

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1040
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Education Code authorizes a licensed driver education school to train and test a student on the highway sign and traffic law parts of the examination that is required before receiving a learners' permit or license in Texas, and to administer the vision examination. Under the provisions of the federal Real ID Act, the Department of Public Safety (DPS) will exclusively issue permits and licenses. Even though licensed schools will no longer be able to issue permits, it may best serve the needs of all involved parties to continue to allow the school to train and test individuals on the highway sign and traffic laws of the examination as they have in the past.

C.S.S.B. 1040 authorizes driver education schools licensed under the Education Code to train and test individuals on the highway sign and traffic law parts of the examinations, but removes the authorization to administer the vision test. Additionally, this bill sets forth certain topics required to be covered in a highway sign and traffic law course.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3 (Section 1001.101, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.141, Transportation Code, by adding Subsection (d) to authorize a driver education school to administer an examination to a student of that school under Section 521.1655 (Testing by Driver Education School), Transportation Code, before the student applies for an instruction permit or driver's license.

SECTION 2. Amends Section 521.1655, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes a driver education school licensed under Chapter 1001, Education Code, rather than the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.), to administer to a student of that school the highway sign and traffic law parts of the examination required by Section 521.161, Transportation Code, if the student is of a certain age and has completed and passed a certain driver education course approved under Chapter 1001, Education Code, appropriate to that age. Deletes existing text authorizing the driver education school to administer the vision part of the examination.

(c) Authorizes a driver education school to electronically administer an examination under this section, provided that the school produces an electronic record of the examination and retains the record for the period required by the commissioner of education (commissioner).

SECTION 3. Amends Section 1001.101, Education Code, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) Creates this subsection from existing text. Requires the commissioner, by rule, to establish curriculum and designate textbooks to be used in a comprehensive driver education course for minors and adults, and in a traffic law classroom driver education course for adults (adult driver education course).

(b) Sets forth required duration and content of an adult driver education course.

(c) Provides that an approved driving safety course does not qualify as an adult driver education course.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.