

1-1 By: Dutton (Senate Sponsor - Campbell) H.B. No. 1786
 1-2 (In the Senate - Received from the House May 4, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on
 1-4 Education; May 22, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;
 1-6 May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Garcia	X			
1-13 Huffines	X			
1-14 Kolkhorst			X	
1-15 Rodríguez	X			
1-16 Seliger	X			
1-17 Taylor of Collin	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 1786 By: Campbell

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the transfer of driver and traffic safety education
 1-24 from the Texas Education Agency and the Department of Public Safety
 1-25 to the Texas Department of Licensing and Regulation; changing the
 1-26 amounts of certain fees.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 29.902(a), Education Code, is amended to
 1-29 read as follows:

1-30 (a) The Texas Department of Licensing and Regulation
 1-31 ~~[agency]~~ shall develop a program of organized instruction in driver
 1-32 education and traffic safety for public school students. A student
 1-33 who will be 15 years of age or older before a driver education and
 1-34 traffic safety course ends may enroll in the course.

1-35 SECTION 2. Section 51.308, Education Code, is amended to
 1-36 read as follows:

1-37 Sec. 51.308. DRIVER EDUCATION. A driver education course
 1-38 for the purpose of preparing students to obtain a driver's license
 1-39 may be offered by an institution of higher education, as defined by
 1-40 Section 61.003, with the approval of the Texas Department of
 1-41 Licensing and Regulation ~~[Central Education Agency]~~.

1-42 SECTION 3. Section 1001.001, Education Code, is amended by
 1-43 amending Subdivisions (2), (3), (4), and (5) and adding Subdivision
 1-44 (13-a) to read as follows:

1-45 (2) "Approved driving safety course" means a driving
 1-46 safety course approved by the department ~~[commissioner]~~.

1-47 (3) "Commission" ~~["Commissioner"]~~ means the Texas
 1-48 Commission of Licensing and Regulation ~~[commissioner of
 1-49 education]~~.

1-50 (4) "Course provider" means an enterprise that:

1-51 (A) maintains a place of business or solicits
 1-52 business in this state;

1-53 (B) is operated by an individual, association,
 1-54 partnership, or corporation; and

1-55 (C) has received an approval for a driving safety
 1-56 course from the department ~~[commissioner]~~ or has been designated by
 1-57 a person who has received that approval to conduct business and
 1-58 represent the person in this state.

1-59 (5) "Department" means the Texas Department of
 1-60 Licensing and Regulation ~~[Public Safety]~~.

2-1 (13-a) "Executive director" means the executive
 2-2 director of the department.

2-3 SECTION 4. Section 1001.002(c), Education Code, is amended
 2-4 to read as follows:

2-5 (c) A driver education course is exempt from this chapter,
 2-6 other than Section 1001.055, if the course is:

2-7 (1) conducted by a vocational driver training school
 2-8 operated to train or prepare a person for a field of endeavor in a
 2-9 business, trade, technical, or industrial occupation;

2-10 (2) conducted by a school or training program that
 2-11 offers only instruction of purely avocational or recreational
 2-12 subjects as determined by the department ~~[commissioner]~~;

2-13 (3) sponsored by an employer to train its own
 2-14 employees without charging tuition;

2-15 (4) sponsored by a recognized trade, business, or
 2-16 professional organization with a closed membership to instruct the
 2-17 members of the organization; or

2-18 (5) conducted by a school regulated and approved under
 2-19 another law of this state.

2-20 SECTION 5. Section 1001.003, Education Code, is amended to
 2-21 read as follows:

2-22 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
 2-23 BUSINESSES. It is the intent of the legislature that commission
 2-24 ~~[agency]~~ rules that affect driver training schools that qualify as
 2-25 small businesses be adopted and administered so as to have the least
 2-26 possible adverse economic effect on the schools.

2-27 SECTION 6. Section 1001.004, Education Code, as amended by
 2-28 Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st
 2-29 Legislature, Regular Session, 2009, is reenacted and amended to
 2-30 read as follows:

2-31 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except
 2-32 as provided by Subsection (b), the cost of administering this
 2-33 chapter shall be included in the state budget allowance for the
 2-34 department ~~[agency]~~.

2-35 (b) The department ~~[commissioner]~~ may charge a fee to each
 2-36 driver education school in an amount not to exceed the actual
 2-37 expense incurred in the regulation of driver education courses
 2-38 established under Section 1001.1015.

2-39 SECTION 7. Sections 1001.051, 1001.052, and 1001.053,
 2-40 Education Code, are amended to read as follows:

2-41 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
 2-42 ~~[agency]~~ has jurisdiction over and control of driver training
 2-43 schools regulated under this chapter.

2-44 Sec. 1001.052. RULES. The commission ~~[agency]~~ shall adopt
 2-45 ~~[and administer]~~ comprehensive rules governing driving safety
 2-46 courses.

2-47 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION,
 2-48 AND EXECUTIVE DIRECTOR ~~[COMMISSIONER]~~. (a) The department and
 2-49 executive director, as appropriate, [commissioner] shall:

2-50 (1) administer ~~[the policies of]~~ this chapter;

2-51 (2) enforce minimum standards for driver training
 2-52 schools under this chapter;

2-53 (3) ~~[adopt and]~~ enforce rules adopted by the
 2-54 commission that are necessary to administer this chapter; and

2-55 (4) inspect [visit] a driver training school or course
 2-56 provider and reinspect [reexamine] the school or course provider
 2-57 for compliance with this chapter.

2-58 (b) The executive director ~~[commissioner]~~ may designate a
 2-59 person knowledgeable in the administration of regulating driver
 2-60 training schools to administer this chapter.

2-61 (c) The commission shall adopt rules necessary to
 2-62 administer this chapter. The commission ~~[commissioner]~~ may adopt
 2-63 rules to ensure the integrity of approved driving safety courses
 2-64 and to enhance program quality.

2-65 SECTION 8. The heading to Section 1001.054, Education Code,
 2-66 is amended to read as follows:

2-67 Sec. 1001.054. RULES RESTRICTING ADVERTISING ~~[OR~~
 2-68 ~~COMPETITIVE BIDDING]~~.

2-69 SECTION 9. Section 1001.054(c), Education Code, is amended

3-1 to read as follows:

3-2 (c) The commission [~~commissioner~~] by rule may restrict
3-3 advertising by a branch location of a driver training school so that
3-4 the location adequately identifies the primary location of the
3-5 school in a solicitation.

3-6 SECTION 10. Sections 1001.055(a), (a-1), (a-2), (b), and
3-7 (c), Education Code, are amended to read as follows:

3-8 (a) The department [~~agency~~] shall provide to each licensed
3-9 or exempt driver education school and to each parent-taught course
3-10 provider approved under this chapter driver education certificates
3-11 or certificate numbers to enable the school or [~~and each~~] approved
3-12 parent-taught course provider [~~(approved by the Texas Department of~~
3-13 ~~Public Safety under Section 521.205 of the Transportation Code)] to~~
3-14 print and issue department-approved [~~agency-approved~~] driver
3-15 education certificates [~~with the certificate numbers~~] to certify
3-16 [~~be used for certifying~~] completion of an approved driver education
3-17 course and [~~to~~] satisfy the requirements of Sections 521.204(a)(2),
3-18 Transportation Code, [~~and~~] 521.1601, Transportation Code, as added
3-19 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
3-20 Session, 2009, and 521.1601, Transportation Code, as added by
3-21 Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
3-22 Session, 2009.

3-23 (a-1) A certificate printed and issued by a driver education
3-24 school or parent-taught [~~Department of Public Safety approved~~]
3-25 course provider approved under this chapter must:

3-26 (1) be in a form required by the department [~~agency~~];
3-27 and

3-28 (2) include an identifying certificate number
3-29 provided by the department [~~agency~~] that may be used to verify the
3-30 authenticity of the certificate with the driver education school or
3-31 approved parent-taught [~~Department of Public Safety approved~~]
3-32 course provider.

3-33 (a-2) A driver education school or parent-taught
3-34 [~~Department of Public Safety approved~~] course provider approved
3-35 under this chapter that purchases driver education certificate
3-36 numbers shall provide for the printing and issuance of original and
3-37 duplicate certificates in a manner that, to the greatest extent
3-38 possible, prevents the unauthorized production or the misuse of the
3-39 certificates. The driver education school or approved
3-40 parent-taught [~~Department of Public Safety approved~~] course
3-41 provider shall electronically submit to the department [~~agency~~] in
3-42 the manner established by the department [~~agency~~] data identified
3-43 by the department [~~agency~~] relating to issuance of
3-44 department-approved [~~agency-approved~~] driver education
3-45 certificates with the certificate numbers.

3-46 (b) The commission [~~agency~~] by rule shall provide for the
3-47 design and distribution of the certificates and certificate numbers
3-48 in a manner that, to the greatest extent possible, prevents the
3-49 unauthorized reproduction or misuse of the certificates or
3-50 certificate numbers.

3-51 (c) The commission by rule shall establish [~~agency may~~
3-52 ~~charge~~] a fee [~~of not more than \$4~~] for each certificate or
3-53 certificate number.

3-54 SECTION 11. Sections 1001.056(b), (c), (d), (e), and (g),
3-55 Education Code, are amended to read as follows:

3-56 (b) The department [~~agency~~] shall provide each licensed
3-57 course provider with course completion certificate numbers to
3-58 enable the provider to print and issue department-approved
3-59 [~~agency-approved~~] uniform certificates of course completion.

3-60 (c) The commission [~~agency~~] by rule shall provide for the
3-61 design of the certificates and the distribution of certificate
3-62 numbers in a manner that, to the greatest extent possible, prevents
3-63 the unauthorized production or the misuse of the certificates or
3-64 certificate numbers.

