

BILL ANALYSIS

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S.B. 215
By: Campbell et al.
Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Education Agency (TEA) has regulated the private driver training industry since 1989 and has contracted with the Austin Education Service Center to perform this function since 2011. TEA spends about \$1.8 million on this program to license more than 1,000 private schools and nearly 3,000 instructors. The costs of the regulation are fully covered by license fees and the sale of 1.2 million certificates for course completion. Public schools that offer driver education are exempt from licensure and represent only two percent of the certificates sold. Parent-taught driver education courses are approved by the Department of Public Safety of the State of Texas.

The Sunset Advisory Commission (Sunset) evaluated TEA's driver training program as part of a full sunset review of the agency conducted in 2012. Sunset found that the regulation of these private businesses did not fit well within TEA's core mission and recommended transferring the regulatory authority to the Texas Department of Licensing and Regulation (TLDR).

S.B. 2015 requires the Texas Commission of Licensing and Regulation to establish an advisory committee to provide technical expertise from the driver training industry and applies licensing best practices to the regulation of private driver training schools and instructors.

S.B. 2015 also removes the unnecessary licensure of certain staff working within a licensed school, including school directors, assistant directors, and administrative staff; removes fixed driver training fee amounts and fee caps from statute, allowing the legislature to set spending levels through the appropriations process; and increases the driver training statute's maximum administrative penalty from \$1,000 to \$5,000 per day, per violation to ensure that the most severe violations can be appropriately sanctioned.

As proposed, S.B. 215 amends current law relating to the transfer of driver and traffic safety education from the Texas Education Agency to the Texas Department of Licensing and Regulation and changes the amounts of certain fees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Department of Licensing and Regulation in SECTION 5 (Section 1001.003, Education Code) and SECTION 67 (Sections 543.111, Transportation Code), of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 7 (Section 1001.053, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 7 (Sections 1001.053, Education Code), SECTION 23 (Section 1001.151, Education Code), SECTION 43 (Section 1001.303, Education Code), SECTION 44 (Section 1001.304, Education Code), and SECTION 68 (Sections 543.113, Transportation 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 7 (Section 1001.054, Education Code), SECTION 9 (Section 1001.056, Education Code), SECTION 12 (Section 1001.101, Education Code), SECTION 13 (Section 1001.1015, Education Code) SECTION 18 (Section

1001.106, Education Code), SECTION 19 (Section 1001.107, Education Code), SECTION 20 (1001.108, Education Code), SECTION 21 (Section 1001.110, Education Code), SECTION 22 (Section 1001.111, Education Code), SECTION 23 (Section 1001.151, Education Code), SECTION 34 (Section 1001.2511, Education Code), and SECTION 35 (Section 1001.2512, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Commission of Licensing and Regulation in SECTION 7 (Section 1001.052, Education Code), SECTION 8 (Sections 1001.055, 1001.056 Education Code), SECTION 9 (Section 1001.056, Education Code), SECTION 14 (Section 1001.102, Education Code), SECTION 15 (Section 1001.1025, Education Code), and SECTION 67 (Sections 543.111 and 543.112, Transportation Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.902(a), Education Code, to change a reference to the Texas Education Agency (TEA) to the Texas Department of Licensing and Regulation (TDLR) and makes no further change.

SECTION 2. Amends Section 51.308, Education Code, to change a reference to the Central Education Agency to TDLR and makes no further change.

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 to define "commission" and "executive director."

SECTION 4. Amends Section 1001.002(c), Education Code, as follows:

(c) Provides that a driver education course is exempt from this chapter, other than Section 1001.055 (Driver Education Certificates and Certificate Numbers), if the course is:

(1) Makes no change to this subdivision;

(2) changes a reference to the commissioner of education (commissioner) to TDLR;

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

SECTION 5. Amends Section 1001.003, Education Code, as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL BUSINESSES. Provides that it is the intent of the legislature that Texas Commission of Licensing and Regulation (TCLR), rather than TEA, rules 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.

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:

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Changes a reference to TEA to TDLR and makes no further change.

(b) Changes a reference to the commissioner to TDLR and makes no further change.

SECTION 7. Amends Sections 1001.051, 1001.052, 1001.053, and 1001.054, Education Code, as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. Changes a reference to TEA to TDLR and makes no further change.

