

BILL ANALYSIS

Senate Research Center
79R16036 JRJ-F

C.S.H.B. 468
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Transportation & Homeland Security
5/12/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Education Agency (TEA) regulates driver education under a private driver training program. TEA must also print and issue certificates of completion for driver training courses. The system is logistically inefficient for both TEA and course providers.

C.S.H.B. 468 maintains the provisions of the house bill to allow for electronic course completion certificates for driving safety courses by requiring that the Texas Department of Licensing and Registration (TDLR) supply course providers with a series of course completion certificate numbers that the driver training providers will use to print agency-approved certificates of course completion. C.S.H.B. 468 requires the course providers to print and distribute both original certificates and duplicate certificates in a manner that prevents unauthorized production or misuse of the certificates. It also requires that course providers issue and send certificates of course completion via United States mail or through a commercial delivery service.

This legislation also adds the Sunset Commission's recommendations related to TEA's private driver training program. C.S.H.B. 468 transfers the private driver training program from TEA to TDLR. Transferring this program will allow TEA to focus its efforts on education goals rather than the regulation of a private industry, and TDLR, with its expertise in licensing and protecting the public interest, is the most appropriate agency to handle these functions. TEA will continue to regulate and oversee driver education courses and instructors in Texas public schools.

The substitute eliminates the driver training fee caps in statute, except the \$4 fee for certificates of completion. The driver training statute currently includes specific fees for program activities including licensing, enforcement, compliance, and penalties. The substitute removes these fee caps and requires the Texas Commission of Licensing and Regulation to adopt rules setting the appropriate fees for each licensing and regulatory function. Eliminating statutory fee caps allows for greater administrative flexibility, and is consistent with a provision in the General Appropriations Act that requires agencies to set fee amounts necessary to cover the costs of regulating an industry.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Commission of Licensing and Regulation in SECTION 3 (Section 1001.003, Education Code), SECTION 4 (Section 1001.052, Education Code), SECTION 6 (Section 1001.055, Education Code), SECTION 8 (Section 1001.056, Education Code), SECTION 11 (Section 1001.102, Education Code), and SECTION 13 (Section 1001.104, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is transferred to the Texas Commission of Licensing and Regulation in SECTION 5 (Section 1001.054, Education Code), SECTION 8 (Section 1001.056, Education Code), SECTION 11 (Section 1001.101, Education Code), SECTION 14 (Section 1001.106, Education Code), SECTION 15 (Section 1001.107, Education Code), and SECTION 16 (Section 1001.108, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 5 (Section 1001.053, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Rehabilitation Commission is transferred to the Department of Aging and Disability Services in SECTION 13 (Section 1001.104, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.001, Education Code, to redefine "approved driving safety course," "course provider," and "department." Defines "commission" and "executive director." Deletes the definition of "commissioner."

SECTION 2. Amends Section 1001.002(c), Education Code, to exempt a driver education course from this chapter if the course is conducted by a school or training program that offers only instruction of purely avocational or recreational subjects, as determined by the Texas Department of Licensing and Regulation (TDLR), rather than by the commissioner of education.

SECTION 3. Amends Sections 1001.003 and 1001.004, Education Code, as follows:

Sec. 1001.003. **LEGISLATIVE INTENT REGARDING SMALL BUSINESSES.** Provides that it is the intent of the legislature that the rules of the Texas Commission of Licensing and Regulation (commission), rather than of the Texas Education Agency (TEA), that affect driver training schools that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the schools.

Sec. 1001.004. **COST OF ADMINISTERING CHAPTER.** Requires the cost of administering this chapter to be included in the state budget allowance for TDLR, rather than TEA.

SECTION 4. Amends Sections 1001.051 and 1001.052, Education Code, as follows:

Sec. 1001.051. **JURISDICTION OVER SCHOOLS.** Provides that TDLR, rather than TEA, has jurisdiction over and control of driver training schools regulated under this chapter.

Sec. 1001.052. **RULES.** Requires the commission, rather than TEA, to adopt comprehensive rules governing driver training, including rules to ensure the integrity of approved driving safety courses and enhance program quality. Deletes existing text requiring TEA to administer comprehensive rules governing driving safety courses.

