

By: Campbell, et al.

S.B. No. 215

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of driver and traffic safety education from the Texas Education Agency to the Texas Department of Licensing and Regulation; changing the amounts of certain fees.

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

SECTION 1. Section 29.902(a), Education Code, is amended to read as follows:

(a) The Texas Department of Licensing and Regulation ~~agency~~ shall develop a program of organized instruction in driver education and traffic safety for public school students. A student who will be 15 years of age or older before a driver education and traffic safety course ends may enroll in the course.

SECTION 2. Section 51.308, Education Code, is amended to read as follows:

Sec. 51.308. DRIVER EDUCATION. A driver education course for the purpose of preparing students to obtain a driver's license may be offered by an institution of higher education, as defined by Section 61.003, with the approval of the Texas Department of Licensing and Regulation ~~[Central Education Agency]~~.

SECTION 3. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department ~~[commissioner]~~.

1 (3) "Commission" [~~"Commissioner"~~] means the Texas
2 Commission of Licensing and Regulation [~~commissioner of~~
3 ~~education~~].

4 (4) "Course provider" means an enterprise that:

5 (A) maintains a place of business or solicits
6 business in this state;

7 (B) is operated by an individual, association,
8 partnership, or corporation; and

9 (C) has received an approval for a driving safety
10 course from the department [~~commissioner~~] or has been designated by
11 a person who has received that approval to conduct business and
12 represent the person in this state.

13 (5) "Department" means the Texas Department of
14 Licensing and Regulation [~~Public Safety~~].

15 (13-a) "Executive director" means the executive
16 director of the department.

17 SECTION 4. Section 1001.002(c), Education Code, is amended
18 to read as follows:

19 (c) A driver education course is exempt from this chapter,
20 other than Section 1001.055, if the course is:

21 (1) conducted by a vocational driver training school
22 operated to train or prepare a person for a field of endeavor in a
23 business, trade, technical, or industrial occupation;

24 (2) conducted by a school or training program that
25 offers only instruction of purely avocational or recreational
26 subjects as determined by the department [~~commissioner~~];

27 (3) sponsored by an employer to train its own

employees without charging tuition;

(4) sponsored by a recognized trade, business, or professional organization with a closed membership to instruct the members of the organization; or

(5) conducted by a school regulated and approved under another law of this state.

SECTION 5. Section 1001.003, Education Code, is amended to read as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL BUSINESSES. It is the intent of the legislature that commission ~~[agency]~~ rules that affect driver training schools that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the schools.

SECTION 6. Section 1001.004, Education Code, as amended by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

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

(b) The department ~~[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 7. Sections 1001.051, 1001.052, 1001.053, and 1001.054, Education Code, are amended to read as follows:

1 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
2 ~~[agency]~~ has jurisdiction over and control of driver training
3 schools regulated under this chapter.

4 Sec. 1001.052. RULES. The commission ~~[agency]~~ shall adopt
5 ~~[and administer]~~ comprehensive rules governing driving safety
6 courses.

7 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION,
8 AND EXECUTIVE DIRECTOR ~~[COMMISSIONER]~~. (a) The department and
9 executive director, as appropriate, ~~[commissioner]~~ shall:

10 (1) administer ~~[the policies of]~~ this chapter;

11 (2) enforce minimum standards for driver training
12 schools under this chapter;

13 (3) ~~[adopt and]~~ enforce rules adopted by the
14 commission that are necessary to administer this chapter; and

15 (4) visit a driver training school or course provider
16 and reexamine the school or course provider for compliance with
17 this chapter.

18 (b) The executive director ~~[commissioner]~~ may designate a
19 person knowledgeable in the administration of regulating driver
20 training schools to administer this chapter.

21 (c) The commission shall adopt rules necessary to
22 administer this chapter. The commission ~~[commissioner]~~ may adopt
23 rules to ensure the integrity of approved driving safety courses
24 and to enhance program quality.

25 Sec. 1001.054. RULES RESTRICTING ADVERTISING OR
26 COMPETITIVE BIDDING. (a) The commission ~~[commissioner]~~ may not
27 adopt a rule restricting advertising or competitive bidding by a

1 driver training school except to prohibit a false, misleading, or
2 deceptive practice.

3 (b) The commission [~~commissioner~~] may not include in rules
4 to prohibit false, misleading, or deceptive practices by a driver
5 training school a rule that restricts:

6 (1) the use of an advertising medium;

7 (2) the outside dimensions of a printed advertisement
8 or outdoor display;

9 (3) the duration of an advertisement; or

10 (4) advertisement under a trade name.

11 (c) The commission [~~commissioner~~] by rule may restrict
12 advertising by a branch location of a driver training school so that
13 the location adequately identifies the primary location of the
14 school in a solicitation.

15 SECTION 8. Sections [1001.055](#)(a), (a-1), (a-2), (b), and
16 (c), Education Code, are amended to read as follows:

17 (a) The department [~~agency~~] shall provide to each licensed
18 or exempt driver education school and to each parent-taught course
19 provider approved by the Department of Public Safety under Section
20 [521.205](#), Transportation Code, driver education certificates or
21 certificate numbers to enable the school or [~~and each approved~~
22 ~~parent-taught~~] course provider [~~(approved by the Texas Department~~
23 ~~of Public Safety under Section [521.205](#) of the Transportation Code)~~]
24 to print and issue department-approved [~~agency-approved~~] driver
25 education certificates [~~with the certificate numbers~~] to certify
26 [~~be used for certifying~~] completion of an approved driver education
27 course and [~~to~~] satisfy the requirements of Sections [521.204](#)(a)(2)

1 and 521.1601, Transportation Code.

2 (a-1) A certificate printed and issued by a driver education
3 school or Department of Public Safety approved course provider
4 must:

5 (1) be in a form required by the department ~~[agency]~~;
6 and

7 (2) include an identifying certificate number
8 provided by the department ~~[agency]~~ that may be used to verify the
9 authenticity of the certificate with the driver education school or
10 Department of Public Safety approved course provider.

11 (a-2) A driver education school or Department of Public
12 Safety approved course provider that purchases driver education
13 certificate numbers shall provide for the printing and issuance of
14 original and duplicate certificates in a manner that, to the
15 greatest extent possible, prevents the unauthorized production or
16 the misuse of the certificates. The driver education school or
17 Department of Public Safety approved course provider shall
18 electronically submit to the department ~~[agency]~~ in the manner
19 established by the department ~~[agency]~~ data identified by the
20 department ~~[agency]~~ relating to issuance of department-approved
21 ~~[agency-approved]~~ driver education certificates with the
22 certificate numbers.

23 (b) The commission ~~[agency]~~ by rule shall provide for the
24 design and distribution of the certificates and certificate numbers
25 in a manner that, to the greatest extent possible, prevents the
26 unauthorized reproduction or misuse of the certificates or
27 certificate numbers.

1 (c) The commission by rule shall establish ~~[agency may~~
2 ~~charge]~~ a fee ~~[of not more than \$4]~~ for each certificate or
3 certificate number.

4 SECTION 9. Sections 1001.056(b), (c), (d), (e), and (g),
5 Education Code, are amended to read as follows:

6 (b) The department ~~[agency]~~ shall provide each licensed
7 course provider with course completion certificate numbers to
8 enable the provider to print and issue department-approved
9 ~~[agency-approved]~~ uniform certificates of course completion.

