

## **BILL ANALYSIS**

Senate Research Center  
763570 SMH-D

S.B. 328  
By: Harris  
Education  
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As Filed

### **DIGEST**

Currently, Texas law authorizes a person to attend driver education school in certain designated locations, which include public school districts and private sector driver education schools. The public school districts and private sector driver education schools in Texas use the same classroom and in-car curriculum, but each is regulated by different standards. S.B. 328 would hold public and private schools to a uniform set of standards, and address other technical problems outlined by the Texas Education Agency as well as driver education schools.

### **PURPOSE**

As proposed, S.B. 328 regulates driver's training courses and the issuance of certain driver's licenses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the commissioner of education in SECTION 4 (Section 6(a), Article 4413(29c), V.T.C.S.) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Redesignates and amends Section 2, Article 4413(29c) V.T.C.S. (Texas Driver and Traffic Safety Education Act), as added by Chapter 835, Acts of the 72nd Legislature, Regular Session, 1991, Section 1A, to make a conforming change.

SECTION 2. Amends Section 3, Article 4413(29c), V.T.C.S. to redefine "agency," "uniform certificate of completion," "approved driving safety course," "driver education school," and "driver safety course owner." Deletes the definition of "board." Makes conforming changes.

SECTION 3. Amends Section 4, Article 4413(29c), V.T.C.S., to authorize the Texas Education Agency (agency) to employ personnel as necessary to administer this Act. Provides that the agency is exempt from the limitations created under Chapter 654, Government Code, and any other law providing for a limitation on the number of employees employed by the agency to the extent necessary to administer this Act. Makes a conforming change.

SECTION 4. Amends Sections 6, 8, 9, and 9A, Article 4413(29c), V.T.C.S., as follows:

Sec. 6. DUTIES OF COMMISSIONER. Requires the commissioner of education (commissioner) to carry out the policies of this Act, adopt rules necessary to implement this Act, and enforce rules adopted by the commissioner or agency. Deletes the provision requiring the commissioner to designate the textbooks and adopt and enforce temporary rules under this Act. Makes a conforming change.

Sec. 8. COMPETITIVE BIDDING; ADVERTISING. Makes conforming changes.

Sec. 9. PROHIBITIONS. Prohibits a person from issuing, selling, trading, or transferring a uniform certificate of completion to a person who has not successfully completed an approved six-hour driving safety course, or except as provided by Section 521.2225, Transportation Code, a driver education certification to person who has not successfully completed an agency-approved driver education course.

Sec. 9A. DRIVER EDUCATION CERTIFICATES. Requires the agency to establish a database

that contains information pertinent to driver education certificates and to make the database available electronically to the Department of Public Safety. Sets forth certain information that is required to be included for each driver education certificate. Requires each driver education school to submit electronically to the agency, at the time and in the manner determined by the agency, the information required by Subsection (b) of this section. Makes a standard recodification change.

SECTION 5. Amends Section 12(a), Article 4413(29c), V.T.C.S., to require a public school district, driver education school, or driving safety school, in order to operate or do business in the state, to make written application to the commissioner for a driver education or driving safety school license. Makes a conforming change.

SECTION 6. Amends Sections 13(a), (a-1), and (a-2), Article 4413(29c), V.T.C.S., to make conforming changes.

SECTION 7. Amends Section 13(b), Article 4413(29c), V.T.C.S., to provide that a public school district is exempt from license, application, and registration fees.

SECTION 8. Amends Section 13(c), Article 4413(29c), V.T.C.S., to make a conforming change.

SECTION 9. Amends Section 13(d)(1) and (4), Article 4413(29c), V.T.C.S., to make conforming changes.

SECTION 10. Amends Section 13(g)(2), Article 4413(29c), V.T.C.S., to provide that a driving safety school, or a public school district that teaches driver education, is not required to post a surety bond.

SECTION 11. Amends Section 13A(e), Article 4413(29c), V.T.C.S., to make a conforming change.

SECTION 12. Amends Section 15(c), Article 4413(29c), V.T.C.S., to make a conforming change.

SECTION 13. Amends Sections 15(a), (b), (c) and (d), Article 4413(29c), V.T.C.S., to require a person holding a driver education instructor license authorizing in-car training to be approved to assist classroom instructors, or in an emergency to be approved to substitute for classroom instructors under rules established by the agency. Prohibits a driver education instructor license to be issued authorizing a person to teach or give classroom driver training unless the person holds a bachelor's degree, rather than certain certification.

SECTION 14. Amends Article 4413(29c), V.T.C.S., by adding Section 16A, as follows:

Sec. 16A. SUBPOENAS. Authorizes the commissioner to issue a subpoena or subpoena duces tecum for certain purposes. Provides that failure to comply with a subpoena is grounds for certain actions.

SECTION 15. Amends Section 18(c), Article 4413(29c), V.T.C.S., to make a conforming change.

SECTION 16. Amends Section 29.902, Education Code, to require the agency to develop a program of organized instruction in driver education and traffic safety for public school students consistent with the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S). Makes a conforming change.

SECTION 17. Amends Section 521.204, Transportation Code, to authorize the Texas Department of Transportation to issue a Class C driver's license to an applicant under 18 years of age only if the applicant is a student enrolled in a public, school, home school, or private school who attended school for at least 90 percent, rather than 80 percent, of the days classes were offered at the school in the fall or spring semester preceding the date of the driver's license application.

SECTION 18. Amends Section 521.222(a), Transportation Code, to authorize the Department of Public Safety or a driver education school to issue a permit to a person who has satisfactorily completed and passed the classroom phase of an approved driver education course. Makes a conforming change.

SECTION 19. Amends Chapter 522K, Transportation Code, by adding Section 521.2225, as follows:

Sec. 521.2225. TEMPORARY INSTRUCTION PERMIT. Authorizes a driver education school to issue an instruction permit to a person who meets certain requirements. Provides that an instruction permit expires after a certain date. Requires the driver education school that issues the permit to notify the agency. Requires the agency to maintain the information in the database.

SECTION 20. Amends Section 543.111(a), Transportation Code, to require the commissioner of education, rather than the State Board of Education, to enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

SECTION 21. Amends Section 543.112(c), Transportation Code, to require the agency, rather than the State Board of Education, by rule, to determine the amount of the fee to be charged for issuance of a duplicate certificate.

SECTION 22. Repealer: Section 5, Article 4413(29c), V.T.C.S. (Texas Driver and Traffic Safety Education Act), (License required for supervisory driver-training instructor and driver-training instructor).

SECTION 23. Effective date: September 1, 1999.

SECTION 24. Emergency clause.