

**From:** [Sunset Advisory Commission](#)  
**To:** [Trisha Linebarger](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, August 17, 2020 5:26:00 PM

---

From: sunset@sunset.texas.gov [<mailto:sunset@sunset.texas.gov>] On Behalf Of Texas Sunset Commission  
Sent: Monday, August 17, 2020 4:36 PM  
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: Patrick

Last Name: Barrett

Title: President

Organization you are affiliated with: Driver Ed in a Box and Collision-Free Driver Ed

Email: patrickbarrett@drivedinabox.com

City: Katy

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The Sunset Review headline says it all:

TDLR's Driver Training Programs Need Fundamental Reform to Eliminate Unnecessary, Burdensome, and Unfair Regulations.

The Sunset Review has hit the nail on the head.

Can I get an "Amen"?

A lot of time and thought went into these recommendations and I want to thank the Sunset Advisory Commission folks for this effort.

While Director Brian Francis has encouraged the Driver Education and Safety Advisory Board to move toward reform, the board members have done little to move to significant reform. Unnecessary, burdensome and unfair regulations still abound even though a number of adjustments have been made in the rules.

On the whole, the board members are simply protecting their own interests with little regard to what serves the public's interest for safer drivers.

Following are my comments regarding the Sunset Commission's recommendations.

4.1-4.6 Agree.

In fact, I strongly agree with 4.6, Eliminate the minimum fees driving safety course providers must charge consumers.

This artificial price support stifles competition and denies the consumer opportunities for lower fees for these courses.

4.7- Disagree regarding Online distinction and no longer separating Parent-taught from other driver education options Although I agree in general with the intent of this proposal – to simplify the licenses, I disagree with the part that lumps online Parent-taught course with other online driver education courses.

First of all, why not just one type of license for a business entity – a driver education provider license? There would be no distinction between a course provider and a school – they would simply be an approved "Driver Education" business/entity. Whether the service is provided in-person or online becomes a non-issue if an organization is an approved driver education provider. Once a driver education provider license is approved, that approved entity could offer any type of driver education or driver safety curriculum or service for which it qualifies for without any

additional fees.

Likewise, only one type of instructor license needs to be issued – a driver education instructor license. Individual organizations would be responsible for their employees and their ability to provide the appropriate service. Only a criminal background and driving record checks would be required.

Must keep Parent-taught driver education separate While the proposal to make the Correspondence Provider specific to Parent-taught driver education as a Proposed License, the Online Provider recommendation is not listed as specific to Parent-taught.

Why is this a problem?

The intent of parent-taught legislation is to allow the parent to be the person ultimately responsible for the student's completion of the driver education course. Even if the parent designates a person to oversee or provide the driver education, the parent is still ultimately responsible.

The current proposal involving Online Provider makes no distinction between driver education from a school or parent.

An Online Provider driver education course cannot usurp the parent's fundamental right to oversee and be responsible for a student's driver education.

An online driver education course from a driver education school is not geared to allowing the parent to be in control. A driver education school is responsible for verifying the student's attendance and progress.

Also, the course provider may provide access to an instructor.

However, in a parent-taught online driver education course, the parent serves as the instructor. Hence, the requirement for checking attendance, verifying authenticity of use, etc., is the responsibility of the parent, not the course provider.

Home school requirements in Texas do not permit regulatory agencies to check for attendance or verify authenticity of instruction. The TDLR oversteps its authority when doing so in Parent-taught driver education.

If a parent is homeschooling her student in history or English, she does not have to report her student's attendance to a regulatory agency. Nor should an online parent-taught course provider be required to have attendance or authenticity features built into its program. It is the parent's responsibility to verify or certify the student's participation in the course.

An online parent-taught driver education course provider may choose to include such features as student verification and attendance as a convenience for the parent, but such features cannot be required for course approval.

4.8 Eliminate pre-license and continuing education requirements for driver education instructors.

This is an excellent recommendation since it retains the criminal background check and allows the driver education businesses to determine the qualifications and training of their instructors. This will also increase the ability of these businesses to hire and put to work veterans without the months of delay that current agency rules and processes require.

As stated in the Sunset report:

While the state must ensure instructors are safe to work with minors, businesses should be responsible for the quality of their employees.

4.9 – 4.10 I agree with these recommendations Inspections are by and large a waste of time in the manner that they are conducted at this time. Often a driver education school may only have an instructor on site teaching the class and the inspectors show up, interrupt the classroom instruction and demand the instructor give them his full attention for their inspection. This is both disruptive and inefficient as the instructor may or may not have access to all the records the inspectors choose to review.

4.11 Eliminate prescriptive curriculum hours and authorize TDLR to set minimum hours in rule. This is an excellent recommendation. However, the goal should be to focus on reducing crashes. Often national standards and

best practices focus on anything but producing collision-free drivers. As strange as that sounds, these standards tend to focus on theory (classroom) rather than the practical application of training new and re-training of experienced drivers in the techniques of collision-free driving. To achieve safer drivers the emphasis (and time) needs to involve in-vehicle training.

Instead of the TDLR setting minimum hours, it is in the public interest to set standards for mastery of skills that produce safer drivers. Individuals learn at their own pace, not at a prescribed number of hours typically designed to appease classroom education teachers who are not accustomed to teaching to a performance level that involves mastery of psycho-motor skills.

Granted, the driving safety courses are primarily used for traffic ticket dismissal purposes and the minimum time requirements for those courses are part of the “punishment phase” of the course – participants are required to give up a specific number of hours.

4.12 Eliminate costly course approval fees and streamline TDLR’s process for approving driver training curricula. Another excellent recommendation on both fronts. The exorbitant fees are unreasonable and are designed to limit competition. Also, the approval process is a waste of TDLR resources. All the agency needs to do for approval is require the applicant to verify that it meets the curriculum standards. This would save a tremendous amount of time the agency uses to review applications.

Regarding the curriculum standards, only the general topic should be required to be covered. The amount of time and the specific elements of each topic should be at the discretion of the course provider or instructor. The current minimum content and time requirements for each topic should only be recommended, not required. This would allow the instructor/provider the opportunity to tailor the instruction to the students’ needs.

4.13 Modify the membership of the Driver Training and Traffic Safety Advisory Committee to conform to the new licensing structure.

Reducing the number of members to this committee makes sense. However, at least one member must be a representative of a Parent-taught program. The Parent-taught program currently provides 70% of the revenue that TDLR receives from Driver Education and Safety. It makes sense for the Advisory Committee to specify a member to represent that segment of the industry.

4.14 Direct TDLR to list on its website only licensed instructors and providers, not the specific courses they offer. While I agree with the intent of this recommendation, it does not address the issue of identifying the Parent-taught courses available to those choosing that option.

Parent-taught must be separated out because this program, by legislative intent, allows the parent (not the school or course provider) to be responsible for the training – regardless of the delivery method. This is an important distinction.

Yes, it is not the role of the TDLR and its website to be used as a promotional tool for private businesses. With that in mind, the TDLR could simply eliminate listing the Parent-taught course providers from its website. Instead, once a parent selects the option of a parent-taught course and completes/submits the application for the Parent-taught packet, the TDLR could then attach a list of approved courses (and their method of delivery) to the packet. The list could be in numerical order based on the order in which the courses were approved. Also, the practice of permitting “clone” courses should be eliminated. The agency claims it is doing this, but I see no evidence of that at this time.

Again, thank you for your review of this industry.

Any Alternative or New Recommendations on This Agency: see above notes

My Comment Will Be Made Public: I agree