10 (c) The commission ~~[agency]~~ by rule shall provide for the
11 design of the certificates and the distribution of certificate
12 numbers in a manner that, to the greatest extent possible, prevents
13 the unauthorized production or the misuse of the certificates or
14 certificate numbers.

15 (d) A certificate under this section must:

16 (1) be in a form required by the department ~~[agency]~~;
17 and

18 (2) include an identifying number by which the
19 department ~~[agency]~~, a court, or the Department of Public Safety
20 ~~[department]~~ may verify its authenticity with the course provider.

21 (e) The commission by rule shall establish ~~[agency may~~
22 ~~charge]~~ a fee ~~[of not more than \$4]~~ for each course completion
23 certificate number. A course provider that supplies a certificate
24 to an operator shall collect from the operator a fee equal to the
25 amount of the fee paid to the department ~~[agency]~~ for the
26 certificate number.

27 (g) A course provider shall issue a duplicate certificate by

1 United States mail or commercial delivery. The commission
2 ~~[commissioner]~~ by rule shall determine the amount of the fee for
3 issuance of a duplicate certificate under this subsection.

4 SECTION 10. Section 1001.057, Education Code, is amended to
5 read as follows:

6 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
7 COURSE INFORMATION. The department ~~[agency]~~ shall investigate
8 options to develop and implement procedures to electronically
9 transmit information relating to driving safety courses to
10 municipal and justice courts.

11 SECTION 11. Subchapter B, Chapter 1001, Education Code, is
12 amended by adding Sections 1001.058 and 1001.059 to read as
13 follows:

14 Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission
15 shall establish an advisory committee to advise the commission and
16 department on driver training rules and standards and driver
17 education curriculum.

18 (b) The advisory committee consists of seven members
19 appointed for staggered six-year terms by the presiding officer of
20 the commission, with the approval of the commission, as follows:

- 21 (1) one member representing a driver education school;
22 (2) one member representing a driving safety school;
23 (3) one member representing a course provider;
24 (4) one instructor;
25 (5) one employee of the Department of Public Safety;

26 and

- 27 (6) two members representing the public.

1 (c) The presiding officer of the commission shall appoint
2 the presiding officer of the advisory committee.

3 Sec. 1001.059. COMPLAINTS. (a) The department shall
4 maintain a system to promptly and efficiently act on complaints
5 filed with the department regarding driver training. The department
6 shall maintain information about parties to the complaint, the
7 subject matter of the complaint, a summary of the results of the
8 review or investigation of the complaint, and its disposition.

9 (b) The department shall make information available
10 describing its procedures for complaint investigation and
11 resolution.

12 (c) The department shall periodically notify the complaint
13 parties of the status of the complaint until final disposition.

14 SECTION 12. Section 1001.101(a), Education Code, is amended
15 to read as follows:

16 (a) The commission [~~commissioner~~] by rule shall establish
17 or approve the curriculum and designate the textbooks to be used in
18 a driver education course for minors and adults, including a driver
19 education course conducted by a school district, driver education
20 school, or parent or other individual under Section 521.205,
21 Transportation Code.

22 SECTION 13. Section 1001.1015(a), Education Code, is
23 amended to read as follows:

24 (a) The commission [~~commissioner~~] by rule shall establish
25 the curriculum and designate the educational materials to be used
26 in a driver education course exclusively for adults.

27 SECTION 14. Section 1001.102, Education Code, is amended to

1 read as follows:

2 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
3 commission [~~agency~~] by rule shall require that information relating
4 to alcohol awareness and the effect of alcohol on the effective
5 operation of a motor vehicle be included in the curriculum of any
6 driver education course or driving safety course.

7 (b) In developing rules under this section, the commission
8 [~~agency~~] shall consult with the Department of Public Safety
9 [~~department~~].

10 SECTION 15. Section 1001.1025, Education Code, is amended
11 to read as follows:

12 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) The
13 commission [~~agency~~] by rule shall require that information relating
14 to motorcycle awareness, the dangers of failing to yield the
15 right-of-way to a motorcyclist, and the need to share the road with
16 motorcyclists be included in the curriculum of any driver education
17 course or driving safety course.

18 (b) In developing rules under this section, the commission
19 [~~agency~~] shall consult with the Department of Public Safety
20 [~~department~~].

21 SECTION 16. Sections 1001.103(b), (d), and (e), Education
22 Code, are amended to read as follows:

23 (b) The department [~~agency~~] shall develop standards for a
24 separate school certification and approve curricula for drug and
25 alcohol driving awareness programs that include one or more
26 courses. Except as provided by commission [~~agency~~] rule, a program
27 must be offered in the same manner as a driving safety course.

(d) In accordance with Section 461.013(b), Health and Safety Code, the department [agency] and the Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) ~~The commission [Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner]~~ may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the department's [agency's] duties under this section.

SECTION 17. Sections 1001.104 and 1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The department [agency] shall enter into a memorandum of understanding with the Department of Assistive and Rehabilitative Services [~~Texas Rehabilitation Commission~~] and the Department of Public Safety [~~department~~] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The department [agency] shall administer comprehensive rules governing driver education courses adopted by mutual agreement among the commission [agency], the Department of Assistive and Rehabilitative Services [~~Texas Rehabilitation Commission~~], and the Department of Public Safety [~~department~~].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The department [agency] shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency

development of a curriculum for driving safety courses.

SECTION 18. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The commission [~~commissioner~~] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Sections [1001.454, 1001.456 [r] and 1001.553 of this code do not apply to a violation of this section or a rule adopted under this section.

(d) Section 51.352, Occupations Code, and Sections 1001.455(a)(6), 1001.501, [1001.551, 1001.552,] and 1001.554 of this code do not apply to a violation of this section.

SECTION 19. Section 1001.107, Education Code, is amended to read as follows:

Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

(a) The commission [~~commissioner~~] by rule shall require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course.

(b) In developing rules under this section, the commission [~~commissioner~~] shall consult the Department of Public Safety [~~department~~].

SECTION 20. Sections 1001.108(a) and (c), Education Code, are amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety

1 course.

2 (c) In developing rules under this section, the commission
3 ~~[commissioner]~~ shall consult with the Department of Public Safety
4 ~~[department]~~ and the ~~[Texas]~~ Department of State Health Services.

5 SECTION 21. Section 1001.110, Education Code, is amended to
6 read as follows:

7 Sec. 1001.110. INFORMATION RELATING TO DRIVING
8 DISTRACTIONS. (a) The commission ~~[commissioner]~~ by rule shall
9 require that information relating to the effect of using a wireless
10 communication device or engaging in other actions that may distract
11 a driver on the safe or effective operation of a motor vehicle be
12 included in the curriculum of each driver education course or
13 driving safety course.

14 (b) In developing rules under this section, the commission
15 ~~[commissioner]~~ shall consult with the Department of Public Safety
16 ~~[department]~~.

17 SECTION 22. Section 1001.111(a), Education Code, is amended
18 to read as follows:

19 (a) The commission ~~[commissioner]~~ by rule shall provide
20 minimum standards of curriculum for and designate the educational
21 materials to be used in a driving safety course designed for drivers
22 younger than 25 years of age.

23 SECTION 23. Sections 1001.151, 1001.152, and 1001.153,
24 Education Code, are amended to read as follows:

25 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
26 FEES. (a) The commission by rule ~~[commissioner]~~ shall establish
27 ~~[collect]~~ application, license, and registration fees. The fees

must be in amounts sufficient to cover administrative costs and are nonrefundable. The department shall collect the application, license, and registration fees.

