

## **BILL ANALYSIS**

Senate Research Center

H.B. 1786  
By: Dutton (Campbell)  
Education  
5/17/2015  
Engrossed

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

H.B. 1786 amends current law relating to the transfer of driver and traffic safety education from the Texas Education Agency and the Department of Public Safety to the Texas Department of Licensing and Regulation; changes the amounts of certain fees; and amends a provision subject to a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to, transferred among, and rescinded from various state agencies throughout H.B. 1786, as noted in the Section by Section Analysis.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.902(a), Education Code, to change a reference to agency to Texas Department of Licensing and Regulation (TDLR).

SECTION 2. Amends Section 51.308, Education Code, to change a reference to Central Education Agency to TDLR.

SECTION 3. Amends Section 1001.001, Education Code, by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a), to redefine "approved driving safety course," "course provider," and "department" and define "commission" and "executive director." Deletes existing text defining "commissioner."

SECTION 4. Amends Section 1001.002(c), Education Code, to change a reference to commissioner of education (commissioner) to TDLR.

SECTION 5. Amends Section 1001.003, Education Code, to change a reference to Texas Education Agency (TEA) to Texas Commission of Licensing and Regulation (TCLR).

SECTION 6. Reenacts Section 1001.004, 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:

(a) Changes a reference to TEA to TDLR.

(b) Changes a reference to commissioner to TDLR.

SECTION 7. Amends Sections 1001.051, 1001.052, and 1001.053, 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 TCLR, rather than TEA, to adopt, rather than adopt and administer, comprehensive rules governing driving safety courses.

Sec. 1001.053. New heading: POWERS AND DUTIES OF DEPARTMENT, COMMISSION, AND EXECUTIVE DIRECTOR. (a) Requires TDLR and the executive director of TDLR (executive director), rather than the commissioner, to:

- (1) administer this chapter, rather than the policies of this chapter;
- (2) Makes no change to this subdivision;
- (3) enforce, rather than adopt and enforce, rules adopted by TCLR that are necessary to administer this chapter; and
- (4) inspect, rather than visit, a driver training school or course provider and reinspect, rather than reexamine, the school or course provider for compliance with this chapter.

(b) Authorizes the executive director, rather than the commissioner, to designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.

(c) Requires TCLR to adopt rules necessary to administer this chapter. Authorizes TCLR, rather than the commissioner, to adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.

SECTION 8. Amends the heading to Section 1001.054, Education Code, to read as follows:

Sec. 1001.054. RULES RESTRICTING ADVERTISING.

SECTION 9. Amends Section 1001.054(c), Education Code, to change a reference to commissioner to TCLR.

SECTION 10. Amends Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, as follows:

(a) Requires TDLR to provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter driver education certificates or certificate numbers to enable the school or approved parent-taught course provider to print and issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2) (authorizing DPS to issue a Class C driver's license to an applicant under 18 years of age only if the applicant has submitted to DPS a certain driver education certificate), Transportation Code, 521.1601 (Driver Education Required), Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009.

Deletes existing text requiring TEA to provide to each licensed or exempt driver education school driver education certificates or certificate numbers to enable the school and each approved parent-taught course provider (approved by the Texas Department of Public Safety under Section 521.205 (Department-Approved Courses) of the Transportation Code) to print and issue agency-approved driver education certificates with the certificate numbers to be used for certifying completion of an approved driver education course to satisfy the requirements of Sections 521.204(a)(2) and 521.1601, Transportation Code.

(a-1) Requires that a certificate printed and issued by a driver education school or parent-taught course provider approved under this chapter, rather than driver education school or DPS-approved course provider:

- (1) be in a form required by TDLR, rather than TEA; and

(2) include an identifying certificate number provided by TDLR, rather than TEA, that may be used to verify the authenticity of the certificate with the driver education school or approved parent-taught course provider, rather than DPS approved course provider.

(a-2) Requires a driver education school or parent-taught course provider approved under this section, rather than DPS approved course provider, that purchases driver education certificate numbers 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 the misuse of the certificates. Requires the driver education school or approved parent-taught course provider, rather than DPS approved course provider, to electronically submit to TDLR in the manner established by TDLR data identified by TDLR relating to the issuance of TDLR-approved, rather than to TEA in the manner established by TEA data identified by TEA relating to issuance of TEA-approved, driver education certificates with the certificate numbers.

(b) Changes a reference to TEA to TCLR.

(c) Requires TCLR by rule to establish a fee for each certificate or certificate number, rather than authorizes TEA to charge a fee of not more than \$4 for each certificate or certificate number.

SECTION 11. Amends Sections 1001.056(b), (c), (d), (e), and (g), Education Code, as follows:

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

(c) Changes a reference to TEA to TCLR.

