

BILL ANALYSIS

C.S.H.B. 1786

By: Dutton

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Education Agency (TEA) has regulated the private driver training industry since 1989 and has contracted with the Austin Education Service Center to perform this function since 2011. TEA spends about \$1.8 million on this program to license more than 1,000 private schools and nearly 3,000 instructors. The costs of the regulation are fully covered by license fees and the sale of 1.2 million certificates for course completion. Public schools that offer driver education are exempt from licensure and represent only 2 percent of the certificates sold. Parent-taught driver education courses are approved by the Department of Public Safety (DPS).

The Sunset Commission evaluated TEA's driver training program as part of a full Sunset review of the agency conducted in 2012. The Sunset Commission found that the regulation of these private businesses does not fit well within TEA's core mission and recommended transferring it to the Texas Department of Licensing and Regulation (TDLR). After the TEA Sunset bill from the 2013 session failed to pass, the Legislature directed the Sunset Commission to evaluate the ongoing appropriateness of its 2012 recommendations. Based on this re-examination, the Sunset Commission concluded that its previous recommendations related to the driver training program remain appropriate. Those recommendations are contained in C.S.H.B. 1786.

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 7, 10, 11, 26, 27, 29, 34, 45, and 66 of this bill.

It is the committee's opinion that rulemaking authority is transferred in this bill as follows:

- Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 5, 7, 10, 11, 17, 18, 19, 20, and 65 of this bill.
- Rulemaking authority previously granted to the Commissioner of Education is transferred to the Texas Commission of Licensing and Regulation in SECTIONS 7, 9, 11, 15, 16, 21, 22, 23, 24, 25, 37, and 38 of this bill.
- Rulemaking authority previously granted to the State Board of Education is transferred to the Texas Commission of Licensing and Regulation in SECTION 65 of this bill.

ANALYSIS

Transfers the regulation of private driver training from TEA to the Texas Department of Licensing and Regulation

C.S.H.B. 1786 transfers the driver and traffic safety education program from TEA to TDLR, effective September 1, 2015, with numerous conforming changes in the Education Code, Code of Criminal Procedures, and Transportation Code. The bill requires TDLR, instead of TEA, to develop a program of organized instruction in driver education and traffic safety for public school students. The bill extends existing TDLR authority on multiple licensing and enforcement provisions in Chapter 51, Occupations Code, to apply to driver training regulation and repeals such matters in the Education Code. The bill conforms language in the driver training statute to TDLR's existing regulatory practices. The bill includes instructional language to guide the transition of the program to TDLR.

C.S.H.B. 1786 requires the Commission of Licensing and Regulation to establish a nine-member advisory committee to advise the Commission and TDLR on rules and educational and technical matters relevant to the administration of the program. The bill requires the committee to include two members representing driver education schools, one member representing a driving safety school, two members representing driving safety course providers, one member representing a drug and alcohol driving awareness program provider, one licensed instructor, one representative of the Department of Public Safety, and one public member. The bill includes provisions for appointing of the committee's presiding officer, limiting consecutive terms of members, filling vacancies, removing members, reimbursing members' expenses, and calling meetings. Provides that Chapter 2110, Government Code, does not apply to this committee.

Transfers the parent-taught driver education program from the Department of Public Safety to the Texas Department of Licensing and Regulation.

C.S.H.B. 1786 transfers authority to approve driver education courses conducted by parents, legal guardians, or certain other family members from DPS to TDLR, effective September 1, 2015. The bill makes conforming changes in the Education Code and Transportation Code, including repealing DPS' authority to approve courses in the Transportation Code. The bill includes instructional language to guide the transition of the program to TDLR.

Applies licensing best practices to the regulation of private driver training schools and instructors

C.S.H.B. 1786 removes the statutory requirement to license driver training school directors, assistant directors, and administrative staff, along with related fees.

C.S.H.B. 1786 removes fixed driver training fee amounts and fee caps from statute and instead allows the Commission of Licensing and Regulation to establish fees in rule. The bill specifies that changes to fee amounts only apply to fees charged on or after September 1, 2015.

Repealers

C.S.H.B. 1786 repeals the following statutory provisions:

- Section 1001.001(1), Education Code
- Sections 1001.054(a) and (b), Education Code
- Section 1001.152, Education Code

- Section 1001.153, Education Code
- Section 1001.203, Education Code
- Section 1001.212, Education Code
- Section 1001.252, Education Code
- Section 1001.257, Education Code
- Sections 1001.303(a) and (b), Education Code
- Section 1001.454, Education Code
- Section 1001.455(b), Education Code
- Section 1001.456, Education Code
- Section 1001.457, Education Code
- Section 1001.458, Education Code
- Section 1001.459, Education Code
- Section 1001.460, Education Code
- Section 1001.461, Education Code
- Section 1001.501, Education Code
- Section 1001.502, Education Code
- Section 1001.503, Education Code
- Section 1001.551, Education Code
- Section 1001.552, Education Code
- Section 1001.553, Education Code
- Section 521.167, Transportation Code, as added by Ch. 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009
- Section 521.205, Transportation Code

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1786 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 29.902(a), Education Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 51.308, Education Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 1001.001, Education Code, is amended.	SECTION 3. Same as introduced version.

SECTION 4. Section 1001.002(c), Education Code, is amended.

SECTION 5. Section 1001.003, Education Code, is amended.

SECTION 6. Section 1001.004, Education Code, as amended by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended.

SECTION 7. Sections 1001.051, 1001.052, 1001.053, and 1001.054, Education Code, are amended to read as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department [~~agency~~] has jurisdiction over and control of driver training schools regulated under this chapter.

Sec. 1001.052. RULES. The commission [~~agency~~] shall adopt [~~and administer~~] comprehensive rules governing driving safety courses.

Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION, AND EXECUTIVE DIRECTOR [~~COMMISSIONER~~]. (a) The department and executive director, as appropriate, [~~commissioner~~] shall:

- (1) administer [~~the policies of~~] this chapter;
- (2) enforce minimum standards for driver training schools under this chapter;
- (3) [~~adopt and~~] enforce rules adopted by the commission that are necessary to administer this chapter; and
- (4) visit a driver training school or course provider and reexamine the school or course provider for compliance with this chapter.

(b) The executive director [~~commissioner~~] may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.

(c) The commission shall adopt rules necessary to administer this chapter. The commission [~~commissioner~~] may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.

Sec. 1001.054. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The commission [~~commissioner~~] may not adopt a rule restricting advertising or competitive

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Sections 1001.051, 1001.052, and 1001.053, Education Code, are amended to read as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department [~~agency~~] has jurisdiction over and control of driver training schools regulated under this chapter.

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Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION, AND EXECUTIVE DIRECTOR [~~COMMISSIONER~~]. (a) The department and executive director, as appropriate, [~~commissioner~~] shall:

- (1) administer [~~the policies of~~] this chapter;
- (2) enforce minimum standards for driver training schools under this chapter;
- (3) [~~adopt and~~] enforce rules adopted by the commission that are necessary to administer this chapter; and
- (4) inspect [~~visit~~] a driver training school or course provider and reinspect [~~reexamine~~] the school or course provider for compliance with this chapter.

(b) The executive director [~~commissioner~~] may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.

(c) The commission shall adopt rules necessary to administer this chapter. The commission [~~commissioner~~] may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.

No equivalent provision.

(But see SECTIONS 8 and 9 below)

bidding by a driver training school except to prohibit a false, misleading, or deceptive practice.

(b) The commission [~~commissioner~~] may not include in rules to prohibit false, misleading, or deceptive practices by a driver training school a rule that restricts:

- (1) the use of an advertising medium;
- (2) the outside dimensions of a printed advertisement or outdoor display;
- (3) the duration of an advertisement; or
- (4) advertisement under a trade name.

(c) The commission [~~commissioner~~] by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

No equivalent provision.

(But see SECTION 7 above)

No equivalent provision.