(b) The commission by rule shall establish a fee for:

(1) an initial driver education school license and ~~[is \$1,000 plus \$850]~~ for each branch location; ~~[-]~~

(2) ~~[(c) The fee for]~~ an initial driving safety school license; ~~[-]~~

(3) ~~[is an appropriate amount established by the commissioner not to exceed \$200.]~~

~~[(d) The fee for]~~ an initial course provider license ~~[is an appropriate amount established by the commissioner not to exceed \$2,000]~~, except that the commission ~~[agency]~~ may waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider; ~~[-]~~

(4) the ~~[(e) The]~~ annual renewal ~~[fee]~~ for a course provider, driving safety school, driver education school, or branch location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the commission ~~[agency]~~ may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article [45.0511](#), Code of Criminal Procedure; ~~[-]~~

(5) ~~[(f) The fee for]~~ a change of address of ~~[-]~~ ~~[(1)]~~ a driver education school, ~~[is \$180, and~~ ~~[(2) a]~~ driving safety school, or course provider; ~~[is \$50.]~~

1 (6) [~~(g)~~ ~~The fee for~~] a change of name of:

2 (A) [~~(1)~~] a driver education school or course
3 provider or an owner of a driver education school or course provider
4 [~~is \$100~~]; or [~~and~~]

5 (B) [~~(2)~~] a driving safety school or owner of a
6 driving safety school; [~~is \$50.~~]

7 (7) [~~(h)~~ ~~The application fee for~~] each additional
8 driver education or driving safety course at a driver training
9 school; and [~~is \$25.~~]

10 (8) an [~~(i)~~ ~~The application fee for:~~

11 [~~(1)~~ ~~each director is \$30; and~~

12 [~~(2)~~ ~~each assistant director or administrative staff~~
13 ~~member is \$15.~~

14 [~~(j)~~ ~~Each~~] application for approval of a driving safety
15 course that has not been evaluated by the department [~~commissioner~~
16 ~~must be accompanied by a nonrefundable fee of \$9,000~~].

17 (c) [~~(k)~~] An application for an original driver education
18 or driving safety instructor license must be accompanied by a
19 processing fee [~~of \$50~~] and an annual license fee [~~of \$25~~], except
20 that the department [~~commissioner~~] may not collect the processing
21 fee from an applicant for a driver education instructor license who
22 is currently teaching a driver education course in a public school
23 in this state.

24 (d) [~~(l)~~] The commission [~~commissioner~~] shall establish the
25 amount of the fee for a duplicate license.

26 (e) [~~(m)~~] The commission [~~commissioner~~] may establish a fee
27 for an application for approval to offer a driver education course

1 by an alternative method of instruction under Section 1001.3541 in
2 an amount the commission [~~commissioner~~] considers appropriate, not
3 to exceed the amount sufficient to cover the costs of considering
4 the application.

5 Sec. 1001.152. DUTY TO REVIEW AND RECOMMEND ADJUSTMENTS IN
6 FEE AMOUNTS. The commission [~~commissioner~~] shall periodically
7 review the amounts of fees and recommend to the legislature
8 adjustments to those amounts.

9 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
10 commission [~~commissioner~~] shall establish the amount of the fee to
11 investigate a driver training school or course provider to resolve
12 a complaint against the school or course provider.

13 (b) The fee may be charged only if:

14 (1) the complaint could not have been resolved solely
15 by telephone or in writing;

16 (2) a representative of the department [~~agency~~]
17 visited the school or course provider as a part of the complaint
18 resolution process; and

19 (3) the school or course provider was found to be at
20 fault.

21 SECTION 24. Section 1001.202(b), Education Code, is amended
22 to read as follows:

23 (b) A driving safety school may use multiple classroom
24 locations to teach a driving safety course if each location:

25 (1) is approved by the parent school and the
26 department [~~agency~~];

27 (2) has the same name as the parent school; and

(3) has the same ownership as the parent school.

SECTION 25. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.203. APPLICATION. To operate or do business in this state, a driver training school must apply to the department ~~[commissioner]~~ for the appropriate license. The application must:

(1) be in writing;

(2) be in the form prescribed by the department ~~[commissioner]~~;

(3) include all required information; and

(4) be verified.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. The department ~~[commissioner]~~ shall approve an application for a driver education school license if, on investigation of the premises of the school, it is determined that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;

(3) has ~~[directors]~~ instructors~~[, and administrators]~~ who have adequate educational qualifications and experience;

(4) provides to each student before enrollment:

(A) a copy of:

(i) the refund policy;

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) the department's name, mailing address, ~~and~~ telephone number, and Internet website address ~~[of the agency]~~ for the purpose of directing complaints to the department ~~[agency]~~;

(5) maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;

(8) is financially sound and capable of fulfilling its commitments for training;

(9) has ~~[administrators, directors,]~~ owners~~[,]~~ and instructors who are of good reputation and character;

(10) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to

1 take the course or withdraws or is discontinued from the school at
2 any time before completion;

3 (11) does not use erroneous or misleading advertising,
4 either by actual statement, omission, or intimation, as determined
5 by the department [~~commissioner~~];

6 (12) does not use a name similar to the name of another
7 existing school or tax-supported educational institution in this
8 state, unless specifically approved in writing by the executive
9 director [~~commissioner~~];

10 (13) submits to the department [~~agency~~] for approval
11 the applicable course hour lengths and curriculum content for each
12 course offered by the school;

13 (14) does not owe an administrative penalty for a
14 violation of [~~under~~] this chapter; and

15 (15) meets any additional criteria required by the
16 department [~~agency~~].

17 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
18 LICENSE. The department [~~commissioner~~] shall approve an
19 application for a driving safety school license if on investigation
20 the department [~~agency~~] determines that the school:

21 (1) has driving safety courses, curricula, and
22 instruction of a quality, content, and length that reasonably and
23 adequately achieve the stated objective for which the course,
24 curricula, and instruction are developed by the course provider;

25 (2) has adequate space, equipment, instructional
26 material, and instructors to provide training of good quality;

27 (3) has instructors [~~and administrators~~] who have

adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) has ~~[administrators,~~ owners~~]~~ and instructors who are of good reputation and character;

(7) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(8) does not use a name similar to the name of another existing school or tax-supported educational establishment in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(9) maintains and uses the approved contract and policies developed by the course provider;

(10) does not owe an administrative penalty for a violation of ~~[under]~~ this chapter;

(11) will not provide a driving safety course to a person for less than \$25; and

(12) meets additional criteria required by the department ~~[commissioner]~~.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.
The department ~~[commissioner]~~ shall approve an application for a

1 course provider license if on investigation the department [~~agency~~]
2 determines that:

3 (1) the course provider has an approved course that at
4 least one licensed driving safety school is willing to offer;

5 (2) the course provider has adequate educational
6 qualifications and experience;

7 (3) the course provider will:

8 (A) develop and provide to each driving safety
9 school that offers the approved course a copy of:

10 (i) the refund policy; and

11 (ii) the regulations relating to absence,
12 grading policy, and rules of operation and conduct; and

13 (B) provide to the driving safety school the
14 department's name, mailing address, [~~and~~] telephone number, and
15 Internet website address [~~of the agency~~] for the purpose of
16 directing complaints to the department [~~agency~~];

17 (4) a copy of the information provided to each driving
18 safety school under Subdivision (3) will be provided to each
19 student by the school before enrollment;