(d) Changes a reference to TEA to TDLR and a reference to department to DPS.

(e) Requires TCLR by rule to establish a fee, rather than authorizes TEA to charge a fee of not more than \$4, for each course completion certificate number. Changes a reference to TEA to TDLR.

(g) Requires a course provider to issue a duplicate certificate by United States mail or commercial delivery. Changes a reference to commissioner to TCLR.

SECTION 12. Amends Section 1001.057, Education Code, to change a reference to TEA to TDLR.

SECTION 13. Amends Subchapter B, Chapter 1001, Education Code, by adding Section 1001.058, as follows:

Sec. 1001.058. **ADVISORY COMMITTEE.** (a) Requires TCLR to establish an advisory committee to advise TCLR and TDLR on rules and educational and technical matters relevant to the administration of this chapter.

(b) Provides that the advisory committee consists of nine members appointed for staggered six-year terms by the presiding officer of TCLR, with the approval of TCLR, as follows:

(1) one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, and in-car training;

(2) one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training;

- (3) one member representing a driving safety school offering a traditional classroom course or providing an alternative method of instruction;
- (4) one member representing a driving safety course provider approved for a traditional classroom course and for an alternative method of instruction;
- (5) one member representing a driving safety course provider approved for a traditional classroom course or for an alternative method of instruction;
- (6) one licensed instructor;
- (7) one representative of DPS;
- (8) one member representing a drug and alcohol driving awareness program course provider; and
- (9) one member representing the public.

(c) Requires the presiding officer of TCLR to appoint the presiding officer of the advisory committee. Authorizes the presiding officer of the advisory committee to vote on any matter before the advisory committee.

(d) Prohibits a member from serving two consecutive full terms.

(e) Requires the presiding officer of TCLR, with the approval of TCLR, if a vacancy occurs during a term, to appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.

(f) Provides that a member of the advisory committee may be removed from the advisory committee as provided by Section 51.209 (Advisory Boards; Removal of Advisory Board Member), Occupations Code.

(g) Prohibits members of the advisory committee from receiving compensation but entitles them to reimbursement for actual and necessary expenses incurred in performing the functions of the advisory committee, subject to the General Appropriations Act.

(h) Requires the committee to meet at the call of the presiding officer of TCLR.

(i) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory committee.

SECTION 14. Amends the heading to Subchapter C, Chapter 1001, Education Code, to read as follows:

#### SUBCHAPTER C. OPERATION OF DRIVER EDUCATION SCHOOL

SECTION 15. Amends Sections 1001.101(a) and (b), Education Code, as follows:

(a) Requires TCLR, rather than the commissioner, by rule to establish or approve the curriculum and designate the educational materials, rather than the textbooks, to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education school, or parent or other individual under this chapter, rather than under Section 521.205, Transportation Code.

(b) Requires that a driver education course require the student to complete:

(1) 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual under Section 1001.112, rather than requirements imposed under Section 521.205, Transportation Code;

(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual under Section 1001.112, rather than requirements imposed under Section 521.205, Transportation Code; and

(3) Makes no change to this subdivision.

SECTION 16. Amends Section 1001.1015(a), Education Code, to change a reference to commissioner to TCLR.

SECTION 17. Amends Section 1001.102, Education Code, as follows:

Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) Changes a reference to TEA to TCLR.

(b) Requires TCLR, in developing rules under this section, to consult with DPS.

Deletes existing text requiring TEA, in developing rules under this section, to consult with the department.

SECTION 18. Amends Section 1001.1025, Education Code, as follows:

Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) Changes a reference to TEA to TCLR.

(b) Requires TCLR in developing rules under this section, to consult with DPS.

Deletes existing text requiring TEA, in developing rules under this section, to consult with the department.

SECTION 19. Amends Section 1001.103(b), (d), and (e), Education Code, to conform to S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and further amends it 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 that include one or more courses. Requires that a program, except as provided by TCLR, rather than TEA, rule, be offered in the same manner as a driving safety course.

(d) Requires TDLR and the Department of State Health Services (DSHS) to enter in to a memorandum of understanding for the interagency approval of the required curricula.

Deletes existing text requiring TEA and the Texas Commission on Alcohol and Drug Abuse (TCADA), in accordance with Section 461.013(b) (requiring TCADA to carry out educational programs designed to prevent or deter misuse and abuse of controlled substances), Health and Safety Code, to enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) Authorizes TCLR to establish fees in connection with the programs under this section. Requires that the fees be in amounts reasonable and necessary to administer TDLR's, rather than TEA's, duties under this section.