(But see SECTION 7 above)

SECTION 8. Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, are amended to read as follows:

(a) The department [~~agency~~] shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved by the Department of Public Safety under Section 521.205, Transportation Code, driver education certificates or certificate numbers to enable the school or [~~and each approved parent-taught~~] course provider [~~(approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code)~~] to print and issue department-approved [~~agency-approved~~] driver education certificates [~~with the certificate numbers~~] to certify [~~be used for certifying~~] completion of an approved driver education course and [~~to~~] satisfy the requirements of Sections 521.204(a)(2) and 521.1601, Transportation Code.

SECTION 8. The heading to Section 1001.054, Education Code, is amended to read as follows:

Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR COMPETITIVE BIDDING~~].

SECTION 9. Section 1001.054(c), Education Code, is amended to read as follows:

(c) The commission [~~commissioner~~] by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION 10. Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, are amended to read as follows:

(a) The department [~~agency~~] shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter driver education certificates or certificate numbers to enable the school or [~~and each~~] approved parent-taught course provider [~~(approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code)~~] to print and issue department-approved [~~agency-approved~~] driver education certificates [~~with the certificate numbers~~] to certify [~~be used for certifying~~] completion of an approved driver education course and [~~to~~] satisfy the requirements of Sections 521.204(a)(2), Transportation Code, [and] 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.

(a-1) A certificate printed and issued by a driver education school or Department of Public Safety approved course provider must:

- (1) be in a form required by the department [agency]; and
- (2) include an identifying certificate number provided by the department [agency] that may be used to verify the authenticity of the certificate with the driver education school or Department of Public Safety approved course provider.

(a-2) A driver education school or Department of Public Safety approved course provider that purchases driver education certificate numbers shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. The driver education school or Department of Public Safety approved course provider shall electronically submit to the department [agency] in the manner established by the department [agency] data identified by the department [agency] relating to issuance of department-approved [agency-approved] driver education certificates with the certificate numbers.

(b) The commission [agency] by rule shall provide for the design and distribution of the certificates and certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the certificates or certificate numbers.

(c) The commission by rule shall establish [agency may charge] a fee [of not more than \$4] for each certificate or certificate number.

SECTION 9. Sections 1001.056(b), (c), (d), (e), and (g), Education Code, are amended.

SECTION 10. Section 1001.057, Education Code, is amended.

SECTION 11. Subchapter B, Chapter 1001,

(a-1) A certificate printed and issued by a driver education school or parent-taught [Department of Public Safety approved] course provider approved under this chapter must:

- (1) be in a form required by the department [agency]; and
- (2) include an identifying certificate number provided by the department [agency] that may be used to verify the authenticity of the certificate with the driver education school or approved parent-taught [Department of Public Safety approved] course provider.

(a-2) A driver education school or parent-taught [Department of Public Safety approved] course provider approved under this chapter that purchases driver education certificate numbers shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. The driver education school or approved parent-taught [Department of Public Safety approved] course provider shall electronically submit to the department [agency] in the manner established by the department [agency] data identified by the department [agency] relating to issuance of department-approved [agency-approved] driver education certificates with the certificate numbers.

(b) The commission [agency] by rule shall provide for the design and distribution of the certificates and certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the certificates or certificate numbers.

(c) The commission by rule shall establish [agency may charge] a fee [of not more than \$4] for each certificate or certificate number.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Subchapter B, Chapter 1001,

Education Code, is amended by adding Sections 1001.058 and 1001.059 to read as follows:

Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and department on driver training rules and standards and driver education curriculum.

(b) The advisory committee consists of seven members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:

(1) one member representing a driver education school;

(2) one member representing a driving safety school;

(3) one member representing a course provider;

(4) one instructor;

(5) one employee of the Department of Public Safety; and

(6) two members representing the public.

(c) The presiding officer of the commission shall appoint the presiding officer of the advisory committee.

Education Code, is amended by adding Section 1001.058 to read as follows:

Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and department on rules and educational and technical matters relevant to the administration of this chapter.

(b) The advisory committee consists of nine members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:

(1) one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, and in-car training;

(2) one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training;

(3) one member representing a driving safety school offering a traditional classroom course or providing an alternative method of instruction;

(4) one member representing a driving safety course provider approved for a traditional classroom course and for an alternative method of instruction;

(5) one member representing a driving safety course provider approved for a traditional classroom course or for an alternative method of instruction;

(6) one licensed instructor;

(7) one representative of the Department of Public Safety;

(8) one member representing a drug and alcohol driving awareness program course provider; and

(9) one member representing the public.

(c) The presiding officer of the commission shall appoint the presiding officer of the advisory committee. The presiding officer of the advisory committee may vote on any matter before the advisory committee.

(d) A member may not serve two consecutive full terms.

(e) If a vacancy occurs during a term, the presiding officer of the commission, with the approval of the commission, shall appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.

(f) A member of the advisory committee may be removed from the advisory

committee as provided by Section 51.209, Occupations Code.

(g) Members of the advisory committee may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the advisory committee, subject to the General Appropriations Act.

(h) The committee shall meet at the call of the presiding officer of the commission.

(i) Chapter 2110, Government Code, does not apply to the advisory committee.

No equivalent provision.

Sec. 1001.059. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department regarding driver training. The department shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department shall periodically notify the complaint parties of the status of the complaint until final disposition.

No equivalent provision.

SECTION 12. Section 1001.101(a), Education Code, is amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall establish or approve the curriculum and designate the textbooks to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education school, or parent or other individual under Section 521.205, Transportation Code.

SECTION 14. The heading to Subchapter C, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER C. OPERATION OF DRIVER EDUCATION SCHOOL [CURRICULUM]

SECTION 15. Sections 1001.101(a) and (b), Education Code, are amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall establish or approve the curriculum and designate the educational materials [~~textbooks~~] to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education school, or parent or other individual under this chapter [~~Section 521.205, Transportation Code~~].

(b) A driver education course must require the student to complete:

(1) 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a parent-taught

course provider imposed under this chapter [Section 521.205, Transportation Code];
(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a parent-taught course provider imposed under this chapter [Section 521.205, Transportation Code]; and
(3) 30 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code.

SECTION 13. Section 1001.1015(a), Education Code, is amended.

SECTION 16. Same as introduced version.

SECTION 14. Section 1001.102, Education Code, is amended.

SECTION 17. Same as introduced version.

SECTION 15. Section 1001.1025, Education Code, is amended.

SECTION 18. Same as introduced version.

SECTION 16. Sections 1001.103(b), (d), and (e), Education Code, are amended to read as follows:

SECTION 19. Sections 1001.103(b), (d), and (e), Education Code, are amended to conform to S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and further amended to read as follows:

(b) The department [~~agency~~] shall develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs that include one or more courses. Except as provided by commission [~~agency~~] rule, a program must be offered in the same manner as a driving safety course.

(b) The department [~~agency~~] shall develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs that include one or more courses. Except as provided by commission [~~agency~~] rule, a program must be offered in the same manner as a driving safety course.

(d) ~~In accordance with Section 461.013(b), Health and Safety Code, the department~~ [~~agency~~] and the Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(d) ~~The department~~ [~~In accordance with Section 461.013(b), Health and Safety Code, the agency~~] and the Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) ~~The commission~~ [~~Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~] may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the department's [~~agency's~~] duties under this section.

(e) ~~The commission~~ [~~Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~] may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the department's [~~agency's~~] duties under this section.

SECTION 17. Sections 1001.104 and

SECTION 20. Sections 1001.104 and

1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The department [agency] shall enter into a memorandum of understanding with the Department of Assistive and Rehabilitative Services [Texas Rehabilitation Commission] and the Department of Public Safety [department] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The department [agency] shall administer comprehensive rules governing driver education courses adopted by mutual agreement among the commission [agency], the Department of Assistive and Rehabilitative Services [Texas Rehabilitation Commission], and the Department of Public Safety [department].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The department [agency] shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

SECTION 18. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The commission [commissioner] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Sections [4001.454,] 1001.456 [,] and 1001.553 of this code do not apply to a violation of this section or a rule adopted under this section.