SECTION 5. Amends Sections 1001.053 and 1001.054, Education Code, as follows:

Sec. 1001.053. **New heading: POWERS AND DUTIES OF DEPARTMENT.** Requires TDLR, rather than the commissioner of education, to perform certain amended functions, including enforcing rules adopted by the commission. Deletes existing text of Subsections (b) and (c), and makes nonsubstantive changes.

Sec. 1001.054. **New heading. RULES RESTRICTING ADVERTISING.** Authorizes the commission, rather than the commissioner of education, by rule to restrict advertising by a branch location of a driver training school in a certain way. Deletes existing text of Subsections (a) and (b). Makes a nonsubstantive change.

SECTION 6. Amends Section 1001.055, Education Code, as follows:

Sec. 1001.055. **DRIVER EDUCATION CERTIFICATES.** Requires TDLR, rather than TEA, to print and supply to each licensed or exempt driver education school certain driver education certificates. Requires the commission, rather than TEA, by rule to provide for the design and distribution of the certificates in a certain manner. Makes a conforming change.

SECTION 7. Amends the heading to Section 1001.056, Education Code, to read as follows:

Sec. 1001.056. **UNIFORM CERTIFICATES OF DRIVING SAFETY COURSE COMPLETION.**

SECTION 8. Amends Section 1001.056, Education Code, by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h), as follows:

(b) Requires TDLR, rather than TEA, to provide each licensed driving safety course provider with course completion certificate numbers to enable the provider to print and issue TDLR-approved uniform certificates of course completion, rather than to print and supply each licensed course provider uniform certificates of course completion.

(b-1) Requires the certificate numbering under Subsection (b) to be serial, rather than requiring the certificates to be numbered serially.

(c) Requires the commission, rather than TEA, by rule, to provide for the design of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers. Deletes existing text relating to the distribution of the certificates.

(c-1) Requires a course provider to provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or misuse of the certificates.

(d) Requires a certificate under this section to be in a form required by TDLR, rather than TEA. Makes conforming and nonsubstantive changes.

(e) Authorizes TDLR, rather than TEA, to charge a fee of not more than \$4 for each course completion certificate number. Requires a course provider that supplies a certificate for an operator to collect from the operator a fee equal to the amount of the fee paid to TDLR for the certificate number. Makes conforming changes.

(f) Provides that a course provider license entitles a course provider to purchase certificate numbers, rather than certificates, for only one approved driving safety course.

(g) Requires a course provider, rather than TEA, to issue a duplicate certificate by United States mail or through a commercial delivery service, rather than issue duplicate certificates. Requires the commission, rather than the commissioner of education, by rule, to determine the amount of the fee collected by the course provider for issuance of a duplicate certificate under this subsection.

(h) Requires the course provider, if a duplicate certificate issued by a course provider contains information that is different from the original certificate, to include on the duplicate certificate, in addition to the new information, the applicable information from the original certificate with the notation "changed to" indicating how the original certificate was changed.

SECTION 9. Amends Section 1001.057, Education Code, to require TDLR, rather than TEA, to investigate options to develop and implement procedures to electronically transmit information relating to driving safety courses to municipal and justice courts.

SECTION 10. Amends Subchapter B, Chapter 1001, Education Code, by adding Section 1001.058, as follows:

Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER. Authorizes the executive director of TDLR (executive director) to designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter for TDLR.

SECTION 11. Amends Sections 1001.101 and 1001.102, Education Code, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. Requires the commission, rather than the commissioner of education, by rule to establish the curriculum and designate the textbooks to be used in a driver education course.

Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. Requires the commission by rule to require that certain information related to alcohol and driving be included in the curriculum of any driver education course or driving safety course. Makes conforming changes.

SECTION 12. Amends Sections 1001.103(b), (d), and (e), Education Code, as follows:

(b) Requires TDLR, rather than TEA, to develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs. Requires a program to be offered in the same manner as a driving safety course, except as provided by commission rule, rather than TEA rule.