Sec. 1001.052. RULES. Requires TCLR to adopt comprehensive rules governing driving safety courses, rather than requires TEA to 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) as appropriate, rather than the commissioner, to:

(1) administer this chapter, rather than administer the policies of this chapter;

(2) Makes no change to this subdivision;

(3) enforce rules adopted by TCLR that are necessary to administer this chapter, rather than adopt and enforce rules necessary to administer this chapter; and

(4) Makes no change to this subdivision.

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

(c) Requires TCLR to adopt rules as 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.

Sec. 1001.054. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Prohibits TCLR, rather than the commissioner, from adopting a rule restricting advertising or competitive bidding by a driver training school except to prohibit a false, misleading, or deceptive practice.

(b) Prohibits TCLR, rather than the commissioner, from including in rules to prohibit false, misleading, or deceptive practices by a driver training school a rule that restricts:

(1)-(4) Makes no change to these subdivisions.

(c) Authorizes TCLR, rather than the commissioner, by rule to restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION 8. Amends Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, as follows:

(a) Requires TDLR, rather than TEA, to provide to each licensed or exempt driver education school and to each parent-taught course provider approved by the Department of Public Safety of the State of Texas (DPS) under Section 521.205 (Department-Approved Courses), Transportation Code, driver education certificates or certificate numbers to enable the school or course provider to print and issue TDLR-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 that meets certain requirements set forth) and 521.1601 (Driver Education Required), Transportation Code. 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 or and each approved parent-taught course provider (approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code) to print and issue TEA-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) Changes references to TEA to TDLR.

(a-2) Changes references to TEA to TDLR. Changes references to TEA-approved to TDLR-approved.

(b) Changes a reference to TEA to TDLR.

(c) Requires TDLR 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 9. Amends Sections 1001.056(b), (c), (d), (e), and (g), Education Code, as follows:

(b) Changes a reference to TEA to TDLR. Changes a reference to TEA-approved to TDLR-approved.

(c) Changes a reference to TEA to TDLR.

(d) Requires that a certificate under this section:

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

(2) include an identifying number by which TDLR, rather than TEA, a court, or DPS, may verify its authenticity with the course provider. Makes a nonsubstantive change.

(e) Requires TDLR 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. Requires TDLR, rather than the commissioner, to determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 10. Amends Section 1001.057, Education Code, to change a reference to TEA to TDLR.

SECTION 11. Amends Subchapter B, Chapter 1001, Education Code, by adding Sections 1001.058 and 1001.059, as follows:

Sec. 1001.058. ADVISORY COMMITTEE. (a) Requires TDLR to establish an advisory committee to advise TDLR and TDLR on driver training rules and standards and driver education curriculum.

(b) Provides that the advisory committee consists of seven members appointed for staggered six-year terms by the presiding officer of TDLR, with the approval of TDLR, as set forth.

(c) Requires the presiding officer of TDLR to appoint the presiding officer of the advisory committee.

Sec. 1001.059. COMPLAINTS. (a) Requires TDLR to maintain a system to promptly and efficiently act on complaints filed with TDLR regarding driver training. Requires TDLR to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Requires TDLR to make information available describing its procedures for complaint investigation and resolution.

(c) Requires TDLR to periodically notify the complaint parties of the status of the complaint until final disposition.

SECTION 12. Amends Section 1001.101(a), Education Code, change a reference to the commissioner to TDLR.

SECTION 13. Amends Section 1001.1015(a), Education Code, to make a conforming change.

SECTION 14. Amends Section 1001.102, Education Code, to change references to TEA to TCLR and make a nonsubstantive change.

SECTION 15. Amends Section 1001.1025, Education Code, to make conforming changes and a nonsubstantive change.

SECTION 16. 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 that include one or more courses. Requires that a program, except as provided by TCLR rule, 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), rather than TEA and the Texas Commission on Alcohol and Drug Abuse (TCADA), in accordance with Section 461.013(b) (requiring TCADA to carry out education 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, rather than authorizes the commissioner notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, 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 17. 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 Assistive and Rehabilitative Services (DARS), rather than the Texas Rehabilitation Commission (TRC), and DPS 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 adopted by mutual agreement among TCLR, DARS, and DPS, rather than among TEA, TRC, and DPS.

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. Changes a reference to TEA to TDLR and makes no further change.

SECTION 18. Amends Sections 1001.106(b), (c), and (d), Education Code, as follows:

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

(c) Provides that Subchapter F, Chapter 51 (Administrative Penalty), Occupations Code, Section 51.353 (License Denial; Administrative Sanctions), Occupations Code, and Sections 1001.456 (Other Disciplinary Actions) and 1001.553 (Administrative Penalty)

of this code do not apply to a violation of this section or a rule adopted under this section. Deletes a reference to Section 1001.454, Education Code, and makes nonsubstantive changes.

