

## **BILL ANALYSIS**

Senate Research Center

S.B. 848  
By: Huffines  
Transportation  
6/7/2017  
Enrolled

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

In June of 2016, the Texas Department of Licensing and Regulation (TDLR) delivered a variety of legislative recommendations to the legislature. These recommendations were offered to streamline licensing and remove unnecessary impediments to the licensing process. TDLR offered three such recommendations dealing with the licensing of driver education course providers.

All three of TDLR's recommendations have been incorporated into S.B. 848:

1. TDLR states that the current bond requirement for licensed driving safety course providers is too high and suggests reducing the amount by \$15,000.
  - S.B. 848 reduces the corporate surety bond from \$25,000 to \$10,000.
2. TDLR states that requiring licensees to mail their instructor renewals 30 days prior to the expiration of their license is an unnecessary mandate that is inconvenient for both the instructor and TDLR.
  - S.B. 848 eliminates this requirement.
3. TDLR states that the current law placing a lifetime driving-while-intoxicated (DWI) ban for a parent to teach their children driver education is unfair and does not align with other similar requirements in state law. Similarly, the prohibition on instruction by a parent with a mental illness is broad and an inappropriate disqualifier for teaching driver education.
  - S.B. 848 reduces the DWI restriction from a lifetime ban to seven years after the conviction and eliminates the prohibition of instruction provided by a parent with a mental illness.

S.B. 848 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Rulemaking authority previously granted to the Texas Department of Public Safety is rescinded in SECTION 11 (Section 521.205, Transportation Code) of this bill.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 (DES) and to each parent-taught course provider (course provider) approved under this chapter (Driver and Traffic Safety

Education) driver education certificates or certificate numbers to enable the DES or approved 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 that a certificate issued, rather than printed and issued, by an approved DES or course provider meet certain criteria.

(a-2) Requires that an approved DES or course provider that purchases driver education certificate numbers 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 course provider to issue, rather than to print and issue, TDLR-approved uniform certificates of course completion.

(c-1) Requires that a course provider provide for the issuance, rather than for the printing and issuance, of original and duplicate certificates in a certain manner.

(g) Requires that a course provider 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, by rule, to provide for approval of a driver education course conducted by certain persons with the noted relationship to a person who is required to complete a driver education course to obtain a Class C license, rather than provide for approval of a driver education course conducted by the parent, stepparent, foster parent, legal guardian, grandparent, or step-parent of a person who is required to complete a driver education course to obtain a Class C license. Makes a nonsubstantive change.

(a-1) Creates this subsection from existing text. 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, among certain other criteria, has not been convicted of criminally negligent homicide or driving while intoxicated in the past seven years. Deletes text of existing Subdivision (3) requiring that the person conducting the course is not disabled because of mental illness. Redesignates existing Subdivision (4) as Subdivision (3). Makes a nonsubstantive change.

(e) Prohibits TDLR from charging a fee for the submission of proof of completion of the course or passage of an examination under Subsection (c) (relating to requiring that the rules provide a method by which certain standards are achieved).

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

(b) Authorizes a driving safety school (DSS) to use multiple classroom locations to teach a driving safety course if each location is approved by TDLR, rather than if each location is approved by the parent school and TDLR, has the same name as the parent school, and has the same ownership as the parent school. Makes nonsubstantive changes.

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

(b) Deletes text of existing Subdivision (9) requiring TDLR to approve an application for a DES license under certain conditions, including if it is determined, on inspection of the DES premises, that the DES has owners and instructors who are of good reputation and

character. Redesignates existing Subdivisions (10) through (15) as Subdivisions (9) through (14) and makes no further changes to these subdivisions.

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

(b) Deletes text of existing Subdivision (6) requiring TDLR to approve an application for a DSS license under certain conditions, including if TDLR determines, on inspection of the DES premises, that the DES has owners and instructors who are of good reputation and character. Redesignates existing Subdivisions (7) through (12) as Subdivisions (6) 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 under certain conditions, including if TDLR determines, on inspection of the school premises, that:

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

(5) not later than a certain date, 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) through (13) deletes text of existing Subdivision (9) requiring TDLR to approve an application for a course provider license under certain conditions, including if TDLR determines, on inspection of the school premises, that the course provider is of good reputation and character. Redesignates existing Subdivisions (10) through (14) as Subdivisions (9) through (13) and makes no further changes to these subdivisions.

SECTION 8. Amends Section 1001.209(a), Education Code, to require that the course provider, before a license may be issued to a course provider, provide a corporate surety bond in the amount of \$10,000, rather than requires that the course provider, before a course provider may be issued a license, provide a corporate surety bond in the amount of \$25,000.

SECTION 9. Amends Section 1001.304(a), Education Code, to require that an application to renew a driver education instructor or driving safety instructor license include evidence of completion of continuing education, rather than 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 a certain 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 521.205(a) (relating to certain rules established by the Texas Department of Public Safety for a driver education course), 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.