20 (5) not later than the 15th working day after the date
21 a [~~the~~] person successfully completes the course, the course
22 provider will issue and deliver to the person by United States mail
23 or commercial delivery [~~mail~~] a uniform certificate of course
24 completion [~~to the person~~] indicating the course name and
25 successful completion;

26 (6) the course provider maintains adequate records as
27 prescribed by the department [~~commissioner~~] to show attendance and

1 progress or grades and enforces satisfactory standards relating to
2 attendance, progress, and conduct;

3 (7) the course provider complies with all county,
4 municipal, state, and federal laws, including assumed name
5 registration and other applicable requirements;

6 (8) the course provider is financially sound and
7 capable of fulfilling its commitments for training;

8 (9) the course provider is of good reputation and
9 character;

10 (10) the course provider maintains and publishes as a
11 part of its student enrollment contract the proper policy for the
12 refund of the unused portion of tuition, fees, and other charges if
13 a student fails to take the course or withdraws or is discontinued
14 from the school at any time before completion;

15 (11) the course provider does not use erroneous or
16 misleading advertising, either by actual statement, omission, or
17 intimation, as determined by the department ~~[commissioner]~~;

18 (12) the course provider does not use a name similar to
19 the name of another existing school or tax-supported educational
20 institution in this state, unless specifically approved in writing
21 by the executive director ~~[commissioner]~~;

22 (13) the course provider does not owe an
23 administrative penalty for a violation of ~~[under]~~ this chapter; and

24 (14) the course provider meets additional criteria
25 required by the department ~~[commissioner]~~.

26 SECTION 26. Sections 1001.207(a) and (b), Education Code,
27 are amended to read as follows:

1 (a) Before a driver education school may be issued a
2 license, the school must file a corporate surety bond with the
3 department ~~[commissioner]~~ in the amount of:

4 (1) \$10,000 for the primary location of the school;
5 and

6 (2) \$5,000 for each branch location.

7 (b) A bond issued under Subsection (a) must be:

8 (1) issued in a form approved by the department
9 ~~[commissioner]~~;

10 (2) issued by a company authorized to do business in
11 this state;

12 (3) payable to the state to be used only for payment of
13 a refund due to a student or potential student;

14 (4) conditioned on the compliance of the school and
15 its officers, agents, and employees with this chapter and rules
16 adopted under this chapter; and

17 (5) issued for a period corresponding to the term of
18 the license.

19 SECTION 27. Section 1001.209(b), Education Code, is amended
20 to read as follows:

21 (b) A bond issued under Subsection (a) must be:

22 (1) issued by a company authorized to do business in
23 this state;

24 (2) payable to the state to be used:

25 (A) for payment of a refund due a student of the
26 course provider's approved course;

27 (B) to cover the payment of unpaid fees or

penalties assessed by the executive director [~~agency~~]; or

(C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 28. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education school or course provider may provide another form of security that is:

(1) [~~(A)~~] approved by the department [~~commissioner~~]; and

(2) [~~(B)~~] in the amount required for a comparable bond under Section 1001.207 or 1001.209.

SECTION 29. Sections 1001.211(a) and (b), Education Code, are amended to read as follows:

(a) The executive director [~~commissioner~~] shall issue a license to an applicant for a license under this subchapter if:

(1) the application is submitted in accordance with this subchapter; and

(2) the applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the department ~~[commissioner]~~ and must show in a clear and conspicuous manner:

(1) the date of issuance, effective date, and term of the license;

(2) the name and address of the driver training school or course provider;

(3) the authority for and conditions of approval;

(4) the executive director's ~~[commissioner's]~~ signature; and

(5) any other fair and reasonable representation that is consistent with this chapter and that the department ~~[commissioner]~~ considers necessary.

SECTION 30. Section 1001.212, Education Code, is amended to read as follows:

Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department ~~[commissioner]~~ shall provide a person whose application for a license under this subchapter is denied a written statement of the reasons for the denial.

SECTION 31. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission may establish ~~[Instead of the]~~ fees in amounts that are different from the amounts established under ~~[required by]~~ Section 1001.151~~[, the fee]~~ for a new driver education school or course provider license under Subsection (b) and ~~[is \$500, plus \$200]~~ for each branch location~~[,]~~ if:

(1) the new owner is substantially similar to the previous owner; and

1 (2) there is no significant change in the management
2 or control of the driver education school or course provider.

3 (d) The department [~~commissioner~~] is not required to
4 reinspect a school or a branch location after a change of ownership.

5 SECTION 32. Section 1001.214, Education Code, is amended to
6 read as follows:

7 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
8 be issued to a driver training school or course provider if:

9 (1) the original license is lost or destroyed; and

10 (2) an affidavit of that fact is filed with the
11 department [~~agency~~].

12 SECTION 33. Section 1001.251, Education Code, is amended to
13 read as follows:

14 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
15 person may not teach or provide driver education, either as an
16 individual or in a driver education school, or conduct any phase of
17 driver education, unless the person holds a driver education
18 instructor license issued by the executive director [~~agency~~].

19 (b) A person may not teach or provide driving safety
20 training, either as an individual or in a driving safety school, or
21 conduct any phase of driving safety education, unless the person
22 holds a driving safety instructor license issued by the executive
23 director [~~agency~~]. This subsection does not apply to an instructor
24 of a driving safety course that does not provide a uniform
25 certificate of course completion to its graduates.

26 SECTION 34. Sections 1001.2511(b), (c), (d), (e), and (f),
27 Education Code, are amended to read as follows:

1 (b) The department [~~agency~~] shall review the national
2 criminal history record information of a person who holds a license
3 described by Subsection (a).

4 (c) The executive director [~~agency~~] shall place a license
5 described by Subsection (a) on inactive status for the license
6 holder's failure to comply with a deadline for submitting
7 information required under this section.

8 (d) The department [~~agency~~] may allow a person who is
9 applying for a license described by Subsection (a) and who
10 currently resides in another state to submit the person's
11 fingerprints and other required information in a manner that does
12 not impose an undue hardship on the person.

13 (e) The commission [~~commissioner~~] may adopt rules to
14 administer this section, including rules establishing:

15 (1) deadlines for a person to submit fingerprints and
16 photographs in compliance with this section;

17 (2) sanctions for a person's failure to comply with the
18 requirements of this section, including suspension or revocation of
19 or refusal to issue a license described by Subsection (a); and

20 (3) notification to a driver education school of
21 relevant information obtained by the department [~~agency~~] under this
22 section.

23 (f) The department [~~agency~~] is not civilly or criminally
24 liable for an action taken in compliance with this section.

25 SECTION 35. Section [1001.2512](#), Education Code, is amended
26 to read as follows:

27 Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD

1 INFORMATION REVIEW. The commission [~~commissioner~~] by rule shall
2 require a person submitting to a national criminal history record
3 information review under Section 1001.2511 or the driver education
4 school employing the person, as determined by the department
5 [~~agency~~], to pay a fee for the review in an amount not to exceed the
6 amount of any fee imposed on an application for certification under
7 Subchapter B, Chapter 21, for a national criminal history record
8 information review under Section 22.0837.

9 SECTION 36. Sections 1001.2514(a), (b), and (d), Education
10 Code, are amended to read as follows:

11 (a) A driver education school shall discharge or refuse to
12 hire as an instructor an employee or applicant for employment if the
13 department [~~agency~~] obtains information through a criminal history
14 record information review that:

15 (1) the employee or applicant has been convicted of:

16 (A) a felony offense under Title 5, Penal Code;

17 (B) an offense on conviction of which a defendant
18 is required to register as a sex offender under Chapter 62, Code of
19 Criminal Procedure; or

20 (C) an offense under the laws of another state or
21 federal law that is equivalent to an offense under Paragraph (A) or
22 (B); and

23 (2) at the time the offense occurred, the victim of the
24 offense described by Subdivision (1) was under 18 years of age or
25 was enrolled in a public school.

