

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 3757  
By: Giddings (Carona)  
State Affairs  
5/12/1999  
Committee Report (Substituted)

### **DIGEST**

Driving under the influence or driving while intoxicated continues to be a serious problem in Texas. According to some reports, nearly 1,750 drivers died as a result of an alcohol-related traffic accident in Texas during 1997. Alcohol-related fatalities accounted for almost 50 percent of all traffic fatalities in Texas. C.S.H.B. 3757 would establish approved drug and alcohol driving awareness programs.

### **PURPOSE**

As proposed, C.S.H.B. 3757 establishes approved drug and alcohol driving awareness programs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the commissioner of insurance in SECTION 3 (Article 5.03-4(a), Insurance Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 3, Article 4413(29c), V.T.C.S. (Texas Driver and Traffic Safety Education Act), by adding Subdivision (23), to define “drug and alcohol awareness program.”

SECTION 2. Amends Article 4413(29c), V.T.C.S., by adding Section 4A, as follows:

Sec. 4A. DRUG AND ALCOHOL DRIVING AWARENESS PROGRAMS. Requires the Texas Education Agency (agency) to develop standards for a separate school certification and approve educational curricula under this Act for drug and alcohol driving awareness programs (program). Authorizes the programs to include one or more courses. Requires the program to be offered in the same manner as other driving safety courses offered in compliance with this Act. Requires the agency and the Texas Commission on Alcohol and Drug Abuse (commission) to enter into a memorandum of understanding for the interagency development of the educational curriculum required by Subsection (a) of this section, in accordance with Section 461.013(b), Health and Safety Code. Authorizes the standards adopted by the agency for drug and alcohol driving awareness programs to require the course provider to evaluate procedures, projects, techniques, and controls conducted as part of the educational programs. Authorizes the State Board of Education (board) to establish fees in connection with programs in lieu of the fees established under Section 13 of this Act. Requires the fees established under this subsection to be in amounts reasonable and necessary to implement and administer this Act in connection with programs.

SECTION 3. Amends Chapter 5A, Insurance Code, by adding Article 5.03-4, as follows:

Art. 5.03-4. DISCOUNTS FOR DRUG AND ALCOHOL DRIVING AWARENESS PROGRAMS. Requires the commissioner of insurance, by rule, to require a five percent premium discount applicable to a personal motor vehicle insurance policy for completion of a program that has been approved by the agency and the Texas Driver and Traffic Safety Education Act. Provides that the discount required under this article does not apply to a personal motor vehicle insurance policy if any person covered under the policy has, within the seven years preceding the date on which the person was enrolled in the drug and alcohol driving awareness program been convicted of a certain offense. Provides that a person who completes the program but who is ineligible for the discount under Subsection (b) of this article becomes eligible for the discount on the seventh anniversary of the date of the conviction, without regard to when the individual completed the program. Provides that the standards for the program are the minimum standards for certified

programs designed to educate persons on the dangers of alcohol, drugs, and driving. Provides that a person is not eligible for and insurer may not offer, a discount for a program that does not use the developed uniform curriculum.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Makes application of the Act prospective to January 1, 2000.

SECTION 6. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in H.B. 1 (General Appropriations Act), Acts of the 76th Legislative Session, 1999. Provides that if no specific appropriation is provided in H.B. 1, this Act has no effect.

SECTION 7. Emergency clause.