(d) Section 51.352, Occupations Code, and Sections 1001.455(a)(6), 1001.501, [4001.551, 1001.552,] and 1001.554 of this code do not apply to a violation of this section.

SECTION 19. Section 1001.107, Education Code, is amended.

SECTION 20. Sections 1001.108(a) and (c), Education Code, are amended to read as

1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The department [agency] shall enter into a memorandum of understanding with the state agency responsible for administering the vocational rehabilitation program [Texas Rehabilitation Commission] and the Department of Public Safety [department] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The department [agency] shall administer comprehensive rules governing driver education courses developed through interagency cooperation between [adopted by mutual agreement among] the commission [agency], the state agency responsible for administering the vocational rehabilitation program [Texas Rehabilitation Commission], and the Department of Public Safety [department].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The department [agency] shall enter into a memorandum of understanding with the Texas Department of Insurance for the [interagency] development of a curriculum for driving safety courses.

SECTION 21. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The commission [commissioner] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations Code, [Sections 1001.454, 1001.456, and 1001.553] do not apply to a violation of this section or a rule adopted under this section.

(d) Section 51.352, Occupations Code, and Sections 1001.455(a)(6)[, — 1001.501, 1001.551, 1001.552,] and 1001.554 of this code do not apply to a violation of this section.

SECTION 22. Same as introduced version.

SECTION 23. Sections 1001.108(a) and (c), Education Code, are amended to read as

follows:

(a) The commission [~~commissioner~~] by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course.

(c) In developing rules under this section, the commission [~~commissioner~~] shall consult with the Department of Public Safety [~~department~~] and the [~~Texas~~] Department of State Health Services.

SECTION 21. Section 1001.110, Education Code, is amended.

SECTION 22. Section 1001.111(a), Education Code, is amended.

No equivalent provision.

follows:

(a) The commission [~~commissioner~~] by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course.

(c) In developing rules under this section, the commission [~~commissioner~~] shall consult with [~~the department and~~] the [~~Texas~~] Department of State Health Services.

SECTION 24. Same as introduced version.

SECTION 25. Same as introduced version.

SECTION 26. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.112 to read as follows:

Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION.

(a) The commission by rule shall provide for approval of a driver education course conducted by the parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction and that the person conducting the course:

(1) possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(2) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated;

(3) is not disabled because of mental illness; and

(4) does not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code, at the time the person begins conducting the course.

(b) The department may approve a course described by Subsection (a) if the department determines that the course materials are at least equal to those required in a course approved by the department, and the department may not require that:

(1) the classroom instruction be provided in

a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(c) The rules must provide a method by which:

(1) approval of a course is obtained;

(2) an applicant submits proof of completion of the course;

(3) approval for delivering course materials by an alternative method, including electronic means, is obtained;

(4) a provider of a course approved under this section may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1), Transportation Code, through electronic means; and

(5) an applicant submits proof of passage of an examination administered under Subdivision (4).

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the department.

SECTION 23. Sections 1001.151, 1001.152, and 1001.153, Education Code, are amended to read as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES. (a) The commission by rule [commissioner] shall establish [collect] application, license, and registration fees. The fees must be in amounts sufficient to cover administrative costs and are nonrefundable. The department shall collect the application, license, and registration fees.

(b) The commission by rule shall establish a fee for:

(1) an initial driver education school license and [is \$1,000 plus \$850] for each branch location; [-]

(2) [(e) The fee for] an initial driving safety school license;

(3) [is an appropriate amount established by the commissioner not to exceed \$200.

[(d) The fee for] an initial course provider license [is an appropriate amount established by the commissioner not to exceed \$2,000], except that the commission

SECTION 27. Section 1001.151, Education Code, is amended to read as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES. (a) The commission by rule [commissioner] shall establish [collect] application, license, and registration fees. The fees must be in amounts sufficient to cover administrative costs and are nonrefundable. The department shall collect the application, license, and registration fees.

(b) The commission by rule shall establish a fee for:

(1) an initial driver education school license and [is \$1,000 plus \$850] for each branch location; [-]

(2) [(e) The fee for] an initial driving safety school license;

(3) [is an appropriate amount established by the commissioner not to exceed \$200.

[(d) The fee for] an initial course provider license [is an appropriate amount established by the commissioner not to exceed \$2,000], except that the executive

[agency] may waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider; [-]

(4) ~~the [(e) The]~~ annual renewal [fee] for a course provider, driving safety school, driver education school, or branch location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the commission [agency] may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure; [-]

(5) ~~[(f) The fee for]~~ a change of address of[-]

~~[(1) a driver education school, [is \$180; and~~

~~[(2)—a] driving safety school, or course provider; [is \$50.]~~

(6) ~~[(g) The fee for]~~ a change of name of:

~~(A) [(1) a driver education school or course provider or an owner of a driver education school or course provider [is \$100]; or [and~~

~~(B) [(2) a driving safety school or owner of a driving safety school; [is \$50.]~~

(7) ~~[(h) The application fee for]~~ each additional driver education or driving safety course at a driver training school; and [is \$25.]

(8) an [(i) The application fee for:

~~[(1) each director is \$30; and~~

~~[(2) each assistant director or administrative staff member is \$15.~~

~~[(j) Each] application for approval of a driving safety course that has not been evaluated by the department [~~commissioner~~] must be accompanied by a nonrefundable fee of \$9,000].~~

(c) ~~[(k)]~~ An application for an original driver education or driving safety instructor license must be accompanied by a processing fee [~~of \$50]~~ and an annual license fee [~~of \$25]~~, except that the department [~~commissioner~~] may not collect the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state.

(d) ~~[(l)]~~ The commission [~~commissioner~~] shall establish the amount of the fee for a duplicate license.

(e) ~~[(m)]~~ The commission [~~commissioner~~]

director [agency] may waive the fee; [if revenue received from the course provider is sufficient to cover the cost of licensing the course provider.]

(4) ~~the [(e) The]~~ annual renewal [fee] for a course provider, driving safety school, driver education school, or branch location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the executive director [agency] may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure; [-]

(5) ~~[(f) The fee for]~~ a change of address of[-]

~~[(1) a driver education school, [is \$180; and~~

~~[(2)—a] driving safety school, or course provider; [is \$50.]~~

(6) ~~[(g) The fee for]~~ a change of name of:

~~(A) [(1) a driver education school or course provider or an owner of a driver education school or course provider [is \$100]; or [and~~

~~(B) [(2) a driving safety school or owner of a driving safety school; [is \$50.]~~

(7) ~~[(h) The application fee for]~~ each additional driver education or driving safety course at a driver training school; and [is \$25.]

(8) an initial [(i) The application fee for:

~~[(1) each director is \$30; and~~

~~[(2) each assistant director or administrative staff member is \$15.~~

~~[(j) Each] application for approval of a driving safety course that has not been evaluated by the department [~~commissioner~~] must be accompanied by a nonrefundable fee of \$9,000].~~

(c) ~~[(k)]~~ An application for an initial [original] driver education or driving safety instructor license must be accompanied by a processing fee [~~of \$50]~~ and an annual license fee [~~of \$25]~~, except that the department [~~commissioner~~] may not collect the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state.

(d) ~~[(l)]~~ The commission [~~commissioner~~] shall establish the amount of the fee for a duplicate license.

(e) ~~[(m)]~~ The commission [~~commissioner~~]

may establish a fee for an application for approval to offer a driver education course by an alternative method of instruction under Section 1001.3541 in an amount the commission [~~commissioner~~] considers appropriate, not to exceed the amount sufficient to cover the costs of considering the application.

