

December 17, 2020

Sunset Advisory Commission
105 E. 15th St
Austin, TX 78701

RE: Written Testimony in Response to TDLR Staff Report

Dear Chairman Cyrier and Commission Members,

My name is Glenn Winningham and I am the President of Driver Training Associates, Inc. and a member of TDLR's Driver Training and Traffic Safety Advisory Board. Driver Training Associates has been based in Texas since 1977 and is a multi-state leader in traffic safety and drug and alcohol awareness programs.

In this written testimony, I would like to share my thoughts regarding Part/Issue 4 of the Sunset Staff report, which directly pertains to Driver Education and Safety Programs. After a thorough review, and with great respect, I disagree with the Sunset Staff's assessments, recommendations, and potential implications specifically regarding items 4.1, 4.6, and 4.12. If these recommendations are pursued, it is my opinion that they will have a detrimental impact on our industry, the public, and the State's court system.

Item 4.1

4.1 "Eliminate the separate drug and alcohol driving awareness course and associated licenses"

My objection to Item 4.1 is that it will create a gap in Section 106.115 of the Alcoholic Beverage Code. Section 106.115 of the ABC code specifically details how a judge must sentence a defendant who has been cited for a particular alcohol/drug infraction under 49.02 of the penal code. Currently in 106.115, judges are given the option to send their defendants to an alcohol awareness program approved by the TDLR (classroom/in-person instruction only) or a drug and alcohol driving awareness program (DADAP) approved by the TDLR (classroom and online). If the commission were to follow the staff's recommendations, it would remove the ONLY online education option for judges and defendants under Section 106.115.

The staff report further states there will not be an adverse effect if DADAP is eliminated because courts and probation departments can continue referring offenders to any of the "THOUSANDS" of drug and alcohol related courses they have access to. That statement is 100% FALSE. The entire State of Texas has only 84 physical locations for a defendant to take an alcohol awareness program as mandated under Section 106.115 (see map provided). As the map shows, 34 counties are represented out of 254. There is no way every defendant in the state can be serviced by 84 locations. This is the exact reason why DADAP was created and approved under Section 106.115 during the 83rd legislative session. Further, given the Covid-19 pandemic, it seems counter-productive to remove the only online education option

for judges and defendants and force them into a traditional classroom setting, possibly 60-100 miles away with complete strangers for 6 hours.

Item 4.6

“Eliminate the minimum fees driving safety course providers must charge consumers”

If the \$25 minimum course price is removed from statute, it will create a marketing advantage for online programs over traditional classroom programs. Texas is unique in that its \$25 minimum creates a level playing field for both online and classroom programs, allowing these small local businesses with considerable overhead costs to compete with large for profit and non-profit corporations that are capable of offering an online course at a discounted rate. At the discounted rate, many local and family owned businesses will be forced to shut their doors, resulting in unemployment and loss of local revenue. Once the classrooms start shutting down, consumer options will become limited. The classroom is the preferred method to take a course for consumers who have language barriers and residents who are not technologically savvy or simply learn more effectively in a traditional classroom setting.

Also, if history is any indicator, removal of the minimum fee will result in a “cut-throat” marketplace in which online companies seek to drive their competition out of business through bait and switch advertising campaigns. In Florida for example, most online companies offer an artificially low course fee prior to registration and then add various surcharges and processing fees to boost the total price. This results in a pricing scheme that is deceptive and confusing for the consumer. Texas’ minimum fee requirement prevents such a scenario from occurring.

Finally, removal of the \$25 fee will cause the overall quality of programs to decrease, especially in the long term, by limiting the company’s financial ability to make improvements to their courses, offer top level customer service, research and develop new technologies for course delivery, and continue to make legislatively required curriculum content changes every two years.

Item 4.12

“Eliminate costly course approval fees and streamline TDLR’s process for approving driver training curricula”

As stated earlier, I sit on the TDLR Driver Training Advisory Board. Most of my duty the past 5 years has been to figure out ways for TDLR to streamline processes and condense industry rules. We have come a long way and done a great job so far in my opinion. While I have agreed with mostly everything we have done, I would not agree with the recommendation that course approvals be streamlined.

Course approvals are very time consuming and tedious for a reason. A staff member or multiple staff members must make sure each curriculum adheres to the rules and guidelines set forth by the State and department. This review process involves rigorously testing each course to ensure that required topics are covered; page timers, identity validation methods, and testing procedures are all in place and

working; the required amount of multimedia presentations are included; certificates are generated properly; adequate customer service is in place, and so forth. Sunset Staff is recommending that we bypass this entire testing process and let the curriculum submitter sign an affidavit swearing their course meets or exceeds the standards. No review, just a signed statement of assurance.

The Sunset Staff's recommendation to streamline this process is absolutely unnecessary. What is worse, in my opinion, is the courts who refer people to these courses and the people taking the courses will begin to view them as a farce. I strongly believe TDLR owes it to the public, the courts, and the lawmakers to fully review and only approve courses/companies to do business that have strictly adhered to the guidelines set forth and followed by their competition.

It is my sincere hope that you all will consider the concerns voiced in this testimony and will work to ensure these items stay out of any future legislation. Thank you for your time and the opportunity for submission. My contact information is below. I am available at any time to answer any questions or provide further detail.

Safest Regards,

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