SECTION 20. Amends Sections 1001.104 and 1001.105, Education Code, as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) Requires TDLR to enter into a memorandum of understanding with the state agency responsible for administering the vocational rehabilitation program and DPS for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

Deletes existing text requiring TEA to enter into a memorandum of understanding with the Texas Rehabilitation Commission (TRC) and the department for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) Requires TDLR, rather than TEA, to administer comprehensive rules governing driver education courses developed through interagency cooperation between TCLR, the state agency responsible for administering the vocational rehabilitation program, and DPS, rather than courses adopted by mutual agreement among TEA, TRC, and the department.

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. Requires TDLR, rather than TEA, to enter in to a memorandum of understanding with the Texas Department of Insurance (TDI) for the development, rather than the interagency development, of a curriculum for driving safety courses.

SECTION 21. Amends Sections 1001.106(b), (c), and (d), Education Code, as follows:

(b) Changes a reference to commissioner to TCLR.

(c) Provides that Subchapter F (Administrative Penalty), Chapter 51, Occupations Code, and Section 51.353 (License Denial; Administrative Sanctions), Occupations Code, do not apply to a violation of this section or a rule adopted under this section.

(d) Provides that Section 51.352 (Injunctive Relief; Civil Penalty), Occupations Code, and Sections 1001.455(a)(6) (authorizing TEA to deny an application for an instructor license or suspend or revoke the license of an instructor if the instructor fails to comply with this chapter) and 1001.554 (General Criminal Penalty) of this code, rather than 1001.455(a)(6), 1001.501 (Authority to Bring Class Action), 1001.551 (Injunction in General), 1001.552 (Injunction Against School), and 1001.554, do not apply to a violation of this section.

SECTION 22. Amends Section 1001.107, Education Code, as follows:

Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION. (a) Changes a reference to commissioner to TCLR.

(b) Requires TCLR, in developing rules under this section, to consult DPS.

Deletes existing requiring the commissioner, in developing rules under this section, to consult the department.

SECTION 23. Amends Sections 1001.108(a) and (c), Education Code, as follows:

(a) Changes a reference to commissioner to TCLR.

(c) Requires TCLR, in developing rules under this section, to consult with DSHS.

Deletes existing text requiring the commissioner, in developing rules under this section, to consult with the department and the Texas Department of Health.

SECTION 24. Amends Section 1001.110, Education Code, to change reference to commissioner to TCLR and to change a reference to department to DPS.

SECTION 25. Amends Section 1001.111(a), Education Code, to change a reference to commissioner to TCLR.

SECTION 26. Amends Subchapter C, Chapter 1001, Education Code, by adding Section 1001.112, as follows:

Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION. (a) Requires TCLR by rule to provide for approval of a driver education course conducted by the parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of a person who is required to complete a driver education course to obtain a Class C license. Requires that the rules provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction and that the person conducting the course:

(1) possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(2) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated;

(3) is not disabled because of mental illness; and

(4) does not have six or more points assigned to the person's driver's license under Subchapter B (Driver's License Points Surcharge), Chapter 708, Transportation Code, at the time the person begins conducting the course.

(b) Authorizes TDLR to approve a course described by Subsection (a) if TDLR determines that the course materials are at least equal to those required in a course approved by TDLR, and prohibits TDLR from requiring that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(c) Requires that the rules provide a method by which:

(1) approval of a course is obtained;

(2) an applicant submits proof of completion of the course;

(3) approval for delivering course materials by an alternative method, including electronic means, is obtained;

(4) a provider of a course approved under this section may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1) (authorizing a driver education course provider to administer to a student of that course the highway sign and traffic law parts of the examination), Transportation Code, through electronic means; and

(5) an applicant submits proof of passage of an examination administered under Subdivision (4).

(d) Provides that completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by TDLR.

SECTION 27. Amends Section 1001.151, Education Code, as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES. (a) Requires TCLR, rather than the commissioner, to establish, rather than collect, application, license, and registration fees. Requires that the fees be in amounts sufficient to cover administrative costs and are nonrefundable. Requires TDLR to collect the application, license, and registration fees.

(b) Requires TCLR by rule to establish a fee for:

- (1) an initial driver education school license and for each branch location;
- (2) an initial driving safety school license;
- (3) an initial course provider license, except that the executive director may waive the fee;
- (4) the annual renewal for a course provider, driving safety school, driver education school or branch location, except that the executive director may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure;
- (5) a change of address of a driver education school, driving safety school, or course provider;
- (6) a change of name of:
  - (A) a driver education school or course provider or an owner of a driver education school or course provider; or
  - (B) or a driving safety school or owner of a driving safety school;
- (7) each additional driver education or driving safety course at a driver training school;
- (8) an initial application for approval of a driving safety course that has not been evaluated by TDLR.

Deletes existing text providing that the fee for an initial driver education school license is \$1,000 plus \$850 for each branch location.

Deletes existing Subsection (c) providing that the fee for an initial driving safety school license is an appropriate amount established by the commissioner not to exceed \$200.

