

BILL ANALYSIS

Senate Research Center

S.B. 1317
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Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In fiscal year 2007, Texas issued 508,618 driver's licenses to first time applicants who were older than 18 years of age. Applicants younger than 18 years of age are required to complete comprehensive driver education courses consisting of both classroom and in-car instruction. Applicants older than 18 years of age must pass a basic knowledge examination and a minimal skills test. These minimal requirements provide a substantial incentive for Texans to wait until reaching the age of 18 to apply for a driver's license. Drivers between 19 and 24 years of age have been dying in traffic crashes at a higher rate than 16-year-old or 17-year-old drivers. These statistics illustrate the need for mandates for all first-time driver's license applicants under the age of 25.

S.B. 1317 requires that an applicant under 25 years of age state whether the applicant has completed a driver education course. This bill requires the applicant to finish a six-hour course with curriculum established by the commissioner of education. The bill authorizes the Department of Public Safety of the State of Texas to waive certain requirements for an applicant who completes this course and courses that offer additional training, including in-car instruction.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 6 (Section 1001.101, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.142(d), Transportation Code, to require that the application, if the applicant is under 25 years of age, state whether the applicant has completed a driver education course required by Section 521.1601, rather than approved by the Department of Public Safety of the State of Texas (DPS).

SECTION 2. Amends the heading to Subchapter H, Chapter 521, Transportation Code, to read as follows:

SUBCHAPTER H. EDUCATION AND EXAMINATION REQUIREMENTS

SECTION 3. Amends Subchapter H, Chapter 521, Transportation Code, by adding Sections 521.1601 and 521.167, as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. Prohibits DPS from issuing a driver's license to a person who is younger than 25 years of age unless the person submits to DPS a driver education certificate issued under Chapter 1001 (Driver and Traffic Safety Education), Education Code, that states that the person has completed and passed a driver education and traffic safety course approved by the Texas Education Agency (TEA) under Section 29.902 (Driver Education), Education Code, or a driver education course approved by TEA under Section 1001.101(a)(1) (relating to the commissioner establishing the curriculum and designating the educational materials to be used in a driver education course for minors and adults) of that code or approved by DPS under Section 521.205 (Department-Approved Courses) or if the person is 18 years of age or older, a driver education course approved by TEA under Section 1001.101(a)(1) or (2) (relating to the commissioner establishing the curriculum and designating the educational materials to be used in a driver education course exclusively for adults) Education Code.

Sec. 521.167. **WAIVER OF CERTAIN EDUCATION AND EXAMINATION REQUIREMENTS.** Provides that a person who has completed and passed a driver education course approved by TEA under Section 1001.101(a)(2), Education Code, is not required to take the highway sign and traffic law parts of the examination required under Section 521.161 (Examination of License Applicants) if those parts have been successfully completed as determined by a licensed driver education instructor.

SECTION 4. Amends Section 1001.004, Education Code, as follows:

Sec. 1001.004. **COST OF ADMINISTERING CHAPTER.** (a) Creates this subsection from existing text. Creates an exception under Subsection (b).

(b) Authorizes the commissioner of education (commissioner) to 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 1001.101(a)(2).

SECTION 5. Amends Section 1001.055(a), Education Code, as follows:

(a) Requires TEA to 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 521.204(a)(2) (relating to authorizing DPS to issue a license to a driver under the age of 18 years old if the applicant has submitted to DPS a driver education certificate) and 521.1601, rather than Section 521.204(a)(2), Transportation Code. Requires that the certificates be numbered serially.

SECTION 6. Amends Section 1001.101, Education Code, as follows:

Sec. 1001.101. **New heading: DRIVER EDUCATION COURSE CURRICULUM AND EDUCATIONAL MATERIALS.** (a) Creates this subsection from existing text. Requires the commissioner by rule to establish the curriculum and designate the educational materials, rather than textbooks, to be used in a driver education course for minors and adults and a driver education course exclusively for adults.

(b) Requires that a driver education course under Subsection (a)(2) be a six-hour course, and include instruction in alcohol and drug awareness; the traffic laws of this state; highway signs, signals, and markings that regulate, warn, or direct traffic; and 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) Authorizes a course approved under Subsection (a)(2) to be offered as an online course.

(d) Prohibits a driving safety course or a drug and alcohol driving awareness program from being approved as a driver education course under Subsection (a)(2).

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: March 1, 2010.