26 (b) The executive director [~~agency~~] shall suspend or revoke
27 a license described by Section 1001.2511(a) held by a person under

1 this subchapter and shall refuse to issue or renew a license
2 described by Section 1001.2511(a) to a person under this subchapter
3 if the person has been convicted of an offense described by
4 Subsection (a) of this section.

5 (d) A driver education school may discharge an employee who
6 serves as an instructor if the school obtains information of the
7 employee's conviction of a felony or of a misdemeanor involving
8 moral turpitude that the employee did not disclose to the school or
9 the department [~~agency~~]. An employee discharged under this
10 subsection is considered to have been discharged for misconduct for
11 purposes of Section 207.044, Labor Code.

12 SECTION 37. Section 1001.252, Education Code, is amended to
13 read as follows:

14 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A
15 license under this subchapter must be signed by the executive
16 director [~~commissioner~~].

17 SECTION 38. Sections 1001.253(a), (b), (c), (d), (e), and
18 (f), Education Code, are amended to read as follows:

19 (a) The department [~~commissioner~~] shall establish standards
20 for certification of professional and paraprofessional personnel
21 who conduct driver education programs in driver education schools.

22 (b) A driver education instructor license authorizing a
23 person to teach or provide behind-the-wheel training may not be
24 issued unless the person has successfully completed six semester
25 hours of driver and traffic safety education or a program of study
26 in driver education approved by the department [~~commissioner~~] from
27 an approved driver education school.

1 (c) A person who holds a driver education instructor license
2 authorizing behind-the-wheel training may not be approved to assist
3 a classroom instructor in the classroom phase of driver education
4 unless the person has successfully completed the three additional
5 semester hours of training required for a classroom instructor or a
6 program of study in driver education approved by the department
7 ~~[commissioner]~~.

8 (d) Except as provided by Subsection (g) or Section
9 [1001.254](#), a driver education instructor license authorizing a
10 person to teach or provide classroom training may not be issued
11 unless the person:

12 (1) has completed nine semester hours of driver and
13 traffic safety education or a program of study in driver education
14 approved by the department ~~[commissioner]~~ from an approved driver
15 education school; and

16 (2) holds a teaching certificate and any additional
17 certification required to teach driver education.

18 (e) A driver education instructor who has completed the
19 educational requirements prescribed by Subsection (d)(1) may not
20 teach instructor training classes unless the instructor has
21 successfully completed a supervising instructor development
22 program consisting of at least six additional semester hours or a
23 program of study in driver education approved by the department
24 ~~[commissioner]~~ that includes administering driver education
25 programs and supervising and administering traffic safety
26 education.

27 (f) A driver education school may submit for department

1 ~~[agency]~~ approval a curriculum for an instructor development
2 program for driver education instructors. The program must:

3 (1) be taught by a person who has completed a
4 supervising instructor development program under Subsection (e);
5 and

6 (2) satisfy the requirements of this section for the
7 particular program or type of training to be provided.

8 SECTION 39. Section 1001.254(a), Education Code, is amended
9 to read as follows:

10 (a) A temporary driver education instructor license may be
11 issued authorizing a person to teach or provide classroom driver
12 education training if the person:

13 (1) has completed the educational requirements
14 prescribed by Section 1001.253(d)(1);

15 (2) holds a Texas teaching certificate with an
16 effective date before February 1, 1986;

17 (3) meets all license requirements, other than
18 successful completion of the examination required under rules
19 adopted by the State Board for Educator Certification to revalidate
20 the teaching certificate; and

21 (4) demonstrates, in a manner prescribed by the
22 department ~~[commissioner]~~, the intention to comply with the
23 examination requirement at the first available opportunity.

24 SECTION 40. Sections 1001.255(a), (b), and (c), Education
25 Code, are amended to read as follows:

26 (a) The department ~~[agency]~~ shall regulate as a driver
27 education school a driver education instructor who:

1 (1) teaches driver education courses in a county
2 having a population of 50,000 or less; and

3 (2) does not teach more than 200 students annually.

4 (b) An instructor described by Subsection (a) must submit to
5 the department [~~agency~~] an application for an initial or renewal
6 driver education school license, together with all required
7 documentation and information.

8 (c) The department [~~commissioner~~] may waive initial or
9 renewal driver education school license fees or the fee for a
10 director or administrative staff member.

11 SECTION 41. Section 1001.256, Education Code, is amended to
12 read as follows:

13 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
14 be issued to a driver education instructor or driving safety
15 instructor if:

16 (1) the original license is lost or destroyed; and

17 (2) an affidavit of that fact is filed with the
18 department [~~agency~~].

19 SECTION 42. Section 1001.257, Education Code, is amended to
20 read as follows:

21 Sec. 1001.257. DENIAL OF LICENSE. The executive director
22 [~~commissioner~~] may not issue or renew a driver education instructor
23 license, including a temporary license, to a person who has six or
24 more points assigned to the person's driver's license under
25 Subchapter B, Chapter 708, Transportation Code.

26 SECTION 43. Section 1001.303, Education Code, is amended to
27 read as follows:

Sec. 1001.303. RENEWAL OF SCHOOL OR COURSE PROVIDER LICENSE. (a) To renew the license of a driver education school, driving safety school, or course provider, the school or course provider must submit to the department ~~[commissioner]~~ a complete application for renewal at least 30 days before the expiration date of the license.

(b) A school or course provider that does not comply with Subsection (a) must, as a condition of renewal of the person's license, pay a late renewal fee. The late renewal fee is in addition to the annual renewal fee. The commission by rule shall establish a late renewal fee ~~[must be in the amount established by board rule of at least \$100, subject to Subchapter D]~~.

(c) The department ~~[commissioner]~~ may reexamine a driver education school's premises.

(d) The executive director ~~[commissioner]~~ shall renew or cancel the driver education school, driving safety school, or course provider license.

SECTION 44. Sections 1001.304(b) and (c), Education Code, are amended to read as follows:

(b) The continuing education must be:

(1) in courses approved by the department ~~[commissioner]~~; and

(2) for the number of hours established by the commission ~~[commissioner]~~.

(c) An applicant who does not comply with Subsection (a) must pay a late renewal fee in the amount established by commission rule ~~[of \$25]~~.

SECTION 45. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and deliver by United States mail or commercial delivery a uniform certificate of course completion ~~[by mail or commercial delivery]~~ to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the department ~~[agency]~~ in the manner established by the department ~~[agency]~~ data identified by the department ~~[agency]~~ relating to uniform certificates of course completion issued by the course provider.

SECTION 46. Sections 1001.354(a) and (b), Education Code, are amended to read as follows:

(a) A driving safety course may be taught at a driving safety school if the school is approved by the department ~~[agency]~~.

(b) A driving safety school may teach an approved driving safety course by an alternative method that does not require students to be present in a classroom if the department ~~[commissioner]~~ approves the alternative method. The department ~~[commissioner]~~ may approve the alternative method if:

(1) the department ~~[commissioner]~~ determines that the approved driving safety course can be taught by the alternative method; and

(2) the alternative method includes testing and security measures that are at least as secure as the measures

1 available in the usual classroom setting.