Deletes existing Subsection (d) providing that the fee for an initial course provider license is an appropriate amount established by the commissioner not to exceed \$2,000, except that TEA is authorized to waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider.

Deletes existing Subsection (e) providing that the annual renewal fee for a course provider, driving safety school, driver education school, or branch location is an appropriate amount established by the commissioner not to



exceed \$200, except that TEA is authorized to waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511 (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures), Code of Criminal Procedure.

Deletes existing Subsection (f) providing that the fee for a change of address of a driver education school is \$180 and a driving safety school, or course provider is \$50.

Deletes existing Subsection (g) providing that the fee for a change of name of a driver education school or course provider or an owner of a driver education school or course provider is \$100, or a driving safety school or owner of a driving safety school is \$50.

Deletes existing Subsection (h) providing that the application fee for each additional driver education or driving safety course at a driver training school is \$25.

Deletes existing Subsection (i) providing that the application fee for each director is \$30, and each assistant director or administrative staff member is \$15.

Deletes existing Subsection (j) providing that each application for approval of a driving safety course that has not been evaluated by the commissioner is required to be accompanied by a nonrefundable fee of \$9,000.

(c) Redesignates existing Subsection (k) as Subsection (c). Requires that an application for an initial, rather than original, driver education or driving safety instructor license be accompanied by a processing fee and an annual licensing fee. Prohibits TDLR, rather than the commissioner, from collecting the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state.

Deletes existing text requiring that an application for an original driver education or driving safety instructor license be accompanied by a fee of \$50 and an annual license fee of \$25.

(d) Redesignates existing Subsection (l) as Subsection (d). Changes a reference to commissioner to TCLR.

(e) Redesignates existing Subsection (m) as Subsection (e). Changes a reference to commissioner to TCLR. Deletes existing text authorizing the commissioner to establish a fee for an application for approval to offer a driver education course by an alternative method of instruction under Section 1001.3541 in an amount the commissioner considers appropriate, not to exceed the amount sufficient to cover the costs of considering the application.

SECTION 28. Amends Section 1001.202(b), Education Code, to change a reference to TEA to TDLR.

SECTION 29. Amends Section 1001.204, 1001.205, 1001.206, Education Code, as follows:

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE.

(a) Requires TCLR by rule to establish the criteria for a driver education school license.

(b) Requires TDLR to approve an application for a driver education school license if the application is submitted on a form approved by the executive director,

includes the fee, and on inspection of the premises of the school, it is determined that the school:

- (1) and (2) Makes no change to these subdivisions;
- (3) has instructors, rather than directors, instructors, and administrators, who have adequate educational qualifications and experience;
- (4) provides to each student before enrollment:
  - (A) Makes no change to this paragraph;
  - (B) TDLR's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to TDLR, rather than the name, mailing address, and telephone number of TEA for the purpose of directing complaints to TEA;
- (5) Changes a reference to commissioner to TDLR;
- (6)-(8) Makes no change to these subdivisions;
- (9) has owners and instructors, rather than has administrators, directors, owners, and instructors, who are of good reputation and character;
- (10) Makes no change to this subdivision;
- (11) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by TDLR, rather than the commissioner;
- (12) does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than the commissioner;
- (13) submits to TDLR, rather than TEA, for approval the applicable course hour lengths and curriculum content for each course offered by the school;
- (14) does not owe an administrative penalty for a violation of this chapter, rather than an administrative penalty under this chapter; and
- (15) meets any additional criteria required by TDLR, rather than TEA.

Deletes existing text requiring the commissioner to approve an application for a driver education school license if, on investigation of the premises of the school, it is determined that the school meets certain criteria.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE. (a) Requires TCLR by rule to establish the criteria for a driving safety school license.

(b) Requires TDLR to approve an application for a driving safety school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school, TDLR, rather than TEA, determines that the school:

- (1) and (2) Makes no change to these subdivisions;
- (3) has instructors, rather than instructors and administrators, who have adequate educational qualifications and experience;

- (4) Changes a reference to commissioner to TDLR;
- (5) Makes no change to this subdivision;
- (6) has owners and instructors, rather than administrators, owners, and instructors, who are of good reputation and character;
- (7) Changes a reference to commissioner to TDLR;
- (8) Changes a reference to commissioner to executive director;
- (9) Makes no change to this subdivision;
- (10) does not owe an administrative penalty for a violation of this chapter, rather than an administrative penalty under this chapter;
- (11) Makes no change to this subdivision;
- (12) Changes a reference to commissioner to TDLR.

Deletes existing text requiring the commissioner to approve an application for a driving safety school license if on investigation TEA determines that the school meets certain criteria.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE (a) Requires TCLR by rule to establish criteria for a course provider license.

