

SUBJECT: Allowing TDLR to approve motorcycle operator instructor training

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

VOTE: 6 ayes — K. King, Goldman, Harless, Patterson, Schaefer, S. Thompson
0 nays
5 absent — Walle, Hernandez, Herrero, T. King, Shaheen

SENATE VOTE: On final passage (April 3) — 31 - 0

WITNESSES: None (*considered in a formal meeting on May 2*)

BACKGROUND: Some have suggested that allowing the Texas Department of Licensing and Regulation to approve motorcycle operator instructor training courses would increase the number of motorcycle instructors and enable more potential motorcyclists to take training and safety classes.

DIGEST: SB 478 would specify that the Texas Commission of Licensing and Regulation (TCLR) could set certain fees for the issuance and renewal of motorcycle school, instructor, and instructor training provider licenses and the approval of motorcycle operation and safety and instructor training courses.

The bill would remove license requirements for members to serve on the Motorcycle Safety Advisory Board. Additionally, a representative of the Texas A&M Engineering Extension Service would no longer be required to serve on the board.

The bill would remove stipulations for the purposes in which the Texas Department of Licensing and Regulation (TDLR) could contract with other entities to instead allow TDLR to contract with qualified entities as necessary to achieve the purposes of the bill.

TDLR could not issue an instructor or instructor training provider license

to an individual who had been convicted of:

- during the preceding three years, three or more moving violations or a comparable offense committed in another state, including violations that resulted in an accident, or two or more moving violations or a comparable offense committed in another state that resulted in an accident; or
- during the preceding seven years, an intoxication and alcoholic beverage offense, other than a public intoxication or possession of alcohol in a motor vehicle offense, or a comparable offense committed in another state.

TCLR could adopt additional requirements for renewal of an instructor license. To be eligible for the issuance or renewal of an instructor training provider license, an applicant would have to:

- have held a valid driver's license that entitled the applicant to operate a motorcycle on a public road for the two years preceding application submission; and
- have met any additional requirement adopted by TCLR, including a requirement to hold a license or certification or pass an examination.

TDLR would have to require that an applicant for an instructor or instructor training provider license submit a complete and legible set of fingerprints to TDLR or to the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI). TDLR could not issue an instructor or instructor training provider license to a person who did not submit the required set of fingerprints. TDLR would be required to conduct a criminal history record information check of each applicant for an instructor or instructor training provider license using information provided by the individual and made available to TDLR by DPS, the FBI, and any other criminal justice agency. TDLR could enter into an agreement with DPS to administer a required criminal history record information check and authorize DPS to collect from each applicant the

costs incurred by DPS in conducting the criminal history record information check.

An individual could not offer or conduct an instructor training course unless the individual held an instructor training provider license issued by TDLR. An instructor training course would have to be TDLR-approved, offered and conducted in accordance with TCLR rules, and conducted at a motorcycle school. TCLR would be required to establish minimum curriculum standards for instructor training courses to be offered to meet requirements.

TDLR's executive director or TCLR could deny the renewal of certain motorcycle-related licenses and would add instructor training provider licenses to the list of licenses that could be suspended, revoked, or denied. Related proceedings would be contested cases.

The bill would remove requirements for TDLR to require each motorcycle school to report on the school's program in the form and manner prescribed by TDLR.

The bill would repeal provisions regarding required driver education and the motorcycle safety grant program. SB 478 would specify that provisions relating to motorcycle licenses and required driver education would not apply to a person who held a valid applicable license issued by another state.

The bill would take effect September 1, 2023, with certain provisions specified in the bill taking effect January 1, 2024.