2 SECTION 47. Section 1001.3541, Education Code, is amended
3 to read as follows:

4 Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR
5 DRIVER EDUCATION COURSE. (a) A driver education school may teach
6 all or part of the classroom portion of an approved driver education
7 course by an alternative method of instruction that does not
8 require students to be present in a classroom if the department
9 [~~commissioner~~] approves the alternative method.

10 (b) The department [~~commissioner~~] may approve the
11 alternative method only if:

12 (1) the alternative method includes testing and
13 security measures that the department [~~commissioner~~] determines
14 are at least as secure as the measures available in the usual
15 classroom setting; and

16 (2) the course, with the use of the alternative
17 method, satisfies any other requirement applicable to a course in
18 which the classroom portion is taught to students in the usual
19 classroom setting.

20 SECTION 48. Sections 1001.404(b) and (c), Education Code,
21 are amended to read as follows:

22 (b) The department [~~commissioner~~] shall establish annually
23 the rate of interest for a refund at a rate sufficient to provide a
24 deterrent to the retention of student money.

25 (c) The department [~~agency~~] may except a driver education
26 school or course provider from the payment of interest if the school
27 or course provider makes a good-faith effort to refund tuition,

1 fees, and other charges but is unable to locate the student to whom
2 the refund is owed. On request of the department [~~agency~~], the
3 school or course provider shall document the effort to locate a
4 student.

5 SECTION 49. Sections 1001.451 and 1001.452, Education Code,
6 are amended to read as follows:

7 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

8 (1) use advertising designed to mislead or deceive a
9 prospective student;

10 (2) fail to notify the department [~~commissioner~~] of
11 the discontinuance of the operation of a driver training school
12 before the fourth working day after the date of cessation of classes
13 and make available accurate records as required by this chapter;

14 (3) issue, sell, trade, or transfer:

15 (A) a uniform certificate of course completion or
16 driver education certificate to a person or driver training school
17 not authorized to possess the certificate;

18 (B) a uniform certificate of course completion to
19 a person who has not successfully completed an approved, six-hour
20 driving safety course; or

21 (C) a driver education certificate to a person
22 who has not successfully completed a department-approved
23 [~~commissioner-approved~~] driver education course;

24 (4) negotiate a promissory instrument received as
25 payment of tuition or another charge before the student completes
26 75 percent of the course, except that before that time the
27 instrument may be assigned to a purchaser who becomes subject to any

1 defense available against the school named as payee; or

2 (5) conduct any part of an approved driver education
3 course or driving safety course without having an instructor
4 physically present in appropriate proximity to the student for the
5 type of instruction being given.

6 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
7 school may not maintain, advertise, solicit for, or conduct a
8 course of instruction in this state before the later of:

9 (1) the 30th day after the date the school applies for
10 a driver training school license; or

11 (2) the date the school receives a driver training
12 school license from the department [~~commissioner~~].

13 SECTION 50. Sections 1001.453(d) and (e), Education Code,
14 are amended to read as follows:

15 (d) Subchapter F, Chapter 51, Occupations Code, Section
16 51.353, Occupations Code, and Sections [1001.454, 1001.456(a) [7]
17 and 1001.553 of this code do not apply to a violation of this
18 section or a rule adopted under this section.

19 (e) Section 51.352, Occupations Code, and Sections
20 1001.455(a)(6), 1001.501, [1001.551, 1001.552, 1001.554 of
21 this code do not apply to a violation of this section.

22 SECTION 51. Section 1001.455, Education Code, is amended to
23 read as follows:

24 Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF
25 INSTRUCTOR LICENSE. (a) The executive director [~~agency~~] may deny
26 an application for an instructor license or suspend or revoke the
27 license of an instructor if the instructor:

1 (1) fails to meet a requirement for issuance of or
2 holding a license under this chapter;

3 (2) permits fraud or engages in fraudulent practices
4 relating to the application;

5 (3) induces or countenances fraud or fraudulent
6 practices on the part of an applicant for a driver's license or
7 permit;

8 (4) permits or engages in any other fraudulent
9 practice in an action between the applicant or license holder and
10 the public;

11 (5) fails to comply with commission [~~agency~~] rules
12 relating to driver instruction; or

13 (6) fails to comply with this chapter.

14 (b) Not later than the 10th day after the date of a denial,
15 suspension, or revocation under this section, the department
16 [~~agency~~] shall notify the applicant or license holder of that
17 action by certified mail.

18 SECTION 52. Section 1001.456, Education Code, is amended to
19 read as follows:

20 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
21 executive director [~~agency~~] believes that a driver education school
22 or instructor has violated this chapter or a rule adopted under this
23 chapter, the executive director [~~agency~~] may, without notice:

24 (1) order a peer review;

25 (2) suspend the enrollment of students in the school
26 or the offering of instruction by the instructor; or

27 (3) suspend the right to purchase driver education

1 certificates.

2 (b) If the executive director [~~agency~~] believes that a
3 course provider, driving safety school, or driving safety
4 instructor has violated this chapter or a rule adopted under this
5 chapter, the executive director [~~agency~~] may, without notice:

6 (1) order a peer review of the course provider,
7 driving safety school, or driving safety instructor;

8 (2) suspend the enrollment of students in the school
9 or the offering of instruction by the instructor; or

10 (3) suspend the right to purchase course completion
11 certificate numbers.

12 (c) A peer review ordered under this section must be
13 conducted by a team of knowledgeable persons selected by the
14 department [~~agency~~]. The team shall provide the department
15 [~~agency~~] with an objective assessment of the content of the
16 school's or course provider's curriculum and its application. The
17 school or course provider shall pay the costs of the peer review.

18 (d) A suspension of enrollment under Subsection (a)(2) or
19 (b)(2) means a ruling by the executive director [~~commissioner~~] that
20 restricts a school from:

21 (1) accepting enrollments or reenrollments;

22 (2) advertising;

23 (3) soliciting; or

24 (4) directly or indirectly advising prospective
25 students of its program or course offerings.

26 SECTION 53. Section [1001.458](#), Education Code, is amended to
27 read as follows:

1 Sec. 1001.458. SURRENDER OF LICENSE. (a) A license holder
2 whose license is suspended or revoked shall surrender the license
3 to the department [~~agency~~] not later than the fifth day after the
4 date of suspension or revocation.

5 (b) The department [~~agency~~] may reinstate a suspended
6 license on full compliance by the license holder with this chapter.

7 SECTION 54. Section 1001.459, Education Code, is amended to
8 read as follows:

9 Sec. 1001.459. APPEAL AND REQUEST FOR HEARING. (a) A
10 person aggrieved by a denial, suspension, or revocation of a
11 license may appeal the action and request a hearing before the State
12 Office of Administrative Hearings, which shall promptly set a
13 hearing date and give written notice of the time and place of the
14 hearing to the person. An administrative law judge of the State
15 Office of Administrative Hearings shall conduct the hearing
16 [~~commissioner~~].

17 (b) The administrative law judge shall make findings of fact
18 and conclusions of law and promptly issue to the commission a
19 proposal for a decision about the appealed action [~~request must be~~
20 ~~submitted not later than the 15th day after the date the person~~
21 ~~receives notice under Section 1001.455. On receipt of a request for~~
22 ~~a hearing, the commissioner shall set a time and place for the~~
23 ~~hearing and send notice of the time and place to the aggrieved~~
24 ~~person].~~

25 SECTION 55. Sections 1001.553(a), (b), and (c), Education
26 Code, are amended to read as follows:

27 (a) After an opportunity for a hearing, the executive

1 director or commission [~~commissioner~~] may impose an administrative
2 penalty on a person who violates this chapter or a rule adopted
3 under this chapter.

