

## **BILL ANALYSIS**

C.S.H.B. 2286  
By: White  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns about the fact that many vulnerable youths, particularly those experiencing homelessness, are unable to obtain a driver's license due to the associated costs and fees. It is imperative for these youth to have the ability to obtain a license with as few barriers as possible so they can drive to work and school without the risk of becoming involved with the justice system. Under current law, there are no applicable provisions to waive fees associated with driver's education courses or licensing examinations. C.S.H.B. 2286 seeks to provide a mechanism to cover these costs for vulnerable youth, particularly youth experiencing homelessness, on request.

### **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 Workforce Commission in SECTION 1 of this bill and to the Department of Public Safety in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 2286 amends the Transportation Code to require the Texas Workforce Commission (TWC), on request, to pay the fees associated with meeting a requirement relating to a driver's license examination or a driver and traffic safety course for a person who is:

- eligible for the driver's license fee waiver for foster children or youth or homeless children or youth; or
- younger than 26 years of age and was in the managing conservatorship of the Department of Family and Protective Services (DFPS) on the day before the person's 18th birthday or is a homeless child or youth as defined by applicable federal law.

The bill requires the TWC by rule to establish a process by which such a person may apply to the TWC for the payment of the fees and the TWC pays the fees to appropriate entities on the person's behalf.

C.S.H.B. 2286 requires the Department of Public Safety (DPS) to do the following using money in the identification fee exemption account:

- request that the comptroller of public accounts transfer to the TWC amounts sufficient to provide for the TWC to pay the fees for certain foster and homeless children and youths as specified by the bill to entities other than DPS; and
- pay DPS's costs associated with administering the transfers.

The bill prohibits DPS from requesting a transfer of fees or paying those administrative costs if DPS determines in consultation with the TWC that the balance of the account is insufficient.

The bill requires DPS, by rule and in consultation with the TWC, to establish a process by which transfers are made from the money in the account.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2286 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the original and the substitute each provide for the costs associated with meeting requirements relating to a driver's license examination or a driver and traffic safety course to be covered for certain foster and homeless youth, the process by which each version accomplishes this, and the children and youth for whom costs are covered, differs.

With respect to the foster and homeless youth eligible to have their fees covered under the bill, the substitute revises the original's provisions to remove from the list of eligible persons a person who is younger than 26 years of age and who resided in a foster care placement the cost of which was paid by DFPS.

Whereas the original provided for the automatic waiving of fees for an eligible individual, the substitute instead requires the fees be covered by the TWC only on request of an eligible individual. Additionally, whereas the original prohibited driver and traffic safety course providers from charging eligible students the fees and costs associated with the course, the substitute instead makes the TWC responsible for determining who is eligible to have their driver and traffic safety education paid for and then paying those fees. Accordingly, the substitute includes provisions not in the original requiring the TWC by rule to establish a process by which a person may apply for their fees to be paid and the TWC pays the fees to the appropriate entities on the person's behalf.

To account for the change in the manner by which fees for driver and traffic safety courses are covered, the substitute replaces the original's requirement for DPS to use money in the identification fee exemption account to make reimbursements for fees waived by course providers and the Texas Department of Licensing and Regulation with a requirement for DPS to request that the comptroller transfer money from the account to the TWC in amounts sufficient to provide for the payment of the fees by the TWC. The substitute makes DPS, in consultation with the TWC, responsible for determining whether a sufficient balance exists in the account to permit a transfer of money to cover the cost of the fees, where the original established a set calculation for determining sufficiency. Accordingly, the substitute requires DPS to consult with the TWC in adopting rules to establish a process by which transfers from the account are made, whereas the original did not.