

BILL ANALYSIS

Senate Research Center
85R2065 KJE-D

S.B. 848
By: Huffines
Transportation
4/13/2017
As Filed

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.

As proposed, S.B. 848 amends current law relating to requirements for a driver education course provider or instructor.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 1 (Section 1001.112, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Public Safety is rescinded in SECTION 4 (Section 521.205, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.112(a), Education Code, as follows:

- (a) Requires the rules relating to the approval of a driver education course established by the Texas Commission of Licensing and Regulation 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, among certain other conditions, has not been convicted of driving while intoxicated within seven years of the date on which the person requests approval to conduct a driver education course. Deletes existing Subdivision (3) requiring 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 is not disabled because of mental illness. Redesignates existing Subdivision (4) as Subdivision (3) and makes no further changes to this subdivision.

SECTION 2. Amends Section 1001.209(a), Education Code, to decrease from \$25,000 to \$10,000 the amount of a corporate surety bond that a course provider is required to provide before the course provider is authorized to be issued a license.

SECTION 3. Amends Section 1001.304(a), Education Code, to require an application to renew a driver education instructor or driving safety instructor license to 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 4. 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, to conform to the repeal of Section 521.205, Transportation Code, by Chapter 1044 (H.B. 1786), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 5. Effective date: September 1, 2017.