4 (b) The amount of the penalty may not exceed \$5,000 [~~\$1,000~~]
5 a day for each violation.

6 (c) An administrative penalty under this section shall be
7 imposed and collected as provided by Subchapter F, Chapter 51,
8 Occupations Code. [~~The attorney general, at the request of the~~
9 ~~agency, may bring an action to collect the penalty.~~]

10 SECTION 56. Section 1001.555(b), Education Code, is amended
11 to read as follows:

12 (b) The department [~~agency~~] shall contract with the
13 Department of Public Safety [~~department~~] to provide undercover and
14 investigative assistance in the enforcement of Subsection (a).

15 SECTION 57. Article 45.0511(b), Code of Criminal Procedure,
16 is amended to read as follows:

17 (b) The judge shall require the defendant to successfully
18 complete a driving safety course approved by the Texas Department
19 of Licensing and Regulation [~~Education Agency~~] or a course under
20 the motorcycle operator training and safety program approved by the
21 designated state agency under Chapter 662, Transportation Code, if:

22 (1) the defendant elects driving safety course or
23 motorcycle operator training course dismissal under this article;

24 (2) the defendant:

25 (A) has not completed an approved driving safety
26 course or motorcycle operator training course, as appropriate,
27 within the 12 months preceding the date of the offense; or

1 (B) does not have a valid Texas driver's license
2 or permit, is a member, or the spouse or dependent child of a
3 member, of the United States military forces serving on active
4 duty, and has not completed a driving safety course or motorcycle
5 operator training course, as appropriate, in another state within
6 the 12 months preceding the date of the offense;

7 (3) the defendant enters a plea under Article 45.021
8 in person or in writing of no contest or guilty on or before the
9 answer date on the notice to appear and:

10 (A) presents in person or by counsel to the court
11 a request to take a course; or

12 (B) sends to the court by certified mail, return
13 receipt requested, postmarked on or before the answer date on the
14 notice to appear, a written request to take a course;

15 (4) the defendant:

16 (A) has a valid Texas driver's license or permit;
17 or

18 (B) is a member, or the spouse or dependent child
19 of a member, of the United States military forces serving on active
20 duty;

21 (5) the defendant is charged with an offense to which
22 this article applies, other than speeding at a speed of:

23 (A) 95 miles per hour or more; or

24 (B) 25 miles per hour or more over the posted
25 speed limit; and

26 (6) the defendant provides evidence of financial
27 responsibility as required by Chapter 601, Transportation Code.

SECTION 58. Section 501.004(b), Transportation Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a trailer or semitrailer used only for the transportation of farm products if the products are not transported for hire;

(2) the filing or recording of a lien that is created only on an automobile accessory, including a tire, radio, or heater;

(3) a motor vehicle while it is owned or operated by the United States; or

(4) a new motor vehicle on loan to a political subdivision of the state for use only in a driver education course approved by the Texas Department of Licensing and Regulation [~~Central Education Agency~~].

SECTION 59. Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, is amended 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 Department of Licensing and Regulation [~~Education Agency~~] under Section 29.902, Education Code, or a driver education course approved by the Texas Department of

1 Licensing and Regulation [~~that agency~~] under Section 1001.101,
2 Education Code, [~~of that code~~] or approved by the department under
3 Section 521.205; or

4 (2) if the person is 18 years of age or older, a driver
5 education course approved by the Texas Department of Licensing and
6 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015,
7 Education Code.

8 SECTION 60. Section 521.1601, Transportation Code, as added
9 by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
10 Session, 2009, is amended to read as follows:

11 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
12 may not issue a driver's license to a person who is younger than 25
13 years of age unless the person submits to the department a driver
14 education certificate issued under Chapter 1001, Education Code,
15 that states that the person has completed and passed:

16 (1) a driver education and traffic safety course
17 approved by the Texas Department of Licensing and Regulation
18 [~~Education Agency~~] under Section 29.902, Education Code, or a
19 driver education course approved by the Texas Department of
20 Licensing and Regulation [~~that agency~~] under Section 1001.101,
21 Education Code, [~~1001.101(a)(1) of that code~~] or approved by the
22 department under Section 521.205; or

23 (2) if the person is 18 years of age or older, a driver
24 education course approved by the Texas Department of Licensing and
25 Regulation [~~Education Agency~~] under Section 1001.101 or 1001.1015
26 [~~Section 1001.101(a)(1) or (2)]~~, Education Code.

27 SECTION 61. Section 521.1655(a), Transportation Code, is

amended to read as follows:

(a) A driver education school licensed under Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] may administer to a student of that school the vision, highway sign, and traffic law parts of the examination required by Section 521.161.

SECTION 62. Section 521.167, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

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 Department of Licensing and Regulation [~~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 63. Section 521.203, Transportation Code, is amended to read as follows:

Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The department may not issue a Class A or Class B driver's license to a person who:

- (1) is under 17 years of age;
- (2) is under 18 years of age unless the person has completed a driver training course approved by the Texas Department of Licensing and Regulation [~~Central Education Agency~~]; or
- (3) has not provided the department with an affidavit,

on a form prescribed by the department, that states that no vehicle that the person will drive that requires a Class A or Class B license is a commercial motor vehicle as defined by Section 522.003.

SECTION 64. 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 1001.055, Education Code, 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 Department of Licensing and Regulation [~~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;

(4) has submitted to the department written parental or guardian permission:

(A) for the department to access the applicant's school enrollment records maintained by the Texas Education Agency;

1 and

2 (B) for a school administrator or law enforcement
3 officer to notify the department in the event that the person has
4 been absent from school for at least 20 consecutive instructional
5 days; and

6 (5) has passed the examination required by Section
7 521.161.

8 SECTION 65. Sections 521.205(b) and (d), Transportation
9 Code, are amended to read as follows:

10 (b) The department may not approve a course unless it
11 determines that the course materials are at least equal to those
12 required in a course approved by the Texas Department of Licensing
13 and Regulation [~~Education Agency~~], except that the department may
14 not require that:

15 (1) the classroom instruction be provided in a room
16 with particular characteristics or equipment; or

17 (2) the vehicle used for the behind-the-wheel
18 instruction have equipment other than the equipment otherwise
19 required by law for operation of the vehicle on a highway while the
20 vehicle is not being used for driver training.

21 (d) Completion of a driver education course approved under
22 this section has the same effect under this chapter as completion of
23 a driver education course approved by the Texas Department of
24 Licensing and Regulation [~~Education Agency~~].

25 SECTION 66. Sections 521.222(a) and (c), Transportation
26 Code, are amended to read as follows:

27 (a) The department or a driver education school licensed

under Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

(1) is 15 years of age or older but under 18 years of age;

(2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 521.205;

(3) meets the requirements imposed under Section 521.204(a)(3) [~~521.204(3)~~]; and

(4) has passed each examination required under Section 521.161 other than the driving test.

(c) A driver education school may issue an instruction permit to a person 18 years of age or older who has successfully passed:

(1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~]; and

(2) each part of the driver's examination required by Section 521.161 other than the driving test.

SECTION 67. Sections 543.111 and 543.112, Transportation Code, are amended to read as follows:

Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a) The Texas Commission of Licensing and Regulation [~~State Board of Education~~] shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a

1 curriculum for driving safety courses.

