

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 255

By: Harris

State Affairs

3-5-97

Committee Report (Substituted)

### **DIGEST**

Currently, Texans can attend driver education school in certain designated locations, which include public school districts and private sector driver education schools. The public school district and private sector driver education schools in Texas use the same classroom and in-car curriculum but each is regulated respectively by different statutory standards. This bill creates a uniform set of standards and eliminates any discrepancies.

### **PURPOSE**

As proposed, C.S.S.B. 255 provides specific regulations for driver's training courses and certificates issued on completion of such courses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Education Agency in SECTIONS 5 and 9 (Section 13(b)(6), Article 4413(29c), V.T.C.S., and Section 521.2221, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 3(18) and (21), Article 4413(29c), V.T.C.S. (Texas Driver and Traffic Safety Education Act), to redefine "driver education school" and "driving safety school."

SECTION 2. Amends Section 4, Article 4413(29c), V.T.C.S., by adding Subsection (c), to authorize the Texas Education Agency (agency) to employ personnel as necessary to administer this Act. Provides that the agency is exempt from the limitations created under Chapter 654, Government Code, and any other law providing for a limitation on the number of employees employed by the agency to the extent necessary to administer this Act.

SECTION 3. Amends Section 9A, Article 4413(29c), V.T.C.S., to require the agency to print and supply to licensed driver education schools and public school districts serially numbered driver education certificates to be used for certifying completion of an approved driver education course for the purposes of Section 521.204, Transportation Code. Authorizes the agency to charge a fee of not more than \$6, rather than \$4, for each certificate. Requires the agency to establish a database that contains specified information that shall be available electronically to the Department of Public Safety (department). Sets forth the required information for each driver education certificate. Requires each driver education school and public school to submit electronically to the agency certain information determined by the agency with regard to driver education certificates. Makes conforming and standard recodification changes.

SECTION 4. Amends Section 12(a), Article 4413(29c), V.T.C.S., to require a private school, driver education school, or driving safety school to make written application to the commissioner of education for a driver education or driving safety school license (commissioner).

SECTION 5. Amends Sections 13(b)(1), (2) and (6), Article 4413(29c), V.T.C.S., to require license, application, and registration fees to be collected by the commissioner and deposited with the comptroller, rather than state treasurer. Creates Paragraph (2)(A) from existing text and adds Paragraph (2)(B), to authorize the commissioner to waive the driver education school and driver education instructor licensing requirements for a driver education instructor described by this subdivision. Provides that a waiver under this paragraph is valid for not more than one year and may be granted to a driver education instructor on only one occasion. Requires fees collected under this

subsection to be deposited in the Texas Driver and Traffic Safety Education Account, rather than the state treasury in a special account, in the General Revenue Fund. Deletes a provision authorizing money in the account to be appropriated only for certain purposes and administered under certain sections. Requires the agency to adopt rules and establish sufficient fees to cover the costs of administering this Act. Makes a standard recodification change.

SECTION 6. Amends Article 4413(29c), V.T.C.S., by adding Section 16A, as follows:

Sec. 16A. SUBPOENAS. Authorizes the commissioner of education to issue a subpoena or subpoena duces tecum for certain purposes. Provides that failure to timely comply with a subpoena issued is a ground for disciplinary action by the agency and a ground for the denial of a license application.

SECTION 7. Amends Section 25(c), Article 4413(29c), V.T.C.S., to require the peer review team to provide the agency with an objective assessment of the policies and procedures of a school or course provider and an assessment of the content of the school's or course provider's curriculum and its application.

SECTION 8. Amends Section 521.204, Transportation Code, to conform to Section 25, Chapter 1009, Acts of the 74th Legislature, 1995. Authorizes the department to issue a Class C driver's license to an applicant under 18 years of age only if the applicant has submitted to the department a driver education certificate issued under Section 9A, Article 4413(29c), V.T.C.S., that states that the person has completed and passed a driver education, rather than training, course approved by the department under Section 521.205 or by the agency; or is a student in a certain school who attended school for at least 90 percent of the days class was offered in the fall or spring semester preceding the date of the driver's license application, among other qualifications.

SECTION 9. Amends Chapter 521K, Transportation Code, by adding Section 521.2221, as follows:

Sec. 521.2221. TEMPORARY INSTRUCTION PERMIT. Authorizes a licensed driver education school or public school district to issue, as an instruction permit under Section 521.222, the certificate obtained by the school for the person to whom it is issued from the agency under Section 9A, Article 4413(29c), V.T.C.S., or a part of that certificate as the agency, by rule, provides. Provides that the certificate or part of the certificate expires as an instruction permit on the 31st day after the date the certificate is issued as a permit. Authorizes the holder of a temporary instruction permit issued under Subsection (a), in addition to the other requirements under Section 521.222, to only operate a motor vehicle on a highway while accompanied by a person who possesses certain qualifications and is occupying the seat by the operator, who is the permit holder's parent or legal guardian, or a licensed driver education instructor.

