

SUBJECT: Issuance and renewal of driver's licenses for persons age 90 or older

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 7 ayes — Driver, Latham, Allen, Frost, Ortiz, Vo, West
0 nays

WITNESSES: For — Joan Bohls; Kent Bohls; Johna Bolka; Rick Bolka; Rep. Patricia Harless, representing Nicholas Sirchia; Charles Choc Harris; Paula Johnson; Peter Malouf; Jim Miller, Jr.; Charles Stovall; Liz Stovall

Against — None

On — Carlos Higgins, Texas Silver-Haired Legislature; Sherrie Zgabay, Texas Department of Public Safety

BACKGROUND: Transportation Code, sec. 521.271 establishes that a driver's license expires on the license holder's birthday occurring six years after the application date. A renewed driver's license lapses six years after its expiration date.

The Department of Public Safety (DPS), by rule, grants drivers the option of renewing by mail or electronic means every other renewal cycle. If a driver chooses to renew by mail, telephone, or Internet, that driver can go 12 years without taking a vision test at a DPS station. DPS may require a driver renewing in person, based on medical information or observation, to take a driving test. The fee for issuance or renewal of a Texas driver's license is \$24.

DIGEST: HB 84 would modify the Transportation Code to add requirements for issuance and renewal of driver's licenses for persons age 90 or older. A driver's license would expire on the license holder's 90th birthday. DPS could not renew a driver's license of a person age 90 or older unless the person passed a renewal exam that included a vision test and a driving test to determine the person's ability to exercise ordinary and reasonable control in operating a motor vehicle.

The renewal date for a license holder older than age 90 would be two years after the expiration date and could not be extended by mail or electronic means. An original driver's license issued to person age 90 or older would expire two years after issuance.

The fee for a driver's license issued or renewed on or after a person's 90th birthday would be \$8. DPS also would have to prorate the fee for issuance or renewal of a driver's license for a driver age 85 or older to account for expiration of the license upon that person's 90th birthday.

The bill would take effect September 1, 2007, and would apply only to a driver's license issued or renewed on or after that date.

**SUPPORTERS
SAY:**

HB 84 would help make Texas roads safer by requiring drivers at age 90 to renew their driver's licenses in person and demonstrate their fitness to drive every two years thereafter. Insurance companies report that drivers age 80 and older often are high risks because their vision and responsiveness have deteriorated. According to the National Highway Traffic Safety Administration, elderly drivers account for a disproportionate percentage of traffic and pedestrian fatalities. As the state's elderly population continues to grow rapidly, HB 84 would be an important first step to ensuring safety for all Texans.

The impetus for HB 84, dubbed "Katie's law," was a traffic accident that occurred last year in Dallas when a speeding elderly driver ran a red light and fatally struck 17-year old Katie Bolka en route to a final exam. Sadly, the woman who caused the fatal accident broke both her ankles but denied that she had even been in the intersection. She died eight months later without ever acknowledging that she hit Katie.

The intent of HB 84 is not to prohibit the elderly from driving but to encourage traffic safety for all drivers and pedestrians. A license to operate a motor vehicle is a privilege, not a right. Texas law mandates that young and old alike pass certain tests before obtaining a driver's license.

HB 84 would not impose unreasonably strict requirements upon elderly drivers. As of December 2006, nine other states require vision tests for older drivers to renew their license — two states as early as age 40. In addition, Illinois and New Hampshire require that renewal applicants age 75 and older take a road test. By prorating the renewal fee to \$8 for a two-year period, the bill would not make renewals more costly for seniors.

Elderly drivers are involved in more accidents per mile than any other age group, and accidents involving senior drivers are more likely to result in fatalities. The Legislature should act in a responsible way to reduce these accidents while respecting the abilities of certain individuals regardless of age. The standards in HB 84 would ensure that an elderly driver had the health and physical ability to operate a car, reducing the need for others to make difficult decisions, perhaps arbitrarily, about when an older family member should cease driving.

**OPPONENTS
SAY:**

Texas should emphasize safety for all drivers without respect to age. Research shows that drivers younger than age 25 have higher accident rates than older drivers. By singling out drivers age 90 and older, HB 84 could threaten the independence and overall well-being of many senior drivers. The decision about whether elderly Texans can continue to drive should rest with those individuals and their families.

DPS stations frequently have long lines for driver's license renewals resulting in wait times that often exceed 30 minutes. Forcing a person age 90 or older to renew in person every two years under these conditions would be stressful and physically taxing. Under such circumstances, it is unlikely that any elderly person would fare well on the required driving examination. Texas should consider alternatives such as waiving renewals for people over 65 as two states do or following four other states that prohibit treating drivers differently strictly on the basis of age. Short of those solutions, the public, and elderly drivers in particular, would be better served with more public transportation alternatives like specialized transit services or carpooling options.

**OTHER
OPPONENTS
SAY:**

While HB 84 would establish a significant starting point toward ensuring that elderly motorists were qualified to drive, the bill should go further in protecting the safety of Texas drivers and pedestrians. Because HB 84 would contain no grandfathering provisions, a person who turned 89 within a year prior to enactment of this legislation would not have to renew his or her license until age 95.

SB 180 by Carona, as reported from committee, would require in-person driver's license renewals beginning at age 79 and would initiate two-year, in-person driver's license renewals starting at age 85. Although DPS arguably has this power already, granting the department explicit authority to conduct written or driving examinations of license holders age 85 and older would be an important safeguard.

The driving examination required by HB 84 would include a parallel-parking test that would be difficult for many drivers to pass at any age. Instead of a standard driving test, a better approach would be a specialized test for elderly drivers — perhaps for a restricted license similar to a learner's permit. A restricted license could require driving only during daylight hours, avoiding certain hours of heavy traffic, and limiting travel to a certain distance. Also, the addition of a local-option provision tailored to driving conditions for a specific area would recognize that there is a great difference between driving in Houston and driving in rural Texas.

NOTES:

According to the Legislative Budget Board (LBB), HB 84 would cost \$210,560 in general revenue-related funds in fiscal 2008-09. In addition, HB 84 would incur a one-time cost of \$189,000 from the state highway fund in fiscal 2008 for program changes to the current driver's license system.

The companion bill, SB 180 by Carona, was reported favorably, as substituted, by the Senate Transportation and Homeland Security Committee on February 26, and is scheduled to be considered on today's Local and Uncontested Calendar. As substituted, SB 180 would:

- add new requirements similar to those in HB 84 for driver's license issuance or renewal to persons age 85 and older;
- expand driver's license requirements for the elderly to include commercial driver's licenses and learner's permits for commercial driver's licenses;
- grant DPS explicit authority to make a license holder age 85 or older pass a written or driving examination for renewal; and
- prohibit renewal by mail or electronic means for persons age 79 or older.

According to the LBB, SB 180 as reported from committee would have no significant fiscal impact.