

- SUBJECT:** Driver's education and licensing requirements and restrictions for minors
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 9 ayes — Eissler, Hochberg, Allen, Aycock, Farias, Olivo, Patrick, Shelton, Weber
- 0 nays
- 2 absent — Dutton, Jackson
- WITNESSES:** For — Brett Arterburn and Phil Johnson, Less Tears More Years Campaign, Police Chief, City of Pottsville; Patrick Barrett, Driver Ed in a Box, LLC, Collision-Free Driver Ed; Tim Lambert, Texas Home School Coalition; Anne O'Ryan, AAA Texas; Jill Olson, Texas PTA; (*Registered, but did not testify*: Laura Anderson, Kevin Cooper, Texas Police Chief's Association; Jeff Pynes, Freeport Police Department; Randy Smith, Surfside Beach Police and EMS; Gary Tittle, on behalf of David Kunkle, Chief of Police, Dallas Police Department)
- Against — Mike Baldree, Superintendent of Schools, Blooming Grove; (*Registered, but did not testify*: Jon Taffart, Board Member, Grandview ISD)
- On — Ramiro Canales, Texas Association of School Administrators; David Duty, Texas Association of Community Schools; Eric Givilancz, Roadworthy Driving Academy; Bill Grusendorf, Texas Association of Rural Schools; Russell Henk, Texas Transportation Institute and Texas A&M University System; Carlos Reyna, I Drive Safely Austin, Texas Driving Schools; Julie Shields, Texas Association of School Boards; Sherrie Zgabay, Texas Department of Public Safety; Lee Deviney, Nina Saint, Texas Education Agency
- BACKGROUND:** Texas averages approximately 225,000 new drivers each year. Each driver's license applicant under the age of 18 must take a comprehensive driver education course. For age 18 and over, a driver education course is not required, but drivers must pass the standard written test given by the Department of Public Safety (DPS) as well as an on-road test. An applicant under the age of 18 may choose a course offered through a

school district, open-enrollment charter school, or institution of higher education; a parent-taught course; or a licensed driver training school. A driver's education course must include 32 hours of classroom instruction and 14 hours of behind-the-wheel training. The curriculum for parent-taught courses is available through the TEA, and the parent is responsible for supervising behind-the-wheel instruction. Since the implementation of parent-taught programs, very few school districts have offered driver education courses.

Texas restricts driving privileges of individuals below the age of 18 by enforcing driving curfews, limiting the age and number of passengers the individual may have in the vehicle, and prohibiting the use of cell phones while driving.

As consequences to moving violation convictions, Transportation Code, sec. 708.052 requires two points be assigned to a person's driver's license for each moving violation that did not result in an accident, and three points be assigned that did result in an accident. A speeding ticket for driving less than ten percent over the posted speed limit has no points assigned. When a person has six or more points, the person is charged \$100 for the first six points and \$25 for every point thereafter.

DIGEST:

School districts offering driver education. CSHB 339 would require school districts to consider offering a driver education and traffic safety course during each school year. A school district would be able to charge a fee for the course in an amount determined by the Texas Education Agency (TEA), which would be comparable to the fee charged by a licensed driver education school, or the school district could contract with a licensed driver education school. TEA would establish or approve all curriculum for all classroom instruction for driver education courses, including those conducted by school districts, driver education schools, or parent-taught programs. This section of the bill would apply beginning in the 2009-10 school year.

Driver education course requirements. A driver education course would require a student to complete:

- 7 hours of behind-the-wheel instruction with a licensed driver education instructor;
- 7 hours observing a licensed driver education instructor; and
- 20 hours of behind-the-wheel instruction of which at least 10

would have to take place at night in the presence of an adult over the age of 21 with a valid driver's license and at least one year of driving experience.

A driving test would be required for any applicant who applied for a driver's license on or after September 1, 2009, who is under the age of 18. The commissioner would have to adopt rules governing the section of the bill by January 1, 2010, and each driver education and training program approved by the commissioner would be required to comply with the curriculum requirements outlined in this bill by May 1, 2010.

Driver education instructors. The commissioner of education would not be permitted to issue or renew a driver education instructor license, including a temporary license, to a person who had six or more points assigned to the person's driver's license. An individual would not be permitted to teach a parent-taught course if the individual had six or more points assigned to his or her driver's license. The bill would permit a foster parent to qualify to teach a parent-taught driver education course. This would apply only to licenses issued on or after September 1, 2009.