(d) Provides that Section 51.352 (Injunction 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), 1001.501 (Authority to Bring Class Action), and 1001.554 (General Criminal Penalty) of this code do not apply to a violation of this section. Deletes references to Sections 1001.551 and 1001.552.

SECTION 19. Amends Section 1001.107, Education Code, as follows:

Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION. (a) Requires TCLR, rather than the commissioner, by rule to require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course.

(b) Changes a reference to the commissioner to TDLR and makes a nonsubstantive change.

SECTION 20. Amends Sections 1001.108(a) and (c), Education Code, as follows:

(a) Changes a reference to the commissioner to TCLR.

(c) Requires TCLR, rather than the commissioner, in developing rules under this section, to consult with DPS and DSHS, rather than the Texas Department of Health (TDH).

SECTION 21. Amends Section 1001.110, Education Code, to change references to the commissioner to TCLR and make a nonsubstantive change.

SECTION 22. Amends Section 1001.111(a), Education Code, to make a conforming change.

SECTION 23. Amends Sections 1001.151, 1001.152, and 1001.153, Education Code, as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES. (a) Requires TCLR by rule to establish, rather than requires the commissioner to collect, application, license, and registration fees. 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, rather than the fee for an initial driver education school license is \$1,000 plus \$850 for each branch location;

(2) an initial driving safety school license;

(3) an initial course provider license, except that TCLR may waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider;

(4) the annual renewal for a course provider, driving safety school, driver education school, or branch location, except that TCLR 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 (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures), 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) 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; and

(8) an application for approval of a driving safety course that has not been evaluated by TDLR.

(c) Redesignates Subsection (k) as Subsection (c). Requires an application for an original driver education or driving safety instructor license must be accompanied by a processing fee and an annual license fee, rather than a processing fee of \$50 and an annual license fee of \$25, except that TDLR is prohibited 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.

(d) Redesignates Subsection (l) as Subsection (d) and changes a reference to the commissioner to TCLR.

(e) Redesignates Subsection (m) as Subsection (e) and changes references to the commissioner to TCLR.

Deletes existing text of 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 text of 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 may waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider.

Deletes existing text of Subsection (e) providing that the annual review 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 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.

Deletes existing designation of Subsection (f) and text 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 designation of Subdivision (g) and text 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 and a driving safety school or owner of a driving safety school is \$50.

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

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

Deletes designation as Subdivision (j) and text requiring that each application for approval for a driving safety course that has not been evaluated by the commissioner be accompanied by a nonrefundable fee of \$9,000.

Sec. 1001.152. DUTY TO REVIEW AND RECOMMEND ADJUSTMENTS IN FEE AMOUNTS. Changes a reference to the commissioner to TCLR and makes no further change.

Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) Requires TCLR, rather than the commissioner, to establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint against the school or course provider.

(b) Changes a reference to TEA to TDLR and makes no further change.

SECTION 24. Amends Section 1001.202(b), Education Code, to change a reference to TEA to TDLR and makes no further change.

SECTION 25. 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 to apply to the commissioner, for the appropriate license. Requires that the application:

- (1) Makes no change to this subdivision;
- (2) be in the form prescribed by TDLR, rather than the commissioner;
- (3) and (4) Makes no change to these subdivisions.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. Require TDLR, rather than 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:

- (1) and (2) Makes no change to these subdivisions;
- (3) has instructors, rather than has 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 references to the 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) Changes a references to the commissioner to TDLR;
- (12) Changes a reference to the commissioner to the executive director of TDLR (executive director);
- (13) Changes a reference to TEA to TDLR;
- (14) does not owe an administrative penalty for a violation of this chapter, rather than administrative penalty under this chapter; and
- (15) Changes a references to TEA to TDLR.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE. Requires TDLR, rather than the commissioner, to approve an application for a driving safety school license if on investigation TDLR, rather than TEA, determines that the school:

- (1) and (2) Makes no change to these subdivisions;
- (3) Deletes a reference to administrators;
- (4) Changes a reference to the commissioner to TDLR;
- (5) Makes no change to this subdivision;
- (6) Deletes a reference to administrators;
- (7) Changes a reference to the commissioner to TDLR;
- (8) Changes a reference to the commissioner to the executive director;
- (9) Makes no change to this subdivision;
- (10) does not owe an administrative penalty for a violation of this chapter, rather than administrative penalty under this chapter;
- (11) Makes no change to this subdivision; and
- (12) Changes a reference to the commissioner to TDLR.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. Requires TDLR, rather than the commissioner, to approve an application for a course provider license if on investigation TDLR, rather than TEA, 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, rather than provide to the driving safety school the name, mailing, address, and telephone number of TEA for the purpose of directing complaints to TEA;
- (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 not later than the 15th working day after the date the person successfully completes the course, the course provider will mail a uniform certificate of course completion to the person indicating the course name and successful completion;

(6) Changes a reference to the commissioner to TDLR;

(7)-(10) Makes no change to these subdivisions;

(11) Changes a reference to the commissioner to TDLR;

(12) Changes a reference to the commissioner to the executive director;

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

(14) Changes a reference to the commissioner to TDLR.

SECTION 26. Amends Sections 1001.207(a) and (b), Education Code, to make conforming changes.

SECTION 27. Amends Section 1001.209(b), Education Code, to change a reference to TEA to the executive director.

SECTION 28. Amends Section 1001.210, Education Code, to change a reference to the commissioner to TDLR and redesignate Paragraphs (A) and (B) as Subdivisions (1) and (2)

SECTION 29. Amends Sections 1001.211(a) and (b), Education Code, as follows:

(a) Changes a reference to the commissioner to the executive director and makes no further change.

(b) Changes references to the commissioner to TDLR and a reference to the commissioner's signature to the executive director's signature.

SECTION 30. Amends Section 1001.212, Education Code, to make a conforming change.

SECTION 31. Amends Sections 1001.213(c) and (d), Education Code, as follows:

(c) Authorizes TDLR to establish fees in amounts that are different from the amounts established under Section 1001.151 (Application, License, and Registration Fees) for a new driver education school or course provider license under Subsection (b) (requiring a new owner to apply for a new school or course provider license at least 30 days before the date of the change) and for each branch location if certain circumstances set forth are met, rather than 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 certain conditions set forth are met.

(d) Changes a reference to the commissioner to TDLR.

SECTION 32. Amends Section 1001.214, Education Code, to change a reference to TEA to TDLR and makes no further change.

SECTION 33. Amends Section 1001.251, Education Code, to change references to TEA to executive director.

SECTION 34. 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 and makes no further change.
- (e) Changes references to the commissioner to TCLR.
- (f) Changes a reference to TEA to TDLR.

SECTION 35. Amends Section 1001.2512, Education Code, to change a reference to the commissioner to TCLR and a reference to TEA to TDLR.

SECTION 36. Amends Sections 1001.2514(a), (b), and (d), Education Code, to change references to TEA to TDLR and a reference to TEA to the executive director.

SECTION 37. Amends Section 1001.252, Education Code, to change references to TEA to TDLR and a reference to TEA to the executive director.

SECTION 38. Amends Sections 1001.253(a), (b), (c), (d), (e), and (f), Education Code, to change references to the commissioner to TDLR and a reference to TEA to TDLR.

SECTION 39. Amends Section 1001.254(a), Education Code, to change a reference to the commissioner to TDLR.

SECTION 40. 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 the commissioner to TDLR.

SECTION 41. Amends Section 1001.256, Education Code, to change a reference to TEA to TDLR.

SECTION 42. Amends Section 1001.257, Education Code, to change a reference to the commissioner to the executive director.

SECTION 43. Amends Section 1001.303, Education Code, as follows:

Sec. 1001.303. RENEWAL OF SCHOOL OR COURSE PROVIDER LICENSE. (a) Requires a driver education school, driving safety school, or course provider, to renew the license of the school or course provider, to submit to TDLR, rather than the commissioner, a complete application for renewal at least 30 days before the expiration date of the license.

- (b) Requires TCLR by rule to establish a late renewal fee, rather than requires that the late renewal fee be in the amount established by board rule of at least \$100, subject to Subchapter D.
- (c) Changes a reference to the commissioner to TDLR.
- (d) Changes a reference to the commissioner to the executive director.

SECTION 44. Amends Sections 1001.304(b) and (c), Education Code, as follows:

- (b) Requires that the continuing education course be:

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

(2) for the number of hours established by TCLR, 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 TCLR rule, rather than pay a late renewal fee of \$25.

SECTION 45. Amends Sections 1001.351(a) and (b), Education Code, as follows:

(a) Makes a nonsubstantive change.

(b) Changes references to TEA to TDLR.

SECTION 46. Amends Sections 1001.354(a) and (b), Education Code, as follows:

(a) Changes a reference to TEA to TDLR.

(b) Changes references to the commissioner to TDLR.

SECTION 47. Amends Section 1001.3541, Education Code, to make conforming changes.

SECTION 48. Amends Sections 1001.404(b) and (c), Education Code, as follows:

(b) Changes a reference to the commissioner to TDLR.

(c) Changes references to TEA to TDLR.

SECTION 49. Amends Sections 1001.451 and 1001.452, Education Code, as follows:

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

(1) Makes no change to this subdivision;

(2) Changes a reference to the commissioner to TDLR;

(3) Changes a reference to commissioner-approved to department-approved; and

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

Sec. 1001.452. COURSE OF INSTRUCTION. Changes a reference to the commissioner to TDLR.

SECTION 50. Amends Sections 1001.453(d) and (e), Education Code, as follows:

(d) Provides that Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Sections 1001.456(a) and 1001.553 of this code do not apply to a violation of this section or a rule adopted under this section. Deletes a reference to Section 1001.454 and makes a nonsubstantive change.

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

SECTION 51. Amends Section 1001.455, Education Code, as follows:

Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF INSTRUCTOR LICENSE. (a) Changes a reference to TEA to the executive director and a reference to TEA to TCLR.

(b) Changes a reference to TEA to TDLR.

SECTION 52. Amends Section 1001.456, Education Code, to change references to TEA to executive director and a reference to the commissioner to the executive director.

SECTION 53. Amends Section 1001.458, Education Code, to change references to TEA to TDLR.

SECTION 54. Amends Section 1001.459, Education Code, as follows:

Sec. 1001.459. APPEAL AND REQUEST FOR HEARING. (a) Authorizes a person aggrieved by a denial, suspension, or revocation of a license to appeal the action and request a hearing before the State Office of Administrative Hearings, rather than the commissioner, which shall promptly set a hearing date and give written notice of the time and place of the hearing to the person. Requires an administrative law judge of the State Office of Administrative Hearings to conduct the hearing

(b) Requires the administrative law judge to make findings of fact and conclusions of law and promptly issue to TDLR a proposal for a decision about the appealed action. Deletes existing text requiring that the request be submitted not later than the 15th day after the date the person receives notice under Section 1001.455. Deletes existing text requiring the commissioner, on receipt of a request for a hearing, to set a time and place for the hearing and send notice of the time and place to the aggrieved person.

SECTION 55. Amends Sections 1001.553(a), (b), and (c), Education Code, as follows:

(a) Authorizes the executive director or TDLR, rather than the commissioner, after an opportunity for a hearing, to impose an administrative penalty on a person who violates this chapter or a rule adopted under this chapter.

(b) Prohibits the amount of the penalty from exceeding \$5,000 a day for each violation, rather than \$1,000 a day for each violation.

(c) Requires that an administrative penalty under this section be imposed and collected as provided by Subchapter F, Chapter 51, Occupations Code. Deletes existing text authorizing the attorney general, at the request of TEA, to bring an action to collect the penalty.

SECTION 56. Amends Section 1001.555(b), Education Code, to change a reference to TEA to TDLR and make a nonsubstantive change.

SECTION 57. Amends Article 45.0511(b), Code of Criminal Procedure, to change a reference to TEA to TDLR.

SECTION 58. Amends Section 501.004(b), Transportation Code, to change references to the Central Education Agency to TDLR.

SECTION 59. 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 Section 1001.101 (Adult and Minor Driver Education Course Curriculum and Textbooks), Education Code, or approved by DPS under Section 521.205;

(2) Changes a reference to TEA to TDLR.

Makes a nonsubstantive change.

SECTION 60. 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. Prohibit 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 Section 1001.101, Education Code, rather than under Section 1001.101(a)(1) of that code, or approved by DPS 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 Education Material), Education Code, rather than under Section 1001.101(a)(1) or (2), Education Code.

SECTION 61. Amends Section 521.1655(a), Transportation Code, to authorize a driver education school licensed under Chapter 1001, Education Code, rather than under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), to administer to a student of that school the vision, highway sign, and traffic law parts of the examination required by Section 521.161 (Examination of License Applicants).

SECTION 62. 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 63. Amends Section 521.203, Transportation Code, to change a reference to the Central Education Agency to TDLR.