3-65 (d) A certificate under this section must:

3-66 (1) be in a form required by the department [~~agency~~];
3-67 and

3-68 (2) include an identifying number by which the
3-69 department [~~agency~~], a court, or the Department of Public Safety

4-1 [~~department~~] may verify its authenticity with the course provider.
4-2 (e) The commission by rule shall establish [~~agency may~~
4-3 ~~charge~~] a fee [~~of not more than \$4~~] for each course completion
4-4 certificate number. A course provider that supplies a certificate
4-5 to an operator shall collect from the operator a fee equal to the
4-6 amount of the fee paid to the department [~~agency~~] for the
4-7 certificate number.

4-8 (g) A course provider shall issue a duplicate certificate by
4-9 United States mail or commercial delivery. The commission
4-10 [~~commissioner~~] by rule shall determine the amount of the fee for
4-11 issuance of a duplicate certificate under this subsection.

4-12 SECTION 12. Section 1001.057, Education Code, is amended to
4-13 read as follows:

4-14 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
4-15 COURSE INFORMATION. The department [~~agency~~] shall investigate
4-16 options to develop and implement procedures to electronically
4-17 transmit information relating to driving safety courses to
4-18 municipal and justice courts.

4-19 SECTION 13. Subchapter B, Chapter 1001, Education Code, is
4-20 amended by adding Section 1001.058 to read as follows:

4-21 Sec. 1001.058. ADVISORY COMMITTEE. (a) The commission
4-22 shall establish an advisory committee to advise the commission and
4-23 department on rules and educational and technical matters relevant
4-24 to the administration of this chapter.

4-25 (b) The advisory committee consists of eleven members
4-26 appointed for staggered six-year terms by the presiding officer of
4-27 the commission, with the approval of the commission, as follows:

4-28 (1) one member representing a driver education school
4-29 that offers a traditional classroom course and in-car training;

4-30 (2) one member representing a driver education school
4-31 that offers a traditional classroom course, alternative methods of
4-32 instruction, or in-car training;

4-33 (3) one member representing a driving safety school
4-34 offering a traditional classroom course or providing an alternative
4-35 method of instruction;

4-36 (4) one member representing a driving safety course
4-37 provider approved for a traditional classroom course and for an
4-38 alternative method of instruction;

4-39 (5) one member representing a driving safety course
4-40 provider approved for a traditional classroom course or for an
4-41 alternative method of instruction;

4-42 (6) one licensed instructor;

4-43 (7) one representative of the Department of Public
4-44 Safety;

4-45 (8) one member representing a drug and alcohol driving
4-46 awareness program course provider;

4-47 (9) one member representing a parent-taught course
4-48 provider; and

4-49 (10) two members representing the public.

4-50 (c) The presiding officer of the commission shall appoint
4-51 the presiding officer of the advisory committee. The presiding
4-52 officer of the advisory committee may vote on any matter before the
4-53 advisory committee.

4-54 (d) A member may not serve two consecutive full terms.

4-55 (e) If a vacancy occurs during a term, the presiding officer
4-56 of the commission, with the approval of the commission, shall
4-57 appoint a replacement who meets the qualifications of the vacated
4-58 position to serve for the remainder of the term.

4-59 (f) A member of the advisory committee may be removed from
4-60 the advisory committee as provided by Section 51.209, Occupations
4-61 Code.

4-62 (g) Members of the advisory committee may not receive
4-63 compensation but are entitled to reimbursement for actual and
4-64 necessary expenses incurred in performing the functions of the
4-65 advisory committee, subject to the General Appropriations Act.

4-66 (h) The committee shall meet at the call of the presiding
4-67 officer of the commission.

4-68 (i) Chapter 2110, Government Code, does not apply to the
4-69 advisory committee.

5-1 SECTION 14. The heading to Subchapter C, Chapter 1001,
5-2 Education Code, is amended to read as follows:

5-3 SUBCHAPTER C. OPERATION OF DRIVER EDUCATION SCHOOL [~~CURRICULUM~~]

5-4 SECTION 15. Sections 1001.101(a) and (b), Education Code,
5-5 are amended to read as follows:

5-6 (a) The commission [~~commissioner~~] by rule shall establish
5-7 or approve the curriculum and designate the educational materials
5-8 [~~textbooks~~] to be used in a driver education course for minors and
5-9 adults, including a driver education course conducted by a school
5-10 district, driver education school, or parent or other individual
5-11 under this chapter [~~Section 521.205, Transportation Code~~].

5-12 (b) A driver education course must require the student to
5-13 complete:

5-14 (1) 7 hours of behind-the-wheel instruction in the
5-15 presence of a person who holds a driver education instructor
5-16 license or who meets the requirements for a driver education course
5-17 conducted by a parent or other individual under Section 1001.112
5-18 [~~imposed under Section 521.205, Transportation Code~~];

5-19 (2) 7 hours of observation instruction in the presence
5-20 of a person who holds a driver education instructor license or who
5-21 meets the requirements for a driver education course conducted by a
5-22 parent or other individual under Section 1001.112 [~~imposed under~~
5-23 ~~Section 521.205, Transportation Code~~]; and

5-24 (3) 30 hours of behind-the-wheel instruction,
5-25 including at least 10 hours of instruction that takes place at
5-26 night, in the presence of an adult who meets the requirements of
5-27 Section 521.222(d)(2), Transportation Code.

5-28 SECTION 16. Section 1001.1015(a), Education Code, is
5-29 amended to read as follows:

5-30 (a) The commission [~~commissioner~~] by rule shall establish
5-31 the curriculum and designate the educational materials to be used
5-32 in a driver education course exclusively for adults.

5-33 SECTION 17. Section 1001.102, Education Code, is amended to
5-34 read as follows:

5-35 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
5-36 commission [~~agency~~] by rule shall require that information relating
5-37 to alcohol awareness and the effect of alcohol on the effective
5-38 operation of a motor vehicle be included in the curriculum of any
5-39 driver education course or driving safety course.

5-40 (b) In developing rules under this section, the commission
5-41 [~~agency~~] shall consult with the Department of Public Safety
5-42 [~~department~~].

5-43 SECTION 18. Section 1001.1025, Education Code, is amended
5-44 to read as follows:

5-45 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) The
5-46 commission [~~agency~~] by rule shall require that information relating
5-47 to motorcycle awareness, the dangers of failing to yield the
5-48 right-of-way to a motorcyclist, and the need to share the road with
5-49 motorcyclists be included in the curriculum of any driver education
5-50 course or driving safety course.

5-51 (b) In developing rules under this section, the commission
5-52 [~~agency~~] shall consult with the Department of Public Safety
5-53 [~~department~~].

5-54 SECTION 19. Sections 1001.103(b), (d), and (e), Education
5-55 Code, are amended to conform to S.B. 219, Acts of the 84th
5-56 Legislature, Regular Session, 2015, and further amended to read as
5-57 follows:

5-58 (b) The department [~~agency~~] shall develop standards for a
5-59 separate school certification and approve curricula for drug and
5-60 alcohol driving awareness programs that include one or more
5-61 courses. Except as provided by commission [~~agency~~] rule, a program
5-62 must be offered in the same manner as a driving safety course.

5-63 (d) The department [~~In accordance with Section 461.013(b),~~
5-64 ~~Health and Safety Code, the agency~~] and the Department of State
5-65 Health Services [~~Texas Commission on Alcohol and Drug Abuse~~] shall
5-66 enter into a memorandum of understanding for the interagency
5-67 approval of the required curricula.

5-68 (e) The commission [~~Notwithstanding Section 1001.056,~~
5-69 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~]

6-1 may establish fees in connection with the programs under this
 6-2 section. The fees must be in amounts reasonable and necessary to
 6-3 administer the department's [agency's] duties under this section.

6-4 SECTION 20. Sections 1001.104 and 1001.105, Education Code,
 6-5 are amended to read as follows:

6-6 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)
 6-7 The department [agency] shall enter into a memorandum of
 6-8 understanding with the state agency responsible for administering
 6-9 the vocational rehabilitation program [Texas Rehabilitation
 6-10 Commission] and the Department of Public Safety [department] for
 6-11 the interagency development of curricula and licensing criteria for
 6-12 hospital and rehabilitation facilities that teach driver
 6-13 education.

6-14 (b) The department [agency] shall administer comprehensive
 6-15 rules governing driver education courses developed through
 6-16 interagency cooperation between [adopted by mutual agreement
 6-17 among] the commission [agency], the state agency responsible for
 6-18 administering the vocational rehabilitation program [Texas
 6-19 Rehabilitation Commission], and the Department of Public Safety
 6-20 [department].

6-21 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
 6-22 department [agency] shall enter into a memorandum of understanding
 6-23 with the Texas Department of Insurance for the [interagency]
 6-24 development of a curriculum for driving safety courses.

6-25 SECTION 21. Sections 1001.106(b), (c), and (d), Education
 6-26 Code, are amended to read as follows:

6-27 (b) The commission [commissioner] by rule shall provide
 6-28 minimum standards of curriculum relating to operation of vehicles
 6-29 at railroad and highway grade crossings.

6-30 (c) Subchapter F, Chapter 51, Occupations Code, and Section
 6-31 51.353, Occupations Code, [Sections 1001.454, 1001.456, and
 6-32 1001.553] do not apply to a violation of this section or a rule
 6-33 adopted under this section.

6-34 (d) Section 51.352, Occupations Code, and Sections
 6-35 1001.455(a)(6) [1001.501, 1001.551, 1001.552,] and 1001.554 of
 6-36 this code do not apply to a violation of this section.

6-37 SECTION 22. Section 1001.107, Education Code, is amended to
 6-38 read as follows:

6-39 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

6-40 (a) The commission [commissioner] by rule shall require that
 6-41 information relating to litter prevention be included in the
 6-42 curriculum of each driver education and driving safety course.

6-43 (b) In developing rules under this section, the commission
 6-44 [commissioner] shall consult the Department of Public Safety
 6-45 [department].

6-46 SECTION 23. Sections 1001.108(a) and (c), Education Code,
 6-47 are amended to read as follows:

6-48 (a) The commission [commissioner] by rule shall require
 6-49 that information relating to anatomical gifts be included in the
 6-50 curriculum of each driver education course and driving safety
 6-51 course.

