

SUBJECT: Changing minimum age and education requirements for hardship license

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 6 ayes — S. Miller, Fletcher, Beck, Driver, Flynn, Peña

1 nay — Burnam

1 present, not voting — Mallory Caraway

1 absent — Walle

WITNESSES: For — Lynn Tesmer; (*Registered, but did not testify*: Bill Lewis, Mothers Against Drunk Driving)

Against — None

On — Rebecca Davio, Department of Public Safety

BACKGROUND: Transportation Code, sec. 521.223, allows the Department of Public Safety (DPS) to issue a minor a hardship driver's license if the applicant shows:

- that denial of the license will result in unusual economic hardship for the applicant's family;
- the license is necessary because of an illness of a family member; or
- the applicant needs a license because of enrollment in a vocational education program.

The applicant must be at least 15 years of age and have passed a driver's education course and passed the DPS driver's examination. An applicant must be at least 14 years old to be eligible to in enroll in the driver's education course.

Sec. 521.223 (d) permits DPS to waive the driver's education course and issue a 60-day temporary hardship license in emergency situations involving family-related illness, disability, or death or an economic

emergency. The temporary hardship license can be renewed for additional 60-day periods as long as the emergency continues.

Sec. 521.223 (f) allows DPS to suspend a hardship license for two or more moving violations in a 12-month period, or the same sanction for a provisional driver's license holder under the age of 21.

According to DPS, there were 2,195 hardships licenses issued in the state as of April 1.

**DIGEST:**

CSHB 90 would amend Transportation Code, sec. 223 to require that a minor be at least 15 years and 180 days old to apply for a hardship license and be at least 15 years old to register for a driver's training course approved by the Texas Education Agency and conducted by a licensed driver's education school.

The bill also would repeal Transportation Code, sec. 521.223(d), which permits issuance of 60-day emergency hardship license, and amend Transportation Code, sec. 521.223 (f) to require, rather than allow, DPS to suspend a hardship license upon conviction of a moving violation.

CSHB 90 would be known as "Aaron's Act."

The bill would take effect on September 1, 2011, and would apply to hardship licenses issued on or after that date.

**SUPPORTERS  
SAY:**

CSHB 90 would help ensure that young drivers seeking a hardship license had the requisite maturity and training to drive a vehicle safely. According to the Centers for Disease Control and Prevention, vehicle crashes are the leading cause of death for teens in the United States, and drivers between the age of 16 and 19 are four times more likely to be in an accident than older drivers. The risk is particularly high during the teen's first year of driving. Six months is a significant difference in the life of a teenager. The bill also would eliminate exemptions that allow a youthful driver with no driver's education to receive a hardship license as more of a convenience than a hardship.

Passage of tougher standards for hardship licenses would fit into continuing legislative efforts to improve safe driving among younger Texans and prevent tragedies such as the death of Aaron Tesmer in November 2008. Seventeen-year-old Tesmer was killed along with a 17-

year-old hardship license holder who tried to execute a high-performance breaking maneuver or “drifting” on Highway 31 near Corsicana. The driver had not renewed the 60-day license after it had expired and did not comply with the restrictions by driving past 8 p.m. The hardship license should be used for its intended purpose and not to indulge in foolish horseplay driving.

The bill would just reflect existing sanctions on drivers under the age of 21 who commit an excessive number of moving violations. As a matter of policy, DPS already suspends all hardship licenses after two convictions for moving violation within 12 months.

CSHB 90 would maintain the ability for minors to apply for hardship driver’s licenses for the rare occasions for which they would be needed for family emergencies and for those enrolled in vocational classes requiring driving. Those in rural or suburban areas with spotty access to mass transit still would be able to apply for these licenses.

**OPPONENTS  
SAY:**

CSHB 90 is unnecessary because of sanctions already available to prevent dangerous driving by young drivers. Applicants already must meet rigorous standards to qualify for a hardship license, and very few hold them. Increasing penalties for hardship license holders would not materially improve traffic safety for all drivers.

**OTHER  
OPPONENTS  
SAY:**

Hardship licenses are a vestige of a rural and sparsely settled Texas where isolation of families sometimes required very young children to drive. The Legislature should review whether to continue the hardship exemption in any form.

**NOTES:**

The substitute differs from the original by adding provisions that would name the bill “Aaron's Act” and eliminate temporary hardship licenses.