Sec. 1001.152. DUTY TO REVIEW AND RECOMMEND ADJUSTMENTS IN FEE AMOUNTS. The commission [~~commissioner~~] shall periodically review the amounts of fees and recommend to the legislature adjustments to those amounts.

Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The commission [~~commissioner~~] shall establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint against the school or course provider.

(b) The fee may be charged only if:

- (1) the complaint could not have been resolved solely by telephone or in writing;
- (2) a representative of the department [~~agency~~] visited the school or course provider as a part of the complaint resolution process; and
- (3) the school or course provider was found to be at fault.

SECTION 24. Section 1001.202(b), Education Code, is amended.

SECTION 25. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.203. APPLICATION. To operate or do business in this state, a driver training school must apply to the department [~~commissioner~~] for the appropriate license. The application must:

- (1) be in writing;
- (2) be in the form prescribed by the department [~~commissioner~~];
- (3) include all required information; and
- (4) be verified.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE.

The department [~~commissioner~~] shall approve an application for a driver

may establish a fee for an application for approval to offer a driver education course by an alternative method of instruction under Section 1001.3541 [~~in an amount the commissioner considers appropriate, not to exceed the amount sufficient to cover the costs of considering the application~~].

No equivalent provision.

No equivalent provision.

SECTION 28. Same as introduced version.

SECTION 29. Sections 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

No equivalent provision.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. (a) The commission by rule [~~commissioner~~] shall establish the criteria [~~approve an application~~] for a driver education school license.

(b) The department shall approve an application for a driver education school

education school license if, on investigation of the premises of the school, it is determined that the school:

- (1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;
- (2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;
- (3) has [~~directors,~~] instructors[~~—and administrators~~] who have adequate educational qualifications and experience;
- (4) provides to each student before enrollment:
 - (A) a copy of:
 - (i) the refund policy;
 - (ii) the schedule of tuition, fees, and other charges; and
 - (iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and
 - (B) the department's name, mailing address, [~~and~~] telephone number, and Internet website address [~~of the agency~~] for the purpose of directing complaints to the department [~~agency~~];
- (5) maintains adequate records as prescribed by the department [~~commissioner~~] to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;
- (6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;
- (7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;
- (8) is financially sound and capable of fulfilling its commitments for training;
- (9) has [~~administrators,—directors,~~] owners[~~;~~] and instructors who are of good reputation and character;
- (10) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection [~~if, on investigation~~] of the premises of the school, it is determined that the school:

- (1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;
- (2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;
- (3) has [~~directors,~~] instructors[~~—and administrators~~] who have adequate educational qualifications and experience;
- (4) provides to each student before enrollment:
 - (A) a copy of:
 - (i) the refund policy;
 - (ii) the schedule of tuition, fees, and other charges; and
 - (iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and
 - (B) the department's name, mailing address, [~~and~~] telephone number, and Internet website address [~~of the agency~~] for the purpose of directing complaints to the department [~~agency~~];
- (5) maintains adequate records as prescribed by the department [~~commissioner~~] to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;
- (6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;
- (7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;
- (8) is financially sound and capable of fulfilling its commitments for training;
- (9) has [~~administrators,—directors,~~] owners[~~;~~] and instructors who are of good reputation and character;
- (10) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [~~commissioner~~];

(12) does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director [~~commissioner~~];

(13) submits to the department [~~agency~~] for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(14) does not owe an administrative penalty for a violation of [~~under~~] this chapter; and

(15) meets any additional criteria required by the department [~~agency~~].

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE.

The department [~~commissioner~~] shall approve an application for a driving safety school license if on investigation the department [~~agency~~] determines that the school:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors [~~and administrators~~] who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department [~~commissioner~~] to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) has [~~administrators,~~] owners[;] and instructors who are of good reputation and character;

(11) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [~~commissioner~~];

(12) does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director [~~commissioner~~];

(13) submits to the department [~~agency~~] for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(14) does not owe an administrative penalty for a violation of [~~under~~] this chapter; and

(15) meets any additional criteria required by the department [~~agency~~].

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE.

(a) The commission by rule [~~commissioner~~] shall establish the criteria [~~approve an application~~] for a driving safety school license.

(b) The department shall approve an application for a driving safety school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school, [~~if on investigation~~] the department [~~agency~~] determines that the school:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors [~~and administrators~~] who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department [~~commissioner~~] to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) has [~~administrators,~~] owners[;] and instructors who are of good reputation and character;

(7) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [~~commissioner~~];

(8) does not use a name similar to the name of another existing school or tax-supported educational establishment in this state, unless specifically approved in writing by the executive director [~~commissioner~~];

(9) maintains and uses the approved contract and policies developed by the course provider;

(10) does not owe an administrative penalty for a violation of [~~under~~] this chapter;

(11) will not provide a driving safety course to a person for less than \$25; and

(12) meets additional criteria required by the department [~~commissioner~~].

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.

The department [~~commissioner~~] shall approve an application for a course provider license if on investigation the department [~~agency~~] determines that:

(1) the course provider has an approved course that at least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational qualifications and experience;

(3) the course provider will:

(A) develop and provide to each driving safety school that offers the approved course a copy of:

(i) the refund policy; and

(ii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the department's name, mailing address, [~~and~~] telephone number, and Internet website address [~~of the agency~~] for the purpose of directing complaints to the department [~~agency~~];

(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;

(5) not later than the 15th working day after the date a [~~the~~] person successfully completes the course, the course provider

(7) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [~~commissioner~~];

(8) does not use a name similar to the name of another existing school or tax-supported educational establishment in this state, unless specifically approved in writing by the executive director [~~commissioner~~];

(9) maintains and uses the approved contract and policies developed by the course provider;

(10) does not owe an administrative penalty for a violation of [~~under~~] this chapter;

(11) will not provide a driving safety course to a person for less than \$25; and

(12) meets additional criteria required by the department [~~commissioner~~].

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. (a) The commission by rule [~~commissioner~~] shall establish criteria [~~approve an application~~] for a course provider license.

(b) The department shall approve an application for a course provider license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school [~~if on investigation~~] the department [~~agency~~] determines that:

(1) the course provider has an approved course that at least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational qualifications and experience;

(3) the course provider will:

(A) develop and provide to each driving safety school that offers the approved course a copy of:

(i) the refund policy; and

(ii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the department's name, mailing address, [~~and~~] telephone number, and Internet website address [~~of the agency~~] for the purpose of directing complaints to the department [~~agency~~];

(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;

(5) not later than the 15th working day after the date a [~~the~~] person successfully completes the course, the course provider

will issue and deliver to the person by United States mail or commercial delivery ~~[mail]~~ a uniform certificate of course completion ~~[to the person]~~ indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) the course provider is of good reputation and character;

(10) the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(12) the course provider does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(13) the course provider does not owe an administrative penalty for a violation of ~~[under]~~ this chapter; and

(14) the course provider meets additional criteria required by the department ~~[commissioner]~~.

SECTION 26. Sections 1001.207(a) and (b), Education Code, are amended to read as follows:

(a) Before a driver education school may be issued a license, the school must file a corporate surety bond with the department ~~[commissioner]~~ in the amount of:

(1) \$10,000 for the primary location of the school; and

(2) \$5,000 for each branch location.

(b) A bond issued under Subsection (a)

will issue and deliver to the person by United States mail or commercial delivery ~~[mail]~~ a uniform certificate of course completion ~~[to the person]~~ indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) the course provider is of good reputation and character;

(10) the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(12) the course provider does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(13) the course provider does not owe an administrative penalty for a violation of ~~[under]~~ this chapter; and

(14) the course provider meets additional criteria required by the department ~~[commissioner]~~.

SECTION 30. Sections 1001.207(a) and (b), Education Code, are amended to read as follows:

(a) Before a driver education school may be issued a license, the school must file a corporate surety bond with the department ~~[commissioner]~~ in the amount of:

(1) \$10,000 for the primary location of the school; and

(2) \$5,000 for each branch location.