6-52 (c) In developing rules under this section, the commission
 6-53 [commissioner] shall consult with [the department and] the [Texas]
 6-54 Department of State Health Services.

6-55 SECTION 24. Section 1001.110, Education Code, is amended to
 6-56 read as follows:

6-57 Sec. 1001.110. INFORMATION RELATING TO DRIVING
 6-58 DISTRACTIONS. (a) The commission [commissioner] by rule shall
 6-59 require that information relating to the effect of using a wireless
 6-60 communication device or engaging in other actions that may distract
 6-61 a driver on the safe or effective operation of a motor vehicle be
 6-62 included in the curriculum of each driver education course or
 6-63 driving safety course.

6-64 (b) In developing rules under this section, the commission
 6-65 [commissioner] shall consult with the Department of Public Safety
 6-66 [department].

6-67 SECTION 25. Section 1001.111(a), Education Code, is amended
 6-68 to read as follows:

6-69 (a) The commission [commissioner] by rule shall provide

7-1 minimum standards of curriculum for and designate the educational
7-2 materials to be used in a driving safety course designed for drivers
7-3 younger than 25 years of age.

7-4 SECTION 26. Subchapter C, Chapter 1001, Education Code, is
7-5 amended by adding Section 1001.112 to read as follows:

7-6 Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION. (a) The
7-7 commission by rule shall provide for approval of a driver education
7-8 course conducted by the parent, stepparent, foster parent, legal
7-9 guardian, grandparent, or step-grandparent of a person who is
7-10 required to complete a driver education course to obtain a Class C
7-11 license. The rules must provide that the student driver spend a
7-12 minimum number of hours in classroom and behind-the-wheel
7-13 instruction and that the person conducting the course:

7-14 (1) possess a valid license for the preceding three
7-15 years that has not been suspended, revoked, or forfeited in the past
7-16 three years for an offense that involves the operation of a motor
7-17 vehicle;

7-18 (2) has not been convicted of:

7-19 (A) criminally negligent homicide; or

7-20 (B) driving while intoxicated;

7-21 (3) is not disabled because of mental illness; and

7-22 (4) does not have six or more points assigned to the
7-23 person's driver's license under Subchapter B, Chapter 708,
7-24 Transportation Code, at the time the person begins conducting the
7-25 course.

7-26 (b) The department may approve a course described by
7-27 Subsection (a) if the department determines that the course
7-28 materials are at least equal to those required in a course approved
7-29 by the department, and the department may not require that:

7-30 (1) the classroom instruction be provided in a room
7-31 with particular characteristics or equipment; or

7-32 (2) the vehicle used for the behind-the-wheel
7-33 instruction have equipment other than the equipment otherwise
7-34 required by law for operation of the vehicle on a highway while the
7-35 vehicle is not being used for driver training.

7-36 (c) The rules must provide a method by which:

7-37 (1) approval of a course is obtained;

7-38 (2) an applicant submits proof of completion of the
7-39 course;

7-40 (3) approval for delivering course materials by an
7-41 alternative method, including electronic means, is obtained;

7-42 (4) a provider of a course approved under this section
7-43 may administer to an applicant the highway sign and traffic law
7-44 parts of the examination as provided by Section 521.1655(a-1),
7-45 Transportation Code, through electronic means; and

7-46 (5) an applicant submits proof of passage of an
7-47 examination administered under Subdivision (4).

7-48 (d) Completion of a driver education course approved under
7-49 this section has the same effect under this chapter as completion of
7-50 a driver education course approved by the department.

7-51 SECTION 27. Section 1001.151, Education Code, is amended to
7-52 read as follows:

7-53 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
7-54 FEEES. (a) The commission by rule [~~commissioner~~] shall establish
7-55 [~~collect~~] application, license, and registration fees. The fees
7-56 must be in amounts sufficient to cover administrative costs and are
7-57 nonrefundable. The department shall collect the application,
7-58 license, and registration fees.

7-59 (b) The commission by rule shall establish a fee for:

7-60 (1) an initial driver education school license and [~~is~~
7-61 ~~\$1,000 plus \$850~~] for each branch location; [~~-~~]

7-62 (2) [~~(c) The fee for~~] an initial driving safety
7-63 school license;

7-64 (3) [~~is an appropriate amount established by the~~
7-65 ~~commissioner not to exceed \$200.~~

7-66 [~~(d) The fee for~~] an initial course provider license [~~is an~~
7-67 ~~appropriate amount established by the commissioner not to exceed~~
7-68 ~~\$2,000~~], except that the executive director [~~agency~~] may waive the
7-69 fee; [~~if revenue received from the course provider is sufficient to~~

8-1 ~~cover the cost of licensing the course provider.]~~
8-2 (4) ~~the [(e) The]~~ annual renewal ~~[fee]~~ for a course
8-3 provider, driving safety school, driver education school, or branch
8-4 location ~~[is an appropriate amount established by the commissioner~~
8-5 ~~not to exceed \$200]~~, except that the executive director ~~[agency]~~
8-6 may waive the fee if revenue generated by the issuance of course
8-7 completion certificate numbers and driver education certificates
8-8 is sufficient to cover the cost of administering this chapter and
8-9 Article 45.0511, Code of Criminal Procedure; ~~[-]~~

8-10 (5) ~~[(f) The fee for]~~ a change of address of ~~[+]~~
8-11 ~~[(1)]~~ a driver education school, ~~[is \$180, and~~
8-12 ~~[(2)]~~ a driving safety school, or course provider; ~~[is~~
8-13 ~~\$50.]~~

8-14 (6) ~~[(g) The fee for]~~ a change of name of:
8-15 (A) ~~[(1)]~~ a driver education school or course
8-16 provider or an owner of a driver education school or course provider
8-17 ~~[is \$100]; or [and]~~

8-18 (B) ~~[(2)]~~ a driving safety school or owner of a
8-19 driving safety school; ~~[is \$50.]~~

8-20 (7) ~~[(h) The application fee for]~~ each additional
8-21 driver education or driving safety course at a driver training
8-22 school; ~~and [is \$25.]~~

8-23 (8) ~~an initial [(i) The application fee for]~~
8-24 ~~[(1) each director is \$30, and~~
8-25 ~~[(2) each assistant director or administrative staff~~
8-26 ~~member is \$15.]~~

8-27 ~~[(j) Each]~~ application for approval of a driving safety
8-28 course that has not been evaluated by the department ~~[commissioner~~
8-29 ~~must be accompanied by a nonrefundable fee of \$9,000].~~

8-30 (c) ~~[(k)]~~ An application for an initial ~~[original]~~ driver
8-31 education or driving safety instructor license must be accompanied
8-32 by a processing fee ~~[of \$50]~~ and an annual license fee ~~[of \$25]~~,
8-33 except that the department ~~[commissioner]~~ may not collect the
8-34 processing fee from an applicant for a driver education instructor
8-35 license who is currently teaching a driver education course in a
8-36 public school in this state.

8-37 (d) ~~[(l)]~~ The commission ~~[commissioner]~~ shall establish the
8-38 amount of the fee for a duplicate license.

8-39 (e) ~~[(m)]~~ The commission ~~[commissioner]~~ may establish a fee
8-40 for an application for approval to offer a driver education course
8-41 by an alternative method of instruction under Section 1001.3541 ~~[in~~
8-42 ~~an amount the commissioner considers appropriate, not to exceed the~~
8-43 ~~amount sufficient to cover the costs of considering the~~
8-44 ~~application].~~

8-45 SECTION 28. Section 1001.202(b), Education Code, is amended
8-46 to read as follows:

8-47 (b) A driving safety school may use multiple classroom
8-48 locations to teach a driving safety course if each location:

8-49 (1) is approved by the parent school and the
8-50 department ~~[agency]~~;

8-51 (2) has the same name as the parent school; and
8-52 (3) has the same ownership as the parent school.

8-53 SECTION 29. Sections 1001.204, 1001.205, and 1001.206,
8-54 Education Code, are amended to read as follows:

8-55 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL
8-56 LICENSE. (a) The commission by rule ~~[commissioner]~~ shall establish
8-57 the criteria ~~[approve an application]~~ for a driver education school
8-58 license.

8-59 (b) The department shall approve an application for a driver
8-60 education school license if the application is submitted on a form
8-61 approved by the executive director, includes the fee, and on
8-62 inspection ~~[if, on investigation]~~ of the premises of the school, it
8-63 is determined that the school:

8-64 (1) has courses, curricula, and instruction of a
8-65 quality, content, and length that reasonably and adequately achieve
8-66 the stated objective for which the courses, curricula, and
8-67 instruction are offered;

8-68 (2) has adequate space, equipment, instructional
8-69 material, and instructors to provide training of good quality in

9-1 the classroom and behind the wheel;

9-2 (3) has [~~directors,~~] instructors[~~, and~~
9-3 ~~administrators~~] who have adequate educational qualifications and
9-4 experience;

9-5 (4) provides to each student before enrollment:

9-6 (A) a copy of:

9-7 (i) the refund policy;

9-8 (ii) the schedule of tuition, fees, and
9-9 other charges; and

9-10 (iii) the regulations relating to absence,
9-11 grading policy, and rules of operation and conduct; and

9-12 (B) the department's name, mailing address,
9-13 [~~and~~] telephone number, and Internet website address [~~of the~~
9-14 ~~agency~~] for the purpose of directing complaints to the department
9-15 [~~agency~~];

9-16 (5) maintains adequate records as prescribed by the
9-17 department [~~commissioner~~] to show attendance and progress or grades
9-18 and enforces satisfactory standards relating to attendance,
9-19 progress, and conduct;

9-20 (6) on completion of training, issues each student a
9-21 certificate indicating the course name and satisfactory
9-22 completion;

9-23 (7) complies with all county, municipal, state, and
9-24 federal regulations, including fire, building, and sanitation
9-25 codes and assumed name registration;

9-26 (8) is financially sound and capable of fulfilling its
9-27 commitments for training;

9-28 (9) has [~~administrators, directors,~~] owners[~~7~~] and
9-29 instructors who are of good reputation and character;

9-30 (10) maintains and publishes as part of its student
9-31 enrollment contract the proper policy for the refund of the unused
9-32 portion of tuition, fees, and other charges if a student fails to
9-33 take the course or withdraws or is discontinued from the school at
9-34 any time before completion;

9-35 (11) does not use erroneous or misleading advertising,
9-36 either by actual statement, omission, or intimation, as determined
9-37 by the department [~~commissioner~~];

9-38 (12) does not use a name similar to the name of another
9-39 existing school or tax-supported educational institution in this
9-40 state, unless specifically approved in writing by the executive
9-41 director [~~commissioner~~];

9-42 (13) submits to the department [~~agency~~] for approval
9-43 the applicable course hour lengths and curriculum content for each
9-44 course offered by the school;

9-45 (14) does not owe an administrative penalty for a
9-46 violation of [~~under~~] this chapter; and

9-47 (15) meets any additional criteria required by the
9-48 department [~~agency~~].

