

BILL ANALYSIS

C.S.S.B. 848
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that driver education courses are increasingly out of reach for many Texans due to the cost of private courses and restrictions limiting the individuals who may conduct a parent-taught driver education course. C.S.S.B. 848 seeks to make driver education courses more readily available to all Texans by expanding the pool of individuals eligible to conduct a parent-taught driver education course.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 848 amends the Education Code to remove the specification that driver education certificates and driving safety course completion certificates be printed. The bill gives a driving safety course provider or a person at the course provider's facilities, as applicable, the option of issuing a uniform certificate of course completion to a person who successfully completes an approved driving safety course or a duplicate certificate by electronic delivery as an alternative to issuing the certificate by United States mail or commercial delivery.

C.S.S.B. 848 includes among the individuals conducting a driver education course for which the Texas Commission of Licensing and Regulation is required by rule to provide approval an individual who has been designated by a parent, a legal guardian, or a judge of a court with jurisdiction over the person completing the course on a form prescribed by the Texas Department of Licensing and Regulation (TDLR); is at least 25 years of age; does not charge a fee for conducting the course; has at least seven years of driving experience; and otherwise qualifies to conduct such a course. The bill limits a requirement that those rules provide that a person conducting a driver education course has not been convicted of driving while intoxicated to a person who has not been convicted of driving while intoxicated in the past seven years and removes the requirement that the rules provide that the person conducting a driver education course not be disabled because of mental illness. The bill prohibits TDLR from charging a fee for the submission of proof of completion of the course or passage of an examination consisting of the highway sign and traffic law parts of the driver's license application examination.

C.S.S.B. 848 removes the conditions that each driving safety school classroom location be approved by and have the same name and ownership as the parent school for such a school's authorization to use multiple classroom locations to teach a driving safety course. The bill

removes the conditions that TDLR determine that a school applying for a driver education school license or a driving safety school license has owners and instructors who are of good reputation and character for approval of an application for such a license. The bill removes the condition that TDLR determine that a driver safety course provider applying for a course provider license is of good reputation and character for approval of the application. The bill decreases from \$25,000 to \$10,000 the amount of a corporate surety bond a course provider is required to provide before a license may be issued to the course provider. The bill removes the requirement that an application to renew a driver education instructor or driving safety instructor license be postmarked at least 30 days before the expiration date of the license.

C.S.S.B. 848 repeals Section 521.205(a), Transportation Code, as amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature, Regular Session, 2015, requiring the Department of Public Safety by rule to provide for approval of a parent-taught driver education course.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 848 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

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

(a) The department 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 approved parent-taught course provider to ~~[print and]~~ issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2), Transportation Code, 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009.

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

- (1) be in a form required by the department; and
- (2) include an identifying certificate number provided by the department that

may be used to verify the authenticity of the certificate with the driver education school or approved parent-taught course provider.

(a-2) A driver education school or parent-taught course provider approved under this chapter that purchases driver education certificate numbers shall issue ~~[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 course provider shall electronically submit to the department in the manner established by the department data identified by the department relating to issuance of department-approved driver education certificates with the certificate numbers.

No equivalent provision.

SECTION 2. Sections 1001.056(b), (c-1), and (g), Education Code, are amended to read as follows:

(b) The department shall provide each licensed course provider with course completion certificate numbers to enable the provider to ~~[print and]~~ issue department-approved uniform certificates of course completion.

(c-1) A course provider 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.

(g) A course provider shall issue a duplicate certificate by United States mail or commercial or electronic delivery. The commission by rule shall determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 1. Section 1001.112(a), Education Code, is amended to read as follows:

(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.

SECTION 3. Section 1001.112, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (e) to read as follows:

(a) The commission by rule shall provide for approval of a driver education course conducted by the following persons with the noted relationship to ~~[the parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of]~~ a person who is required to complete a driver education

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 within seven years of the date on which the person requests approval to conduct a driver education course under this section; and
- (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.

No equivalent provision.

course to obtain a Class C license:

- (1) a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent; or
- (2) an individual who:
 - (A) has been designated by a parent, a legal guardian, or a judge of a court with jurisdiction over the person on a form prescribed by the department;
 - (B) is at least 25 years of age or older;
 - (C) does not charge a fee for conducting the course;
 - (D) has at least seven years of driving experience; and
 - (E) otherwise qualifies to conduct a course under Subsection (a-1).

(a-1) 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 in the past seven years; and
- (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.
- (e) The department may not charge a fee for the submission of proof of completion of the course or passage of an examination under Subsection (c).

SECTION 4. Section 1001.202(b), Education Code, is amended to read as follows:

- (b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:
 - ~~[(1)]~~ is approved by the ~~[parent school and the]~~ department[;
 - ~~[(2)]~~ ~~has the same name as the parent school; and~~

~~[(3) has the same ownership as the parent school].~~

No equivalent provision.

SECTION 5. Section 1001.204(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driver education 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, 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 instructors 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, telephone number, and Internet website address for the purpose of directing complaints to the department;

(5) maintains adequate records as prescribed by the department 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 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;

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

(11) [~~(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;

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

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

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

No equivalent provision.

SECTION 6. Section 1001.205(b), Education Code, is amended to read as follows:

(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, the department 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 who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department 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 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;
~~(7)~~ [~~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;
~~(8)~~ [~~9~~] maintains and uses the approved contract and policies developed by the course provider;
~~(9)~~ [~~10~~] does not owe an administrative penalty for a violation of this chapter;
~~(10)~~ [~~11~~] will not provide a driving safety course to a person for less than \$25; and
~~(11)~~ [~~12~~] meets additional criteria required by the department.

No equivalent provision.

SECTION 7. Section 1001.206(b), Education Code, is amended to read as follows:

- (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 the department 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, telephone number, and Internet website address for the purpose of directing complaints to the department;
 - (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 person successfully completes the

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

(6) the course provider maintains adequate records as prescribed by the department 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;

~~(10)~~ ~~(11)~~ the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

~~(11)~~ ~~(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;

~~(12)~~ ~~(13)~~ the course provider does not owe an administrative penalty for a violation of this chapter; and

~~(13)~~ ~~(14)~~ the course provider meets additional criteria required by the department.

SECTION 2. Section 1001.209(a), Education Code, is amended to read as follows:

(a) Before a course provider may be issued a license, the course provider must provide a corporate surety bond in the amount of \$10,000 ~~[\$25,000]~~.

SECTION 8. Section 1001.209(a), Education Code, is amended to read as follows:

(a) Before a license ~~[course provider]~~ may be issued to a course provider ~~[a license]~~, the course provider must provide a corporate surety bond in the amount of \$10,000 ~~[\$25,000]~~.

SECTION 3. Section 1001.304(a), Education Code, is amended.

No equivalent provision.

SECTION 4. Section 521.205(a), Transportation Code, as amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature, Regular Session, 2015, is repealed to conform to the repeal of Section 521.205, Transportation Code, by Chapter 1044 (H.B. 1786), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 9. Same as engrossed version.

SECTION 10. Section 1001.351(a), Education Code, is amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and deliver by United States mail or commercial or electronic delivery a uniform certificate of course completion to a person who successfully completes an approved driving safety course.

SECTION 11. Section 521.205(a), Transportation Code, as amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.