(b) A bond issued under Subsection (a)

must be:

- (1) issued in a form approved by the department [~~commissioner~~];
- (2) issued by a company authorized to do business in this state;
- (3) payable to the state to be used only for payment of a refund due to a student or potential student;
- (4) conditioned on the compliance of the school and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (5) issued for a period corresponding to the term of the license.

SECTION 27. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

- (1) issued by a company authorized to do business in this state;
- (2) payable to the state to be used:
 - (A) for payment of a refund due a student of the course provider's approved course;
 - (B) to cover the payment of unpaid fees or penalties assessed by the executive director [~~agency~~]; or

(C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;

- (3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (4) issued for a period corresponding to the term of the license.

SECTION 28. Section 1001.210, Education Code, is amended.

SECTION 29. Sections 1001.211(a) and (b), Education Code, are amended to read as follows:

(a) The executive director [~~commissioner~~] shall issue a license to an applicant for a license under this subchapter if:

- (1) the application is submitted in accordance with this subchapter; and
- (2) the applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the department [~~commissioner~~] and must show in a clear and conspicuous manner:

must be:

- (1) issued in a form approved by the department [~~commissioner~~];
- (2) issued by a company authorized to do business in this state;
- (3) payable to the department [~~state~~] to be used only for payment of a refund due to a student or potential student;
- (4) conditioned on the compliance of the school and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (5) issued for a period corresponding to the term of the license.

SECTION 31. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

- (1) issued by a company authorized to do business in this state;
- (2) payable to the department [~~state~~] to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the executive director or the commission [~~agency~~]; or

(C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;

- (3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (4) issued for a period corresponding to the term of the license.

SECTION 32. Same as introduced version.

SECTION 33. Sections 1001.211(a) and (b), Education Code, are amended to read as follows:

(a) The executive director [~~commissioner~~] shall issue a license to an applicant for a license under this subchapter if:

- (1) the application is submitted in accordance with this subchapter; and
- (2) the applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the department [~~commissioner~~] and must show in a clear and conspicuous manner:

- (1) the date of issuance, effective date, and term of the license;
- (2) the name and address of the driver training school or course provider;
- (3) the authority for and conditions of approval;
- (4) the executive director's ~~commissioner's~~ signature; and
- (5) any other fair and reasonable representation that is consistent with this chapter and that the department ~~commissioner~~ considers necessary.

SECTION 30. Section 1001.212, Education Code, is amended to read as follows:
Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department ~~commissioner~~ shall provide a person whose application for a license under this subchapter is denied a written statement of the reasons for the denial.

SECTION 31. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission may establish ~~Instead of the~~ fees in amounts that are different from the amounts established under ~~required by~~ Section 1001.151 ~~the fee~~ for a new driver education school or course provider license under Subsection (b) and ~~is \$500, plus \$200~~ for each branch location^[7] if:

- (1) the new owner is substantially similar to the previous owner; and
- (2) there is no significant change in the management or control of the driver education school or course provider.

(d) The department ~~commissioner~~ is not required to reinspect a school or a branch location after a change of ownership.

SECTION 32. Section 1001.214, Education Code, is amended.

SECTION 33. Section 1001.251, Education Code, is amended.

SECTION 34. Sections 1001.2511(b), (c), (d), (e), and (f), Education Code, are amended.

SECTION 35. Section 1001.2512, Education Code, is amended.

- (1) the date of issuance, effective date, and term of the license;
- (2) the name and address of the driver training school or course provider;
- (3) the authority for and conditions of approval; and
- (4) ~~the commissioner's signature; and~~ ~~(5)~~ any other fair and reasonable representation that is consistent with this chapter and that the department ~~commissioner~~ considers necessary.

No equivalent provision.

SECTION 34. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission by rule may establish ~~Instead of the~~ fees required by Section 1001.151, the fee for a new driver education school or course provider license under Subsection (b) and ~~is \$500, plus \$200~~ for each branch location^[7] if:

- (1) the new owner is substantially similar to the previous owner; and
- (2) there is no significant change in the management or control of the driver education school or course provider.

(d) The department may inspect ~~commissioner is not required to reinspect~~ a school or a branch location after a change of ownership.

SECTION 35. Same as introduced version.

SECTION 36. Same as introduced version.

SECTION 37. Same as introduced version.

SECTION 38. Same as introduced version.

SECTION 36. Sections 1001.2514(a), (b), and (d), Education Code, are amended.

SECTION 37. Section 1001.252, Education Code, is amended to read as follows:
Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A license under this subchapter must be signed by the executive director [~~commissioner~~].

SECTION 38. Sections 1001.253(a), (b), (c), (d), (e), and (f), Education Code, are amended to read as follows:

(a) The department [~~commissioner~~] shall establish standards for certification of professional ~~and paraprofessional~~ personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license authorizing a person to teach or provide behind-the-wheel training may not be issued unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school.

(c) A person who holds a driver education instructor license authorizing behind-the-wheel training may not be approved to assist a classroom instructor in the classroom phase of driver education unless the person has successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the department [~~commissioner~~].

(d) Except as provided by Subsection (g) or Section 1001.254, a driver education instructor license authorizing a person to teach or provide classroom training may not be issued unless the person:

(1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school; and

(2) holds a teaching certificate and any additional certification required to teach driver education.

(e) A driver education instructor who has completed the educational requirements prescribed by Subsection (d)(1) may not

SECTION 39. Same as introduced version.

No equivalent provision.

SECTION 40. Section 1001.253, Education Code, is amended by amending Subsections (a), (b), (c), (d), (e), and (f) and adding Subsection (h) to read as follows:

(a) The department [~~commissioner~~] shall establish standards for certification of professional ~~[and paraprofessional]~~ personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license authorizing a person to teach or provide behind-the-wheel training may not be issued unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school.

(c) A person who holds a driver education instructor license authorizing behind-the-wheel training may not be approved to assist a classroom instructor in the classroom phase of driver education unless the person has successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the department [~~commissioner~~].

(d) Except as provided by Subsection (g) or Section 1001.254, a driver education instructor license authorizing a person to teach or provide classroom training may not be issued unless the person:

(1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school; and

(2) holds a teaching certificate and any additional certification required to teach driver education.

(e) A driver education instructor who has completed the educational requirements prescribed by Subsection (d)(1) may not

teach instructor training classes unless the instructor has successfully completed a supervising instructor development program consisting of at least six additional semester hours or a program of study in driver education approved by the department [~~commissioner~~] that includes administering driver education programs and supervising and administering traffic safety education.

(f) A driver education school may submit for department [~~agency~~] approval a curriculum for an instructor development program for driver education instructors. The program must:

- (1) be taught by a person who has completed a supervising instructor development program under Subsection (e); and
- (2) satisfy the requirements of this section for the particular program or type of training to be provided.

SECTION 39. Section 1001.254(a), Education Code, is amended.

SECTION 40. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The department [~~agency~~] shall regulate as a driver education school a driver education instructor who:

- (1) teaches driver education courses in a county having a population of 50,000 or less; and
- (2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the department [~~agency~~] an application for an initial or renewal driver education school license, together with all required documentation and information.

(c) The department [~~commissioner~~] may waive initial or renewal driver education school license fees or the fee for a director or administrative staff member.

SECTION 41. Section 1001.256, Education Code, is amended.

SECTION 42. Section 1001.257, Education Code, is amended to read as follows:
Sec. 1001.257. DENIAL OF LICENSE.

teach instructor training classes unless the instructor has successfully completed a supervising instructor development program consisting of at least six additional semester hours or a program of study in driver education approved by the department [~~commissioner~~] that includes administering driver education programs and supervising and administering traffic safety education.

(f) A driver education school may submit for department [~~agency~~] approval a curriculum for an instructor development program for driver education instructors. The program must:

- (1) be taught by a person who has completed a supervising instructor development program under Subsection (e); and
- (2) satisfy the requirements of this section for the particular program or type of training to be provided.