9-49 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
9-50 LICENSE. (a) The commission by rule [~~commissioner~~] shall establish
9-51 the criteria [~~approve an application~~] for a driving safety school
9-52 license.

9-53 (b) The department shall approve an application for a
9-54 driving safety school license if the application is submitted on a
9-55 form approved by the executive director, includes the fee, and on
9-56 inspection of the premises of the school, [if on investigation] the
9-57 department [~~agency~~] determines that the school:

9-58 (1) has driving safety courses, curricula, and
9-59 instruction of a quality, content, and length that reasonably and
9-60 adequately achieve the stated objective for which the course,
9-61 curricula, and instruction are developed by the course provider;

9-62 (2) has adequate space, equipment, instructional
9-63 material, and instructors to provide training of good quality;

9-64 (3) has instructors [~~and administrators~~] who have
9-65 adequate educational qualifications and experience;

9-66 (4) maintains adequate records as prescribed by the
9-67 department [~~commissioner~~] to show attendance and progress or grades
9-68 and enforces satisfactory standards relating to attendance,
9-69 progress, and conduct;

10-1 (5) complies with all county, municipal, state, and
 10-2 federal laws, including fire, building, and sanitation codes and
 10-3 assumed name registration;
 10-4 (6) has ~~[administrators,]~~ owners~~[,]~~ and instructors
 10-5 who are of good reputation and character;
 10-6 (7) does not use erroneous or misleading advertising,
 10-7 either by actual statement, omission, or intimation, as determined
 10-8 by the department ~~[commissioner]~~;
 10-9 (8) does not use a name similar to the name of another
 10-10 existing school or tax-supported educational establishment in this
 10-11 state, unless specifically approved in writing by the executive
 10-12 director ~~[commissioner]~~;
 10-13 (9) maintains and uses the approved contract and
 10-14 policies developed by the course provider;
 10-15 (10) does not owe an administrative penalty for a
 10-16 violation of ~~[under]~~ this chapter;
 10-17 (11) will not provide a driving safety course to a
 10-18 person for less than \$25; and
 10-19 (12) meets additional criteria required by the
 10-20 department ~~[commissioner]~~.
 10-21 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.
 10-22 (a) The commission by rule ~~[commissioner]~~ shall establish criteria
 10-23 [approve an application] for a course provider license.
 10-24 (b) The department shall approve an application for a course
 10-25 provider license if the application is submitted on a form approved
 10-26 by the executive director, includes the fee, and on inspection of
 10-27 the premises of the school ~~[if on investigation]~~ the department
 10-28 [agency] determines that:
 10-29 (1) the course provider has an approved course that at
 10-30 least one licensed driving safety school is willing to offer;
 10-31 (2) the course provider has adequate educational
 10-32 qualifications and experience;
 10-33 (3) the course provider will:
 10-34 (A) develop and provide to each driving safety
 10-35 school that offers the approved course a copy of:
 10-36 (i) the refund policy; and
 10-37 (ii) the regulations relating to absence,
 10-38 grading policy, and rules of operation and conduct; and
 10-39 (B) provide to the driving safety school the
 10-40 department's name, mailing address, [and] telephone number, and
 10-41 Internet website address ~~[of the agency]~~ for the purpose of
 10-42 directing complaints to the department ~~[agency]~~;
 10-43 (4) a copy of the information provided to each driving
 10-44 safety school under Subdivision (3) will be provided to each
 10-45 student by the school before enrollment;
 10-46 (5) not later than the 15th working day after the date
 10-47 a ~~[the]~~ person successfully completes the course, the course
 10-48 provider will issue and deliver to the person by United States mail
 10-49 or commercial delivery ~~[mail]~~ a uniform certificate of course
 10-50 completion ~~[to the person]~~ indicating the course name and
 10-51 successful completion;
 10-52 (6) the course provider maintains adequate records as
 10-53 prescribed by the department ~~[commissioner]~~ to show attendance and
 10-54 progress or grades and enforces satisfactory standards relating to
 10-55 attendance, progress, and conduct;
 10-56 (7) the course provider complies with all county,
 10-57 municipal, state, and federal laws, including assumed name
 10-58 registration and other applicable requirements;
 10-59 (8) the course provider is financially sound and
 10-60 capable of fulfilling its commitments for training;
 10-61 (9) the course provider is of good reputation and
 10-62 character;
 10-63 (10) the course provider maintains and publishes as a
 10-64 part of its student enrollment contract the proper policy for the
 10-65 refund of the unused portion of tuition, fees, and other charges if
 10-66 a student fails to take the course or withdraws or is discontinued
 10-67 from the school at any time before completion;
 10-68 (11) the course provider does not use erroneous or
 10-69 misleading advertising, either by actual statement, omission, or

11-1 intimation, as determined by the department [~~commissioner~~];
11-2 (12) the course provider does not use a name similar to
11-3 the name of another existing school or tax-supported educational
11-4 institution in this state, unless specifically approved in writing
11-5 by the executive director [~~commissioner~~];

11-6 (13) the course provider does not owe an
11-7 administrative penalty for a violation of [~~under~~] this chapter; and

11-8 (14) the course provider meets additional criteria
11-9 required by the department [~~commissioner~~].

11-10 SECTION 30. Sections 1001.207(a) and (b), Education Code,
11-11 are amended to read as follows:

11-12 (a) Before a driver education school may be issued a
11-13 license, the school must file a corporate surety bond with the
11-14 department [~~commissioner~~] in the amount of:

11-15 (1) \$10,000 for the primary location of the school;
11-16 and

11-17 (2) \$5,000 for each branch location.

11-18 (b) A bond issued under Subsection (a) must be:

11-19 (1) issued in a form approved by the department
11-20 [~~commissioner~~];

11-21 (2) issued by a company authorized to do business in
11-22 this state;

11-23 (3) payable to the department [~~state~~] to be used only
11-24 for payment of a refund due to a student or potential student;

11-25 (4) conditioned on the compliance of the school and
11-26 its officers, agents, and employees with this chapter and rules
11-27 adopted under this chapter; and

11-28 (5) issued for a period corresponding to the term of
11-29 the license.

11-30 SECTION 31. Section 1001.209(b), Education Code, is amended
11-31 to read as follows:

11-32 (b) A bond issued under Subsection (a) must be:

11-33 (1) issued by a company authorized to do business in
11-34 this state;

11-35 (2) payable to the department [~~state~~] to be used:

11-36 (A) for payment of a refund due a student of the
11-37 course provider's approved course;

11-38 (B) to cover the payment of unpaid fees or
11-39 penalties assessed by the executive director or the commission
11-40 [~~agency~~]; or

11-41 (C) to recover any cost associated with providing
11-42 course completion certificate numbers, including the cancellation
11-43 of certificate numbers;

11-44 (3) conditioned on the compliance of the course
11-45 provider and its officers, agents, and employees with this chapter
11-46 and rules adopted under this chapter; and

11-47 (4) issued for a period corresponding to the term of
11-48 the license.

11-49 SECTION 32. Section 1001.210, Education Code, is amended to
11-50 read as follows:

11-51 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the
11-52 bond required by Section 1001.207 or 1001.209, a driver education
11-53 school or course provider may provide another form of security that
11-54 is:

11-55 (1) [~~(A)~~] approved by the department [~~commissioner~~];
11-56 and

11-57 (2) [~~(B)~~] in the amount required for a comparable bond
11-58 under Section 1001.207 or 1001.209.

11-59 SECTION 33. Sections 1001.211(a) and (b), Education Code,
11-60 are amended to read as follows:

11-61 (a) The executive director [~~commissioner~~] shall issue a
11-62 license to an applicant for a license under this subchapter if:

11-63 (1) the application is submitted in accordance with
11-64 this subchapter; and

11-65 (2) the applicant meets the requirements of this
11-66 chapter.

11-67 (b) A license must be in a form determined by the department
11-68 [~~commissioner~~] and must show in a clear and conspicuous manner:

11-69 (1) the date of issuance, effective date, and term of

12-1 the license;
 12-2 (2) the name and address of the driver training school
 12-3 or course provider;
 12-4 (3) the authority for and conditions of approval; and
 12-5 (4) ~~[the commissioner's signature, and~~
 12-6 ~~[-5-]~~ any other fair and reasonable representation
 12-7 that is consistent with this chapter and that the department
 12-8 ~~[commissioner]~~ considers necessary.

12-9 SECTION 34. Sections 1001.213(c) and (d), Education Code,
 12-10 are amended to read as follows:

12-11 (c) The commission by rule may establish ~~[Instead of the]~~
 12-12 ~~fees [required by Section 1001.151, the fee]~~ for a new driver
 12-13 education school or course provider license under Subsection (b)
 12-14 and [is \$500, plus \$200] for each branch location~~[7]~~ if:

12-15 (1) the new owner is substantially similar to the
 12-16 previous owner; and

12-17 (2) there is no significant change in the management
 12-18 or control of the driver education school or course provider.