(b) Requires TDLR to approve an application for a course provider license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school TDLR determines that:

- (1) and (2) Makes no change to these subdivisions;
- (3) the course provider will:
  - (A) Makes no change to this paragraph;
  - (B) provide to the driving safety school TDLR's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to TDLR;
- (4) Makes no change to this subdivision;
- (5) not later than the 15th working day after the date a person successfully completes the course, the course provider will issue and deliver to the person by United States mail or commercial delivery a uniform certificate of course completion indicating the course name and successful completion, rather than mail a uniform certificate of course completion to the person indicating the course name and successful completion;
- (6) Changes a reference to commissioner to TDLR;
- (7)-(10) Makes no change to these subdivisions;
- (11) Changes a reference to commissioner to TDLR;
- (12) Changes a reference to commissioner to executive director;

(13) the course provider does not owe an administrative penalty for a violation of this chapter, rather than an administrative penalty under this chapter; and

(14) Changes a reference to commissioner to TDLR.

SECTION 30. Amends Sections 1001.207(a) and (b), Education Code, as follows:

(a) Changes a reference to commissioner to TDLR;

(b) Changes a reference to commissioner to TDLR and a reference to state to TDLR;

SECTION 31. Amends Section 1001.209(b), Education Code, to change a reference to state to TDLR and to change a reference to TEA to executive director or TCLR.

SECTION 32. Amends Section 1001.210, Education Code, to change a reference to commissioner to TDLR, and to redesignate Paragraphs (A) and (B) as Subdivisions (1) and (2), respectively.

SECTION 33. Amends Sections 1001.211(a) and (b), Education Code, as follows:

(a) Changes a reference to commissioner to executive director.

(b) Requires that a license to be in a form determined by TDLR, rather than the commissioner, and to show in a clear and conspicuous manner:

(1)-(3) Makes no change to these subdivisions; and

(4) Creates this subdivision from existing text. Changes a reference to commissioner to TDLR.

Deletes existing Subdivision (4) requiring that a license be in a form determined by the commissioner and show in a clear and conspicuous manner the commissioner's signature.

SECTION 34. Amends Sections 1001.213(c) and (d), Education Code, as follows:

(c) Authorizes TCLR by rule to establish fees for a new driver education school or course provider license under Subsection (b) and for each branch location if the new owner is substantially similar to the previous owner and there is no significant change in the management or control of the driver education school or course provider.

Deletes existing text providing that, instead of the fees required by Section 1001.151, the fee for a new driver education school or course provider license under Subsection (b) is \$500, plus \$200 for each branch location, if the new owner is substantially similar to the previous owner and there is no significant change in the management or control of the driver education school or course provider

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

SECTION 35. Amends Section 1001.214, Education Code, to change a reference to TEA to TDLR.

SECTION 36. Amends Section 1001.251, Education Code, as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) Changes a reference to TEA to executive director.

(b) Changes a reference to TEA to executive director.

SECTION 37. Amends Sections 1001.2511(b), (c), (d), (e), and (f), Education Code, as follows:

- (b) Changes a reference to TEA to TDLR.
- (c) Changes a reference to TEA to executive director.
- (d) Changes a reference to TEA to TDLR.
- (e) Changes a reference to commissioner to TDLR and a reference to TEA to TDLR.
- (f) Changes a reference to TEA to TDLR.

SECTION 38. Amends Section 1001.2512, Education Code, to change a reference to commissioner to TDLR and a reference to TEA to TDLR.

SECTION 39. Amends Sections 1001.2514(a), (b), and (d), Education Code, as follows:

- (a) Changes a reference to TEA to TDLR.
- (b) Changes a reference to TEA to executive director.
- (d) Changes a reference to TEA to TDLR.

SECTION 40. Amends Section 1001.253, Education Code, by amending Subsections (a), (b), (c), (d), (e), and (f), and adding Subsection (h), as follows:

- (a) Requires TDLR, rather than the commissioner, to establish standards for certification of professional, rather than of professional and paraprofessional, personnel who conduct driver education programs in driver education schools.
- (b) Changes a reference to commissioner to TDLR.
- (c) Changes a reference to commissioner to TDLR.
- (d) Changes a reference to commissioner to TDLR.
- (e) Changes a reference to commissioner to TDLR.
- (f) Changes a reference to TEA to TDLR.
- (h) Authorizes the classroom portion of the instructor development program for driver education instructors to be conducted online.

SECTION 41. Amends Section 1001.254(a), Education Code, to change a reference to commissioner to TDLR.

SECTION 42. Amends Sections 1001.255(a), (b), and (c), Education Code, as follows:

- (a) Changes a reference to TEA to TDLR.
- (b) Changes a reference to TEA to TDLR.
- (c) Changes a reference to commissioner to executive director.

SECTION 43. Amends Section 1001.256, Education Code, to change a reference to TEA to TDLR.

SECTION 44. Amends Sections 1001.303(c) and (d), Education Code, as follows:

(c) Authorizes TDLR to inspect, rather than the commissioner to reexamine, a driver education school's premises.

(d) Changes a reference to commissioner to TDLR.

SECTION 45. Amends Sections 1001.304(b) and (c), Education Code, as follows:

(b) Requires that the continuing education be:

(1) in courses approved by TDLR, rather than the commissioner; and

(2) for the number of hours established by TDLR, rather than the commissioner.

(c) Requires an applicant who does not comply with Subsection (a) to pay a late renewal fee in the amount established by TDLR rule, rather than fee of \$25.

SECTION 46. Amends Sections 1001.351(a) and (b), Education Code, as follows:

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

(b) Changes references to TEA to TDLR.

SECTION 47. Amends Sections 1001.354(a) and (b), Education Code, as follows:

(a) Changes a reference to TEA to TDLR.

(b) Changes a references to commissioner to TDLR.

SECTION 48. Amends Section 1001.3541, Education Code, as follows:

Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR DRIVER EDUCATION COURSE. (a) Changes a reference to commissioner to TDLR.

(b) Changes references to commissioner to TDLR.

SECTION 49. Amends Sections 1001.404(b) and (c), Education Code, as follows:

(b) Changes a reference to commissioner to TDLR.

(c) Changes a reference to TEA to TDLR.

SECTION 50. Amends Sections 1001.451 and 1001.452, Education Code, as follows:

Sec. 1001.451. PROHIBITED PRACTICES. Prohibits a person from:

(1) using advertising that is false, misleading, or deceptive, rather than using advertising designed to mislead or deceive a prospective student;

(2) failing to notify TDLR, rather than the commissioner, of the discontinuance of the operation of a driver training school before the 15th, rather than the fourth, working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issuing, selling, trading, or transferring certain certificates, including a driver education certificate to a person who has not successfully completed a TDLR-approved, rather than commissioner-approved, driver education course;

(4) and (5) Makes no change to these subdivisions.

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

Deletes existing text prohibiting a driver training school from maintaining, advertising, soliciting for, or conducting a course of instruction in this state before the later of the 30th day after the date the school applies for a driver training school license.

SECTION 51. Amends Sections 1001.453(b), (d), and (e), Education Code, as follows:

(b) Authorizes TDLR to revoke the license of a course provider, rather than provides that a course provider loses its course provider status, if the course provider or the course provider's agent, employee, or representative violates this section.

(d) Provides that Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations Code, rather than Sections 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License), 1001.456(a) (authorizing TEA, if TEA believes that a driver education school or instructor has violated this chapter or a rule adopted under this chapter, to, without notice, perform certain actions), and 1001.553 (Administrative Penalty), do not apply to a violation of this section or a rule adopted under this section.

(e) Provides that Section 51.352, Occupations Code, and Sections 1001.455(a)(6) and 1001.554 of this code, rather than Sections 1001.455(a)(6), 1001.501, 1001.551, 1001.552, and 1001.554, do not apply to a violation of this section.

SECTION 52. Amends Section 1001.455(a), Education Code, as follows:

(a) Authorizes the executive director or TCLR, rather than TEA, to deny an application for an instructor license or suspend or revoke the license of an instructor if the instructor:

(1) Makes no change to this subdivision;

(2) permits or engages in misrepresentation, fraud, or deceit in applying for or obtaining a certificate, license, or permit, rather than permits fraud or engages in fraudulent practices relating to the application;

(3) induces, rather than induces or countenances, fraud or fraudulent practices on the part of an applicant for a driver's license or permit;

(4) Makes no change to this subdivision;

(5) Changes a reference to TEA to TCLR;

(6) Makes no change to this subdivision.

SECTION 53. Amends Sections 1001.555(b), Education Code, as follows:

(b) Authorizes TDLR, rather than requires TEA, to contract with DPS to provide undercover and investigative assistance in the enforcement of Subsection (a) (providing 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, a course completion certificate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number). Makes a nonsubstantive change.

SECTION 54. Amends Article 45.0511(b), Code of Criminal Procedure, to change a reference to TEA to TDLR.

SECTION 55. Amends Section 501.004(b), Transportation Code, to change a reference to Central Education Agency to TDLR.

SECTION 56. Amends Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. Prohibits DPS from issuing a driver's license to a person who is younger than 21 years of age unless the person submits to DPS a driver education certificate issued under Chapter 1001 (Driver and Traffic Safety Education), Education Code, that states that the person has completed and passed:

(1) a driver education and traffic safety course approved by TDLR, rather than TEA, under Section 29.902 (Driver Education), Education Code, or a driver education course approved by TDLR, rather than TEA, under Chapter 1001, Education Code, rather than under Section 1001.101 (Adult and Minor Driver Education Course Curriculum and Textbooks) of that code, or approved by DPS under this chapter, rather than under Section 521.205; or

(2) Changes a reference to TEA to TDLR.