(h) The classroom portion of the instructor development program for driver education instructors may be conducted online.

SECTION 41. Same as introduced version.

SECTION 42. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The department [~~agency~~] shall regulate as a driver education school a driver education instructor who:

- (1) teaches driver education courses in a county having a population of 50,000 or less; and
- (2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the department [~~agency~~] an application for an initial or renewal driver education school license, together with all required documentation and information.

(c) The executive director [~~commissioner~~] may waive initial or renewal driver education school license fees or the fee for a director or administrative staff member.

SECTION 43. Same as introduced version.

No equivalent provision.

The executive director [~~commissioner~~] may not issue or renew a driver education instructor license, including a temporary license, to a person who has six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code.

SECTION 43. Section 1001.303, Education Code, is amended to read as follows:

Sec. 1001.303. RENEWAL OF SCHOOL OR COURSE PROVIDER LICENSE. (a)

To renew the license of a driver education school, driving safety school, or course provider, the school or course provider must submit to the department [~~commissioner~~] a complete application for renewal at least 30 days before the expiration date of the license.

(b) A school or course provider that does not comply with Subsection (a) must, as a condition of renewal of the person's license, pay a late renewal fee. The late renewal fee is in addition to the annual renewal fee. The commission by rule shall establish a late renewal fee [~~must be in the amount established by board rule of at least \$100, subject to Subchapter D~~].

(c) The department [~~commissioner~~] may reexamine a driver education school's premises.

(d) The executive director [~~commissioner~~] shall renew or cancel the driver education school, driving safety school, or course provider license.

SECTION 44. Sections 1001.304(b) and (c), Education Code, are amended.

SECTION 45. Sections 1001.351(a) and (b), Education Code, are amended.

SECTION 46. Sections 1001.354(a) and (b), Education Code, are amended.

SECTION 47. Section 1001.3541, Education Code, is amended.

SECTION 48. Sections 1001.404(b) and (c), Education Code, are amended.

SECTION 49. Sections 1001.451 and 1001.452, Education Code, are amended to read as follows:

Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

SECTION 44. Sections 1001.303(c) and (d), Education Code, are amended to read as follows:

(c) The department [~~commissioner~~] may inspect [~~reexamine~~] a driver education school's premises.

(d) The department [~~commissioner~~] shall renew or cancel the driver education school, driving safety school, or course provider license.

SECTION 45. Same as introduced version.

SECTION 46. Same as introduced version.

SECTION 47. Same as introduced version.

SECTION 48. Same as introduced version.

SECTION 49. Same as introduced version.

SECTION 50. Sections 1001.451 and 1001.452, Education Code, are amended to read as follows:

Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

(1) use advertising designed to mislead or deceive a prospective student;

(2) fail to notify the department [~~commissioner~~] of the discontinuance of the operation of a driver training school before the fourth working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issue, sell, trade, or transfer:

(A) a uniform certificate of course completion or driver education certificate to a person or driver training school not authorized to possess the certificate;

(B) a uniform certificate of course completion to a person who has not successfully completed an approved, six-hour driving safety course; or

(C) a driver education certificate to a person who has not successfully completed a department-approved [~~commissioner-approved~~] driver education course;

(4) negotiate a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except that before that time the instrument may be assigned to a purchaser who becomes subject to any defense available against the school named as payee; or

(5) conduct any part of an approved driver education course or driving safety course without having an instructor physically present in appropriate proximity to the student for the type of instruction being given.

Sec. 1001.452. COURSE OF INSTRUCTION. A driver training school may not maintain, advertise, solicit for, or conduct a course of instruction in this state before the later of:

(1) the 30th day after the date the school applies for a driver training school license; or

(2) the date the school receives a driver training school license from the department [~~commissioner~~].

SECTION 50. Sections 1001.453(d) and (e), Education Code, are amended to read as follows:

(1) use advertising that is false, misleading, or deceptive [~~designed to mislead or deceive a prospective student~~];

(2) fail to notify the department [~~commissioner~~] of the discontinuance of the operation of a driver training school before the 15th [~~fourth~~] working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issue, sell, trade, or transfer:

(A) a uniform certificate of course completion or driver education certificate to a person or driver training school not authorized to possess the certificate;

(B) a uniform certificate of course completion to a person who has not successfully completed an approved, six-hour driving safety course; or

(C) a driver education certificate to a person who has not successfully completed a department-approved [~~commissioner-approved~~] driver education course;

(4) negotiate a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except that before that time the instrument may be assigned to a purchaser who becomes subject to any defense available against the school named as payee; or

(5) conduct any part of an approved driver education course or driving safety course without having an instructor physically present in appropriate proximity to the student for the type of instruction being given.

Sec. 1001.452. COURSE OF INSTRUCTION. A driver training school may not [~~maintain, advertise, solicit for, or~~] conduct a course of instruction in this state before the [~~later of~~]:

[(1) the 30th day after the date the school applies for a driver training school license; or

[(2) the] date the school receives a driver training school license from the department [~~commissioner~~].

SECTION 51. Sections 1001.453(b), (d), and (e), Education Code, are amended to read as follows:

(b) The department may revoke the license of a [A] course provider [~~loses its course provider status~~] if the course provider or the course provider's agent, employee, or representative violates this section.

(d) Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Sections [1001.454,] 1001.456(a) [,] and 1001.553 of this code do not apply to a violation of this section or a rule adopted under this section.

(e) Section 51.352, Occupations Code, and Sections 1001.455(a)(6), 1001.501, [1001.551, 1001.552,] and 1001.554 of this code do not apply to a violation of this section.

SECTION 51. Section 1001.455, Education Code, is amended to read as follows:

Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF INSTRUCTOR LICENSE. (a) The executive director [agency] may deny an application for an instructor license or suspend or revoke the license of an instructor if the instructor:

- (1) fails to meet a requirement for issuance of or holding a license under this chapter;
- (2) permits fraud or engages in fraudulent practices relating to the application;

- (3) induces or countenances fraud or fraudulent practices on the part of an applicant for a driver's license or permit;
- (4) permits or engages in any other fraudulent practice in an action between the applicant or license holder and the public;
- (5) fails to comply with commission [agency] rules relating to driver instruction; or
- (6) fails to comply with this chapter.

(b) Not later than the 10th day after the date of a denial, suspension, or revocation under this section, the department [agency] shall notify the applicant or license holder of that action by certified mail.

SECTION 52. Section 1001.456, Education Code, is amended to read as follows:

Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the executive director [agency] believes that a driver education school or instructor has violated this chapter or a rule adopted under this chapter, the executive director [agency] may, without notice:

- (1) order a peer review;
- (2) suspend the enrollment of students in the school or the offering of instruction by

(d) Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations Code, [Sections 1001.454, 1001.456(a), and 1001.553] do not apply to a violation of this section or a rule adopted under this section.

(e) Section 51.352, Occupations Code, and Sections 1001.455(a)(6)[, — 1001.501, 1001.551, 1001.552,] and 1001.554 of this code do not apply to a violation of this section.

SECTION 52. Section 1001.455(a), Education Code, is amended to read as follows:

(a) The executive director or the commission [agency] may deny an application for an instructor license or suspend or revoke the license of an instructor if the instructor:

- (1) fails to meet a requirement for issuance of or holding a license under this chapter;
- (2) permits [fraud] or engages in misrepresentation, fraud, or deceit in applying for or obtaining a certificate, license, or permit [fraudulent practices relating to the application];

- (3) induces [or countenances] fraud or fraudulent practices on the part of an applicant for a driver's license or permit;
- (4) permits or engages in any other fraudulent practice in an action between the applicant or license holder and the public;
- (5) fails to comply with commission [agency] rules relating to driver instruction; or
- (6) fails to comply with this chapter.

No equivalent provision.

the instructor; or

(3) suspend the right to purchase driver education certificates.

(b) If the executive director [~~agency~~] believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule adopted under this chapter, the executive director [~~agency~~] may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase course completion certificate numbers.