12-19 (d) The department may inspect ~~[commissioner is not~~
 12-20 ~~required to reinspect]~~ a school or a branch location after a change
 12-21 of ownership.

12-22 SECTION 35. Section 1001.214, Education Code, is amended to
 12-23 read as follows:

12-24 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
 12-25 be issued to a driver training school or course provider if:

12-26 (1) the original license is lost or destroyed; and

12-27 (2) an affidavit of that fact is filed with the
 12-28 department ~~[agency]~~.

12-29 SECTION 36. Section 1001.251, Education Code, is amended to
 12-30 read as follows:

12-31 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
 12-32 person may not teach or provide driver education, either as an
 12-33 individual or in a driver education school, or conduct any phase of
 12-34 driver education, unless the person holds a driver education
 12-35 instructor license issued by the executive director ~~[agency]~~.

12-36 (b) A person may not teach or provide driving safety
 12-37 training, either as an individual or in a driving safety school, or
 12-38 conduct any phase of driving safety education, unless the person
 12-39 holds a driving safety instructor license issued by the executive
 12-40 director ~~[agency]~~. This subsection does not apply to an instructor
 12-41 of a driving safety course that does not provide a uniform
 12-42 certificate of course completion to its graduates.

12-43 SECTION 37. Sections 1001.2511(b), (c), (d), (e), and (f),
 12-44 Education Code, are amended to read as follows:

12-45 (b) The department ~~[agency]~~ shall review the national
 12-46 criminal history record information of a person who holds a license
 12-47 described by Subsection (a).

12-48 (c) The executive director ~~[agency]~~ shall place a license
 12-49 described by Subsection (a) on inactive status for the license
 12-50 holder's failure to comply with a deadline for submitting
 12-51 information required under this section.

12-52 (d) The department ~~[agency]~~ may allow a person who is
 12-53 applying for a license described by Subsection (a) and who
 12-54 currently resides in another state to submit the person's
 12-55 fingerprints and other required information in a manner that does
 12-56 not impose an undue hardship on the person.

12-57 (e) The commission ~~[commissioner]~~ may adopt rules to
 12-58 administer this section, including rules establishing:

12-59 (1) deadlines for a person to submit fingerprints and
 12-60 photographs in compliance with this section;

12-61 (2) sanctions for a person's failure to comply with the
 12-62 requirements of this section, including suspension or revocation of
 12-63 or refusal to issue a license described by Subsection (a); and

12-64 (3) notification to a driver education school of
 12-65 relevant information obtained by the department ~~[agency]~~ under this
 12-66 section.

12-67 (f) The department ~~[agency]~~ is not civilly or criminally
 12-68 liable for an action taken in compliance with this section.

12-69 SECTION 38. Section 1001.2512, Education Code, is amended

13-1 to read as follows:

13-2 Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD
 13-3 INFORMATION REVIEW. The commission [~~commissioner~~] by rule shall
 13-4 require a person submitting to a national criminal history record
 13-5 information review under Section 1001.2511 or the driver education
 13-6 school employing the person, as determined by the department
 13-7 [~~agency~~], to pay a fee for the review in an amount not to exceed the
 13-8 amount of any fee imposed on an application for certification under
 13-9 Subchapter B, Chapter 21, for a national criminal history record
 13-10 information review under Section 22.0837.

13-11 SECTION 39. Sections 1001.2514(a), (b), and (d), Education
 13-12 Code, are amended to read as follows:

13-13 (a) A driver education school shall discharge or refuse to
 13-14 hire as an instructor an employee or applicant for employment if the
 13-15 department [~~agency~~] obtains information through a criminal history
 13-16 record information review that:

13-17 (1) the employee or applicant has been convicted of:

13-18 (A) a felony offense under Title 5, Penal Code;

13-19 (B) an offense on conviction of which a defendant
 13-20 is required to register as a sex offender under Chapter 62, Code of
 13-21 Criminal Procedure; or

13-22 (C) an offense under the laws of another state or
 13-23 federal law that is equivalent to an offense under Paragraph (A) or
 13-24 (B); and

13-25 (2) at the time the offense occurred, the victim of the
 13-26 offense described by Subdivision (1) was under 18 years of age or
 13-27 was enrolled in a public school.

13-28 (b) The executive director [~~agency~~] shall suspend or revoke
 13-29 a license described by Section 1001.2511(a) held by a person under
 13-30 this subchapter and shall refuse to issue or renew a license
 13-31 described by Section 1001.2511(a) to a person under this subchapter
 13-32 if the person has been convicted of an offense described by
 13-33 Subsection (a) of this section.

13-34 (d) A driver education school may discharge an employee who
 13-35 serves as an instructor if the school obtains information of the
 13-36 employee's conviction of a felony or of a misdemeanor involving
 13-37 moral turpitude that the employee did not disclose to the school or
 13-38 the department [~~agency~~]. An employee discharged under this
 13-39 subsection is considered to have been discharged for misconduct for
 13-40 purposes of Section 207.044, Labor Code.

13-41 SECTION 40. Section 1001.253, Education Code, is amended by
 13-42 amending Subsections (a), (b), (c), (d), (e), and (f) and adding
 13-43 Subsection (h) to read as follows:

13-44 (a) The department [~~commissioner~~] shall establish standards
 13-45 for certification of [~~professional and paraprofessional~~] personnel
 13-46 who conduct driver education programs in driver education schools.

13-47 (b) A driver education instructor license authorizing a
 13-48 person to teach or provide behind-the-wheel training may not be
 13-49 issued unless the person has successfully completed six semester
 13-50 hours of driver and traffic safety education or a program of study
 13-51 in driver education approved by the department [~~commissioner~~] from
 13-52 an approved driver education school.

13-53 (c) A person who holds a driver education instructor license
 13-54 authorizing behind-the-wheel training may not be approved to assist
 13-55 a classroom instructor in the classroom phase of driver education
 13-56 unless the person has successfully completed the three additional
 13-57 semester hours of training required for a classroom instructor or a
 13-58 program of study in driver education approved by the department
 13-59 [~~commissioner~~].

13-60 (d) Except as provided by Subsection (g) or Section
 13-61 1001.254, a driver education instructor license authorizing a
 13-62 person to teach or provide classroom training may not be issued
 13-63 unless the person:

13-64 (1) has completed nine semester hours of driver and
 13-65 traffic safety education or a program of study in driver education
 13-66 approved by the department [~~commissioner~~] from an approved driver
 13-67 education school; and

13-68 (2) holds a teaching certificate and any additional
 13-69 certification required to teach driver education.

14-1 (e) A driver education instructor who has completed the
 14-2 educational requirements prescribed by Subsection (d)(1) may not
 14-3 teach instructor training classes unless the instructor has
 14-4 successfully completed a supervising instructor development
 14-5 program consisting of at least six additional semester hours or a
 14-6 program of study in driver education approved by the department
 14-7 [~~commissioner~~] that includes administering driver education
 14-8 programs and supervising and administering traffic safety
 14-9 education.

14-10 (f) A driver education school may submit for department
 14-11 [~~agency~~] approval a curriculum for an instructor development
 14-12 program for driver education instructors. The program must:

14-13 (1) be taught by a person who has completed a
 14-14 supervising instructor development program under Subsection (e);
 14-15 and

14-16 (2) satisfy the requirements of this section for the
 14-17 particular program or type of training to be provided.

14-18 (h) The classroom portion of the instructor development
 14-19 program for driver education instructors may be conducted online.

14-20 SECTION 41. Section 1001.254(a), Education Code, is amended
 14-21 to read as follows:

14-22 (a) A temporary driver education instructor license may be
 14-23 issued authorizing a person to teach or provide classroom driver
 14-24 education training if the person:

14-25 (1) has completed the educational requirements
 14-26 prescribed by Section 1001.253(d)(1);

14-27 (2) holds a Texas teaching certificate with an
 14-28 effective date before February 1, 1986;

14-29 (3) meets all license requirements, other than
 14-30 successful completion of the examination required under rules
 14-31 adopted by the State Board for Educator Certification to revalidate
 14-32 the teaching certificate; and

14-33 (4) demonstrates, in a manner prescribed by the
 14-34 department [~~commissioner~~], the intention to comply with the
 14-35 examination requirement at the first available opportunity.

14-36 SECTION 42. Sections 1001.255(a), (b), and (c), Education
 14-37 Code, are amended to read as follows:

14-38 (a) The department [~~agency~~] shall regulate as a driver
 14-39 education school a driver education instructor who:

14-40 (1) teaches driver education courses in a county
 14-41 having a population of 50,000 or less; and

14-42 (2) does not teach more than 200 students annually.

14-43 (b) An instructor described by Subsection (a) must submit to
 14-44 the department [~~agency~~] an application for an initial or renewal
 14-45 driver education school license, together with all required
 14-46 documentation and information.

14-47 (c) The executive director [~~commissioner~~] may waive initial
 14-48 or renewal driver education school license fees [~~or the fee for a~~
 14-49 ~~director or administrative staff member~~].

14-50 SECTION 43. Section 1001.256, Education Code, is amended to
 14-51 read as follows:

14-52 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
 14-53 be issued to a driver education instructor or driving safety
 14-54 instructor if:

14-55 (1) the original license is lost or destroyed; and

14-56 (2) an affidavit of that fact is filed with the
 14-57 department [~~agency~~].

14-58 SECTION 44. Sections 1001.303(c) and (d), Education Code,
 14-59 are amended to read as follows:

14-60 (c) The department [~~commissioner~~] may inspect [~~reexamine~~] a
 14-61 driver education school's premises.

14-62 (d) The department [~~commissioner~~] shall renew or cancel the
 14-63 driver education school, driving safety school, or course provider
 14-64 license.

14-65 SECTION 45. Sections 1001.304(b) and (c), Education Code,
 14-66 are amended to read as follows:

14-67 (b) The continuing education must be:

14-68 (1) in courses approved by the department
 14-69 [~~commissioner~~]; and

15-1 (2) for the number of hours established by the
15-2 commission [~~commissioner~~].

15-3 (c) An applicant who does not comply with Subsection (a)
15-4 must pay a late renewal fee in the amount established by commission
15-5 rule [~~of \$25~~].

15-6 SECTION 46. Sections 1001.351(a) and (b), Education Code,
15-7 are amended to read as follows:

15-8 (a) Not later than the 15th working day after the course
15-9 completion date, a course provider or a person at the course
15-10 provider's facilities shall issue and deliver by United States mail
15-11 or commercial delivery a uniform certificate of course completion
15-12 [~~by mail or commercial delivery~~] to a person who successfully
15-13 completes an approved driving safety course.

15-14 (b) A course provider shall electronically submit to the
15-15 department [~~agency~~] in the manner established by the department
15-16 [~~agency~~] data identified by the department [~~agency~~] relating to
15-17 uniform certificates of course completion issued by the course
15-18 provider.

15-19 SECTION 47. Sections 1001.354(a) and (b), Education Code,
15-20 are amended to read as follows:

15-21 (a) A driving safety course may be taught at a driving
15-22 safety school if the school is approved by the department [~~agency~~].

15-23 (b) A driving safety school may teach an approved driving
15-24 safety course by an alternative method that does not require
15-25 students to be present in a classroom if the department
15-26 [~~commissioner~~] approves the alternative method. The department
15-27 [~~commissioner~~] may approve the alternative method if:

15-28 (1) the department [~~commissioner~~] determines that the
15-29 approved driving safety course can be taught by the alternative
15-30 method; and

15-31 (2) the alternative method includes testing and
15-32 security measures that are at least as secure as the measures
15-33 available in the usual classroom setting.

15-34 SECTION 48. Section 1001.3541, Education Code, is amended
15-35 to read as follows:

15-36 Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR
15-37 DRIVER EDUCATION COURSE. (a) A driver education school may teach
15-38 all or part of the classroom portion of an approved driver education
15-39 course by an alternative method of instruction that does not
15-40 require students to be present in a classroom if the department
15-41 [~~commissioner~~] approves the alternative method.

15-42 (b) The department [~~commissioner~~] may approve the
15-43 alternative method only if:

15-44 (1) the alternative method includes testing and
15-45 security measures that the department [~~commissioner~~] determines
15-46 are at least as secure as the measures available in the usual
15-47 classroom setting; and

15-48 (2) the course, with the use of the alternative
15-49 method, satisfies any other requirement applicable to a course in
15-50 which the classroom portion is taught to students in the usual
15-51 classroom setting.

15-52 SECTION 49. Sections 1001.404(b) and (c), Education Code,
15-53 are amended to read as follows:

15-54 (b) The department [~~commissioner~~] shall establish annually
15-55 the rate of interest for a refund at a rate sufficient to provide a
15-56 deterrent to the retention of student money.

15-57 (c) The department [~~agency~~] may except a driver education
15-58 school or course provider from the payment of interest if the school
15-59 or course provider makes a good-faith effort to refund tuition,
15-60 fees, and other charges but is unable to locate the student to whom
15-61 the refund is owed. On request of the department [~~agency~~], the
15-62 school or course provider shall document the effort to locate a
15-63 student.

15-64 SECTION 50. Sections 1001.451 and 1001.452, Education Code,
15-65 are amended to read as follows:

15-66 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

15-67 (1) use advertising that is false, misleading, or
15-68 deceptive [~~designed to mislead or deceive a prospective student~~];

15-69 (2) fail to notify the department [~~commissioner~~] of

16-1 the discontinuance of the operation of a driver training school
16-2 before the 15th [~~fourth~~] working day after the date of cessation of
16-3 classes and make available accurate records as required by this
16-4 chapter;

16-5 (3) issue, sell, trade, or transfer:
16-6 (A) a uniform certificate of course completion or
16-7 driver education certificate to a person or driver training school
16-8 not authorized to possess the certificate;

16-9 (B) a uniform certificate of course completion to
16-10 a person who has not successfully completed an approved, six-hour
16-11 driving safety course; or

16-12 (C) a driver education certificate to a person
16-13 who has not successfully completed a department-approved
16-14 [~~commissioner-approved~~] driver education course;

16-15 (4) negotiate a promissory instrument received as
16-16 payment of tuition or another charge before the student completes
16-17 75 percent of the course, except that before that time the
16-18 instrument may be assigned to a purchaser who becomes subject to any
16-19 defense available against the school named as payee; or

16-20 (5) conduct any part of an approved driver education
16-21 course or driving safety course without having an instructor
16-22 physically present in appropriate proximity to the student for the
16-23 type of instruction being given.

16-24 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
16-25 school may not [~~maintain, advertise, solicit for, or~~] conduct a
16-26 course of instruction in this state before the [~~later of:~~

16-27 [~~(1) the 30th day after the date the school applies for~~
16-28 ~~a driver training school license, or~~

16-29 [~~(2) the~~] date the school receives a driver training
16-30 school license from the department [~~commissioner~~].

16-31 SECTION 51. Sections 1001.453(b), (d), and (e), Education
16-32 Code, are amended to read as follows:

16-33 (b) The department may revoke the license of a [A] course
16-34 provider [~~loses its course provider status~~] if the course provider
16-35 or the course provider's agent, employee, or representative
16-36 violates this section.

16-37 (d) Subchapter F, Chapter 51, Occupations Code, and Section
16-38 51.353, Occupations Code, [~~Sections 1001.454, 1001.456(a), and~~
16-39 1001.553] do not apply to a violation of this section or a rule
16-40 adopted under this section.

16-41 (e) Section 51.352, Occupations Code, and Sections
16-42 1001.455(a)(6) [~~, 1001.501, 1001.551, 1001.552,~~] and 1001.554 of
16-43 this code do not apply to a violation of this section.

16-44 SECTION 52. Section 1001.455(a), Education Code, is amended
16-45 to read as follows:

16-46 (a) The executive director or the commission [~~agency~~] may
16-47 deny an application for an instructor license or suspend or revoke
16-48 the license of an instructor if the instructor:

16-49 (1) fails to meet a requirement for issuance of or
16-50 holding a license under this chapter;

16-51 (2) permits [~~fraud~~] or engages in misrepresentation,
16-52 fraud, or deceit in applying for or obtaining a certificate,
16-53 license, or permit [~~fraudulent practices relating to the~~
16-54 application];

16-55 (3) induces [~~or countenances~~] fraud or fraudulent
16-56 practices on the part of an applicant for a driver's license or
16-57 permit;

16-58 (4) permits or engages in any other fraudulent
16-59 practice in an action between the applicant or license holder and
16-60 the public;

16-61 (5) fails to comply with commission [~~agency~~] rules
16-62 relating to driver instruction; or

16-63 (6) fails to comply with this chapter.

16-64 SECTION 53. Section 1001.555(b), Education Code, is amended
16-65 to read as follows:

16-66 (b) The department may [~~agency shall~~] contract with the
16-67 Department of Public Safety [~~department~~] to provide undercover and
16-68 investigative assistance in the enforcement of Subsection (a).

16-69 SECTION 54. Article 45.0511(b), Code of Criminal Procedure,

17-1 is amended to read as follows:

17-2 (b) The judge shall require the defendant to successfully
 17-3 complete a driving safety course approved by the Texas Department
 17-4 of Licensing and Regulation [~~Education Agency~~] or a course under
 17-5 the motorcycle operator training and safety program approved by the
 17-6 designated state agency under Chapter 662, Transportation Code, if:

17-7 (1) the defendant elects driving safety course or
 17-8 motorcycle operator training course dismissal under this article;

17-9 (2) the defendant:

17-10 (A) has not completed an approved driving safety
 17-11 course or motorcycle operator training course, as appropriate,
 17-12 within the 12 months preceding the date of the offense; or

17-13 (B) does not have a valid Texas driver's license
 17-14 or permit, is a member, or the spouse or dependent child of a
 17-15 member, of the United States military forces serving on active
 17-16 duty, and has not completed a driving safety course or motorcycle
 17-17 operator training course, as appropriate, in another state within
 17-18 the 12 months preceding the date of the offense;

17-19 (3) the defendant enters a plea under Article 45.021
 17-20 in person or in writing of no contest or guilty on or before the
 17-21 answer date on the notice to appear and:

17-22 (A) presents in person or by counsel to the court
 17-23 a request to take a course; or

17-24 (B) sends to the court by certified mail, return
 17-25 receipt requested, postmarked on or before the answer date on the
 17-26 notice to appear, a written request to take a course;

17-27 (4) the defendant:

17-28 (A) has a valid Texas driver's license or permit;
 17-29 or

17-30 (B) is a member, or the spouse or dependent child
 17-31 of a member, of the United States military forces serving on active
 17-32 duty;

17-33 (5) the defendant is charged with an offense to which
 17-34 this article applies, other than speeding at a speed of:

17-35 (A) 95 miles per hour or more; or

17-36 (B) 25 miles per hour or more over the posted
 17-37 speed limit; and

17-38 (6) the defendant provides evidence of financial
 17-39 responsibility as required by Chapter 601, Transportation Code.

17-40 SECTION 55. Section 501.004(b), Transportation Code, is
 17-41 amended to read as follows:

17-42 (b) This chapter does not apply to:

17-43 (1) a trailer or semitrailer used only for the
 17-44 transportation of farm products if the products are not transported
 17-45 for hire;

17-46 (2) the filing or recording of a lien that is created
 17-47 only on an automobile accessory, including a tire, radio, or
 17-48 heater;

17-49 (3) a motor vehicle while it is owned or operated by
 17-50 the United States; or

17-51 (4) a new motor vehicle on loan to a political
 17-52 subdivision of the state for use only in a driver education course
 17-53 conducted [~~approved~~] by an entity exempt from licensure under
 17-54 Section 1001.002, Education Code [~~the Central Education Agency~~].

17-55 SECTION 56. Section 521.1601, Transportation Code, as added
 17-56 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
 17-57 Session, 2009, is amended to read as follows:

17-58 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
 17-59 may not issue a driver's license to a person who is younger than 21
 17-60 years of age unless the person submits to the department a driver
 17-61 education certificate issued under Chapter 1001, Education Code,
 17-62 that states that the person has completed and passed:

17-63 (1) a driver education and traffic safety course
 17-64 conducted [~~approved~~] by an entity exempt from licensure under
 17-65 Section 1001.002 [~~the Texas Education Agency under Section 29.902~~],
 17-66 Education Code, or a driver education course approved by the Texas
 17-67 Department of Licensing and Regulation [~~that agency~~] under Chapter
 17-68 1001, Education Code [~~Section 1001.101 of that code or approved by~~
 17-69 ~~the department under Section 521.205~~]; or

18-1 (2) if the person is 18 years of age or older, a driver
18-2 education course approved by the Texas Department of Licensing and
18-3 Regulation [Education Agency] under Section 1001.101 or 1001.1015,
18-4 Education Code.

18-5 SECTION 57. Section 521.1601, Transportation Code, as added
18-6 by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
18-7 Session, 2009, is amended to read as follows:

18-8 Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department
18-9 may not issue a driver's license to a person who is younger than 25
18-10 years of age unless the person submits to the department a driver
18-11 education certificate issued under Chapter 1001, Education Code,
18-12 that states that the person has completed and passed:

18-13 (1) a driver education and traffic safety course
18-14 conducted [approved] by an entity exempt from licensure under
18-15 Section 1001.002 [the Texas Education Agency under Section 29.902],
18-16 Education Code, or a driver education course approved by the Texas
18-17 Department of Licensing and Regulation [that agency] under Chapter
18-18 1001, Education Code [Section 1001.101(a)(1) of that code or
18-19 approved by the department under Section 521.205]; or

18-20 (2) if the person is 18 years of age or older, a driver
18-21 education course approved by the Texas Department of Licensing and
18-22 Regulation [Education Agency] under Section 1001.101 or 1001.1015
18-23 [Section 1001.101(a)(1) or (2)], Education Code.

18-24 SECTION 58. Section 521.1655(a), Transportation Code, is
18-25 amended to read as follows:

18-26 (a) A driver education school licensed under Chapter 1001,
18-27 Education Code, [the Texas Driver and Traffic Safety Education Act
18-28 (Article 4413(29c), Vernon's Texas Civil Statutes)] may administer
18-29 to a student of that school the vision, highway sign, and traffic
18-30 law parts of the examination required by Section 521.161.

18-31 SECTION 59. Section 521.167, Transportation Code, as added
18-32 by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular
18-33 Session, 2009, is amended to read as follows:

18-34 Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION
18-35 REQUIREMENTS. A person who has completed and passed a driver
18-36 education course approved by the Texas Department of Licensing and
18-37 Regulation [Education Agency] under Section 1001.1015, Education
18-38 Code, is not required to take the highway sign and traffic law parts
18-39 of the examination required under Section 521.161 if those parts
18-40 have been successfully completed as determined by a licensed driver
18-41 education instructor.

18-42 SECTION 60. Section 521.203, Transportation Code, is
18-43 amended to read as follows:

18-44 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
18-45 department may not issue a Class A or Class B driver's license to a
18-46 person who:

18-47 (1) is under 17 years of age;
18-48 (2) is under 18 years of age unless the person has
18-49 completed a driver training course approved by the Texas Department
18-50 of Licensing and Regulation [Central Education Agency]; or

18-51 (3) has not provided the department with an affidavit,
18-52 on a form prescribed by the department, that states that no vehicle
18-53 that the person will drive that requires a Class A or Class B
18-54 license is a commercial motor vehicle as defined by Section
18-55 522.003.

18-56 SECTION 61. Section 521.204(a), Transportation Code, is
18-57 amended to read as follows:

18-58 (a) The department may issue a Class C driver's license to
18-59 an applicant under 18 years of age only if the applicant:

18-60 (1) is 16 years of age or older;
18-61 (2) has submitted to the department a driver education
18-62 certificate issued under Section 1001.055, Education Code, that
18-63 states that the person has completed and passed a driver education
18-64 course approved by the [department under Section 521.205 or by the]
18-65 Texas Department of Licensing and Regulation [Education Agency];

18-66 (3) has obtained a high school diploma or its
18-67 equivalent or is a student:

18-68 (A) enrolled in a public school, home school, or
18-69 private school who attended school for at least 80 days in the fall

19-1 or spring semester preceding the date of the driver's license
19-2 application; or

19-3 (B) who has been enrolled for at least 45 days,
19-4 and is enrolled as of the date of the application, in a program to
19-5 prepare persons to pass the high school equivalency exam;

19-6 (4) has submitted to the department written parental
19-7 or guardian permission:

19-8 (A) for the department to access the applicant's
19-9 school enrollment records maintained by the Texas Education Agency;
19-10 and

19-11 (B) for a school administrator or law enforcement
19-12 officer to notify the department in the event that the person has
19-13 been absent from school for at least 20 consecutive instructional
19-14 days; and

19-15 (5) has passed the examination required by Section
19-16 521.161.

19-17 SECTION 62. Sections 521.206(b) and (c), Transportation
19-18 Code, are amended to read as follows:

19-19 (b) The department shall collect data regarding the
19-20 collision rate of students taught by course instructors approved
19-21 under Section 1001.112, Education Code [~~Section 521.205~~]. The
19-22 collision rate is computed by determining the number of students
19-23 who completed a course approved under Section 1001.112, Education
19-24 Code, [~~Section 521.205~~] during a state fiscal year, dividing that
19-25 number by the number of collisions that involved students who
19-26 completed such a course and that occurred in the 12-month period
19-27 following their licensure, and expressing the quotient as a
19-28 percentage.

19-29 (c) Not later than October 1 of each year, the department
19-30 shall issue a publication listing the collision rate for students
19-31 taught by each driver education entity and the collision rate for
19-32 students taught by a course instructor approved under Section
19-33 1001.112, Education Code [~~Section 521.205~~], noting the severity of
19-34 collisions involving students of each entity and each type of
19-35 course.

19-36 SECTION 63. Sections 521.222(a) and (c), Transportation
19-37 Code, are amended to read as follows:

19-38 (a) The department [~~or a driver education school licensed~~
19-39 ~~under the Texas Driver and Traffic Safety Education Act (Article~~
19-40 ~~4413(29c), Vernon's Texas Civil Statutes)] may issue a learner
19-41 license [~~an instruction permit~~], including a Class A or Class B
19-42 driver's learner license [~~instruction permit~~], to a person who:~~

19-43 (1) is 15 years of age or older but under 18 years of
19-44 age;

19-45 (2) has satisfactorily completed and passed the
19-46 classroom phase of an approved driver education course, which may
19-47 be a course approved under Section 1001.112, Education Code
19-48 [~~521.205~~];

19-49 (3) meets the requirements imposed under Section
19-50 521.204(a)(3) [~~521.204(3)~~]; and

19-51 (4) has passed each examination required under Section
19-52 521.161 other than the driving test.

19-53 (c) The department [~~A driver education school~~] may issue a
19-54 learner license [~~an instruction permit~~] to a person 18 years of age
19-55 or older who has successfully passed:

19-56 (1) a six-hour adult classroom driver education course
19-57 approved by the Texas Department of Licensing and Regulation
19-58 [~~Education Agency~~]; and

19-59 (2) each part of the driver's examination required by
19-60 Section 521.161 other than the driving test.

19-61 SECTION 64. Section 521.223(b), Transportation Code, is
19-62 amended to read as follows:

19-63 (b) An applicant for a license under Subsection (a) must be
19-64 15 years of age or older and must:

19-65 (1) have passed a driver education course approved by
19-66 the department, which may be a course approved under Chapter 1001,
19-67 Education Code [~~Section 521.205~~]; and

19-68 (2) pass the examination required by Section 521.161.

19-69 SECTION 65. Sections 543.111 and 543.112, Transportation

20-1 Code, are amended to read as follows:

20-2 Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a)
 20-3 The Texas Commission of Licensing and Regulation [~~State Board of~~
 20-4 ~~Education~~] shall enter into a memorandum of understanding with the
 20-5 Texas Department of Insurance for the interagency development of a
 20-6 curriculum for driving safety courses.

20-7 (b) The Texas Commission of Licensing and Regulation and
 20-8 Texas Department of Licensing and Regulation, as appropriate,
 20-9 [~~Education Agency~~] shall:

20-10 (1) adopt and administer comprehensive rules
 20-11 governing driving safety courses; and

20-12 (2) investigate options to develop and implement
 20-13 procedures to electronically transmit information pertaining to
 20-14 driving safety courses to municipal and justice courts.

20-15 Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE
 20-16 COMPLETION. (a) The Texas Commission of Licensing and Regulation
 20-17 [~~Education Agency~~] by rule shall provide for the design and
 20-18 distribution of uniform certificates of course completion so as to
 20-19 prevent to the greatest extent possible the unauthorized production
 20-20 or misuse of the certificates.

20-21 (b) The uniform certificate of course completion must
 20-22 include an identifying number by which the Texas Department of
 20-23 Licensing and Regulation [~~Education Agency~~], the court, or the
 20-24 department may verify its authenticity with the course provider and
 20-25 must be in a form adopted by the Texas Department of Licensing and
 20-26 Regulation [~~Education Agency~~].

20-27 (c) [~~The Texas Education Agency shall issue duplicate~~
 20-28 ~~uniform certificates of course completion.~~] The Texas Commission of
 20-29 Licensing and Regulation [~~State Board of Education~~] by rule shall
 20-30 determine the amount of the fee to be charged for issuance of a
 20-31 duplicate certificate by persons who are licensed providers of
 20-32 courses approved under Chapter 1001, Education Code.

20-33 (d) A driving safety course provider shall electronically
 20-34 submit data identified by the Texas Department of Licensing and
 20-35 Regulation [~~Education Agency~~] pertaining to issued uniform
 20-36 certificates of course completion to the Texas Department of
 20-37 Licensing and Regulation [~~agency~~] as directed by the Texas
 20-38 Department of Licensing and Regulation [~~agency~~].

20-39 SECTION 66. Sections 543.113(a) and (c), Transportation
 20-40 Code, are amended to read as follows:

20-41 (a) The Texas Department of Licensing and Regulation
 20-42 [~~Education Agency~~] shall issue course completion certificate
 20-43 numbers [~~print the uniform certificates~~] and supply them to persons
 20-44 who are licensed providers of courses approved under Chapter 1001,
 20-45 Education Code [~~the Texas Driver and Traffic Safety Education Act~~
 20-46 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)]~~. The Texas
 20-47 Commission of Licensing and Regulation by rule shall establish
 20-48 [~~Agency may charge~~] a fee for each certificate. [~~The fee may not~~
 20-49 ~~exceed \$4.~~]

20-50 (c) Money collected by the Texas Department of Licensing and
 20-51 Regulation [~~Education Agency~~] under this section may be used [~~only~~]
 20-52 to pay monetary awards for information relating to abuse of uniform
 20-53 certificates that leads to the conviction or removal of an
 20-54 approval, license, or authorization.

20-55 SECTION 67. Section 543.114(a), Transportation Code, is
 20-56 amended to read as follows:

20-57 (a) A person may not distribute written information to
 20-58 advertise a provider of a driving safety course within 500 feet of a
 20-59 court having jurisdiction over an offense to which this subchapter
 20-60 applies. A violation of this section by a provider or a provider's
 20-61 agent, employee, or representative results in loss of the
 20-62 provider's status as a provider of a course approved under Chapter
 20-63 1001, Education Code [~~the Texas Driver and Safety Education Act~~
 20-64 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)]~~.

20-65 SECTION 68. Section 545.412(g), Transportation Code, is
 20-66 amended to read as follows:

20-67 (g) A judge, acting under Article 45.0511, Code of Criminal
 20-68 Procedure, who elects to defer further proceedings and to place a
 20-69 defendant accused of a violation of this section on probation under

21-1 that article, in lieu of requiring the defendant to complete a
 21-2 driving safety course approved by the Texas Department of Licensing
 21-3 and Regulation [~~Education Agency~~], shall require the defendant to
 21-4 attend and present proof that the defendant has successfully
 21-5 completed a specialized driving safety course approved by the Texas
 21-6 Department of Licensing and Regulation [~~Education Agency~~] under
 21-7 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
 21-8 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
 21-9 that includes four hours of instruction that encourages the use of
 21-10 child passenger safety seat systems and the wearing of seat belts
 21-11 and emphasizes:

21-12 (1) the effectiveness of child passenger safety seat
 21-13 systems and seat belts in reducing the harm to children being
 21-14 transported in motor vehicles; and

21-15 (2) the requirements of this section and the penalty
 21-16 for noncompliance.

21-17 SECTION 69. Section 545.413(i), Transportation Code, is
 21-18 amended to read as follows:

21-19 (i) A judge, acting under Article 45.0511, Code of Criminal
 21-20 Procedure, who elects to defer further proceedings and to place a
 21-21 defendant accused of a violation of Subsection (b) on probation
 21-22 under that article, in lieu of requiring the defendant to complete a
 21-23 driving safety course approved by the Texas Department of Licensing
 21-24 and Regulation [~~Education Agency~~], shall require the defendant to
 21-25 attend and present proof that the defendant has successfully
 21-26 completed a specialized driving safety course approved by the Texas
 21-27 Department of Licensing and Regulation [~~Education Agency~~] under
 21-28 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
 21-29 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~]
 21-30 that includes four hours of instruction that encourages the use of
 21-31 child passenger safety seat systems and the wearing of seat belts
 21-32 and emphasizes:

21-33 (1) the effectiveness of child passenger safety seat
 21-34 systems and seat belts in reducing the harm to children being
 21-35 transported in motor vehicles; and

21-36 (2) the requirements of this section and the penalty
 21-37 for noncompliance.

21-38 SECTION 70. (a) The following provisions of the Education
 21-39 Code are repealed:

- 21-40 (1) Section 1001.001(1);
- 21-41 (2) Sections 1001.054(a) and (b);
- 21-42 (3) Sections 1001.152 and 1001.153;
- 21-43 (4) Section 1001.203;
- 21-44 (5) Section 1001.212;
- 21-45 (6) Section 1001.252;
- 21-46 (7) Section 1001.257;
- 21-47 (8) Sections 1001.303(a) and (b);
- 21-48 (9) Section 1001.454;
- 21-49 (10) Section 1001.455(b);
- 21-50 (11) Sections 1001.456, 1001.457, 1001.458, and
 21-51 1001.459;
- 21-52 (12) Sections 1001.460 and 1001.461;
- 21-53 (13) Sections 1001.501, 1001.502, and 1001.503; and
- 21-54 (14) Sections 1001.551, 1001.552, and 1001.553.

21-55 (b) Section 521.167, Transportation Code, as added by
 21-56 Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular
 21-57 Session, 2009, and Section 521.205, Transportation Code, are
 21-58 repealed.

21-59 SECTION 71. The change in law made by this Act applies only
 21-60 to the imposition of an administrative penalty for a violation that
 21-61 occurs on or after the effective date of this Act. The imposition
 21-62 of an administrative penalty for a violation that occurs before the
 21-63 effective date of this Act is governed by the law in effect on the
 21-64 date the violation occurred, and that law is continued in effect for
 21-65 that purpose.

21-66 SECTION 72. (a) In this section, "former governing bodies"
 21-67 means the Texas Education Agency and the Department of Public
 21-68 Safety, relating to the oversight of Chapter 1001, Education Code,
 21-69 and Section 521.205, Transportation Code, respectively.

22-1 (b) On September 1, 2015:

22-2 (1) all functions and activities relating to Chapter
22-3 1001, Education Code, performed by the former governing bodies
22-4 immediately before that date are transferred to the Texas
22-5 Department of Licensing and Regulation;

22-6 (2) all rules, policies, procedures, decisions, and
22-7 forms adopted by the former governing bodies relating to Chapter
22-8 1001, Education Code, or Section 521.205, Transportation Code, are
22-9 continued in effect as rules, policies, procedures, decisions, and
22-10 forms of the Texas Commission of Licensing and Regulation or the
22-11 Texas Department of Licensing and Regulation, as applicable, and
22-12 remain in effect until amended or replaced by that commission or
22-13 department;

22-14 (3) a complaint, investigation, or other proceeding
22-15 before the former governing bodies that is related to Chapter 1001,
22-16 Education Code, or Section 521.205, Transportation Code, is
22-17 transferred without change in status to the Texas Department of
22-18 Licensing and Regulation, and the Texas Department of Licensing and
22-19 Regulation assumes, as appropriate and without a change in status,
22-20 the position of the former governing bodies in an action or
22-21 proceeding to which one of the former governing bodies is a party;

22-22 (4) all money, contracts, leases, property, and
22-23 obligations of the former governing bodies relating to Chapter
22-24 1001, Education Code, or Section 521.205, Transportation Code, are
22-25 transferred to the Texas Department of Licensing and Regulation;

22-26 (5) all property in the custody of the former
22-27 governing bodies related to Chapter 1001, Education Code, or
22-28 Section 521.205, Transportation Code, is transferred to the Texas
22-29 Department of Licensing and Regulation; and

22-30 (6) the unexpended and unobligated balance of any
22-31 money appropriated by the legislature for the former governing
22-32 bodies related to Chapter 1001, Education Code, or Section 521.205,
22-33 Transportation Code, is transferred to the Texas Department of
22-34 Licensing and Regulation.

22-35 (c) As soon as practicable after the effective date of this
22-36 Act, the Texas Education Agency may agree with the Texas Department
22-37 of Licensing and Regulation to transfer any property of the Texas
22-38 Education Agency to the Texas Department of Licensing and
22-39 Regulation to implement the transfer required by this Act.

22-40 (d) Unless the context indicates otherwise, a reference to
22-41 the former governing bodies in a law or administrative rule that
22-42 relates to Chapter 1001, Education Code, or Section 521.205,
22-43 Transportation Code, means the Texas Commission of Licensing and
22-44 Regulation or the Texas Department of Licensing and Regulation, as
22-45 applicable.

22-46 (e) A license, permit, certification, or registration
22-47 issued by the former governing bodies is continued in effect as a
22-48 license, permit, certification, or registration of the Texas
22-49 Department of Licensing and Regulation.

22-50 (f) On September 1, 2015, all full-time equivalent employee
22-51 positions at the former governing bodies and Education Service
22-52 Center Region 13 that primarily concern the administration,
22-53 enforcement, or other direct or indirect support of Chapter 1001,
22-54 Education Code, or Section 521.205, Transportation Code, become
22-55 positions at the Texas Department of Licensing and Regulation.
22-56 When filling the positions, the Texas Department of Licensing and
22-57 Regulation shall give first consideration to an applicant who, as
22-58 of August 31, 2015, was an employee at the former governing bodies
22-59 or Education Service Center Region 13 primarily involved in
22-60 administering or enforcing Chapter 1001, Education Code, or Section
22-61 521.205, Transportation Code.

22-62 (g) As soon as practicable after the effective date of this
22-63 Act, the presiding officer of the Texas Commission of Licensing and
22-64 Regulation, with the commission's approval, shall make the initial
22-65 appointments to the advisory committee under Section 1001.058,
22-66 Education Code, as added by this Act.

22-67 SECTION 73. The changes in law made by this Act to Chapter
22-68 1001, Education Code, apply only to a fee charged on or after
22-69 September 1, 2015. A fee charged before September 1, 2015, is

23-1 governed by the law in effect immediately before that date, and the
23-2 former law is continued in effect for that purpose.

23-3 SECTION 74. To the extent of any conflict, this Act prevails
23-4 over another Act of the 84th Legislature, Regular Session, 2015,
23-5 relating to nonsubstantive additions to and corrections in enacted
23-6 codes.

23-7 SECTION 75. This Act takes effect September 1, 2015.

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