SECTION 10. Amends Section 29.902(b), Education Code, to require the agency to develop a program of organized instruction in driver education and traffic safety for public school students that is consistent with Article 4413(29c), V.T.C.S. Requires the agency to establish standards consistent with Article 4413(29c), V.T.C.S., for the certification of certain personnel licensed under Section 13(b)(1)(H) of that Act who conduct the programs in the public schools.

SECTION 11. (a) Provides that this Act conforms Section 521.204, Transportation Code, to Section 25, Chapter 1009, Acts of the 74th Legislature, 1995.

(b) Repealer: Chapter 1009, Section 25, Acts of the 74th Legislature, 1995 (Article 6687b, Driver's, Chauffeur's, and Commercial Operator's Licenses; Accident Rates).

(c) Provides that this Act prevails over any other Act of the 75th Legislature, Regular Session, 1997, in relation to nonsubstantive additions to and corrections in enacted codes.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

Amends the relating clause.

Amends SECTION 1, Section 3, Article 4413(29c), V.T.C.S., to add Subdivision (12) to redefine "driving safety school."

Amends SECTION 3, Section 9A, Article 4413(29c), V.T.C.S., to require the agency to print and supply to licensed public school districts serially numbered driver education certificates to be used for specific purposes. Authorizes the agency to charge a fee of not more than \$6, rather than \$4, for each certificate. Makes conforming changes.

Amends SECTION 4, Section 12(a), Article 4413(29c), V.T.C.S., to delete public school districts from the list of schools required to make written application to the commissioner for a driver education or driving safety school license in order to operate or do business in this state.

Amends SECTION 5, Sections 13(b)(1), (2), and (6), Article 4413(29c), V.T.C.S., to replace proposed SECTION 5 that amended Sections 13(b)(1) and (g)(1), Article 4413(29c), V.T.C.S. Requires license, application, and registration fees to be collected by the commissioner and deposited with the comptroller, rather than the state treasurer. Deletes text providing an exception for a public school district from being charged a required initial fee. Deletes proposed Subdivision (g)(1) that provided that a public school district that teaches driver education is not required to provide a bond under this section. Adds Subdivisions (2)(A) and (B) and (6) to authorize the commissioner to waive the driver education school and driver education instructor licensing requirements for a driver education instructor described by this subdivision. Provides that a waiver under this paragraph is valid for a certain time period and may be granted to a driver education instructor on only one occasion. Requires fees collected under this subsection to be deposited in the Texas Driver and Traffic Safety Education Account, rather than the state treasury in a special account, in the General Revenue Fund. Deletes text authorizing money in the account to be appropriated for only certain purposes and under certain sections. Requires the agency to adopt rules and establish sufficient fees to cover the cost of administering this Act.

Amends SECTION 8, Section 521.204, Transportation Code, V.T.C.S., to delete a provision amending this section to conform with Section 80, Chapter 260 (S.B. No. 1), Acts of the 74th Legislature, Regular Session, 1995. Deletes text providing that a home school be included among a list of schools that a student may be enrolled in and receive a driver's license under certain conditions. Makes conforming and nonsubstantive changes.

Amends SECTION 9, Section 521.2221, Transportation Code, to create Subsection (a) from existing text and provide that the certificate or part of the certificate expires as an instruction permit on the 31st, rather than 91st, day after the date the certificate is issued. Adds Subsection (b) to authorize the holder of a temporary instruction permit issued under Subsection (a) to only operate a motor vehicle on a highway while accompanied by a person possessing certain qualifications who is occupying the seat by the operator. Makes conforming and nonsubstantive changes.

Amends SECTION 10, Section 29.902, Education Code, to add Subsection (a) to require the agency to develop a program of organized instruction in driver education and traffic safety for public school students consistent with Article 4413(29c), V.T.C.S. Requires the agency to establish standards consistent with Article 4413(29c), V.T.C.S., for the certification of certain professional personnel licensed under Section 13(b)(1)(H) of that Act who conducts the programs in the public school.

Amends SECTION 11, to make nonsubstantive changes.

Amends SECTION 12, to delete proposed Subsection (b) which provided that the board of trustees of a public school district that teaches driver education is not required to apply for a driver education school license under Section 12(a), Article 4413(29c), V.T.C.S., until January 1, 1998.