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Chapter 584

S.B. No. 848

AN ACT

relating to the licensing and regulation of providers of driver and traffic safety education.

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

SECTION 1. Sections 1001.055(a), (a-1), and (a-2), Education Code, are amended to read as follows:

(a) The department shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter driver education certificates or certificate numbers to enable the school or approved parent-taught course provider to ~~[print and]~~ issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2), Transportation Code, 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009.

(a-1) A certificate ~~[printed and]~~ issued by a driver education school or parent-taught course provider approved under this chapter must:

- (1) be in a form required by the department; and
- (2) include an identifying certificate number provided by the department that may be used to verify the

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1 authenticity of the certificate with the driver education school or
2 approved parent-taught course provider.

3 (a-2) A driver education school or parent-taught course
4 provider approved under this chapter that purchases driver
5 education certificate numbers shall issue [~~provide for the printing~~
6 ~~and issuance of~~] original and duplicate certificates in a manner
7 that, to the greatest extent possible, prevents the unauthorized
8 production or the misuse of the certificates. The driver education
9 school or approved parent-taught course provider shall
10 electronically submit to the department in the manner established
11 by the department data identified by the department relating to
12 issuance of department-approved driver education certificates with
13 the certificate numbers.

14 SECTION 2. Sections 1001.056(b), (c-1), and (g), Education
15 Code, are amended to read as follows:

16 (b) The department shall provide each licensed course
17 provider with course completion certificate numbers to enable the
18 provider to [~~print and~~] issue department-approved uniform
19 certificates of course completion.

20 (c-1) A course provider shall provide for the [~~printing and~~]
21 issuance of original and duplicate certificates in a manner that,
22 to the greatest extent possible, prevents the unauthorized
23 production or the misuse of the certificates.

24 (g) A course provider shall issue a duplicate certificate by
25 United States mail or commercial or electronic delivery. The
26 commission by rule shall determine the amount of the fee for
27 issuance of a duplicate certificate under this subsection.

1 SECTION 3. Section 1001.112, Education Code, is amended by
2 amending Subsection (a) and adding Subsections (a-1) and (e) to
3 read as follows:

4 (a) The commission by rule shall provide for approval of a
5 driver education course conducted by the following persons with the
6 noted relationship to [~~the parent, stepparent, foster parent, legal~~
7 ~~guardian, grandparent, or step-grandparent of~~] a person who is
8 required to complete a driver education course to obtain a Class C
9 license:

10 (1) a parent, stepparent, foster parent, legal
11 guardian, grandparent, or step-grandparent; or

12 (2) an individual who:

13 (A) has been designated by a parent, a legal
14 guardian, or a judge of a court with jurisdiction over the person on
15 a form prescribed by the department;

16 (B) is at least 25 years of age or older;

17 (C) does not charge a fee for conducting the
18 course;

19 (D) has at least seven years of driving
20 experience; and

21 (E) otherwise qualifies to conduct a course under
22 Subsection (a-1).

23 (a-1) The rules must provide that the student driver spend a
24 minimum number of hours in classroom and behind-the-wheel
25 instruction and that the person conducting the course:

26 (1) possess a valid license for the preceding three
27 years that has not been suspended, revoked, or forfeited in the past

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1 three years for an offense that involves the operation of a motor
2 vehicle;

3 (2) has not been convicted of:

4 (A) criminally negligent homicide; or

5 (B) driving while intoxicated in the past seven
6 years; and

7 (3) ~~[is not disabled because of mental illness, and~~

8 ~~[(4)]~~ does not have six or more points assigned to the
9 person's driver's license under Subchapter B, Chapter 708,
10 Transportation Code, at the time the person begins conducting the
11 course.

12 (e) The department may not charge a fee for the submission
13 of proof of completion of the course or passage of an examination
14 under Subsection (c).

15 SECTION 4. Section 1001.202(b), Education Code, is amended
16 to read as follows:

17 (b) A driving safety school may use multiple classroom
18 locations to teach a driving safety course if each location[+]

19 ~~[(1)]~~ is approved by the ~~[parent school and the]~~
20 department[+]

21 ~~[(2) has the same name as the parent school, and~~

22 ~~[(3) has the same ownership as the parent school].~~

23 SECTION 5. Section 1001.204(b), Education Code, is amended
24 to read as follows:

25 (b) The department shall approve an application for a driver
26 education school license if the application is submitted on a form
27 approved by the executive director, includes the fee, and on

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1 inspection of the premises of the school, it is determined that the
2 school:

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

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

10 (3) has instructors who have adequate educational
11 qualifications and experience;

12 (4) provides to each student before enrollment:

13 (A) a copy of:

14 (i) the refund policy;

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

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

19 (B) the department's name, mailing address,
20 telephone number, and Internet website address for the purpose of
21 directing complaints to the department;

22 (5) maintains adequate records as prescribed by the
23 department to show attendance and progress or grades and enforces
24 satisfactory standards relating to attendance, progress, and
25 conduct;

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

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1 completion;

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

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

7 (9) [~~has owners and instructors who are of good~~
8 ~~reputation and character,~~

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

14 (10) [~~(11)~~] does not use erroneous or misleading
15 advertising, either by actual statement, omission, or intimation,
16 as determined by the department;

17 (11) [~~(12)~~] does not use a name similar to the name of
18 another existing school or tax-supported educational institution
19 in this state, unless specifically approved in writing by the
20 executive director;

21 (12) [~~(13)~~] submits to the department for approval the
22 applicable course hour lengths and curriculum content for each
23 course offered by the school;

24 (13) [~~(14)~~] does not owe an administrative penalty for
25 a violation of this chapter; and

26 (14) [~~(15)~~] meets any additional criteria required by
27 the department.

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1 SECTION 6. Section 1001.205(b), Education Code, is amended
2 to read as follows:

3 (b) The department shall approve an application for a
4 driving safety school license if the application is submitted on a
5 form approved by the executive director, includes the fee, and on
6 inspection of the premises of the school, the department determines
7 that the school:

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

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

14 (3) has instructors who have adequate educational
15 qualifications and experience;

16 (4) maintains adequate records as prescribed by the
17 department to show attendance and progress or grades and enforces
18 satisfactory standards relating to attendance, progress, and
19 conduct;

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

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

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

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1 (7) [~~(8)~~] does not use a name similar to the name of
2 another existing school or tax-supported educational establishment
3 in this state, unless specifically approved in writing by the
4 executive director;

5 (8) [~~(9)~~] maintains and uses the approved contract and
6 policies developed by the course provider;

7 (9) [~~(10)~~] does not owe an administrative penalty for
8 a violation of this chapter;

9 (10) [~~(11)~~] will not provide a driving safety course
10 to a person for less than \$25; and

11 (11) [~~(12)~~] meets additional criteria required by the
12 department.

13 SECTION 7. Section 1001.206(b), Education Code, is amended
14 to read as follows:

15 (b) The department shall approve an application for a course
16 provider license if the application is submitted on a form approved
17 by the executive director, includes the fee, and on inspection of
18 the premises of the school the department determines that:

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

21 (2) the course provider has adequate educational
22 qualifications and experience;

23 (3) the course provider will:

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

26 (i) the refund policy; and

27 (ii) the regulations relating to absence,

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1 grading policy, and rules of operation and conduct; and

2 (B) provide to the driving safety school the
3 department's name, mailing address, telephone number, and Internet
4 website address for the purpose of directing complaints to the
5 department;

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

9 (5) not later than the 15th working day after the date
10 a person successfully completes the course, the course provider
11 will issue and deliver to the person by United States mail or
12 commercial or electronic delivery a uniform certificate of course
13 completion indicating the course name and successful completion;

14 (6) the course provider maintains adequate records as
15 prescribed by the department to show attendance and progress or
16 grades and enforces satisfactory standards relating to attendance,
17 progress, and conduct;

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

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

23 (9) ~~[the course provider is of good reputation and~~
24 ~~character,~~

25 [(10)] the course provider maintains and publishes as
26 a part of its student enrollment contract the proper policy for the
27 refund of the unused portion of tuition, fees, and other charges if

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

3 (10) [~~(11)~~] the course provider does not use erroneous
4 or misleading advertising, either by actual statement, omission, or
5 intimation, as determined by the department;

6 (11) [~~(12)~~] the course provider does not use a name
7 similar to the name of another existing school or tax-supported
8 educational institution in this state, unless specifically
9 approved in writing by the executive director;

10 (12) [~~(13)~~] the course provider does not owe an
11 administrative penalty for a violation of this chapter; and

12 (13) [~~(14)~~] the course provider meets additional
13 criteria required by the department.

14 SECTION 8. Section 1001.209(a), Education Code, is amended
15 to read as follows:

16 (a) Before a license [~~course provider~~] may be issued to a
17 course provider [~~a license~~], the course provider must provide a
18 corporate surety bond in the amount of \$10,000 [~~\$25,000~~].

19 SECTION 9. Section 1001.304(a), Education Code, is amended
20 to read as follows:

21 (a) An application to renew a driver education instructor or
22 driving safety instructor license must include evidence of
23 completion of continuing education [~~and be postmarked at least 30~~
24 ~~days before the expiration date of the license~~].

25 SECTION 10. Section 1001.351(a), Education Code, is amended
26 to read as follows:

27 (a) Not later than the 15th working day after the course

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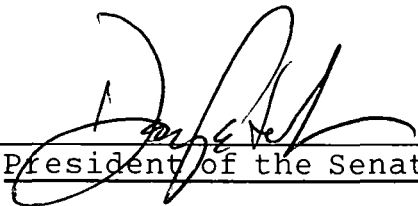
1 completion date, a course provider or a person at the course
2 provider's facilities shall issue and deliver by United States mail
3 or commercial or electronic delivery a uniform certificate of
4 course completion to a person who successfully completes an
5 approved driving safety course.

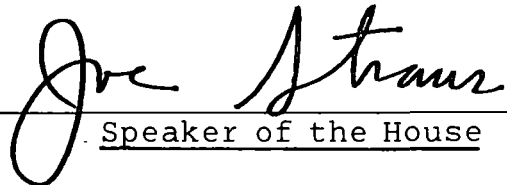
6 SECTION 11. Section 521.205(a), Transportation Code, as
7 amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature,
8 Regular Session, 2015, is repealed.

9 SECTION 12. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2017.

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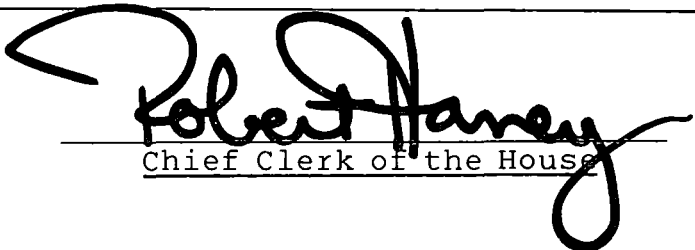

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 848 passed the Senate on May 4, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2017, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

I hereby certify that S.B. No. 848 passed the House, with amendment, on May 24, 2017, by the following vote: Yeas 146, Nays 0, two present not voting.



Chief Clerk of the House

Approved:

6-9-2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 PM O'CLOCK

JUN 09 2017

Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB848 by Huffines (Relating to the licensing and regulation of providers of driver and traffic safety education.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the licensing and regulation of providers of driver and traffic safety education.

The Texas Department of Licensing and Regulation and the Department of Public Safety indicate they could absorb the costs associated with the bill within their current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 405 Department of Public Safety

LBB Staff: UP, JQ, FR, AG, EH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB848 by Huffines (Relating to requirements for a driver education course provider or instructor.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to requirements for a driver education course provider or instructor.

The Texas Department of Licensing and Regulation and the Department of Public Safety indicate they could absorb the costs associated with the bill within their current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, FR, JQ, AG, EH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB848 by Huffines (Relating to requirements for a driver education course provider or instructor.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to requirements for a driver education course provider or instructor.

The Texas Department of Licensing and Regulation and the Department of Public Safety indicate they could absorb the costs associated with the bill within their current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, AG, EH, JQ