

## **BILL ANALYSIS**

Senate Research Center  
81R9741 JD-F

S.B. 1317  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In fiscal year 2007, Texas issued 508,618 driver's licenses to first time applicants who were older than 18 years of age. Applicants younger than 18 years of age are required to complete comprehensive driver education courses consisting of both classroom and in-car instruction. Applicants older than 18 years of age must pass a basic knowledge examination and a minimal skills test. These minimal requirements provide a substantial incentive for Texans to wait until reaching the age of 18 to apply for a driver's license. Drivers between 19 and 24 years of age have been dying in traffic crashes at a higher rate than 16-year-old or 17-year-old drivers. These statistics illustrate the need for mandates for all first-time driver's license applicants under the age of 25.

As proposed, S.B. 1317 requires that an applicant under 25 years of age state whether the applicant has completed a driver education course. This bill requires the applicant to finish a six-hour course with curriculum established by the commissioner of education. The bill provides that the Texas Department of Transportation would waive certain requirements for an applicant who completes this course and courses that offer additional training, including in-car instruction.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 9 (Section 1001.101, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 521.142(d), Transportation Code, to require that the application, if the applicant is under 25 years of age, state whether the applicant has completed a driver education course required by Section 521.1601, rather than approved by the Texas Department of Transportation (TxDOT).

SECTION 2. Amends the heading to Subchapter H, Chapter 521, Transportation Code, to read as follows:

#### **SUBCHAPTER H. EDUCATION AND EXAMINATION REQUIREMENTS**

SECTION 3. Amends Subchapter H, Chapter 521, Transportation Code, by adding Sections 521.1601 and 521.167, as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. Prohibits TxDOT from issuing a driver's license to a person who is younger than 25 years of age unless the person submits to TxDOT a driver education certificate issued under Chapter 1001 (Driver and Traffic Safety Education), Education Code, that states that the person has completed and passed a driver education and traffic safety course approved by the Texas Education Agency (TEA) under Section 29.902 (Driver Education), Education Code, or a driver education course approved by TEA under Section 1001.101(a)(1) of that code or approved by TxDOT under Section 521.205 (Department-Approved Courses) or if the person is 18 years of age or older, a driver education course approved by TEA under Section 1001.101(a)(1) or (2) Education Code.

Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION REQUIREMENTS. (a) Provides that a person who has completed and passed a driver

education and traffic safety course approved by TEA under Section 29.902, Education Code, or a driver education course approved by TEA under Section 1001.101(a)(1) of that code or approved by TxDOT under Section 521.205 is not required to complete a driver education course established under Section 1001.101(a)(2), Education Code, or take any part of the examination under Section 521.161(b)(2) (relates to a demonstration of the applicant's ability to operate a motor vehicle) that is included under the behind-the-wheel components of a driver education course and has been successfully completed as determined by an appropriately licensed or certified driver education instructor or by a relative or guardian approved by TxDOT under Section 521.205 to conduct a driver education course for the person.

(b) Provides that a person who has completed and passed a driver education course approved by TEA under Section 1001.101(a)(2), Education Code, is not required to take the highway sign and traffic law parts of the examination required under Section 521.161 (Examination of License Applicants) if those parts have been successfully completed as determined by a licensed driver education instructor.

SECTION 4. Amends Sections 521.165(a) and (c), Transportation Code, as follows:

(a) Authorizes the director of TxDOT (director) to certify and set standards for the certification of certain employers, government agencies, public schools conducting a driver education and traffic safety program under Section 29.902, Education Code, and other appropriate organizations, including a driver education school licensed under Chapter 1001, Education Code, to allow those persons to train and test for the ability to operate certain types of vehicles.

(c) Requires, rather than authorizes, the director, in issuing a driver's license for certain types of vehicles, to waive a driving test for an applicant who has successfully completed and passed the training and testing conducted by a person certified under Subsection (a).

SECTION 5. Amends Section 521.1655, Transportation Code, as follows:

Sec. 521.1655. TESTING BY DRIVER EDUCATION SCHOOL. (a) Authorizes a driver education school licensed under Chapter 1001, Education Code, rather than the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.) to administer to a student of that school the highway sign and traffic law parts of the examination required by Section 521.161. Deletes existing text that authorizes a school to administer the vision parts of the examination. Makes nonsubstantive changes.

(b) Requires TxDOT to accept the passing results of an examination administered under this section.

SECTION 6. Amends Section 521.204(a), Transportation Code, as follows:

(a) Authorizes TxDOT to issue a Class C driver's license to an applicant under 18 years of age only if the applicant has submitted to TxDOT a driver education certificate issued under Chapter 1001, Education Code, rather than Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.), that states that the person has completed and passed a driver education and traffic safety course approved by TEA under Section 29.902, Education Code, or a driver education course approved by TEA under Section 1001.101(a)(1) of that code or approved by TxDOT under Section 521.205, rather than by TEA; has obtained a high school diploma or its equivalent or is a student enrolled in a certain school who attended school for at least 90 percent of, rather than 80 days in, the fall or spring semester preceding the date of the driver's license application.

SECTION 7. Amends Section 1001.004, Education Code, as follows:

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Requires that the cost of administering this chapter, except as provided by Subsection (b), be included in the state budget allowance for TEA. Makes a nonsubstantive change.

(b) Authorizes the commissioner of education (commissioner) to charge a fee to each driver education school in an amount not to exceed the actual expense incurred in the regulation of driver education courses established under Section 1001.101(a)(2).

SECTION 8. Amends Section 1001.055, Education Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires TEA to print and supply to each licensed or exempt driver education school driver education certificates to be used for certifying completion of an approved driver education course to satisfy the requirements of Sections 521.204(a)(2) (relating to authorizing the Department of Public Safety to issue a license to a driver under the age of 18 years old if the applicant has submitted to the department a driver education certificate) and 521.1601, rather than Section 521.204(a)(2), Transportation Code.

(d) Requires a licensed or exempt driver education school to electronically submit to TEA in the manner established by TEA data identified by TEA relating to driver education certificates issued by the school.

SECTION 9. Amends Section 1001.101, Education Code, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND EDUCATIONAL MATERIALS. (a) Creates this subsection from existing text. Requires the commissioner by rule to establish the curriculum and designate the educational materials, rather than textbooks, to be used in a driver education course for minors and adults and a driver education course exclusively for adults.

(b) Requires that a driver education course under Subsection (a)(2) be a six-hour course, and include instruction in alcohol and drug awareness; the traffic laws of this state; highway signs, signals, and markings that regulate, warn, or direct traffic; and the issues commonly associated with motor vehicle accidents, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle.

(c) Authorizes a course approved under Subsection (a)(2) to be offered as an online course.

(d) Prohibits a driving safety course or a drug and alcohol driving awareness program from being approved as a driver education course under Subsection (a)(2).

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 2009.