny an
4-3 application for or for the renewal of, suspend, or revoke a license
4-4 issued under this chapter if the applicant, instructor, instructor
4-5 training provider, or motorcycle school:

4-6 (1) does not satisfy the requirements established
4-7 under this chapter to receive or retain the license;

4-8 (2) permits fraud or engages in a fraudulent practice
4-9 with reference to an application for the license;

4-10 (3) induces or countenances fraud or a fraudulent
4-11 practice by a person applying for a driver's license or permit;

4-12 (4) permits fraud or engages in a fraudulent practice
4-13 in an action between the applicant or license holder and the public;
4-14 or

4-15 (5) fails to comply with this chapter or rules adopted
4-16 under this chapter.

4-17 (b) A proceeding under this section is a contested case
4-18 under Chapter 2001, Government Code [~~Following denial of an~~
4-19 ~~application for a license or the suspension or revocation of a~~
4-20 ~~license issued under this chapter, notice and opportunity for a~~
4-21 ~~hearing must be given as provided by:~~

4-22 [~~(1) Chapter 2001, Government Code, and~~

4-23 [~~(2) Chapter 53, Occupations Code~~].

4-24 SECTION 12. Section 662.011(b), Transportation Code, is
4-25 amended to read as follows:

4-26 (b) Money deposited to the credit of the motorcycle
4-27 education fund account may be used only to defray the cost of:

4-28 (1) administering the motorcycle operator training
4-29 and safety program; and

4-30 (2) conducting the motorcyclist safety and share the
4-31 road campaign described by Section 201.621[~~, and~~

4-32 [~~(3) administering the grant program under Section~~
4-33 ~~662.0115~~].

4-34 SECTION 13. Section 662.012, Transportation Code, is
4-35 amended to read as follows:

4-36 Sec. 662.012. REPORTS. (a) The department may [~~shall~~]
4-37 require each motorcycle school to report on the school's program in
4-38 the form and manner prescribed by the department. [~~The report must~~
4-39 ~~include:~~

4-40 [~~(1) the number and types of courses provided in the~~
4-41 ~~reporting period;~~

4-42 [~~(2) the number of persons who took each course in the~~
4-43 ~~reporting period;~~

4-44 [~~(3) the number of instructors available to provide~~
4-45 ~~training under the school's program in the reporting period;~~

4-46 [~~(4) information collected by surveying persons~~
4-47 ~~taking each course as to the length of any waiting period the person~~
4-48 ~~experienced before being able to enroll in the course;~~

4-49 [~~(5) the number of persons on a waiting list for a~~
4-50 ~~course at the end of the reporting period; and~~

4-51 [~~(6) any other information the department reasonably~~
4-52 ~~requires.~~]

4-53 (a-1) The department may require each instructor training
4-54 provider to report on instructor training courses offered by the
4-55 provider in the form and manner prescribed by the department.

4-56 (b) If the department requires a motorcycle school or
4-57 instructor training provider to submit a report under this section,
4-58 the [The] department shall specify the information that must be
4-59 included in the report [~~maintain the reports submitted under~~
4-60 ~~Subsection (a) on a by-site basis~~].

4-61 (c) The department shall provide without charge a copy of
4-62 the most recent reports submitted under this section [~~Subsection~~
4-63 ~~(a)~~] to any member of the legislature on request.

4-64 SECTION 14. Section 1001.055(a), Education Code, is amended
4-65 to read as follows:

4-66 (a) The department shall provide to each licensed driver
4-67 education provider or exempt driver education school driver
4-68 education certificates or certificate numbers to enable the
4-69 provider or school to issue department-approved driver education

5-1 certificates to certify completion of an approved driver education
5-2 course and satisfy the requirements of Sections 521.204(a)(2)[
5-3 ~~Transportation Code, 521.1601, Transportation Code, as added by~~
5-4 ~~Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular~~
5-5 ~~Session, 2009,~~] and 521.1601, Transportation Code[~~, as added by~~
5-6 ~~Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular~~
5-7 ~~Session, 2009].~~

5-8 SECTION 15. Section 521.1601, Transportation Code, as added
5-9 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
5-10 Session, 2009, is repealed.

5-11 SECTION 16. Section 662.0115, Transportation Code, is
5-12 repealed.

5-13 SECTION 17. (a) Except as otherwise provided by this
5-14 section, this Act takes effect January 1, 2024.

5-15 (b) This section and Sections 1, 2, 3, 14, and 15 of this Act
5-16 take effect September 1, 2023.

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