SECTION 57. 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. Prohibits 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:

(1) a driver education and traffic safety course approved by TDLR, rather than TEA, under Section 29.902, Education Code, or a driver education course approved by TDLR, rather than TEA, under Chapter 1001, Education Code, rather than under Section 1001.101(a)(1) of that code, or approved by DPS under this chapter, rather than under Section 521.205; or

(2) if the person is 18 years of age or older, a driver education course approved by TDLR, rather than TEA, under Section 1001.101 or 1001.1015 (Adult Driver Education Course Curriculum and Educational Materials), Education Code, rather than under Section 1001.101(a)(1) or (2), Education Code.

SECTION 58. Amends Section 521.1655(a), Transportation Code, to change a reference to the Texas Driver and Traffic Safety Education Act (Article 4413 (29c), V.T.C.S.) to Chapter 1001, Education Code.

SECTION 59. Amends Section 521.167, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, to change a reference to TEA to TDLR.

SECTION 60. Amends Section 521.203, Transportation Code, to change a reference to Central Education Agency to TDLR.

SECTION 61. Amends Section 521.204(a), Transportation Code, as follows:

(a) Requires DPS to issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) Makes no change to this subdivision;

(2) has submitted to DPS a driver education certificate issued under Section 1001.055, Education Code, that states that the person has completed and passed a



driver education course approved by TDLR, rather than by DPS under Section 521.205 or by TEA;

(3)-(5) Makes no change to these subdivisions.

SECTION 62. Amends Section 521.206(b) and (c), Transportation Code, as follows:

(b) Requires DPS to collect data regarding the collision rate of students taught by course instructors approved under Section 1001.112, Education Code, rather than under Section 521.205. Provides that the collision rate is computed by determining the number of students who completed a course approved under Section 1001.112, Education Code, rather than under Section 521.205, during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(c) Changes a reference to Section 521.205 to Section 1001.112, Education Code.

SECTION 63. Amends Sections 521.222(a) and (c), Transportation Code, as follows:

(a) Authorizes DPS to issue a learner license, including a Class A or Class B driver's learner license, to a person who:

(1) Makes no change to this subdivision;

(2) Changes a reference to Section 521.205 to Section 1001.112, Education Code.

(3) Changes a reference to Section 521.204(3) to Section 521.204(a)(3).

Deletes existing text authorizing DPS or a driver education school licensed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.) to issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who fulfills certain criteria.

(c) Authorizes DPS, rather than a driver education school, to issue a learner license, rather than an instruction permit, to a person 18 years of age or older who has successfully passed:

(1) Changes a reference to TEA to TDLR.

(2) Makes no change to this subdivision;

SECTION 64. Amends Section 521.223(b), Transportation Code, to change a reference to Section 521.205 to Chapter 1001, Education Code.

SECTION 65. Amends Sections 543.111 and 543.112, Transportation Code, as follows:

Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a) Changes a reference to State Board of Education to TCLR.

(b) Changes a reference to TEA to TCLR and TDLR, as appropriate.

Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE COMPLETION. (a) Changes a reference to TEA to TCLR.

(b) Changes references to TEA to TDLR.

(c) Requires TDLR, rather than TEA, to issue duplicate uniform certificates of course completion. Requires TCLR, 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.

(d) Changes references to TEA to TDLR.

SECTION 66. Amends Sections 543.113(a) and (c), Transportation Code, as follows:

(a) Requires TDLR to issue, rather than TEA to print, the uniform certificates and supply them to persons who are licensed providers of courses approved under Chapter 1001, Education Code, rather than the Texas Driver and Traffic Safety Education Act (Article 4413 (29c), V.T.C.S.). Requires TDLR by rule to establish, rather than authorizes TEA to charge, a fee for each certificate. Deletes existing text prohibiting the fee from exceeding \$4.

(c) Changes a reference to TEA to TDLR.

SECTION 67. Amends Section 543.114(a), Transportation Code, to change a reference to the Texas Driver and Safety Education Act (Article 4413(29c), V.T.C.S.) to Chapter 1001, Education Code.

SECTION 68. Amends Section 545.412(g), Transportation Code, to change references to TEA to TDLR and to change a reference to the Texas Driver and Safety Education Act (Article 4413(29c), V.T.C.S.) to Chapter 1001, Education Code.

SECTION 69. Amends Section 545.413(i), Transportation Code, to change references to TEA to TDLR and to change a reference to the Texas Driver and Safety Education Act (Article 4413(29c), V.T.C.S.) to Chapter 1001, Education Code.