(c) A peer review ordered under this section must be conducted by a team of knowledgeable persons selected by the department [~~agency~~]. The team shall provide the department [~~agency~~] with an objective assessment of the content of the school's or course provider's curriculum and its application. The school or course provider shall pay the costs of the peer review.

(d) A suspension of enrollment under Subsection (a)(2) or (b)(2) means a ruling by the executive director [~~commissioner~~] that restricts a school from:

(1) accepting enrollments or reenrollments;

(2) advertising;

(3) soliciting; or

(4) directly or indirectly advising prospective students of its program or course offerings.

SECTION 53. Section 1001.458, Education Code, is amended to read as follows:

Sec. 1001.458. SURRENDER OF LICENSE. (a) A license holder whose license is suspended or revoked shall surrender the license to the department [~~agency~~] not later than the fifth day after the date of suspension or revocation.

(b) The department [~~agency~~] may reinstate a suspended license on full compliance by the license holder with this chapter.

No equivalent provision.

SECTION 54. Section 1001.459, Education Code, is amended to read as follows:

Sec. 1001.459. APPEAL AND REQUEST FOR HEARING. (a) A person aggrieved by a denial, suspension, or revocation of a license may appeal the action and request a

No equivalent provision.

hearing before the State Office of Administrative Hearings, which shall promptly set a hearing date and give written notice of the time and place of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall conduct the hearing [~~commissioner~~].

(b) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the commission a proposal for a decision about the appealed action [~~request must be submitted not later than the 15th day after the date the person receives notice under Section 1001.455. On receipt of a request for a hearing, the commissioner shall set a time and place for the hearing and send notice of the time and place to the aggrieved person~~].

SECTION 55. Sections 1001.553(a), (b), and (c), Education Code, are amended to read as follows:

(a) After an opportunity for a hearing, the executive director or commission [~~commissioner~~] may impose an administrative penalty on a person who violates this chapter or a rule adopted under this chapter.

(b) The amount of the penalty may not exceed \$5,000 [~~\$1,000~~] a day for each violation.

(c) An administrative penalty under this section shall be imposed and collected as provided by Subchapter F, Chapter 51, Occupations Code. [~~The attorney general, at the request of the agency, may bring an action to collect the penalty.~~]

SECTION 56. Section 1001.555(b), Education Code, is amended to read as follows:

(b) The department [~~agency~~] shall contract with the Department of Public Safety [~~department~~] to provide undercover and investigative assistance in the enforcement of Subsection (a).

SECTION 57. Article 45.0511(b), Code of Criminal Procedure, is amended.

SECTION 58. Section 501.004(b), Transportation Code, is amended.

SECTION 59. Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st

No equivalent provision.

SECTION 53. Section 1001.555(b), Education Code, is amended to read as follows:

(b) The department may [~~agency shall~~] contract with the Department of Public Safety [~~department~~] to provide undercover and investigative assistance in the enforcement of Subsection (a).

SECTION 54. Same as introduced version.

SECTION 55. Same as introduced version.

SECTION 56. Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st

Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department may not issue a driver's license to a person who is younger than 21 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 approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] under Section 29.902, Education Code, or a driver education course approved by the Texas Department of Licensing and Regulation [~~that agency~~] under Section 1001.101, Education Code, [~~of that code~~] or approved by the department under Section 521.205; 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 [~~Education Agency~~] under Section 1001.101 or 1001.1015, Education Code.

SECTION 60. 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. 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 approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] under Section 29.902, Education Code, or a driver education course approved by the Texas Department of Licensing and Regulation [~~that agency~~] under Section 1001.101, Education Code, [~~1001.101(a)(1) of that code~~] or approved by the department under Section 521.205; 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 [~~Education Agency~~] under Section 1001.101 or 1001.1015 [~~Section~~

Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department may not issue a driver's license to a person who is younger than 21 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 approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] under Section 29.902, Education Code, or a driver education course approved by the Texas Department of Licensing and Regulation [~~that agency~~] under Chapter 1001, Education Code, [~~Section 1001.101 of that code~~] or approved by the department under this chapter [~~Section 521.205~~]; 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 [~~Education Agency~~] under Section 1001.101 or 1001.1015, Education Code.

SECTION 57. 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. 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 approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] under Section 29.902, Education Code, or a driver education course approved by the Texas Department of Licensing and Regulation [~~that agency~~] under Chapter 1001, Education Code, [~~Section 1001.101(a)(1) of that code~~] or approved by the department under this chapter [~~Section 521.205~~]; 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 [~~Education Agency~~] under Section 1001.101 or 1001.1015 [~~Section~~

~~1001.101(a)(1) or (2)~~], Education Code.

SECTION 61. Section 521.1655(a), Transportation Code, is amended.

SECTION 62. Section 521.167, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, is amended.

SECTION 63. Section 521.203, Transportation Code, is amended.

SECTION 64. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;
(2) has submitted to the department a driver education certificate issued under Section 1001.055, Education Code, that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Department of Licensing and Regulation ~~[Education Agency]~~;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam;

(4) has submitted to the department written parental or guardian permission:

(A) for the department to access the applicant's school enrollment records maintained by the Texas Education Agency; and

(B) for a school administrator or law enforcement officer to notify the department in the event that the person has been absent from school for at least 20 consecutive instructional days; and

(5) has passed the examination required by Section 521.161.

SECTION 65. Sections 521.205(b) and (d), Transportation Code, are amended to read as

~~1001.101(a)(1) or (2)~~], Education Code.

SECTION 58. Same as introduced version.

SECTION 59. Same as introduced version.

SECTION 60. Same as introduced version.

SECTION 61. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;
(2) has submitted to the department a driver education certificate issued under Section 1001.055, Education Code, that states that the person has completed and passed a driver education course approved by the ~~department under Section 521.205 or by the~~ Texas Department of Licensing and Regulation ~~[Education Agency]~~;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam;

(4) has submitted to the department written parental or guardian permission:

(A) for the department to access the applicant's school enrollment records maintained by the Texas Education Agency; and

(B) for a school administrator or law enforcement officer to notify the department in the event that the person has been absent from school for at least 20 consecutive instructional days; and

(5) has passed the examination required by Section 521.161.

No equivalent provision.

follows:

(b) The department may not approve a course unless it determines that the course materials are at least equal to those required in a course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~], except that the department may not require that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~].

No equivalent provision.

SECTION 66. Sections 521.222(a) and (c), Transportation Code, are amended to read as follows:

(a) The department ~~or a driver education school licensed under Chapter 1001,~~

SECTION 62. Sections 521.206(b) and (c), Transportation Code, are amended to read as follows:

(b) The department shall collect data regarding the collision rate of students taught by course instructors approved under Chapter 1001, Education Code [~~Section 521.205~~]. The collision rate is computed by determining the number of students who completed a course approved under Chapter 1001, Education Code, [~~Section 521.205~~] during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(c) Not later than October 1 of each year, the department shall issue a publication listing the collision rate for students taught by each driver education entity and the collision rate for students taught by a course instructor approved under Chapter 1001, Education Code [~~Section 521.205~~], noting the severity of collisions involving students of each entity and each type of course.

SECTION 63. Sections 521.222(a) and (c), Transportation Code, are amended to read as follows:

(a) The department ~~or a driver education school licensed under the Texas Driver and~~

Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)~~] may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

- (1) is 15 years of age or older but under 18 years of age;
- (2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 521.205;
- (3) meets the requirements imposed under Section 521.204(a)(3) [~~521.204(3)~~]; and
- (4) has passed each examination required under Section 521.161 other than the driving test.

(c) A driver education school may issue an instruction permit to a person 18 years of age or older who has successfully passed:

- (1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~]; and
- (2) each part of the driver's examination required by Section 521.161 other than the driving test.

No equivalent provision.

SECTION 67. Sections 543.111 and 543.112, Transportation Code, are amended.