(d) Requires TDLR and the Texas Department of State Health Services, rather than TEA and the Texas Commission on Alcohol and Drug Abuse, to enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) Authorizes the commission, rather than the commissioner of education notwithstanding certain provisions, to establish fees in connection with the programs under this section. Requires the fees to be in amounts reasonable and necessary to administer TDLR's, rather than TEA's, duties under this section.

SECTION 13. Amends Sections 1001.104 and 1001.105, Education Code, as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) Requires TDLR, rather than TEA, to enter into a memorandum of understanding with the Department of Aging and Disability Services, rather than the Texas Rehabilitation Commission, and the Department of Public Safety (DPS) for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education. Makes a conforming change.

(b) Requires TDLR, rather than TEA, to administer comprehensive rules governing drive education courses, adopted by mutual agreement among the commission, rather than TEA, the Department of Aging and Disability Services, rather than the Texas Rehabilitation Commission, and DPS. Makes a conforming change.

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. Requires the commission, rather than TEA, 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 14. Amends Sections 1001.106(b), (c), and (d), Education Code, as follows:

(b) Requires the commission, rather than the commissioner of education, by rule to provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Provides that Subchapter F (Administrative Penalty), Chapter 51, Occupations Code and Section 51.353 (Administrative Sanctions), Occupations Code, do not apply to a violation of this section or a rule adopted under this section. Deletes the provision that Sections 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License) and 1001.553 (Administrative Penalty) of this code do not apply to a violation of this section or a rule adopted under this section. Makes a nonsubstantive change.

(d) Provides that Section 51.352 (Injunctive Relief; Civil Penalty), Occupations Code, does not apply to a violation of this section. Deletes the provision that Sections 1001.455(a)(6) (Denial, Suspension, or Revocation of Instructor License), 1001.551 (Injunction in General), and 1001.552 (Injunction Against School), of this code do not apply to a violation of this section. Makes a nonsubstantive change.

SECTION 15. Amends Section 1001.107, Education Code, to require the commission, rather than the commissioner of education, by rule to require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course. Makes conforming changes.

SECTION 16. Amends Sections 1001.108(a) and (c), Education Code, to require the commission, rather than the commissioner of education, by rule to require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course. Makes conforming changes.

SECTION 17. Amends Section 1001.151, Education Code, as follows:

(a) Requires the commission, rather than the commissioner of education, to establish, rather than collect, the application, license, and registration fees. Requires TDLR to collect the application, license, and registration fees.

(b) Requires the commission to establish a fee for certain licenses and activities, rather than setting forth the set fees for certain licenses and activities. Modifies for which licenses or activities a fee is required. Makes nonsubstantive and conforming changes.

(c) Redesignated from existing Subsection (k). Makes conforming changes.

(d) Redesignated from existing Subsection (l). Makes a conforming change.

SECTION 18. Amends Section 1001.153, Education Code, to require the commission, rather than the commissioner of education, to establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint. Requires the fee to be charged only if a representative of TDLR, rather than TEA, visited the school or course provider as part of the complaint resolution process.

SECTION 19. Amends Section 1001.202(b), Education Code, to authorize a driving school to use multiple classroom locations to teach a driving safety course if each location is approved by the parent school and TDLR, rather than TEA.

SECTION 20. Amends Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, as follows:

Sec. 1001.203. APPLICATION. Requires a driver training school, to operate or do business in this state, to apply to TDLR, rather than the commissioner of education, for the appropriate license. Makes a conforming change.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. Requires TDLR, rather than the commissioner of education, to approve of an application for a driver education school license, if certain determinations are made. Includes in those determinations that the school provides to each student before enrollment certain information of the TDLR, rather than TEA, including TEA's Internet website; that the school does not use a name similar to the name of another school licensed in this state, rather than another existing school, or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than commissioner of education; and does not owe an administrative penalty for a violation of this chapter, rather than under this chapter. Makes conforming changes.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE. Requires TDLR, rather than the commissioner of education, to approve an application for a driving safety school license, if TDLR, rather than TEA, makes certain determinations regarding the school. Includes in those determinations that the school does not use a name similar to the name of another school licensed in this state, rather than another existing school, or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than commissioner of

