

BILL ANALYSIS

Senate Research Center
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S.B. 1330
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Transportation & Homeland Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent studies suggest that teenage driving accidents account for up to 44 percent of all teenage deaths, making it the leading cause of teenage deaths in the United States. The statistic becomes more alarming considering how many new teenage drivers take to the roads each year.

In addition to lack of experience with driving, teenagers face distractions such as talking and texting on cell phones and dealing with young, inexperienced passengers who sometimes behave inappropriately. The influence of drugs and alcohol is another factor in teenage driving accidents. In this environment, learning the skills of safe, defensive driving becomes that much more important.

Several programs have been developed to address the youthful driver and the issues specific to that demographic, for example, "Alive@25," which was developed by the National Safety Council. Such programs target younger drivers aged 15-24 and focus on improving safety awareness and eliminating districting behaviors common to this group. Such programs have been very successful; in fact, a number of states (including Colorado, Massachusetts, North Dakota, South Carolina, and Utah) include a youth driver safety program in their graduated drivers license or points reduction (defensive driving) curricula.

In Texas, neither the defensive driving curriculum nor the driving safety curriculum (commonly known as "ticket dismissal classes") include instruction on the unique challenges faced by young drivers.

S.B. 1330 would require that a driving safety class offered to drivers under the age of 25 include components specific to the challenges faced by those drivers, including an awareness of the statistics and high risk they face as both driver and passenger; feelings of invincibility common to their age group and how it affects decision-making; their relative inexperience in making critical, emergency decisions; the consequences and far-reaching effects their decisions have on family, friends, and the general public; how to effectively deal with peer pressure; and the rapidly increasing amount of distractions faced while driving. In order to make a lasting impact, these components should be explored at length in a highly interactive discussion that includes impact statements with the families and friends of young crash victims.

As proposed, S.B. 1330 amends current law relating to the driver safety courses for individuals under the age of 25 and to the driving course requirements for those individuals when receiving deferred adjudication of certain traffic offenses.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3 (Section 1001.101, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 45.054(b-1), Code of Criminal Procedure, effective January 1, 2012, to provide that if the defendant is younger than 25 years of age and the offense committed by the defendant is a traffic offense classified as a moving violation during the deferral period, the judge shall require the defendant to complete a driver education, rather than driver safety,

course designed for drivers younger than 25 years of age and approved under Section 1001.101(a)(1), rather than Chapter 1001 (Driver and Traffic Safety Education), Education Code.

SECTION 2. Amends Section 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. Deletes existing text prohibiting the Department of Public Safety of the State of Texas (DPS) from issuing a driver's license to a person who is younger than 25 years of age unless the person submits to DPS a driver education certificate issued under Chapter 1001, Education Code, that states that the person has completed and passed, if the person is 18 years of age or older, a driver education course approved by the Texas Education Agency (TEA) under Section 1001.101(a)(1) or (2), Education Code. Makes nonsubstantive changes.

SECTION 3. Reenacts Section 1001.101, Education Code, as amended by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, and amends it, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND EDUCATIONAL MATERIALS. (a) Requires the commissioner of education (commissioner) by rule to establish the curriculum and designate the educational materials to be used in certain courses, including a driver education course exclusively for adults 25 years of age or older.

(b-1) Requires that a driver education course under Subsection (a)(1) (relating to the curriculum of a driver education course for minors and adults):

(1) be a 10-hour course, including at least four hours of instruction focusing on issues to specific to drivers younger than 25 years of age;

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic;

(D) the high rate of motor vehicle accidents and fatalities for drivers under 25 years of age;

(E) the issues commonly associated with motor vehicle accidents involving drivers younger than 25 years of age, 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, and the role of peer pressure in those issues;

(F) the effect of poor driver decision-making on the family, friends, school, and community of a driver younger than 25 years of age; and

(G) the importance of taking control of potentially dangerous driving situations both as a driver and a passenger; and

(3) require a written commitment by the student to family and friends that the student will not engage in dangerous driving habits.

(b-2) Requires that a course approved for used under Subsection (a)(1) before January 1, 2012, comply with the requirements of Subsection (b-1) and be approved for that purpose by the commissioner not later than January 1, 2012. Provides that this section expires September 1, 2012.

(c)-(d) Makes no changes to these subsections.

SECTION 4. (a) Requires TEA to adopt the rules required by Section 1001.101, Education Code, as reenacted and amended by this Act, as soon as practicable after the effective date of this Act.

(b) Makes application of Article 45.051, Code of Criminal Procedure, prospective to January 1, 2012.

SECTION 5. Effective date, except as otherwise provided by this Act: September 1, 2011.