SECTION 68. Sections 543.113(a) and (c), Transportation Code, are amended to read as follows:

(a) The Texas Department of Licensing and Regulation [~~Education Agency~~] shall print the uniform certificates and supply them to persons who are licensed providers of courses approved under Chapter 1001, Education Code [~~the Texas Driver and Traffic Safety Education Act (Article~~

~~Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)~~] may issue a learner license [~~an instruction permit~~], including a Class A or Class B driver's learner license [~~instruction permit~~], to a person who:

- (1) is 15 years of age or older but under 18 years of age;
- (2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 1001.112, Education Code [~~521.205~~];
- (3) meets the requirements imposed under Section 521.204(a)(3) [~~521.204(3)~~]; and
- (4) has passed each examination required under Section 521.161 other than the driving test.

(c) The department [~~A driver education school~~] may issue a learner license [~~an instruction permit~~] to a person 18 years of age or older who has successfully passed:

- (1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~]; and
- (2) each part of the driver's examination required by Section 521.161 other than the driving test.

SECTION 64. Section 521.223(b), Transportation Code, is amended to read as follows:

(b) An applicant for a license under Subsection (a) must be 15 years of age or older and must:

- (1) have passed a driver education course approved by the department, which may be a course approved under Chapter 1001, Education Code [~~Section 521.205~~]; and
- (2) pass the examination required by Section 521.161.

SECTION 65. Same as introduced version.

SECTION 66. Sections 543.113(a) and (c), Transportation Code, are amended to read as follows:

(a) The Texas Department of Licensing and Regulation [~~Education Agency~~] shall issue [~~print~~] the uniform certificates and supply them to persons who are licensed providers of courses approved under Chapter 1001, Education Code [~~the Texas Driver and Traffic Safety Education Act (Article~~

~~4413(29e), Vernon's Texas Civil Statutes)].~~
The Texas Commission of Licensing and Regulation by rule shall establish [~~Agency may charge~~] a fee for each certificate. [~~The fee may not exceed \$4.~~]

(c) Money collected by the Texas Department of Licensing and Regulation [~~Education Agency~~] under this section may be used only to pay monetary awards for information relating to abuse of uniform certificates that leads to the conviction or removal of an approval, license, or authorization.

SECTION 69. Section 543.114(a), Transportation Code, is amended.

SECTION 70. Section 545.412(g), Transportation Code, is amended.

SECTION 71. Section 545.413(i), Transportation Code, is amended.

SECTION 72. (a) The following provisions of the Education Code are repealed:

- (1) Section 1001.001(1);
- (2) Section 1001.006;

(3) Section 1001.454;

(4) Sections 1001.460 and 1001.461; and

(5) Sections 1001.551 and 1001.552.

(b) Section 521.167, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 73. The change in law made by this Act to Section 1001.553(b), Education Code, applies only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the

~~4413(29e), Vernon's Texas Civil Statutes)].~~
The Texas Commission of Licensing and Regulation by rule shall establish [~~Agency may charge~~] a fee for each certificate. [~~The fee may not exceed \$4.~~]

(c) Money collected by the Texas Department of Licensing and Regulation [~~Education Agency~~] under this section may be used only to pay monetary awards for information relating to abuse of uniform certificates that leads to the conviction or removal of an approval, license, or authorization.

SECTION 67. Same as introduced version.

SECTION 68. Same as introduced version.

SECTION 69. Same as introduced version.

SECTION 70. (a) The following provisions of the Education Code are repealed:

- (1) Section 1001.001(1);

(2) Sections 1001.054(a) and (b);

(3) Sections 1001.152 and 1001.153;

(4) Section 1001.203;

(5) Section 1001.212;

(6) Section 1001.252;

(7) Section 1001.257;

(8) Sections 1001.303(a) and (b);

(9) Section 1001.454;

(10) Section 1001.455(b);

(11) Sections 1001.456, 1001.457, 1001.458, and 1001.459;

(12) Sections 1001.460 and 1001.461;

(13) Sections 1001.501, 1001.502, and 1001.503; and

(14) Sections 1001.551, 1001.552, and 1001.553.

(b) Section 521.167, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, and Section 521.205, Transportation Code, are repealed.

SECTION 71. The change in law made by this Act applies only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the effective date of this Act is governed by the

effective date of this Act is governed by the law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

SECTION 74.

(a) On September 1, 2015:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the Texas Education Agency immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) all rules, policies, procedures, decisions, and forms adopted by the commissioner of education that relate to Chapter 1001, Education Code, are continued in effect as rules, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remain in effect until amended or replaced by that commission or department;

(3) a reference to the Texas Education Agency in a law or administrative rule that relates to Chapter 1001, Education Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable;

(4) a complaint, investigation, or other proceeding before the Texas Education Agency that is related to Chapter 1001, Education Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Education Agency in an action or proceeding to which the Texas Education Agency is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Education Agency related to Chapter 1001, Education Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas

law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

SECTION 72. (a) In this section, "former governing bodies" means the Texas Education Agency and the Department of Public Safety, relating to the oversight of Chapter 1001, Education Code, and Section 521.205, Transportation Code, respectively.

(b) On September 1, 2015:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the former governing bodies immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) all rules, policies, procedures, decisions, and forms adopted by the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are continued in effect as rules, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remain in effect until amended or replaced by that commission or department;

(See Subsec. (d) below.)

(3) a complaint, investigation, or other proceeding before the former governing bodies that is related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the former governing bodies in an action or proceeding to which one of the former governing bodies is a party;

(4) all money, contracts, leases, property, and obligations of the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are transferred to the Texas Department of Licensing and Regulation;

(5) all property in the custody of the former

Education Agency related to Chapter 1001, Education Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Education Agency related to Chapter 1001, Education Code, is transferred to the Texas Department of Licensing and Regulation.

(b) Before September 1, 2015, the Texas Education Agency may agree with the Texas Department of Licensing and Regulation to transfer any property of the Texas Education Agency to the Texas Department of Licensing and Regulation to implement the transfer required by this Act.

(See Subdiv. (3) above.)

No equivalent provision.

No equivalent provision.

No equivalent provision.

governing bodies related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred to the Texas Department of Licensing and Regulation; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the former governing bodies related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred to the Texas Department of Licensing and Regulation.

(c) As soon as practicable after the effective date of this Act, the Texas Education Agency may agree with the Texas Department of Licensing and Regulation to transfer any property of the Texas Education Agency to the Texas Department of Licensing and Regulation to implement the transfer required by this Act.

(d) Unless the context indicates otherwise, a reference to the former governing bodies in a law or administrative rule that relates to Chapter 1001, Education Code, or Section 521.205, Transportation Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable.

(e) A license, permit, certification, or registration issued by the former governing bodies is continued in effect as a license, permit, certification, or registration of the Texas Department of Licensing and Regulation.

(f) On September 1, 2015, all full-time equivalent employee positions at the former governing bodies and Education Service Center Region 13 that primarily concern the administration, enforcement, or other direct or indirect support of Chapter 1001, Education Code, or Section 521.205, Transportation Code, become positions at the Texas Department of Licensing and Regulation. When filling the positions, the Texas Department of Licensing and Regulation shall give first consideration to an applicant who, as of August 31, 2015, was an employee at the former governing bodies or Education Service Center Region 13 primarily involved in administering or enforcing Chapter 1001, Education Code, or Section 521.205, Transportation Code.

(g) As soon as practicable after the effective date of this Act, the presiding

officer of the Texas Commission of Licensing and Regulation, with the commission's approval, shall make the initial appointments to the advisory committee under Section 1001.058, Education Code, as added by this Act.

SECTION 75. The changes in law made by this Act to Chapter 1001, Education Code, apply only to a fee charged on or after September 1, 2015. A fee charged before September 1, 2015, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 76. This Act takes effect September 1, 2015.

SECTION 73. Same as introduced version.

SECTION 74. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 75. Same as introduced version.