SECTION 70. (a) Provides that the following provisions of the Education Code are repealed:

Repealer: Section 1001.001(1) (defining "agency");

Repealers: Sections 1001.054(a) (prohibiting the commissioner from adopting a rule restricting advertising and competitive bidding by a driver training school to prohibit a false, misleading, or deceptive practice) and (b) (prohibiting the commissioner from including in rules to prohibit false, misleading, or deceptive practices by a driver training school that restricts certain criteria related to advertisement);

Repealers: Sections 1001.152 (Duty to Review and Recommend Adjustments in Fee Amounts) and 1001.153 (Complaint Investigation Fee);

Repealer: Section 1001.203 (Application);

Repealer: Section 1001.212 (Notice of Denial of License);

Repealer: Section 1001.252 (Signature and Seal on License Required);

Repealer: Section 1001.257 (Denial of License);

Repealers: Sections 1001.303(a) (requiring the school or course provider, to renew the license of a driver education school, driving safety school, or course provider, to submit to the commissioner a complete application for renewal at least 30 days before the expiration date of the license) and (b) (related to a late renewal fee for a school or course provider that does not comply with a Subsection (a) as a condition of renewal of the person's license);

Repealer: Section 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License);

Repealer: Section 1001.455(b) (requiring TEA, not later than the 10th day after the date of a denial, suspension, or revocation under this section, to notify the applicant or license holder of that action by certified mail);

Repealers: Sections 1001.456 (Other Disciplinary Actions), 1001.457 (Term of License Suspension), 1001.458 (Surrender of License), and 1001.459 (Appeal and Request for Hearing);

Repealers: Sections 1001.460 (Hearing) and 1001.461 (Judicial Review);

Repealers: Sections 1001.501 (Authority to Bring Class Action), 1001.502 (Notice), and 1001.503 (Judgment); and

Repealers: Sections 1001.551 (Injunction in General), 1001.552 (Injunction Against School), and 1001.553 (Administrative Penalty).

(b) Repealer: Section 521.167 (Waiver of Certain Education and Examination Requirements), Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, and Section 521.205 (Department-Approved Courses), Transportation Code.

SECTION 71. Provides that the change in law made by this Act applies only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 72. (a) Provides that in this section, "former governing bodies" means the Texas Education Agency and the Department of Public Safety, relating to the oversight of Chapter 1001, Education Code, and Section 521.205, Transportation Code, respectively.

(b) Provides that on September 1, 2015:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the former governing bodies immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) all rules, policies, procedures, decisions, and forms adopted by the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are continued in effect as rules, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remain in effect until amended or replaced by that commission or department;

(3) a complaint, investigation, or other proceeding before the former governing bodies that is related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the former governing bodies in an action or proceeding to which one of the former governing bodies is a party;

(4) all money, contracts, leases, property, and obligations of the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are transferred to the Texas Department of Licensing and Regulation;

(5) all property in the custody of the former governing bodies related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred to the Texas Department of Licensing and Regulation; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the former governing bodies related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred to the Texas Department of Licensing and Regulation.

(c) Provides that, as soon as practicable after the effective date of this Act, the Texas Education Agency may agree with the Texas Department of Licensing and Regulation to transfer any property of the Texas Education Agency to the Texas Department of Licensing and Regulation to implement the transfer required by this Act.

(d) Provides that, unless the context indicates otherwise, a reference to the former governing bodies in a law or administrative rule that relates to Chapter 1001, Education Code, or Section 521.205, Transportation Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable.

(e) Provides that a license, permit, certification, or registration issued by the former governing bodies is continued in effect as a license, permit, certification, or registration of the Texas Department of Licensing and Regulation.

(f) Provides that on September 1, 2015, all full-time equivalent employee positions at the former governing bodies and Education Service Center Region 13 that primarily concern the administration, enforcement, or other direct or indirect support of Chapter 1001, Education Code, or Section 521.205, Transportation Code, become positions at the Texas Department of Licensing and Regulation. Requires the Texas Department of Licensing and Regulation, when filling the positions, to give first consideration to an applicant who, as of August 31, 2015, was an employee at the former governing bodies or Education Service Center Region 13 primarily involved in administering or enforcing Chapter 1001, Education Code, or Section 521.205, Transportation Code.

(g) Requires the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, as soon as practicable after the effective date of this Act, to make the initial appointments to the advisory committee under Section 1001.058, Education Code, as added by this Act.

SECTION 73. Provides that the changes in law made by this Act to Chapter 1001, Education Code, apply only to a fee charged on or after September 1, 2015. Provides that a fee charged before September 1, 2015, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 74. Provides that, to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 75. Effective date: September 1, 2015.