

BILL ANALYSIS

Senate Research Center

H.B. 912
By: Romero, Jr. et al. (Taylor, Van)
Transportation
5/19/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas residents under the age of 18 must complete an approved driver education course to obtain a Texas driver license under the Graduated Driver License program. There are three avenues to complete the required driver education course—driver education schools, driver education courses offered at public schools, or parent-taught driver education.

Unfortunately, due to liability and cost concerns, the offering of driver education courses has declined dramatically at public schools. Driver education schools are available across the state, but they come with a price tag upwards of \$400 that puts the courses out of financial reach for many. Parent-taught driver education can only be taught by an instructor who meets certain criteria, including not having their license suspended, revoked, or forfeited for traffic-related violations in the past three years. While this law was crafted with public safety in mind, we have effectively shut down all avenues for some rural and low-income Texans to complete the required driver education course.

H.B. 912 expands the pool of available individuals to teach drivers education by allowing a parent, guardian, or a judge of a court with jurisdiction to designate a person who is over 25, has seven years of driving experience, and meets all requirements under current law to teach the driver education course, provided they do not charge a fee.

H.B. 912 also contains clean-up language and conforming changes throughout requested by the Texas Department of Licensing and Regulation (TDLR) as part of their ongoing strategic review to remove redundancies and impediments, streamline regulations, make the licensing process easier, and strengthen consumer protection.

H.B. 912 amends current law relating to the licensing and regulation of providers of driver and traffic safety education.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 3 (Section 1001.112, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Public Safety is rescinded in SECTION 11 (Section 521.205, Transportation Code, as amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature, Regular Session, 2015) of this bill.

SECTION BY SECTION ANALYSIS

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

- (a) Requires the Texas Department of Licensing and Regulation (TDLR) to provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter (Driver and Traffic Safety Education) driver education certificates or certificate numbers to enable the school or approved parent-taught course provider to issue, rather than to print and issue, TDLR-approved driver education certificates to certify completion of an approved driver education course and satisfy certain requirements.

(a-1) Requires a certificate issued, rather than printed and issued, by a driver education school or parent-taught course provider to meet certain criteria.

(a-2) Requires a driver education school or parent-taught course provider that purchases driver education certificate numbers to issue, rather than provide for the printing and issuance of, original and duplicate certificates in a certain manner.

SECTION 2. Amends Sections 1001.056(b), (c-1), and (g), Education Code, as follows:

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

(c-1) Makes a conforming change.

(g) Requires a course provider to issue a duplicate certificate by United States mail or commercial or electronic delivery.

SECTION 3. Amends Section 1001.112, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (e), as follows:

(a) Requires the Texas Commission of Licensing and Regulation (TCLR), by rule, to provide for approval of a driver education course conducted by the following persons with the noted relationship to a person who is required to complete a driver education course to obtain a Class C license:

(1) a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent; or

(2) an individual that meets certain personal and professional criteria.

Makes a conforming change.

(a-1) Requires the rules to 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) makes no changes to this subdivision;

(2) has not been convicted of criminally negligent homicide or driving while intoxicated in the past seven years; and

(3) deletes existing text providing that the student driver is not disabled because of mental illness. Redesignates existing Subdivision (4) as Subdivision (3).

(e) Prohibits TCLR from charging a fee for the submission of proof of completion of the course or passage of an examination under Subsection (c) (relating to certain methods that the rules must provide).

SECTION 4. Amends Section 1001.202(b), Education Code, as follows:

(b) Authorizes a driving safety school to use multiple classroom locations to teach a driving safety course if each location is approved by TDLR. Deletes existing text authorizing the use of certain other locations.

SECTION 5. Amends Section 1001.204(b), Education Code, as follows:

(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 of TDLR

(executive director), includes the fee, and on inspection of the premises of the school, it is determined that the school:

(1) through (8) makes no changes to these subdivisions;

(9) deletes existing text including the good reputation and character of the owners and instructors of the school. Redesignates existing Subdivision (10) to Subdivision (9);

(10) through (14) redesignates existing Subdivisions (11) through (15) as Subdivisions (10) through (14) and makes no further changes to these subdivisions.

SECTION 6. Amends Section 1001.205(b), Education Code, as follows:

(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 determines that the school:

(1) through (5) makes no changes to these subdivisions;

(6) deletes existing text including the good reputation and character of the owners and instructors of the school. Redesignates existing Subdivision (7) as Subdivision (6);

(7) through (11) redesignates existing Subdivisions (8) through (12) as Subdivisions (7) through (11) and makes no further changes to these subdivisions.

SECTION 7. Amends Section 1001.206(b), Education Code, as follows:

(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) through (4) makes no changes to these subdivisions;

(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 or electronic delivery a uniform certificate of course completion indicating the course name and successful completion;

(6) through (8) makes no changes to these subdivisions;

(9) deletes existing text including the good reputation and character of the owners and instructors of the school. Redesignates existing text under Subdivision (10) as Subdivision (9);

(10) through (13) redesignates existing Subdivisions (11) through (14) as Subdivisions (10) through (13) and makes no further changes to these subdivisions.

SECTION 8. Amends Section 1001.209(a), Education Code, as follows:

(a) Requires the course provider, before a license is authorized to be issued to a course provider, rather than before a course provider is authorized to be issued a license, to provide a corporate surety bond in the amount of \$10,000, rather than an amount of \$25,000.

SECTION 9. Amends Section 1001.304(a), Education Code, to delete existing text requiring an application to renew a driver education instructor or driving safety instructor license to include

evidence of completion of continuing education and be postmarked at least 30 days before the expiration date of the license.

SECTION 10. Amends Section 1001.351(a), Education Code, to require 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 or electronic delivery a uniform certificate of course completion to a person who successfully completes an approved driving safety course.

SECTION 11. Repealer: Section 512.205(a) (relating to the Texas Department of Public Safety's rulemaking authority regarding approval of certain driver education courses), Transportation Code, as amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 12. Effective date: upon passage or September 1, 2017.