

AN ACT

relating to driver education and driver's licensing requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Less Tears More Years Act.

SECTION 2. Section 29.902, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

(1) conduct the course and charge a fee for the course in the amount determined by the agency to be comparable to the fee charged by a driver education school that holds a license under Chapter 1001; or

(2) contract with a driver education school that holds a license under Chapter 1001 to conduct the course.

SECTION 3. Section 1001.004, Education Code, is amended to read as follows:

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except as provided by Subsection (b), the [The] cost of administering this chapter shall be included in the state budget allowance for the agency.

(b) The commissioner may charge a fee to each driver education school in an amount not to exceed the actual expense incurred in the regulation of driver education courses established under Section 1001.1015.

SECTION 4. Section 1001.055(a), Education Code, is amended to read as follows:

(a) The agency shall print and supply to each licensed or exempt driver education school driver education certificates to be used for certifying completion of an approved driver education course to satisfy the requirements of Sections [~~Section~~] 521.204(a)(2) and 521.1601, Transportation Code. The certificates must be numbered serially.

SECTION 5. Section 1001.101, Education Code, is amended to read as follows:

Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) The commissioner by rule shall establish or approve the curriculum and designate 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 Section 521.205, Transportation Code.

(b) A driver education course must 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 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 imposed under Section 521.205, Transportation Code; and

(3) 20 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code.

SECTION 6. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.1015 to read as follows:

Sec. 1001.1015. ADULT DRIVER EDUCATION COURSE CURRICULUM AND EDUCATIONAL MATERIALS. (a) The commissioner by rule shall establish the curriculum and designate the educational materials to be used in a driver education course exclusively for adults.

(b) A driver education course under Subsection (a) must:

(1) be a six-hour course; and

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic; and

(D) the issues commonly associated with motor vehicle accidents, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle.

(c) A course approved under Subsection (a) may be offered as an online course.

(d) A driving safety course or a drug and alcohol driving awareness program may not be approved as a driver education course under Subsection (a).

SECTION 7. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.110 to read as follows:

Sec. 1001.110. INFORMATION RELATING TO DRIVING DISTRACTIONS.

(a) The commissioner by rule shall require that information relating to the effect of using a wireless communication device or engaging in other actions that may distract a driver on the safe or effective operation of a motor vehicle be included in the curriculum of each driver education course or driving safety course.

(b) In developing rules under this section, the commissioner shall consult with the department.

SECTION 8. Subchapter F, Chapter 1001, Education Code, is

amended by adding Section 1001.257 to read as follows:

Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not issue or renew a driver education instructor license, including a temporary license, to a person who has six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code.

SECTION 9. Section 521.142(d), Transportation Code, is amended to read as follows:

(d) If the applicant is under 21 [~~25~~] years of age, the application must state whether the applicant has completed a driver education course required by Section 521.1601 [~~approved by the department~~].

SECTION 10. The heading to Subchapter H, Chapter 521, Transportation Code, is amended to read as follows:

SUBCHAPTER H. EDUCATION AND EXAMINATION REQUIREMENTS

SECTION 11. Subchapter H, Chapter 521, Transportation Code, is amended by adding Sections 521.1601 and 521.167 to read as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department may not issue a driver's license to a person who is younger than 21 years of age unless the person submits to the department 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 the Texas Education Agency under Section 29.902, Education Code, or a driver education course approved by that agency under Section 1001.101 of that code or approved by the department under Section 521.205; or

(2) if the person is 18 years of age or older, a driver education course approved by the Texas Education Agency under Section 1001.101 or 1001.1015, Education Code.

Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION REQUIREMENTS. A person who has completed and passed a driver education course approved by the Texas Education Agency under Section 1001.1015, Education Code, is not required to take the highway sign and traffic law parts of the examination required under Section 521.161 if those parts have been successfully completed as determined by a licensed driver education instructor.

SECTION 12. Section 521.165, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as provided by Subsection (d), in [In] issuing a driver's license for certain types of vehicles, the director may waive a driving test for an applicant who has successfully completed and passed the training and testing conducted by a person certified under Subsection (a).

(d) The director may not waive the driving test required by

Section 521.161 for an applicant who is under 18 years of age.

SECTION 13. Section 521.204(a), Transportation Code, is amended to read as follows:

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

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam; ~~and~~

(4) has submitted to the department written parental or guardian permission for the department to access the applicant's

school enrollment records maintained by the Texas Education Agency;  
and

(5) has passed the examination required by Section 521.161.

SECTION 14. Section 521.205(a), Transportation Code, is amended to read as follows:

(a) The department by rule shall provide for approval of a driver education course conducted by the parent, stepparent, foster parent, legal guardian, step-grandparent, or grandparent of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that:

(1) the person conducting the course possess a valid license for the preceding three years that [~~and the license~~] has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle [~~traffic related violations~~];

(2) the student driver spend a minimum number of hours in:

(A) classroom instruction; and

(B) behind-the-wheel instruction;

(3) the person conducting the course not be convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated; [~~and~~]



(4) the person conducting the course not be disabled because of mental illness; and

(5) the person conducting the course not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, at the time the person begins conducting the course.

SECTION 15. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.206 to read as follows:

Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a) The department shall collect data regarding collisions of students taught by public schools, driver education schools licensed under Chapter 1001, Education Code, and other entities that offer driver education courses to students for which a uniform certificate of course completion is issued. The collision rate is computed by determining the number of an entity's students who complete a driver education course 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.