education; and does not owe an administrative penalty for a violation of this chapter, rather than under this chapter. Makes conforming changes.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. Requires TDLR, rather than the commissioner of education, to approve an application for a course provider license if on investigation TDLR, rather than TEA, makes certain determinations. Includes in those determinations that the school provides to each student before enrollment certain information of the TDLR, rather than TEA, including TEA's Internet website; that the school does not use a name similar to the name of another school licensed in this state, rather than another existing school, or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than commissioner of education; and does not owe an administrative penalty for a violation of this chapter, rather than under this chapter. Makes conforming changes.

SECTION 21. Amends Sections 1001.207(a) and (b), Education Code, to require a driver education school, before the school may be issued a license, to file a certain bond with TDLR, rather than the commissioner of education. Makes a conforming change.

SECTION 22. Amends Section 1001.209(b), Education Code, to require a bond issued under Subsection (a) to be payable to the state to be used to cover the payment of unpaid fees or penalties assessed by TDLR, rather than TEA, and recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers, rather than to recover the cost of uniform certificates of course completion TEA demands be returned or any cost associated with the certificates.

SECTION 23. Amends Section 1001.210, Education Code, to authorize a driver education school or course provider to provide another form of security, instead of the bond, that is approved by TDLR, rather than the commissioner of education.

SECTION 24. Amends Sections 1001.211(a) and (b), Education Code, as follows:

(a) Requires TDLR, rather than the commissioner of education, to issue a license to an applicant for a license under this subchapter, if certain conditions apply.

(b) Requires the license to show in a clear and conspicuous manner the executive director's signature, rather than the commissioner of education's signature. Makes conforming changes.

SECTION 25. Amends Section 1001.212, Education Code, to require TDLR, rather than the commissioner of education, to provide a person whose application for a license under this subchapter is denied a written statement of the reasons for the denial.

SECTION 26. Amends Sections 1001.213(c) and (d), Education Code, as follows:

(c) Authorizes the commission to establish fees for a new driver education school or course provider license under Subsection (b) and for each branch location that are different from the amounts established under Section 1001.151 under certain circumstances. Deletes the provisions setting forth specific fee amounts for a new driver education school or course provider license under Subsection (b) and for each branch location under those circumstances.

(d) Provides that TDLR, rather than the commissioner of education, is not required to reinspect a school or branch location after a change of ownership.

SECTION 27. Amends Section 1001.214, Education Code, to authorize a duplicate license to be issued to a driver training school or course provider if an affidavit of that fact is filed with TDLR, rather than TEA.

SECTION 28. Amends Sections 1001.251, 1001.252, and 1001.253, Education Code, as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. Prohibits a person from teaching or providing driver education unless the person holds a driver education instructor license issued by TDLR, rather than TEA. Makes a conforming change.

Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. Requires a license under this subchapter to be signed by the executive director, rather than the commissioner of education.

Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. Requires TDLR, rather than the commissioner of education, to establish standards for certification of professional and paraprofessional personnel who conduct driver education programs in driver education schools. Authorizes a driver education school to submit for TDLR, rather than TEA, approval a curriculum for an instructor development program for driver education instructors. Makes conforming changes.

SECTION 29. Amends Section 1001.254(a), Education Code, to authorize a temporary driver education instructor license to be issued authorizing a person to teach or provide classroom driver education training if the person demonstrates, in a manner prescribed by TDLR, rather than the commissioner of education, the intention to comply with the examination requirement at the first available opportunity.

SECTION 30. Amends Sections 1001.255(a), (b), and (c), Education Code, as follows:

(a) Requires TDLR, rather than TEA, to regulate as a driver education school certain driver education instructors.

(b) Makes a conforming change.

(c) Authorizes TDLR, rather than the commissioner of education, to waive initial or renewal driver education school license fees or the fee for a director or administrative staff member.

SECTION 31. Amends Section 1001.256, Education Code, to authorize a duplicate license to be issued to a driver education instructor or driving safety instructor if an affidavit of that fact is filed with TDLR, rather TEA.

