

SUBJECT: Testing and exam fees for persons completing driver education courses

COMMITTEE: Law Enforcement —committee substitute recommended

VOTE: 5 ayes — Driver, Garza, Burnam, Y. Davis, Hegar

0 nays

2 absent — Hupp, Keel

SENATE VOTE: On final passage, April 1 — voice vote

WITNESSES: None

BACKGROUND: Transportation Code, ch. 521 governs driver's licenses and certificates, including general license requirements, personal identification certificates, and examination requirements. Sec. 521.205 allows parents or legal guardians to teach their children to drive using driver education courses approved by the Department of Public Safety (DPS). Sec. 521.165 allows certain employers, government agencies, and other appropriate organizations to train and test for the ability to operate certain types of vehicles. The public safety director is authorized to waive a driving test for an applicant who successfully has completed and passed training and testing. Sec. 521.421 sets forth license and examination fees.

DIGEST: CSSB 946 would repeal the authorization of the DPS director to waive the driving test for applicants who successfully had completed and passed the training and testing conducted by persons certified by DPS. The completion of training and testing would not exempt a driver's license applicant from a behind-the-wheel driving examination.

In addition to the fee for the issuance or renewal of a provisional license or instruction permit, the bill would require an applicant applying for an original issuance of a provisional license to pay a \$10 fee and take a driving test conducted by the DPS.

The fees collected for the driving test would be deposited into a special account in the general revenue fund and could only be used by DPS for the administration of Transportation Code, ch. 521.

The bill would take effect September 1, 2003, and would apply only to an application for a driver's license submitted on or after that date.

**SUPPORTERS
SAY:**

Properly conducted driver education is important because young drivers have the highest rates of crashes per miles driven and of crashes that result in injury and death. Texas has had an ongoing driver education program as a prerequisite for obtaining a license prior to age 18, and parents have been allowed to train their young drivers using an approved curriculum guide provided by DPS since 1995. In 2002, approximately 31 percent of student drivers were trained through non-certified, parent-taught programs. According to Texas Education Agency data, the crash rate for drivers during their first year of licensure has risen 143 percent since the advent of parent-certified training.

CSSB 946 would require all young drivers applying for a provisional license to take a DPS-conducted driving test, including those trained by their parents. New drivers would have to demonstrate the ability to exercise ordinary and reasonable control in operating a car before being allowed behind the wheel as unsupervised, licensed drivers. The bill would help save countless lives and make the roads and streets of Texas safer for everyone who used them.

The bill would not require any parent to pay for a certified commercial driving instruction program, only to pay the costs associated with a DPS driving test. The additional \$10 fee would be a small price to pay to make Texas roads safer.

**OPPONENTS
SAY:**

The additional \$10 fee could be burdensome for some families, especially those with multiple young drivers. The public safety director should retain the authority to waive the driving test for qualified driver's license applicants.

NOTES:

The substitute would specify that all applicants were required to pay a fee for the driving test, while the Senate engrossed bill would have restricted the application fee and driving test to those who completed a parent-taught driver

education course. The substitute also would require a \$10 application fee rather than a \$5 fee.

HB 1313 by Pitts, which would add other persons with legal authority to be able to conduct parent-taught driver education courses, was referred to the Committee on Law Enforcement on March 3.

HB 2452 by Kolkhorst, which would prohibit the waiver of the driving test for parent-taught driving students and require a \$10 application fee for the driving test, was referred to the Committee on Law Enforcement on March 31.

HB 3369 by West, which would require the person conducting the parent-taught drivers education course to complete a Parent Instruction Safety Court approved by the DPS, was referred to the Law Enforcement Committee on April 1.