

From: [Elizabeth Jones](#)
To: [Trisha Linebarger](#)
Subject: FW: Sunset TDLR Public Comment
Date: Friday, December 18, 2020 3:55:00 PM
Attachments: [Minimum Fee Coalition Document 12 18 20 FINAL.docx](#)

From: Jocelyn Dabeau
Sent: Friday, December 18, 2020 3:38:56 PM (UTC-06:00) Central Time (US & Canada)
To: Sunset Advisory Commission
Cc: Jocelyn Dabeau; sarah.lacy@lockelord.com; Miller, Robert; Danielle Delgadillo
Subject: Sunset TDLR Public Comment

Dear Sunset Staff,

This public comment is from multiple organizations. The logos for those organizations appear in the document and are listed below.

I am submitting on behalf of all the organizations. The contact information for the submission is Jocelyn Dabeau, available via email at jocelyn@jocelyndabeau.com or by phone at 512-550-5846.

The full list of organizations is:

Defensive Driving.com
Benavides Driving School
Austin Driving School
Aceable, Inc.
Driver Training Associates, Inc.
Texas Professional Driver Education Association
Texas Driving School
Houston Area Driving Schools

Thank you.

Warmest regards,
Jocelyn

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Please Vote to NOT ADOPT Recommendation # 4.6
in the TDLR Sunset Report because
Minimum Fees for Driving Safety Courses Should Remain in Statute

Dear Sunset Commission Members and Staff,

Currently, Staff Recommendation # 4.6 in the in the Texas Department of Licensing and Regulation (TDLR) Sunset Staff Report would eliminate the minimum fees that driving safety course providers must charge consumers. However, this recommendation should **not be adopted** by the Commission in the final report.

Rejection of Recommendation # 4.6 would retain the statutory minimum fees, and the current statutory fees benefit Texans for the below reasons.

Rationale and History for Minimum Course Fee

- Completion of a driving safety course for dismissal of a traffic ticket requires a state-approved certificate of completion for submission to a Texas court.
- State-approved certificates of completion issued by a licensed course provider are considered a government document and subject to penalties for misuse.
- As with other state-approved government documents (i.e., vehicle inspections), a minimum, mandatory fee is warranted to ensure competitive market practices do not jeopardize the integrity of the certificate or the legal completion of courses for traffic ticket dismissal in Texas.
- The current \$25 minimum course fee for driving safety courses ensures licensed course providers maintain quality courses to satisfy state requirements and provide effective programs to the consumer.
- Senate Bill 964, which the Texas Legislature passed in 1995, addressed the abovementioned concerns and established reasonable safeguards to protect the public with respect to driving safety courses.

Post-Minimum Fee Elimination Concerns

- Elimination of a minimum, mandatory fee for a driving safety course for traffic ticket dismissals may cause the return to pre-1995 practices—most notably, rampant certificate selling and shoddy programs lacking value discovered by the Texas Department of Public Safety prior to SB 964.
- Removing this fee will force providers to charge whatever amount the market will bear. While this may lower costs for consumers, it will also force course operators to cut corners and reduce the quality of programs. This will directly undermine the goal of the courses, which is to produce better drivers and protect the travelling public. Removing the minimum price could decrease safety and cost lives.
- Sunset staff also recommends that TDLR no longer require approval of courses in advance. Staff hopes this will lower barriers to entry for new course providers. While having more providers is not inherently bad, when paired with no minimum fee, this policy change could incentivize new entrants into the space who provide courses at a drastically lower fee with subpar course materials.
- According to testimony during the Sunset hearing on this issue, in California, a similar minimum fee was removed which led to a "race to the bottom." Program quality diminished as the program fees were competitively lowered. The Executive Director of TDLR stated that this is why the agency previously considered and then ultimately decided not to support removal of the minimum fee.
- The protections for driving safety courses are warranted because the courses are court-imposed programs for the dismissal of a traffic ticket. Courts must trust that courses meet minimum standards, improve road safety, and rehabilitate traffic offenders.

Other Unintended Consequences

- COVID-19 has hit the driver safety industry exceptionally hard. Fewer drivers are on the road and court houses are closed. Many in the driver safety industry are on the brink of bankruptcy, laying off their workforce and permanently closing their businesses.
- If the minimum price is eliminated, it will cause those businesses that are barely hanging on to fail.
- Additionally, small driving safety businesses that have to pay for in-person instructors and facilities are even more unlikely to survive without a minimum fee.
- Approximately 20% of driver safety courses are taught in person in a classroom setting. Many areas of the state lack adequate broadband access. Individuals that do not learn well online, cannot afford a computer, or lack adequate broadband access could have no viable option to take a driver safety course in person the future if in-person driver safety course are forced out of business.



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