2 (b) The Texas Commission of Licensing and Regulation and
3 Texas Department of Licensing and Regulation, as appropriate,
4 ~~[Education Agency]~~ shall:

5 (1) adopt and administer comprehensive rules
6 governing driving safety courses; and

7 (2) investigate options to develop and implement
8 procedures to electronically transmit information pertaining to
9 driving safety courses to municipal and justice courts.

10 Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE
11 COMPLETION. (a) The Texas Commission of Licensing and Regulation
12 ~~[Education Agency]~~ by rule shall provide for the design and
13 distribution of uniform certificates of course completion so as to
14 prevent to the greatest extent possible the unauthorized production
15 or misuse of the certificates.

16 (b) The uniform certificate of course completion must
17 include an identifying number by which the Texas Department of
18 Licensing and Regulation ~~[Education Agency]~~, the court, or the
19 department may verify its authenticity with the course provider and
20 must be in a form adopted by the Texas Department of Licensing and
21 Regulation ~~[Education Agency]~~.

22 (c) The Texas Department of Licensing and Regulation
23 ~~[Education Agency]~~ shall issue duplicate uniform certificates of
24 course completion. The Texas Commission of Licensing and
25 Regulation ~~[State Board of Education]~~ by rule shall determine the
26 amount of the fee to be charged for issuance of a duplicate
27 certificate.

(d) A driving safety course provider shall electronically submit data identified by the Texas Department of Licensing and Regulation [~~Education Agency~~] pertaining to issued uniform certificates of course completion to the Texas Department of Licensing and Regulation [~~agency~~] as directed by the Texas Department of Licensing and Regulation [~~agency~~].

SECTION 68. Sections 543.113(a) and (c), Transportation Code, are amended to read as follows:

(a) The Texas Department of Licensing and Regulation [~~Education Agency~~] shall print the uniform certificates and supply them to persons who are licensed providers of courses approved under Chapter 1001, Education Code [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]. The Texas Commission of Licensing and Regulation by rule shall establish [~~Agency may charge~~] a fee for each certificate. [~~The fee may not exceed \$4.~~]

(c) Money collected by the Texas Department of Licensing and Regulation [~~Education Agency~~] under this section may be used only to pay monetary awards for information relating to abuse of uniform certificates that leads to the conviction or removal of an approval, license, or authorization.

SECTION 69. Section 543.114(a), Transportation Code, is amended to read as follows:

(a) A person may not distribute written information to advertise a provider of a driving safety course within 500 feet of a court having jurisdiction over an offense to which this subchapter applies. A violation of this section by a provider or a provider's

1 agent, employee, or representative results in loss of the
2 provider's status as a provider of a course approved under Chapter
3 1001, Education Code [~~the Texas Driver and Safety Education Act~~
4 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)~~].

5 SECTION 70. Section 545.412(g), Transportation Code, is
6 amended to read as follows:

7 (g) A judge, acting under Article 45.0511, Code of Criminal
8 Procedure, who elects to defer further proceedings and to place a
9 defendant accused of a violation of this section on probation under
10 that article, in lieu of requiring the defendant to complete a
11 driving safety course approved by the Texas Department of Licensing
12 and Regulation [~~Education Agency~~], shall require the defendant to
13 attend and present proof that the defendant has successfully
14 completed a specialized driving safety course approved by the Texas
15 Department of Licensing and Regulation [~~Education Agency~~] under
16 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
17 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
18 that includes four hours of instruction that encourages the use of
19 child passenger safety seat systems and the wearing of seat belts
20 and emphasizes:

21 (1) the effectiveness of child passenger safety seat
22 systems and seat belts in reducing the harm to children being
23 transported in motor vehicles; and

24 (2) the requirements of this section and the penalty
25 for noncompliance.

26 SECTION 71. Section 545.413(i), Transportation Code, is
27 amended to read as follows:

(i) A judge, acting under Article 45.0511, Code of Criminal Procedure, who elects to defer further proceedings and to place a defendant accused of a violation of Subsection (b) on probation under that article, in lieu of requiring the defendant to complete a driving safety course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~], shall require the defendant to attend and present proof that the defendant has successfully completed a specialized driving safety course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] under Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes:

(1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and

(2) the requirements of this section and the penalty for noncompliance.

SECTION 72. (a) The following provisions of the Education Code are repealed:

(1) Section 1001.001(1);

(2) Section 1001.006;

(3) Section 1001.454;

(4) Sections 1001.460 and 1001.461; and

(5) Sections 1001.551 and 1001.552.

(b) Section 521.167, Transportation Code, as added by

1 Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
2 Session, 2009, is repealed.

3 SECTION 73. The change in law made by this Act to Section
4 1001.553(b), Education Code, applies only to the imposition of an
5 administrative penalty for a violation that occurs on or after the
6 effective date of this Act. The imposition of an administrative
7 penalty for a violation that occurs before the effective date of
8 this Act is governed by the law in effect on the date the violation
9 occurred, and that law is continued in effect for that purpose.

10 SECTION 74. (a) On September 1, 2015:

11 (1) all functions and activities relating to Chapter
12 1001, Education Code, performed by the Texas Education Agency
13 immediately before that date are transferred to the Texas
14 Department of Licensing and Regulation;

15 (2) all rules, policies, procedures, decisions, and
16 forms adopted by the commissioner of education that relate to
17 Chapter 1001, Education Code, are continued in effect as rules,
18 policies, procedures, decisions, and forms of the Texas Commission
19 of Licensing and Regulation or the Texas Department of Licensing
20 and Regulation, as applicable, and remain in effect until amended
21 or replaced by that commission or department;

22 (3) a reference to the Texas Education Agency in a law
23 or administrative rule that relates to Chapter 1001, Education
24 Code, means the Texas Commission of Licensing and Regulation or the
25 Texas Department of Licensing and Regulation, as applicable;

26 (4) a complaint, investigation, or other proceeding
27 before the Texas Education Agency that is related to Chapter 1001,

1 Education Code, is transferred without change in status to the
2 Texas Department of Licensing and Regulation, and the Texas
3 Department of Licensing and Regulation assumes, as appropriate and
4 without a change in status, the position of the Texas Education
5 Agency in an action or proceeding to which the Texas Education
6 Agency is a party;

7 (5) all money, contracts, leases, property, and
8 obligations of the Texas Education Agency related to Chapter 1001,
9 Education Code, are transferred to the Texas Department of
10 Licensing and Regulation;

11 (6) all property in the custody of the Texas Education
12 Agency related to Chapter 1001, Education Code, is transferred to
13 the Texas Department of Licensing and Regulation; and

14 (7) the unexpended and unobligated balance of any
15 money appropriated by the legislature for the Texas Education
16 Agency related to Chapter 1001, Education Code, is transferred to
17 the Texas Department of Licensing and Regulation.

18 (b) Before September 1, 2015, the Texas Education Agency may
19 agree with the Texas Department of Licensing and Regulation to
20 transfer any property of the Texas Education Agency to the Texas
21 Department of Licensing and Regulation to implement the transfer
22 required by this Act.

23 SECTION 75. The changes in law made by this Act to Chapter
24 1001, Education Code, apply only to a fee charged on or after
25 September 1, 2015. A fee charged before September 1, 2015, is
26 governed by the law in effect immediately before that date, and the
27 former law is continued in effect for that purpose.

1 SECTION 76. This Act takes effect September 1, 2015.