SECTION 64. Amends Section 521.204(a), Transportation Code, to change a reference to TEA to TDLR.

SECTION 65. Amends Sections 521.205(b) and (d), Transportation Code, to change references to TEA to TDLR.

SECTION 66. Amends Sections 521.222(a) and (c), Transportation Code, as follows:

(a) Authorizes DPS or a driver education school under Chapter 1001, Education Code, rather than under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), to issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

(1) and (2) Makes no change to these subdivisions;

(3) meets the requirements imposed under Section 521.204(a)(3) (authorizing DPS to issue a Class C driver's license to an applicant under 18 years of age only if the applicant has obtained a high school diploma or its equivalent is a student that meets certain other qualifications);

(4) Makes no change to this subdivision.

(c) Changes a reference to TEA to TDLR.

SECTION 67. Amends Sections 543.111 and 543.112, Transportation Code, as follows:

Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a) Requires TCLR, rather than the State Board of Education (SBOE), to enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

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

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) Changes a reference to TEA to TDLR and a reference to SBOE to TCLR.

(d) Changes references to TEA to TDLR.

SECTION 68. Amends Sections 543.113(a) and (c), Transportation Code, as follows:

(a) Requires TDLR, 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 under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). Requires TCLR by rule to establish a fee for each certificate, 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 69. Amends Section 543.114(a), Transportation Code, to provide that a violation of this section by a provider or a provider's agent, employee, or representative results in loss of the provider's status as a provider of a course approved under Chapter 1001, Education Code, rather than under the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

SECTION 70. Amends Section 545.412(g), Transportation Code, to require a judge, acting under Article 45.0511, Code of Criminal Procedure, who elects to defer further proceedings and to place a defendant accused of a violation of this section on probation under that article, in lieu of requiring the defendant to complete a driving safety course approved by TDLR, rather than TEA, to require the defendant to attend and present proof that the defendant has successfully completed a specialized driving safety course approved by TDLR, rather than TEA, under Chapter 1001, Education Code, rather than under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts, and emphasizes certain information set forth.

SECTION 71. Amends Section 545.413(i), Transportation Code, to require a judge, acting under Article 45.0511, Code of Criminal Procedure, who elects to defer further proceedings and to place a defendant accused of a violation of Subsection (b) on probation under that article, in lieu of requiring the defendant to complete a driving safety course approved by TDLR, rather than TEA, to require the defendant to attend and present proof that the defendant has successfully completed a specialized driving safety course approved by TDLR, rather than TEA, under Chapter 1001, Education Code, rather than under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts, and emphasizes certain information set forth.

SECTION 72. Repealer: Section 1001.001(1) (defining "agency), Education Code.

Repealer: Section 1001.006, Education Code.

Repealer: Section 1001.454 (Revocation of or Placement of Conditions on School or Couse Provider License), Education Code

Repealesr: Sections 1001.460 (Hearing) and 1001.461 (Judicial Review), Education Code.

Repealer: Sections 1001.551 (Injunction in General) and 1001.552 (Injunction Against School), Education Code.

Repealers: 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.

SECTION 73. Provides that the change in law made by this Act to Section 1001.553(b), Education Code, 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 74. (a) Provides that on September 1, 2015:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by TEA immediately before that date are transferred to TDLR;

(2) all rules, policies, procedures, decisions, and forms adopted by the commissioner of education that relate to Chapter 1001, Education Code, are continued in effect as rules, policies, procedures, decisions, and forms of TCLR or TDLR, as applicable, and remain in effect until amended or replaced by that commission or department;

(3) a reference to TEA in a law or administrative rule that relates to Chapter 1001, Education Code, means TCLR or TDLR, as applicable;

(4) a complaint, investigation, or other proceeding before TEA that is related to Chapter 1001, Education Code, is transferred without change in status to TDLR, 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;

(5) all money, contracts, leases, property, and obligations of TEA related to Chapter 1001, Education Code, are transferred to TDLR;

(6) all property in the custody of TEA related to Chapter 1001, Education Code, is transferred to TDLR; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for TEA related to Chapter 1001, Education Code, is transferred to TDLR.

(b) Authorizes TEA, before September 1, 2015, to agree with TDLR to transfer any property of TEA to TDLR to implement the transfer required by this Act.

SECTION 75. 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. Makes application of this Act in regards to a fee prospective to September 1, 2015.

SECTION 76. Effective date: September 1, 2015.