Revoking provisional license or instruction permit for dropouts. TEA would inform DPS if a person with a provisional license or instruction permit drops out of school. On the date the department receives notification, the department would revoke the person's provisional license or instruction permit and would notify the person in writing of the revocation. TEA and DPS would adopt joint rules to implement this portion of the bill. This would apply only to licenses issued on or after September 1, 2009.

A provisional license or instruction permit would expire on the individual's 18th birthday for any license issued on or after September 1, 2009. The fee for the issuance of a provisional license or instruction permit would increase to \$15.

Driver's license restrictions for minors. A person under the age of 18 would be restricted from operating a motor vehicle during the twelve-month period following the issue of an original Class A, B, or C driver's license:

- after midnight and before 5 a.m. except for work, school or school-related activity, or medical emergency;

- with more than one passenger under the age of twenty-one who was not a family member; and
- while using a wireless communications device, with the exception of a device that promotes the safety of life and property.

The bill would extend to twelve months after license issuance current motorcycle and moped restrictions for riders under the age of 17. This would apply only to licenses issued on or after September 1, 2009.

DPS annual report. DPS would collect data regarding collisions of students taught by public schools, licensed driver education schools, parent-taught courses, and other entities that offer driver education courses for which a uniform certificate of completion was issued. The rate would be computed by dividing the number of an entity's students who completed a course during that fiscal year by the number of collisions that involved students who completed a course with that entity that occurred in the twelve-month period following licensure. This quotient would be expressed as a percentage. The department would issue a publication listing these collision rates by October 1 of each year, noting the severity of the collisions involving students of each entity and each type of course. The first report would be issued no later than October 1, 2011.

DPS would include in the report the number of minor students taught by each driver education entity and the total number of minor students, taught by parent-taught courses, who become licensed during the fiscal 2009-10.

DPS task force. A task force appointed by DPS would review and make recommendations regarding the effectiveness of the materials provided by the for use in driver education courses taught by a parent or guardian. The task force would consist of:

- a DPS representative;
- a TEA representative;
- a commercial provider of driver education courses;
- a member of an interested group or association as determined by DPS; and
- other appropriate members as determined by DPS.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 339 would create the “Less Tears More Years Act” to help ensure that teenage drivers receive proper practice and instruction to be safe drivers. Texas law is weaker than at least 30 states, receiving the rating of fair from the Insurance Institute for Highway Safety. Motor vehicles are the number-one killer of teenagers, accounting for one in three deaths. Last year, children aged 15 to 17 caused more than 70,000 crashes, 300,000 injuries, and over 300 fatalities. A teenager is four times more likely to die than older adults in a crash.

This bill would increase the quality of driver education in Texas by requiring each applicant under the age of 18 to pass a driving test. A driving test would highlight drivers not ready for a license. Driving tests are a credible check on the system that this bill would require. The data-collection section of this bill would help legislators evaluate the different ways by which drivers are licensed, and parents would be able to identify programs whose students have lower collision rates.

School districts would do a better job of teaching driver education and provide a safe atmosphere, and schools and teachers are more accountable. Claims that school districts would expose themselves to more lawsuits is unfounded; prior to 1995, nearly all school districts had driver education programs and did not express liability issues.

Claims that this bill would be an expensive mandate for schools are unfounded because the bill would not mandate that each school district establish a driver education program, but would allow school districts who choose to offer driver education courses to assess a fee to cover the cost to the district or contract with a private provider. Small or rural school districts could consolidate programs to share costs.

**OPPONENTS
SAY:**

This bill would not amend all the necessary statutes to allow for implementation of the bill. There are three mediums through which to obtain comprehensive driver education, each dictated by a different code, all of which should be updated.

This bill could be an expensive unfunded mandate for school districts, especially for small and rural districts with few eligible students. A school district that decided to establish a program would have to purchase a vehicle, modify the vehicle with a brake pedal on the passenger side, pay a teacher's salary as well as a stipend to attract the teacher to the district, totaling an estimated \$81,000 in start-up costs. If the state is serious about

this bill, it should subsidize costs to provide an incentive for school districts to establish programs. Otherwise, school districts may not be able to afford them.

This bill could add an additional layer of bureaucracy to school districts, and would subject districts to increased liability and expose them to lawsuits. The state should establish a way to indemnify school districts. Data requirements imposed on school districts who establish a driver education program may violate federal confidentiality laws.

NOTES:

The companion bill, SB 1077 by Carona, passed the Senate by 30-0 on April 23 on the Local and Uncontested Calendar and has been referred to the House Public Education Committee.