SECTION 32. Amends the heading to Subchapter G, Chapter 1001, Education Code, to read as follows:

SUBCHAPTER G. LICENSE EXPIRATION

SECTION 33. Amends Sections 1001.351(a) and (b), Education Code, as follows:

(a) Requires, not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities to issue and send, rather than mail, a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

(b) Requires a course provider to electronically submit to TDLR, rather than TEA, in the manner established by TDLR data identified by TDLR relating to uniform certificates of course completion issued by the course provider. Makes conforming changes.

SECTION 34. Amends Sections 1001.354(a) and (b), Education Code, as follows:

(a) Authorizes a driving safety course to be taught at a driving safety school if the school is approved by TDLR, rather than TEA.

(b) Authorizes a driving safety school to teach an approved driving safety course by an alternative method, rather than an alternative method that does not require students to be

present in the classroom, if TDLR, rather than the commissioner of education, approves the alternative method. Authorizes TDLR to approve the alternative method if the alternative method includes testing and security measures that are at least as secure as the methods that would be used if the course were taught at the school and that are comparable to those available in a usual classroom setting, rather than at least as secure as the measures available in the usual classroom setting. Makes conforming changes.

SECTION 35. Amends Sections 1001.404(b) and (c), Education Code, as follows:

(b) Requires TDLR, rather than the commissioner of education, to establish annually the rate of interest for a refund at a rate sufficient to provide a deterrent to the retention of student money.

(c) Authorizes TDLR, rather than TEA, to except a driver education school or course provider from the payment of interest under certain circumstances. Makes a conforming change.

SECTION 36. Amends Sections 1001.451 and 1001.452, Education Code, as follows:

Sec. 1001.451. PROHIBITED PRACTICES. Prohibits a person from failing to notify TDLR, rather than the commissioner of education, of the discontinuance of the operation of a driver training school before the fourth working day after the date of cessation of classes and make available accurate records and required by this chapter. Makes a conforming change.

Sec. 1001.452. COURSE OF INSTRUCTION. Prohibits a driver training school from maintaining, advertising, soliciting for, or conducting a course of instruction in this state before the date the school receives a driver training school license from TDLR, rather than the commissioner of education.

SECTION 37. Amends Sections 1001.453(d) and (e), Education Code, as follows:

(d) Provides that Subchapter F (Administrative Penalty), Chapter 51, Occupations Code and Section 51.353 (Administrative Sanctions), Occupations Code, do not apply to a violation of this section or a rule adopted under this section. Deletes the provision that Sections 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License) and 1001.553 (Administrative Penalty) of this code do not apply to a violation of this section or a rule adopted under this section. Makes a nonsubstantive change.

(e) Provides that Section 51.352 (Injunctive Relief; Civil Penalty), Occupations Code, does not apply to a violation of this section. Deletes the provision that Sections 1001.455(a)(6) (Denial, Suspension, or Revocation of Instructor License), 1001.551 (Injunction in General), and 1001.552 (Injunction Against School), of this code do not apply to a violation of this section. Makes a nonsubstantive change.

SECTION 38. Amends Section 1001.456, Education Code, as follows:

(a) Authorizes TDLR, rather than TEA, to take certain actions without notice if TDLR believes that a driver education school or instructor has violated this chapter or a rule or order of the commission or executive director, rather than a rule adopted under this chapter. Makes a conforming change.

(b) Authorizes TDLR, if TDLR believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule or order of the commission or executive director adopted under this chapter, to take certain actions without notice, including suspending the right to purchase course completion certificate numbers, rather than uniform certificates of course completion. Makes conforming changes.

(c) Makes conforming changes.

(d) Provides that a suspension of enrollment under certain provisions means a ruling of the executive director, rather than the commissioner, that restricts a school from certain activities.

SECTION 39. Amends the heading to Subchapter L, Chapter 1001, Education Code, to read as follows:

SUBCHAPTER L. PENALTIES

SECTION 40. Amends Sections 1001.555(a), (b), and (c), Education Code, as follows:

(a) Provides that a person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(b) Requires TDLR, rather than TEA, to contract with DPS to provide undercover and investigative assistance in the enforcement of Subsection (a).