(b) The department shall collect data regarding the collision rate of students taught by course instructors approved under Section 521.205. The collision rate is computed by determining the number of students who completed a course approved 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) Not later than October 1 of each year, the department shall issue a publication listing the collision rate for students taught by each driver education entity and the collision rate for students taught by a course instructor approved under Section 521.205, noting the severity of collisions involving students of each entity and each type of course.

SECTION 16. Section 521.271, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Each original driver's license and provisional license expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on [~~the earlier of:~~  
[~~(A)~~] the 18th birthday of the license holder[~~;~~ ~~or~~  
[~~(B)~~] ~~the first birthday of the license holder~~  
~~occurring after the date of the application~~];

(3) an instruction permit expires on the 18th birthday of

the license holder [~~second birthday of the license holder occurring after the date of the application~~]; and

(4) an occupational license expires on the first anniversary of the court order granting the license.

(a-1) The department and the Texas Education Agency shall enter into a memorandum of understanding under which the department may access the agency's electronic enrollment records to verify a student's enrollment in a public school. The memorandum of understanding must specify that the department may only access information necessary to verify the identity and enrollment status of a license renewal applicant and only if a parent or guardian of the applicant has provided written permission for the department to access that information. Nothing in this subsection may be construed to allow the release of information in violation of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

SECTION 17. Section 521.421(c), Transportation Code, is amended to read as follows:

(c) The fee for issuance [~~or renewal~~] of a provisional license or instruction permit is \$15 [~~\$5~~].

SECTION 18. Section 545.424, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (f) to read as follows:

(a) A person under 18 years of age [~~, during the six-month period following issuance of an original Class A, B, or C driver's license to the person,~~] may not operate a motor vehicle:

(1) during the 12-month period following issuance of an original Class A, B, or C driver's license to the person:

(A) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(B) [~~+2~~] with more than one passenger in the vehicle under 21 years of age who is not a family member; or

(2) [~~+3~~] while using a wireless communications device, except in case of emergency.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month [~~six-month~~] period following the issuance of an original motorcycle license or moped license to the person, may not operate a motorcycle or moped:

(1) after midnight and before 5 a.m. unless:

(A) the person is in sight of the person's parent or guardian; or

(B) the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(2) while using a wireless communications device, except in case of emergency.

(c) This section does not apply to:

(1) the holder of a hardship license; [~~or~~]

(2) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit; or

(3) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.

(f) In this section, "wireless communication device" means a handheld or hands-free device that uses commercial mobile service, as defined by 47 U.S.C. Section 332.

SECTION 19. (a) For the purpose of compiling data for the publication required by Section 521.206, Transportation Code, as added by this Act, the Texas Department of Public Safety shall determine the number of minor students taught by each driver education entity and the total number of minor students taught by courses approved under Section 521.205, Transportation Code, who become licensed during the state fiscal year beginning September 1, 2009, and ending August 31, 2010.

(b) The first publication of collision rate data compiled under Section 521.206, Transportation Code, as added by this Act,

shall be issued not later than October 1, 2011.

SECTION 20. Not later than November 30, 2009, the Texas Department of Public Safety shall appoint a task force to review and make recommendations regarding the effectiveness of the materials provided by the Texas Education Agency for use in courses licensed under Chapter 1001, Education Code, or authorized by Section 521.205. The task force shall consist of the following members:

- (1) a representative of the Texas Department of Public Safety;
- (2) a representative of the Texas Education Agency;
- (3) a commercial provider of driver education courses;
- (4) a member of an interested group or association, as determined by the department; and
- (5) other appropriate members, as determined by the department.

SECTION 21. (a) Section 29.902(c), Education Code, as added by this Act, applies beginning with the 2010-2011 school year.

(b) Not later than January 1, 2010, the commissioner of education shall adopt rules as required by Section 1001.101, Education Code, as amended by this Act.

(c) Each driver education and training program approved by the Texas Education Agency under Chapter 1001, Education Code, must comply with the curriculum requirements of Section 1001.101,

Education Code, as amended by this Act, not later than May 1, 2010.

(d) Section 521.165, Transportation Code, as amended by this Act, applies only to an application for a driver's license submitted on or after the effective date of this Act. An application for a driver's license submitted before the effective date of this Act is subject to the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

(e) The changes in law made by this Act to Section 521.205, Transportation Code, apply to a course approved under that section that begins on or after the effective date of this Act. A course beginning before the effective date of this Act is governed by the law in effect on the date the course was commenced, and that law is continued in effect for that purpose.

(f) The changes in law made by this Act to Sections 521.271, 521.421, and 545.424, Transportation Code, apply only to a person issued a driver's license on or after the effective date of this Act. A person issued a driver's license before the effective date of this Act is governed by the law in effect on the date the license was issued, and that law is continued in effect for that purpose.

SECTION 22. As soon as practicable after the effective date of this Act, the commissioner of education shall adopt the rules required by Section 1001.110, Education Code, as added by this Act.

SECTION 23. The changes in law made by Section 521.142,

Transportation Code, as amended by this Act, and Sections 521.1601 and 521.167, Transportation Code, as added by this Act, apply to an application for the issuance of a driver's license filed on or after the effective date of this Act. An application for the issuance of a driver's license filed before the effective date of this Act is governed by the law in effect on the date of the filing, and that law is continued in effect for that purpose.

SECTION 24. This Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 339 was passed by the House on May 6, 2009, by the following vote: Yeas 139, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 339 on May 29, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 339 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor