Texas Driver and Traffic Safety Education Act

and

Other Relevant Laws
January 31, 2002

TO THE INDIVIDUAL ADDRESSED:

The following actions of the 77th Texas Legislature impacted the Texas Driver and Traffic Safety Education Act [Article 4413(29c), Vernon's Texas Civil Statutes] or other related legislation.

Senate Bill 154 amended Article 4413(29c), Vernon's Texas Civil Statutes to require information relating to anatomical gifts be included in the curriculum of each driver education and driving safety course.

Senate Bill 577 amended Subsections 521.204, 521.222, and 545.424, Transportation Code to put restrictions on the operation of a vehicle by a person under 18 years of age for the first six months following issuance of an original driver license.

House Bill 1287 amended Subtitle B, Title 6, Health and Safety Code, by adding Chapter 469. Section 469.007 allows the commissioners court of a county or a court to use other drug awareness or drug and alcohol driving awareness programs.

House Bill 1739 amended Subsections 545.412 and 545.413, Transportation Code to allow, at the judge's discretion, an accused defendant to attend a specialized driving safety course including four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts.

These amendments became effective as follows:

Senate Bill 154, September 1, 2001
Senate Bill 577, January 1, 2002
House Bill 1287, September 1, 2001
House Bill 1739, September 1, 2001

Sincerely,

Kathy Keners, Division Director
Driver Training

The Texas Education Agency does not assume responsibility for the veracity of the material and information contained herein.
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TEXAS DRIVER AND TRAFFIC SAFETY EDUCATION ACT

§1. Short Title. This Act may be cited as the Texas Driver and Traffic Safety Education Act.

§2. Purpose and Objectives. Traffic crashes in Texas annually take the lives of thousands of people and cause billions of dollars in economic losses. These alarming facts make safe driving a concern for all citizens of the state. Deaths, injuries, and property damage must be reduced. The attitudes and skills of drivers must be improved through effective driver education and training. It is a matter of vital public importance to identify and implement all reasonable means to reduce the toll in human suffering and property loss that is inflicted by vehicle crashes. The purpose of this Act is to improve driver knowledge and skills through the licensing and regulation by the Central Education Agency of driver training schools and driver training instructors in Texas. It is additionally intended that state agency rules affecting schools that qualify as small businesses be established and administered so as to have the least possible adverse economic effect on those establishments.

§2. Certificate Required for Commercial Driver-Training School; Exemptions.

No person, firm, association, partnership, or corporation shall operate a commercial driver-training school unless a certificate of approval for the commercial driver-training school has been secured under the Texas Proprietary School Act (Chapter 32, Education Code). This section does not apply to training or classes conducted by:

1. colleges, universities, high schools, and junior high schools for students as a part of the normal program for such institutions; or

2. an organization with 50,000 or more members that qualifies for a tax exemption under Section 501(a), Internal Revenue Code of 1986 (26 U.S.C. Section 501), based on being listed under Section 501(c)(4), Internal Revenue Code of 1986 (26 U.S.C. Section 501), and conducts a driving safety course for its members and other individuals who are at least 50 years of age that is not utilized for the dismissal of certain misdemeanor charges as provided by Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

§3. Definitions. In this Act:

1. "Agency" means the Central Education Agency, acting directly or through its authorized officers and agents.

2. "Board" means the State Board of Education.

3. "Commissioner" means the commissioner of education or a person knowledgeable in the administration of regulating driver training schools and designated by the commissioner to administer this Act.

4. "Driver education" means a nonvocational course of instruction that provides the knowledge and hands-on experience to prepare persons for written and practical driving tests that lead to authorization to operate a vehicle.

5. "Driver training" means driver education provided by a driver education school and driving safety training provided by a driving safety school.

6. "Driving safety course" means a course of instruction intended to improve a driver's knowledge, perceptions, and attitudes about driving.

7. "School" means a driver education school or driving safety school.

8. "Operator" means a person approved by a driving safety course owner or consignee to conduct an approved driving safety course.

9. "Owner" means:

(A) in the case of a school owned by an individual, the individual;

(B) in the case of a school owned by a partnership, all full, silent, or limited partners; or
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(C) in the case of a school owned by a corporation, the corporation, its directors, officers, and each shareholder owning at least 10 percent of the total of the issued and outstanding shares.

(10) "Person" means an individual, firm, partnership, association, corporation, or other private entity or combination of persons.

(11) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from the school for instructional or other services rendered.

(12) "Support" means the primary source and means by which a school derives revenue.

(13) "Suspension of enrollment" means a ruling by the commissioner that restricts a school from accepting enrollments or reenrollments, advertising, soliciting, or directly or indirectly advising prospective students of its program or course offerings.

(14) "Uniform certificate of completion" means a document that is printed, administered, and supplied by the agency to owners or primary consignees for issuance to students who successfully complete an approved driving safety course and that meets the requirements of Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(15) "Instructor" means an individual who has been licensed by the agency for the type of instruction being given.

(16) "Approved driving safety course" means a driving safety course approved by the board.

(17) "Course provider" means an enterprise that maintains a place of business or solicits business in this state, that is operated by an individual, association, partnership, or corporation, and that is a driving safety course owner or primary consignee.

(18) "Driver education school" means an enterprise that maintains a place of business or solicits business in this state, that is operated by an individual, association, partnership, or corporation for the education and training of persons at a primary or branch location in driver education or driver education instructor development, and that is not specifically exempted by this Act.

(19) "Driver education school owner" means a person who has been approved by the commissioner to own and operate a driver education school.

(20) "Driving safety course owner" means an enterprise that is operated by an individual, association, partnership, or corporation that has received an approval for a driving safety course from the board.

(21) "Driving safety school" means an enterprise that maintains a place of business or solicits business in this state, that is operated by an individual, association, partnership, or corporation for the education and training of persons in driving safety, and that is not specifically exempted by this Act. A driving safety school may use multiple classroom locations to teach a driving safety course if each location is approved by the parent school and the agency and bears the same name and has the same ownership as the parent school.

(22) "Primary consignee" means any enterprise that is operated by an individual, association, partnership, or corporation that has been designated by a driving safety course owner to conduct business and represent the course owner in this state.

(23) "Drug and alcohol driving awareness program" means a course with particular emphasis on curricula designed to prevent or deter misuse and abuse of controlled substances.

§4. General Powers and Duties.

(a) The agency shall exercise jurisdiction and control of the system of schools, and the commissioner shall administer this Act and enforce minimum standards for schools under this Act.

(b) The agency shall enter into a memorandum of understanding with the Texas Rehabilitation Commission and the Department of Public Safety for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education. The agency shall administer comprehensive rules governing driver education courses adopted by mutual agreement between the board, the Texas Rehabilitation Commission, and the Department of Public Safety. The agency shall file the rules with the secretary of state.

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(c) The agency by rule shall require that information relating to alcohol awareness and the effect of alcohol on the effective operation of a motor vehicle be included in the curriculum of any driver education or driving safety course that is governed by this article. The agency shall consult with the Department of Public Safety in developing those rules.

§4A. Drug and Alcohol Driving Awareness Programs.
(a) The agency shall develop standards for a separate school certification and approve educational curricula under this Act for drug and alcohol awareness driving programs. The programs may include one or more courses. Except as provided by rules adopted by the agency, the programs must be offered in the same manner as driving safety courses offered in compliance with this Act.
(b) The agency and the Texas Commission on Alcohol and Drug Abuse shall enter into a memorandum of understanding for the interagency approval of the educational curricula required by Subsection (a) of this section, in accordance with Section 461.013(b), Health and Safety Code.
(c) The standards adopted by the agency for drug and alcohol driving awareness programs may require the course provider to evaluate procedures, projects, techniques, and controls conducted as part of the educational programs.
(d) The board may establish fees in connection with drug and alcohol driving awareness programs in lieu of the fees established under Section 13 of this Act. The fees established under this subsection shall be in amounts reasonable and necessary to implement and administer this Act in connection with drug and alcohol driving awareness programs.

§5. License Required for Supervisory Driver-Training Instructor and Driver-Training Instructor.
No person shall teach or give driver-training for hire or for tuition, either as an individual or in a commercial driver-training school, or any phase of driver-training or education, unless a license as a driver-training instructor or supervisory driver-training instructor has been secured from the Department, provided that instructors in classes conducted by an entity exempt under Section 2 of this Act shall be exempt.

§5. Driver Training School Advisory Commission.

[§5, Article 4413(29c), Vernon's Texas Civil Statutes, as added by Chapter 835, Acts of the 72nd Legislature, Regular Session, 1991, was repealed by HB 2585, 73rd Texas Legislature, 1993]

[The Driver Training School Advisory Commission was abolished by HB 2585, 73rd Texas Legislature, 1993.]

§6. Duties of Commissioner.
(a) The commissioner shall carry out the policies of this Act, adopt rules necessary to implement this Act, enforce rules adopted by the commissioner, and certify those schools and course providers meeting the requirements for a driver education school license, driving safety school license, or both, or for a course provider license. A reference in another provision of this Act to a rule adopted by the board means a rule adopted by the commissioner.
(b) The commissioner by rule shall establish the curriculum and designate the textbooks that must be used in a driver education course.
(c) The commissioner by rule shall require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course. The commissioner shall consult the Department of Public Safety in developing rules under this subsection.
(d) The commissioner by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education and driving safety course. The curriculum must include information about the matters listed in Section 46.001(a), Health and Safety Code, as added by Chapter 1516, Acts of the 76th Legislature, Regular Session, 1999. The commissioner shall consult with the Department of Public Safety and the Texas Department of Health in developing rules under this subsection.
§7. Exemptions.

(a) An organization is exempt from this Act if it has 50,000 or more members, qualifies for a tax exemption under Section 501(a), Internal Revenue Code of 1986 (26 U.S.C. Section 501(a)), based on being listed under Section 501(c)(4), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(4)), and conducts for its members and other individuals who are at least 50 years of age a driving safety course that is not used for purposes of Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(b) Classes of a nonexempt course that are taught without providing a uniform certificate of completion to graduates of the course are exempt from this Act.

(c) A driver education course is exempt from this Act, except Section 9A of this Act, if it is:

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

(2) a school or training program that offers only instruction of purely avocational or recreational subjects as determined by the commissioner;

(3) a course of instruction or study sponsored by an employer for the training of its own employees, and no tuition is charged to a student;

(4) a course of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership; or

(5) a school that is otherwise regulated and approved under any other state law.

§8. Competitive Bidding; Advertising.

(a) The board may not adopt rules to restrict competitive bidding or advertising by a driver training school except to prohibit false, misleading, or deceptive competitive bidding or advertising practices. Specifically, no rule may restrict:

(1) the use of an advertising medium;

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

(3) the duration of an advertisement; or

(4) advertisement under a trade name.

(b) The board may adopt rules to restrict advertising by a branch location of a school so that the branch location adequately identifies its primary driver training school in any solicitation.

§9. Prohibitions. A person may not:

(1) operate a school that provides a driver education course without a driver education school license issued by the commissioner;

(2) operate a school that provides driving safety courses without a driving safety school license issued by the commissioner;

(3) operate as a course provider without a course provider license issued by the commissioner;

(4) utilize advertising designed to mislead or deceive a prospective student;

(5) fail to notify the commissioner of the discontinuance of the operation of any school within three working days after cessation of classes and make available accurate records as required by this Act;

(6) issue, sell, trade, or transfer a uniform certificate of completion or driver education certificate to any person or school not authorized to possess it;

(7) issue, sell, trade, or transfer:

(A) a uniform certificate of completion to a person who has not successfully completed an approved, six-hour driving safety course; or
(B) a driver education certificate to a person who has not successfully completed a board-approved driver education course;

(8) negotiate any promissory instrument received as payment of tuition or other charge before completion of 75 percent of the course, except that before that time, the instrument may be assigned to a purchaser who will be subject to all the defenses available against the school named as payee;

(9) conduct any part of an approved driver education or driving safety course without an instructor who is physically present in appropriate proximity to the student for the type of instruction being given; or

(10) violate any provision of this Act.

§9A. **Driver Education Certificates.** The agency shall print and supply to licensed and exempt driver education schools serially numbered driver education certificates to be used for certifying completion of an approved driver education course for the purposes of Section 7(a), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes). The agency by rule shall provide for the design and distribution of the certificates in a manner that to the greatest extent possible prevents the unauthorized reproduction or misuse of the certificates. The agency may charge a fee of not more than $4 for each certificate.

§10. **License Required for Driver Training School.** A person may not operate a driver training school unless a driver training school license for the school has been secured.

§10A. **Branch Locations.** A driver education school that teaches a driver education course at one or more branch locations other than the main business location of the school must obtain a driver education school license for the main business location of the school and a driver education school license for each branch location. A branch location of a branch location is not permitted.

§10B. **Course at Public or Private School.** A licensed driver training school may conduct a driver training course at a public or private school for students of the public or private school as provided by an agreement with the public or private school. The course is subject to all requirements of law applicable to a course conducted at the main business location of the driver training school.

§11. **Locations Authorized for Instruction.** Driving safety courses complying with Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), may be taught at a driving safety school if the entity is approved by the agency. If the commissioner determines that an approved driving safety course can be taught by an alternative delivery method that does not require the students to be present in a classroom and that includes testing and security measures that are at least as secure as the measures available in a usual classroom, the commissioner may approve the alternative method. On approval, the alternative delivery method is considered to satisfy the requirements of this Act for a driving safety course, and the school may use the alternative delivery method. A location at which a person taking the course by the alternative method receives supplies or equipment for the course is considered a classroom of the school providing the course.

§12. **Application for School License.**

(a) To operate or do business in this state, a school must make written application to the commissioner for a driver education or driving safety school license. The application must be verified, be in the form prescribed by the board, and include all information required. A driving safety school shall obtain approval from the agency for any multiple classroom locations.

(b) A school may not maintain, advertise, solicit for, or conduct any course of instruction in this state before the later of:

1. the 30th day after the date the school applies for a driver training school license; or

2. the date the school receives a driver training school license from the commissioner.

(c) Any contract entered into with any person for a course of instruction by or on behalf of any person operating any school to which a driver training school license has not been issued under this Act is unenforceable.
§13. **Requisites for License.**

(a) The commissioner shall approve the application of a driver education school when the school is found, on investigation at the premises of the school, to meet the following criteria:

1. The courses, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the courses, curriculum, and instruction are offered;

2. There are in the school, and in the provision for behind-the-wheel instruction, adequate space, equipment, instructional material, and instructors to provide training of good quality;

3. Educational and experience qualifications of directors, instructors, and administrators are adequate;

4. A copy of the schedule of tuition, fees, refund policy, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct, and the name, mailing address, and telephone number of the agency for the purpose of directing complaints to the agency is furnished to each student before enrollment;

5. On completion of training, each student is given a certificate by the school indicating the course name and satisfactory completion;

6. Adequate records as prescribed by the commissioner are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;

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

8. The school is financially sound and capable of fulfilling its commitments for training;

9. The school's administrators, directors, owners, and instructors are of good reputation and character;

10. The school has, maintains, and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student enrolled by the school fails to take the course or withdraws or is discontinued from the school at any time before completion;

11. The school does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the board;

12. The school does not use a name like or similar to the name of another existing school or tax-supported educational establishment in this state, unless specifically approved in writing by the commissioner;

13. The school submits to the agency for approval the applicable course hour lengths and curriculum content for each course offered by the school;

14. The school does not owe a civil penalty under this Act; and

15. Additional criteria as may be required by the agency.

(a-1) The commissioner shall approve the application of a driving safety school if on investigation the agency finds that:

1. The school presents the driving safety course, curriculum, and instruction in a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curriculum, and instruction are developed by the course provider;

2. The school has adequate space, equipment, instructional material, and instructors to provide training of good quality;

3. The school's instructors and administrators have adequate educational and experience qualifications;

4. The school keeps and maintains adequate records as prescribed by the commissioner to show attendance and progress of grades and that satisfactory standards relating to attendance, progress, and conduct are enforced;
(5) the school complies with all county, municipal, state, and federal law, including fire, building, and sanitation codes and assumed name registration;

(6) the school’s administrators, owners, and instructors are of good reputation and character;

(7) the school does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the board;

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

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

(10) the school does not owe a civil penalty under this Act;

(11) the school will not provide a driving safety course to any person for a cost less than $25; and

(12) the school meets additional criteria required by the board.

(a-2) The commissioner shall approve the application of a person to be a course provider if on investigation the agency finds that:

(1) the course provider has an approved course;

(2) the course provider can show evidence that there is at least one licensed driving safety school that is willing to offer the course;

(3) the course provider has adequate educational and experience qualifications;

(4) the course provider will develop and provide to driving safety schools that offer the approved course a refund policy, regulations pertaining to absence, grading policy, rules of operation, and conduct, and the name, mailing address, and telephone number of the agency for the purpose of directing complaints to the agency and that copies of these will be furnished to each student by the schools before enrollment;

(5) not later than the 15th working day after the date of completion of the course by a person, the course provider mails a uniform certificate of completion to the person indicating the course name and successful completion;

(6) the course provider keeps and maintains adequate records as prescribed by the commissioner to show attendance and progress or grades and that satisfactory standards relating to attendance, progress, and conduct are enforced;

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

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

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

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

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the board;

(12) the course provider does not use a name like or similar to the name of another existing school or tax-supported educational establishment in this state unless specifically approved in writing by the commissioner;

(13) the course provider does not owe a civil penalty under this Act; and

(14) the course provider meets additional criteria required by the board.
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(b) (1) License, application, and registration fees shall be collected by the commissioner and deposited with the comptroller. Fees shall be sufficient to cover administrative costs and may not be subject to refund. Fees shall be as follows:

(A) (i) the initial fee for a driver education school license is $1,000 plus $850 for each branch location;
(ii) the initial fee for a driving safety school license is an appropriate amount established by the board not to exceed $200; and
(iii) the initial fee for a course provider license is an appropriate amount established by the board not to exceed $2,000, except that this fee may be waived by the agency if revenue received by the agency from the course provider is sufficient to fund the cost of licensing the course provider;

(B) the annual renewal fee for a course provider, driving safety school, driver education school, and branch school is an appropriate amount established by the board not to exceed $200, but may be waived by the agency if revenue generated by the issuance of uniform certificates of completion and driver education certificates is sufficient to fund the cost of administering this Act and Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

(C) the fee for a change of address of a driver education school is $180 and of a driving safety school or course provider is $50;

(D) the fee for a change of name of:
(i) a driver education school or course provider or an owner of a driver education school or course provider is $100; and
(ii) a driving safety school or owner of a driving safety school is $50;

(E) the application fee for each additional driver education or driving safety course at a school is $25;

(F) the application fee for each director is $30, and for each assistant director, or administrative staff member is $15;

(G) each application for approval of a driving safety course that has not been evaluated by the board shall be accompanied by a nonrefundable fee of $9,000;

(H) each application for an original driver education or driving safety instructor's license shall be accompanied by a processing fee of $50 and an annual license fee of $25, except that the commissioner may not collect the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state; and

(I) the fee for a duplicate license, which may be issued if the original is lost or destroyed and an affidavit of that fact is filed with the agency, shall be set by the board.

(2) A driver education instructor who teaches driver education courses in a county having a population of 50,000 or less, according to the most recent federal census, and who has no more than 200 students annually, shall be regulated by the agency as a school. An instructor described by this subdivision shall submit a school application or renewal form plus all required documentation and information to the agency. The commissioner may waive initial school fees, annual school renewal fees, or director's or administrative staff member's fees. An instructor described by this subdivision is not exempt from licensing requirements or fees.

(3) The commissioner shall periodically review and recommend adjustments in the level of fees to the board and legislature.

(4) The fee for an investigation of a school or course provider to resolve a complaint filed against the school or course provider shall be set by the commissioner and approved by the board. The complaint investigation fee may be charged only if:

(A) the complaint could not have been resolved solely by telephone or written correspondence;
(B) a representative of the agency visited the school or course provider as part of the complaint resolution process; and

(C) the school or course provider is found to be at fault.

(5) The agency shall print and supply to licensed course providers serially numbered uniform certificates of course completion. The agency may charge a fee of not more than $4 for each certificate. A course provider shall charge an operator a fee equal to the fee paid to the agency for a certificate. The course provider shall charge and retain a user fee of not less than $3 a student for the use of course materials, oversight, and administration of the course.

(6) Fees collected under this subsection shall be deposited in the state treasury in a special account in the General Revenue Fund. Money in the account may be appropriated only for payment of monetary awards for information concerning abuse of the driver education or uniform certificates of completion that leads to the conviction or removal of an approval, license, or authorization and for the administration of this Act and Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes). This dedication is exempt from the application of Sections 403.094 and 403.095, Government Code.

(7) Duplicate uniform certificates of completion shall be issued by the agency. An appropriate fee for issuing duplicate certificates shall be determined by board rule.

(c) The cost of administration of this Act shall be included in the state budget allowance for the board.

(d) (1) The commissioner, on review of an application for a driver education school, driving safety school, or course provider license that is submitted in accordance with this Act and that meets the requirements of this Act, shall issue a license to the applicant. Each license shall be in a form determined by the commissioner and approved by the board and shall show in a clear and conspicuous manner at least the following:

(A) the date of issuance, effective date, and term of approval;

(B) the name and address of the school or course provider;

(C) the authority for approval and conditions of approval;

(D) the signature of the commissioner; and

(E) any other fair and reasonable representations that are consistent with this Act and considered necessary by the commissioner.

(2) The term for which a driver education school, driving safety school, or course provider license is issued may not exceed one year.

(3) (A) A driver education school, driving safety school, or course provider license issued to an owner of the applicant school or course provider is nontransferable and is the property of the state. In the event of a change in ownership of the school or course provider, a new owner shall, at least 30 days before the date of the change in ownership, apply for a new driver education school, driving safety school, or course provider license. Instead of the fees required by Subsection (b) of this section, the fee for a new driver education school or course provider license required under this subdivision is $500, plus $200 for each branch location, if the purchasing entity is substantially similar to the transferring entity and there is no significant change in the management or control of the driver education school or course provider.

(B) The commissioner is not required to reinspect a school or a branch location after a change of its ownership.

(4) At least 30 days before the expiration of a driver education school, driving safety school, or course provider license, the school or course provider shall forward to the commissioner an application for renewal. The commissioner may reexamine a driver education school’s premises. The commissioner shall renew or cancel the driver education school, driving safety school, or course provider license. If a school or course provider fails to file a complete application for renewal at least 30 days before the expiration date of the driver education school, driving safety school, or course provider license, the school or course provider shall pay as a condition of renewal and in
addition to any annual renewal fee a late renewal fee in an amount established by board rule of at least $100, subject to Subsection (b) of this section.

(5) The commissioner shall visit a school or course provider and reexamine the school or course provider for compliance with the criteria adopted under this Act.

(e) (1) If the commissioner determines the applicant for a driver education school, driving safety school, or course provider license to be unacceptable, the commissioner shall state the reasons for denial, in writing, to the applicant.

(2) Any applicant whose driver education school, driving safety school, or course provider license is denied has the right of appeal under Section 17. of this Act.

(f) (1) The commissioner may revoke a driver education school, driving safety school, or course provider license or may place reasonable conditions on the continued approval represented by the license. On revocation or imposition of conditions on a driver education school, driving safety school, or course provider license, the commissioner shall notify the licensee, in writing, of the impending action and state the grounds for the proposed action. The commissioner may reexamine a school or course provider two or more times during any year in which a notice relating to the school or course provider has been issued or conditions have been imposed on the school under this subsection.

(2) A driver education school, driving safety school, or course provider license may be revoked or be made conditional if the commissioner has reasonable cause to believe that the school or course provider is guilty of a violation of this Act or any rule adopted under this Act.

(g) (1) Before a driver education school license may be issued under this Act, a bond shall be provided by the school for the period for which the license is to be issued, and the obligation of the bond shall be that neither a provision of this Act nor any rule adopted under this Act shall be violated by the school or any of its officers, agents, or employees. A driver education school shall submit a bond in the amount of $10,000 for its primary driver education school and $5,000 for each branch location of the school. A bond must be a corporate surety bond issued by a company authorized to do business in the state, payable to the state, and be used only for payment of a refund due to a student or potential student. The bond shall be filed with the commissioner and shall be in such form as shall be approved by the commissioner. Posting of these bond amounts shall satisfy the requirements for financial stability for driver education schools under this Act.

(2) A driving safety school is not required to post a surety bond.

(3) Before a course provider license may be issued under this Act, a bond shall be provided by the course provider for the period for which the license is to be issued, and the obligation of the bond shall be that no provision of this Act or the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes) and no rule adopted under this Act may be violated by the course provider or any of its officers, agents, or employees. A course provider shall submit the bond in the amount of $25,000. The bond must be a corporate surety bond issued by a company authorized to do business in this state, payable to the state and used:

(A) for payment of a refund due to any student of the course provider’s approved course;
(B) to cover the payment of any unpaid fees, penalties, and fines assessed by the agency; and
(C) to recover the cost of any uniform certificates of completion demanded by the agency to be returned or any cost associated with the certificates.

(4) Instead of the bond required by Subdivision (1) of this subsection, the school may provide another form of security that is:

(A) approved by the commissioner; and
(B) in the amount required for a comparable bond under Subdivision (1) or (3) of this subsection.

(h) (1) As a condition for the granting of a driver education school or course provider license, a school or course provider must maintain a cancellation and settlement policy that provides a full refund of all money paid by a student if:
(A) the student cancels the enrollment agreement or contract before midnight of the third day, excluding Saturdays, Sundays, and legal holidays, after the date the enrollment contract is signed by the prospective student, unless the student has successfully completed the course or received a failing grade on the course examination; or

(B) the enrollment of the student was procured as a result of any misrepresentation in advertising, promotional materials of the school or course provider, or representation made by an owner or employee of the school or course provider.

(2) As a condition for granting a driver education school license, a school shall maintain a policy for the refund of the unused portion of driver education tuition, fees, and other charges if a student, after expiration of the cancellation period described by Subdivision (1) of this subsection, fails to enter the course, withdraws, or is discontinued from the course at any time before completion, and the policy must provide that:

(A) refunds are based on the period of enrollment computed on the basis of course time expressed in clock hours;

(B) the effective date of the termination for refund purposes is the earliest of the following:

   (i) the last day of attendance, if the student's enrollment is terminated by the school;

   (ii) the date of receipt of written notice from the student; or

   (iii) the 10th school day following the last day of attendance;

(C) if tuition is collected in advance of entrance and if, after expiration of the cancellation period described by Subdivision (1) of this subsection, a student does not enter the school, terminates enrollment, or withdraws, the school may retain up to $50 as administrative expenses and, from the remainder, shall refund that portion of the classroom tuition and fees and behind-the-wheel tuition and fees for services not previously received by the student;

(D) refunds of items of extra expense to the student, including instructional supplies, books, laboratory fees, service charges, rentals, deposits, and all other such ancillary miscellaneous charges, will be made within 30 days after the effective date of enrollment termination, if these items are separately stated and shown in the data furnished the student before enrollment and the student returns any school property in the student's possession to the school; and

(E) refunds will be completed within 30 days after the effective date of enrollment termination.

(3) If the course of instruction is discontinued by the school or course provider, preventing a student from completing the course, all tuition and fees paid are then due and refundable.

(4) If a refund is not made within the period required by this subsection, the school or course provider shall pay interest on the refund for the interval beginning with the first day following the expiration of the refund period and ending with the day immediately preceding the date the refund is made. The commissioner annually shall establish the rate of interest at a rate sufficient to provide a deterrent to the retention of student funds. The agency may except a school or course provider from the payment of the interest if the school or course provider makes a good-faith effort to refund tuition but is unable to locate the student to whom the refund is owed. The school or course provider shall provide on request of the agency documentation of the effort to locate a student.

§13A. Course Provider Responsibilities.

(a) An issued uniform certificate of completion shall be mailed to the student not later than the 15th working day after the date of completion of an approved driving safety course only by the course provider or authorized personnel at the course provider's facilities.

(b) Data identified by the agency pertaining to issued uniform certificates of completion shall be submitted electronically by each course provider to the agency in a manner determined by the agency.

(c) The agency shall investigate options to develop and implement procedures to provide information pertaining to driving safety courses by electronic transmission to the state municipal and justice courts.
(d) A course provider shall conduct driving safety instructor development courses for its approved driving safety course.

(e) The board may adopt additional rules to ensure integrity of the course and enhance program quality.

(f) A course provider license entitles a provider to purchase uniform certificates of completion for only one approved driving safety course.

§14. Withholding Records. A school may withhold a student's diploma or certificate of completion until the student has fulfilled the student's financial obligation to the school.

§15. License Required for Instructor.

(a) A person may not teach or give driving safety training, either as an individual or in a driving safety school, or any phase of driving safety education, unless a driving safety instructor license has been secured from the agency, except that an instructor of a driving safety course that does not provide a uniform certificate of completion to its graduates is exempt from this section. A person may not teach or give driver education, either as an individual or in a driver education school, or any phase of driver education unless a driver education instructor license has been secured from the agency.

(b) A license issued to a driver education or driving safety instructor expires not more than 12 months after the date of issue, unless sooner suspended or revoked. License renewal applications must include evidence of completion of continuing education and shall be postmarked at least 30 days before the date of expiration or a late renewal fee of $25 will be imposed. The continuing education must be in courses approved by the commissioner and be for a certain number of hours determined by the commissioner.

(c) A driver education instructor license shall be carried by the instructor at all times while instructing driver education courses. A driving safety instructor license shall be carried by the instructor at all times while instructing driving safety courses. Each license shall be signed by the commissioner and issued under the seal of the board.

§15A. Driver Education Instructor Training.

(a) With approval of the board, the commissioner shall establish standards for certification of professional and paraprofessional personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license may not be issued authorizing a person to teach or give driver education in-car training unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the board from an approved driver education school. A person holding a driver education instructor license authorizing in-car training may be approved to assist classroom instructors in the classroom phase of driver education if the person successfully completes the additional three semester hours of training required for a classroom instructor or a program of study in driver education approved by the board.

(c) Except as provided by Subsection (f) of this section, a driver education instructor license may not be issued authorizing a person to teach or give classroom driver education training unless the person:

1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the board from an approved driver education school; and

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

(d) A driver education instructor who has completed the educational requirements for a classroom driver education instructor under Subsection (c)(1) of this section may be approved to teach instructor training classes after successfully completing a supervising instructor development program consisting of at least six additional semester hours or a program of study in driver education approved by the board that includes administering driver education programs and supervising and administering traffic safety education.

(e) A driver education school may submit for agency approval a curriculum for an instructor development program for driver education instructors. The program must be taught by a person who has successfully completed a supervising instructor development program under Subsection (d) of this section and must satisfy the requirements of this section for the particular program or type of training to be provided.
(f) A temporary, nonrenewable driver education instructor license valid for a six-month period may be issued authorizing a person to teach or give classroom driver education training if the person:

(1) has completed the educational requirements for a classroom driver education instructor prescribed under Subsection (c)(1) of this section;

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

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

(4) demonstrates, in a manner prescribed by the commissioner, the intention to comply with the examination requirement at the first available opportunity.

§16. Denial, Suspension, Revocation Grounds.

(a) The agency may deny, suspend, or revoke the license of any instructor on any one or more of the following grounds:

(1) when the agency is satisfied that the applicant or licensee fails to meet the requirements to receive or hold a license under this Act;

(2) when the applicant or licensee permits fraud or engages in fraudulent practices with reference to the application to the agency, induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license or permit, or permits or engages in any other fraudulent practice in any action between the applicant or licensee and the public; or

(3) when the applicant or licensee fails to comply with the rules of the agency regarding the instruction of drivers in this state or fails to comply with any section of this Act.

(b) Not later than the 10th day after the date of a decision under this section the agency shall notify the applicant or license holder by certified mail of the decision.

§17. Hearing.

(a) A person aggrieved by the denial, suspension, or revocation of a license may appeal the decision and request a hearing before the commissioner. The request must be submitted not later than the 15th day after the date of receipt of notice of a decision made under Section 16 of this Act. On receipt of a request for a hearing, the commissioner shall set a time and place for the hearing and send notice to the person of the time and place. A hearing shall be held within 30 days after the date of receipt of the request. At the hearing, an applicant or licensee may appear in person or by counsel and present evidence. Any interested person may appear and present oral or documentary evidence.

(b) Except as provided by Subsection (c), the commissioner shall conduct the administrative hearing and is authorized to administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, and documents. On the basis of the evidence submitted at the hearing, the commissioner shall take whatever action the commissioner deems necessary in denying the application or suspending or revoking the license. Not later than the 10th day after the date of the hearing the commissioner shall notify the applicant or license holder by certified mail of the commissioner's decision on the appeal.

(c) The agency may contract with another entity for the conducting of a hearing required under this Act.

§18. Judicial Review.

(a) The commissioner's decision on the appeal may be appealed to a district court in Travis County.

(b) Unless stayed by the court on showing of good cause, the commissioner's decision may not be superseded during appeal.

(c) On filing of the lawsuit, citation shall be served on the commissioner, who shall cause to be made a complete record of all proceedings had before the commissioner and certify a copy of the proceedings to the court. Trial before the court shall be on the basis of the record made before the commissioner, and the court shall make its decision based on the record. The commissioner's decision shall be affirmed by
the court if the court finds substantial evidence in the record to justify the decision, unless the court finds the denial of the license to be:

(1) arbitrary and capricious;
(2) in violation of the constitution or laws of the United States or this state; or
(3) in violation of rules adopted by the board under this Act.

(d) A decision of the trial court is subject to appeal in the same manner as is any civil lawsuit.

(e) An appeal concerning suspension or revocation of any license shall be prosecuted in the same manner and under the same provisions as provided by this Act for appeals from denial of licenses.

§19. **Class Action Suits.** Any person who is injured by an act taken or permitted in violation of this Act may, on behalf of the person and others similarly situated, maintain an action in any district court of competent jurisdiction, regardless of the amount in controversy, for temporary or permanent injunctive relief, declaratory relief, or other relief, including damages, in accordance with Rule 42, Texas Rules of Civil Procedure. Venue for any action under this section is in Travis County. A party filing an action under this section shall give prompt notice to the attorney general, who shall be permitted to join, on application within 30 days after the date of filing, as a party plaintiff.

§20. **Notice.** In any class action permitted under this Act, the court shall direct the defendant to serve on each member of the class the best practicable notice. The court may direct that individual notice be served on each member of the class who can be identified through reasonable efforts. The notice shall inform the recipient that the person is thought to be a member of the class, and, if so, the person may enter an appearance and join in the suit.

§21. **Judgment and Costs.** The court shall enter judgment in a class action brought under this Act in such form as may be justified. Damages shall be awarded only to those members of the class joined as parties plaintiff, but all other relief granted by the court shall inure to the benefit of all members of the class. Should a plaintiff prevail in a class action, the plaintiff shall be awarded court costs and reasonable attorney fees. A legal aid society or legal services program that represents a plaintiff or plaintiffs shall be awarded a service fee in lieu of attorney fees.

§22. **Surrender of License.** On the revocation or suspension of any license, the licensee shall within five days after the date of revocation or suspension surrender the license or licenses to the agency; failure of a licensee to do so shall be a violation of this Act and upon conviction shall be subject to the penalties hereinafter set forth. The agency may restore a suspended license to the former licensee upon full compliance with the provisions of this Act. No suspension invoked hereunder shall be for a period less than 30 days nor longer than one year.

§23. **Injunction.**

(a) If the commissioner believes that any school has committed any act in violation of this Act, the commissioner shall apply to a court of competent jurisdiction for an injunction restraining the commission of the act.

(b) An action under this section shall be brought in Travis County.

§24. **Civil Penalty.**

(a) A person who violates this Act or a rule adopted under this Act is liable for a civil penalty in an amount assessed by the commissioner after an opportunity for a hearing in addition to any injunctive relief or other remedy provided by law. A civil penalty may not exceed $1,000 a day for each violation.

(b) The attorney general, at the request of the agency, may bring a civil action to collect a civil penalty.

(c) Civil penalties shall be deposited in the state treasury to the credit of the General Revenue Fund.

§25. **Sanctions.**

(a) If the agency believes that a driver education school or instructor has violated this Act or a rule adopted under this Act, the agency may, without notice:
(1) order a peer review;
(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or
(3) suspend the right to purchase driver education certificates of completion.

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this Act or the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes) or a rule adopted under one of those Acts, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;
(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or
(3) suspend the right to purchase uniform certificates of completion.

(c) A peer review ordered under this section shall be conducted by a peer review team composed of knowledgeable persons selected by the agency. The team shall provide the agency with an objective assessment of the content of the school's or course provider's curriculum and its application. The costs of providing a peer review team shall be paid by the school or course provider, as appropriate.

§26. Proceedings through the Attorney General. If any person violates any of the provisions of this Act, the commissioner shall, in the name of the State of Texas through the Attorney General of the State of Texas, apply in any district court of competent jurisdiction for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition to the court, if the court or any judge thereof is satisfied by affidavit or otherwise that the person has violated this Act, it may issue a temporary injunction without notice or bond enjoining such continued violation, and if after a hearing it is established that the person violated or is violating this Act the court or any judge thereof may enter a decree perpetually enjoining the violation of or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court or any judge thereof may try and punish the offender for contempt of court. Proceedings under this section shall be in addition to and not in lieu of all other remedies and penalties provided by this Act.

§27. Penalties. Any person who violates any provision of this Act commits an offense and, except as otherwise provided by law, upon conviction thereof shall be punished by a fine of not less than $100 nor more than $20,000, or by imprisonment in the county jail for a term of not to exceed six months, or both.

§27A. Unauthorized Transfer of Certificate.

(a) A person who knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of completion or driver education certificate to an individual, firm, or corporation not authorized to possess it commits an offense.

(b) A person who knowingly possesses a uniform certificate of completion or driver education certificate and who is not authorized to possess the certificate commits an offense.

(c) A person adjudged guilty of an offense under this section shall be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for a term of not more than five years.

(d) The agency shall contract with the Department of Public Safety to provide undercover and investigative assistance in the enforcement of the prohibition provided by Subsection (a) of this section.
Texas Driver & Traffic Safety Education Act

OTHER RELEVANT LAWS

§521.1655. Transportation Code, Testing by Driver Education School.

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

(b) An examination administered under this section complies with the examination requirements of this subchapter as to the parts of the examination administered.

§521.204. Transportation Code, Restrictions on Minor.

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

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

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

(4) has passed the examination required by Section 521.161.

(b) The department may not issue a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant has held an instruction permit or hardship license for at least six months preceding the date of the application.

§521.205. Transportation Code, Department-Approved Courses.

(a) The department by rule shall provide for approval of a driver education course conducted by the parent, stepparent, legal guardian, step-grandparent, or grandparent of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that:

(1) the person conducting the course be a licensed driver;

(2) the student driver spend a minimum number of hours in:

(A) classroom instruction; and

(B) behind-the-wheel instruction;

(3) the person conducting the course not be convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated; and

(4) the person conducting the course not be disabled because of mental illness.

(b) The department may not approve a course unless it determines that the course materials are at least equal to those required in a course approved by the Texas Education Agency, except that the department may not require that:
(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

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

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

(1) approval of a course is obtained; and

(2) an applicant submits proof of completion of the course.

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the Texas Education Agency.

§521.222. Transportation Code, Instruction Permit.

(a) The department or a driver education school licensed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

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

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

(3) meets the requirements imposed under Section 521.204(3); and

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

(b) The department may issue an instruction permit to a person 18 years of age or older who has successfully passed all parts of the driver's examination required under Section 521.161 other than the driving test.

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

(1) a six-hour adult classroom driver education course approved by the Texas Education Agency; and

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

(d) an instruction permit entitles the holder to operate a type of motor vehicle on a highway while:

(1) the permit is in the holder's possession; and

(2) the holder is accompanied by a person occupying the seat by the operator who:

(A) holds a license that qualifies the operator to operate that type of vehicle;

(B) is 21 years of age or older; and

(C) has at least one year of driving experience.

(e) An instruction permit is not required to include a photograph.

§521.223. Transportation Code, Hardship License.

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

(1) have passed a driver education course approved by the department, which may be a course approved under Section 521.205; and

(2) pass the examination required by Section 521.161.

(c) To be eligible to take the driver training course, the person must be at least 14 years of age.
§543.101, Transportation Code, Statement of Right Provided on Notice to Appear.

(a) A notice to appear issued for an offense to which this subchapter applies must state: "You may be able to require that this charge be dismissed by taking a driving safety course. However, you will lose that right if you do not provide written notice to the court on or before your appearance date of your desire to do so."

(b) If this statement is not supplied, the person may continue to exercise the right described until the person is informed as provided by Subsection (a) or until the disposal of the case.

§543.102-§543.110, Transportation Code, Repealed.

§543.111, Transportation Code, Regulation by Certain State Agencies.

(a) The State Board of Education shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

(b) The Texas Education Agency shall:

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

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

§543.112, Transportation Code, Standards for Uniform Certificate of Course Completion.

(a) The Texas Education Agency by rule shall provide for the design and distribution of uniform certificates of course completion so as to prevent to the greatest extent possible the unauthorized production or misuse of the certificates.

(b) The uniform certificate of course completion must include an identifying number by which the Texas Education Agency, the court, or the department may verify its authenticity with the course provider and must be in a form adopted by the Texas Education Agency.

(c) The Texas Education Agency shall issue duplicate uniform certificates of course completion. The State Board of Education by rule shall determine the amount of the fee to be charged for issuance of a duplicate certificate.

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

§543.113, Transportation Code, Fee for Printing and Supplying Certificate.

(a) The Texas Education Agency shall print the uniform certificates and supply them to persons who are licensed providers of courses approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). The Agency may charge a fee for each certificate. The fee may not exceed $4.

(b) A course provider shall charge an operator a fee equal to the fee paid to the agency for a certificate.

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

§543.114, Transportation Code, Distribution of Written Information on Provider.

(a) A person may not distribute written information to advertise a provider of a driving safety course within 500 feet of a court having jurisdiction over an offense to which this subchapter applies. A violation of this section by a provider or a provider's agent, employee, or representative results in loss of the provider's status as a provider of a course approved under the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

(b) This section does not apply to distribution of information:
(1) by a court;
(2) to a court to obtain approval of the course; or
(3) to a court to advise the court of the availability of the course.

§543.115, Transportation Code, Fees for Driving Safety Course.
(a) A driving safety course may not be provided to a student for less than $25.
(b) A course provider shall charge each student a fee for course materials and for overseeing and administering the course. The fee may not be less than $3.

§543.116, Transportation Code, Delivery of Uniform Certificate of Course Completion.
(a) A driving safety course provider shall mail an issued uniform certificate of course completion to a person who successfully completes the course.
(b) The certificate must be mailed not later than the 15th working day after the date a person successfully completes the course.

§545.412, Transportation Code, Child Passenger Safety Seat Systems; Offense.
(a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than four years of age or less than 36 inches in height, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.
(b) An offense under this section is a misdemeanor punishable by a fine of not less than $100 or more than $200.
(c) It is a defense to prosecution under this section that the person was operating the vehicle in an emergency or for a law enforcement purpose.
(d) Use or nonuse of a child passenger safety seat system is not admissible evidence in a civil trial, other than a proceeding under Subtitle A or B, Title 5, Family Code.
(e) This section does not apply to a person:
   (1) operating a vehicle transporting passengers for hire; or
   (2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.
(f) In this section:
   (1) "Child passenger safety seat system" means an infant or child passenger.
   (2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, truck, or truck tractor.
   (3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
   (4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
      (A) the manufacturer of the vehicle, if the safety belt is original equipment; or
      (B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

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

1. the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and
2. the requirements of this section and the penalty for noncompliance.

(h) Notwithstanding Section 542.402(a), a municipality or county, at the end of the municipality's or county's fiscal year, shall send to the comptroller an amount equal to 50 percent of the fines collected by the municipality or the county for violations of this section. The comptroller shall deposit the amount received to the credit of the tertiary care fund for use by trauma centers.

§545.413, Transportation Code, Safety Belts; Offense.

(a) A person commits an offense if the person:

1. is at least 15 years of age;
2. is riding in the front seat of a passenger vehicle while the vehicle is being operated;
3. is occupying a seat that is equipped with a safety belt; and
4. is not secured by a safety belt.

(b) A person commits an offense if the person:

1. operates a passenger vehicle that is equipped with safety belts; and
2. allows a child who is at least four years of age but younger than 17 years of age to ride in the vehicle without requiring the child to be secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt.

(c) A passenger vehicle or a seat in a passenger vehicle is considered to be equipped with a safety belt if the vehicle is required under Section 547.601 to be equipped with safety belts.

(d) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than $25 or more than $50. An offense under Subsection (b) is a misdemeanor punishable by a fine of not less than $100 or more than $200.

(e) It is a defense to prosecution under this section that:

1. the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
2. the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
3. the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
4. the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
5. the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle; or
6. the person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163 that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more.

(f) The department shall develop and implement an educational program to encourage the wearing of safety belts and to emphasize:
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(1) the effectiveness of safety belts and other restraint devices in reducing the risk of harm to passengers in motor vehicles; and

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

(g) Use or nonuse of a safety belt is not admissible evidence in a civil trial, other than a proceeding under Subtitle A or B, Title 5, Family Code.

(h) In this section, "passenger vehicle," "safety belt," and "secured" have the meanings assigned by Section 545.412

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

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

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

(j) Notwithstanding Section 542.402(a), a municipality or county, at the end of the municipality's or county's fiscal year, shall send to the comptroller an amount equal to 50 percent of the fines collected by the municipality or the county for violations of this section. The comptroller shall deposit the amount received to the credit of the tertiary care fund for use by trauma centers.

§545.424, Transportation Code, Operation of Vehicle by Person Under 18 Years of Age.

(a) A person under 18 years of age, during the six-month period following issuance of an original Class A, B, or C driver's license to the person, may not operate a motor vehicle:

(1) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(2) with more than one passenger in the vehicle under 21 years of age who is not a family member.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license, during the six-month period following the issuance of an original motorcycle license or moped license to the person, may not operate a motorcycle or moped after midnight and before 5 a.m. unless:

(1) the person is in sight of the person's parent or guardian; or

(2) the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency.

(c) This section does not apply to:

(1) the holder of a hardship license; or

(2) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit.

(d) For the purposes of this section, employment includes work on a family farm by a member of the family that owns or operates the farm.

(e) A peace officer may not stop a vehicle or detain the operator of a vehicle for the sole purpose of determining whether the operator of the vehicle has violated this section.
SECTION 4. This Act does not affect the validity or effect of a driver's license, including an instruction permit, issued before the effective date of this Act. A license issued before the effective date of this Act is governed by the law in effect when the license was issued, and that law is continued in effect for that purpose.

**Article 45.051, Code of Criminal Procedure, Suspension of Sentence and Deferral of Final Disposition.**

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the justice may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days.

(b) During the deferral period, the justice may require the defendant to:
   1. post a bond in the amount of the fine assessed to secure payment of the fine;
   2. pay restitution to the victim of the offense in an amount not to exceed the fine assessed;
   3. submit to professional counseling;
   4. submit to diagnostic testing for alcohol or a controlled substance or drug;
   5. submit to a psychosocial assessment;
   6. participation in an alcohol or drug abuse treatment or education program;
   7. pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs; and
   8. comply with any other reasonable condition.

(c) At the conclusion of the deferral period, if the defendant presents satisfactory evidence that he has complied with the requirements imposed, the justice shall dismiss the complaint, and it shall be clearly noted in the docket that the complaint is dismissed and that there is not a final conviction. Otherwise, the justice may proceed with an adjudication of guilt. After an adjudication of guilty, the justice may reduce the fine assessed or may then impose the fine assessed, less any portion of the assessed fine that has been paid. If the complaint is dismissed, a special expense not to exceed the amount of the fine assessed may be imposed.

(d) If at the conclusion of the deferral period the defendant does not present satisfactory evidence that the defendant complied with the requirements imposed, the justice may impose the fine assessed or impose a lesser fine. The imposition of the fine or lesser fine constitutes a final conviction of the defendant.

(e) Records relating to a complaint dismissed as provided by this article may be expunged under Article 55.01 of this code. If a complaint is dismissed under this article, there is not a final conviction and the complaint may not be used against the person for any purpose.

**Article 45.0511, Code of Criminal Procedure, Deferred Disposition Procedures Applicable to Traffic Offenses.**

(a) This article applies to an alleged offense involving the operation of a motor vehicle other than a commercial motor vehicle, as defined by Section 522.003, Transportation Code, and supplements Article 45.051.

(b) During the deferral period under Article 45.051, the justice:
   1. shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency if the defendant elects deferred disposition and the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the preceding 12 months; and
   2. may require the defendant to successfully complete a driving safety course approved by the Texas Education Agency if the defendant has completed an approved driving safety course within the preceding 12 months.
(c) Subsection (b)(1) applies only if:

1. the person enters a plea in person or in writing of no contest or guilty and, before the answer date on the notice to appear:
   A. presents in person to the court an oral or written request to take a course; or
   B. sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

2. the court enters judgment on the person's plea of no contest or guilty at the time the plea is made but defers imposition of the judgment for 180 days;

3. the person has a Texas driver's license or permit;

4. the person is charged with an offense to which this article applies, other than speeding 25 miles per hour or more over the posted speed limit;

5. the person provides evidence of financial responsibility as required by Chapter 601, Transportation Code;

6. the defendant's driving record as maintained by the Texas Department of Public Safety shows the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; and

7. the defendant files an affidavit with the court stating that the person is not taking a course under this section and has not completed a course that is not shown on the person's driving record within the 12 months preceding the date of the offense.

(d) Notwithstanding Subsection (c)(1), on a written motion submitted to the court before the final disposition of the case, the court may grant a request to take a driving safety course or a motorcycle operator training course under this article.

(e) A request to take a driving safety course made at or before the time and at the place at which a person is required to appear in court is an appearance in compliance with the person's promise to appear.

(f) The court may require a person requesting a driving safety course to pay a fee set by the court at an amount of not more than $10, including any other fee authorized by statute or municipal ordinance, to cover the cost of administering this article.

(g) A person who requests but does not take a course is not entitled to a refund of the fee.

(h) Fees collected by a municipal court shall be deposited in the municipal treasury. Fees collected by another court shall be deposited in the county treasury of the county in which the court is located.

(i) If a person requesting a driving safety course fails to furnish evidence of the successful completion of the course to the court, the court shall:
   1. notify the person in writing, mailed to the address appearing on the notice to appear, of that failure; and
   2. require the person to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

(j) A person who fails to appear at the time and place stated in the notice commits a misdemeanor punishable as provided by Section 543.009, Transportation Code.

(k) On a person's showing of good cause for failure to furnish evidence to the court, the court may allow an extension of time during which the person may present a uniform certificate of completion as evidence that the person successfully completed the driving safety course.

(l) When a person complies with Subsection (b) and a uniform certificate of course completion is accepted by the court, the court shall:
   1. remove the judgment and dismiss the charge;
(2) report the fact that the person successfully completed a driving safety course and the date of completion to the Texas Department of Public Safety for inclusion in the person’s driving record; and

(3) state in this report whether the course was taken under the procedure provided by this article to provide information necessary to determine eligibility to take a subsequent course under Subsection (b).

(m) The court may dismiss only one charge for each completion of a course.

(n) A charge that is dismissed under this article may not be part of a person’s driving record or used for any purpose.

(o) An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged an insured under the policy because the insured completed a driving safety course or had a charge dismissed under this article.

(p) The court shall advise a person charged with a misdemeanor under Subtitle C, Title 7, Transportation Code, committed while operating a motor vehicle of the person’s right under this article to successfully complete a driving safety course or, if the offense was committed while operating a motorcycle, a motorcycle operator training course. The right to complete a course does not apply to a person charged with a violation of Section 545.066, 545.401, 545.421, 550.022, 550.023, Transportation Code, or serious traffic violation as defined by Section 522.003, Transportation Code.

(q) Nothing in this article shall prevent a court from assessing a special expense for deferred disposition in the same manner as provided for in Article 45.051. For a deferred disposition under Subsection (b)(1), the court may only collect a fee of up to $10 in addition to any applicable court cost.

Article 5.03-4, Insurance Code, Discounts for Drug and Alcohol Driving Awareness Programs.

(a) In this article, "alcohol- or intoxication-related offense" means:

(1) an offense related to operation of a motor vehicle under Chapter 49, Penal Code;

(2) an offense under Section 106.02, 106.025, 106.04, 106.041, or 106.05, Alcoholic Beverage Code, that has not been expunged under Section 106.12, Alcoholic Beverage Code; or

(3) an offense under a statute of another state that is similar to a statute described by Subdivision (1) or (2).

(b) The commissioner shall by rule require a five percent premium discount applicable to a personal motor vehicle insurance policy for completion of a drug and alcohol driving awareness program that has been approved by the Texas Education Agency under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon’s Texas Civil Statutes).

(c) A person is ineligible to receive the discount required under this article if any person covered under the policy has, within the seven years preceding the date on which the person was enrolled in the drug and alcohol driving awareness program, been convicted of an alcohol- or intoxication-related offense.

(d) A person who completes a drug and alcohol driving awareness program but who is ineligible for the discount under Subsection (c) of this article becomes eligible for the discount on the seventh anniversary of the date of the disqualifying conviction.

(e) The discount under this article expires on the earlier of:

(1) the third anniversary of the date on which the person completes the drug and alcohol driving awareness program; or

(2) the date the person is convicted of an alcohol- or intoxication-related offense if the person is convicted after completing the drug and alcohol driving awareness program.

(f) The standards for drug and alcohol driving awareness programs adopted under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon’s Texas Civil Statutes) are the minimum standards for certified programs designed to educate persons on the dangers of alcohol, drugs, and
driving. A person is not eligible for, and an insurer may not offer, a premium discount applicable to a personal motor vehicle insurance policy for completion of a drug and alcohol driving awareness program that does not use the applicable uniform curriculum developed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

**Title 6, Chapter 469.007, Health and Safety Code, Use of Other Drug and Alcohol Awareness Programs.**

In addition to using a drug court program established under Section 469.002, the commissioners court of a county or a court may use other drug awareness or drug and alcohol driving awareness programs to treat persons convicted of drug or alcohol related offenses.