(c) Makes conforming changes.

SECTION 41. Amends Article 45.0511(b), Code of Criminal Procedure, to require the judge to require the defendant to successfully complete a driving safety course approved by TDLR, rather than TEA, under certain circumstances.

SECTION 42. Amends Section 51.308, Education Code, to authorize a driver education course for the purpose of preparing students to obtain a driver's license to be offered by an institution of higher education with the approval of TEA, rather than the Central Education Agency.

SECTION 43. Amends Section 521.1655(a), Transportation Code, to clarify that a driver education school is licensed under Chapter 1001, Education Code, rather than the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.).

SECTION 44. Amends Section 521.203, Transportation Code, to prohibit DPS from issuing certain driver's licenses to a person who is under 18 years of age unless the person has completed a driver training course approved by TDLR or TEA, rather than by the Central Education Agency.

SECTION 45. Amends Sections 521.205(b) and (d), Transportation Code, to prohibit DPS from approving a course unless it determines that the course materials are at least equal to those required in a course approved by TDLR or TEA, rather than just TEA, with certain exceptions. Makes a conforming change.

SECTION 46. Repealer: Sections 1001.001(1) (Definitions), 1001.152 (Duty to Review and Recommend Adjustments in Fee Amounts), 1001.303 (Renewal of School or Course Provider License), 1001.304 (Renewal of Instructor License), 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License), 1001.455 (Denial, Suspension, or Revocation of Instructor License), 1001.457 (Term of Suspension), 1001.458 (Surrender of License), 1001.459 (Appeal and Request for Hearing), 1001.460 (Hearing), 1001.461 (Judicial Review), 1001.551 (Injunction in General), 1001.552 (Injunction Against School), and 1001.553 (Administrative Penalty), Education Code, and Subchapter B (Dismissal of Certain Misdemeanor Charges on Completing Driving Safety Course), Chapter 543, Transportation Code.

SECTION 47. (a) Requires TEA and TDLR, as soon as practicable after the effective date of this Act, to develop a transition plan for transferring the functions performed by TEA under Chapter 1001, Education Code, to TDLR. Requires the transition plan to include a timetable with specific steps and deadlines needed to complete the transfer.

(b) Transfers all functions and activities relating to Chapter 1001, Education Code, performed by TEA immediately before that date to TDLR on September 1, 2005. Provides that on September 1, 2005, a rule or form adopted by the commissioner of education that relates to Chapter 1001, Education Code, is a rule or form of the commission or TDLR, as applicable, and remains in effect until amended or replaced by the commission or TDLR and that a reference to TEA in a law or administrative rule that relates to Chapter 1001, Education Code, means the commission or TDLR, as applicable. Transfers from TEA to TDLR, on September 1, 2005, a complaint investigation or other proceeding before TEA that is related to Chapter 1001, Education Code without change in status, and TDLR assumes, as appropriate and without a change in status the position of TEA in an action or proceeding to which TEA is a party; all money, contracts, leases, property, and obligations of TEA; and the unexpended and unobligated balance of any money appropriated by the legislature for TEA related to Chapter 1001, Education Code.

(c) Provides that in accordance with the transition plan, on September 1, 2005, all full-time equivalent employee positions at TEA that primarily concern the administration of Chapter 1001, Education Code, become positions at TDLR. Requires TDLR, when filling positions, to give first consideration to an applicant who, as of August 31, 2005, was a full-time employee at TEA primarily involved in administering Chapter 1001, Education Code.

(d) Authorizes TEA, before September 1, 2005, to agree with TDLR to transfer any property of TEA to TDLR to implement the transfer required by this Act.

(e) Requires TEA, in the period beginning with the effective date of this Act and ending on September 1, 2005, to continue to perform functions and activities under Chapter 1001, Education Code, as if that chapter had not been amended by this Act.

SECTION 48. Makes application of this Act prospective to a fee charge on or after September 1, 2005.

SECTION 49. Makes application of this Act prospective to a license issued or renewed on or after September 1, 2005.

SECTION 50. Effective date: upon passage or September 1, 2005.