

MINUTES
PUBLIC SAFETY COMMISSION
November 25, 2003
Austin, Texas

The Public Safety Commission met in Austin, Texas on November 25, 2003. Attending the meeting were Chairman Colleen McHugh and Commissioners Robert Holt and James B. Francis, Jr.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Tom Haas, Accounting & Budget Control
Randy Elliston, Danny Knauth & Mark Rogers, Highway Patrol Division
C. J. Havrda, Rangers
Marshall Caskey & Kent Mawyer, Criminal Law Enforcement
Burton Christian & Charley Kennington, Administration
Judy Brown, Greg Gloria & Angela Parker, Driver License
Farrell Walker & Jude Schexnyder, Audit & Inspection
Mary Ann Courter, General Counsel
Mary Lauderdale & Ed Kelly, Information Management Service
Tela Mange, Public Information
David Outon, Internal Affairs
Jack Reichert, Aircraft
Andy Mokry & Tavia Wendlandt, Building Program
Michael Kelley, Legislative Liaison
Dorothy Wright, Secretary

Guests present:

Lori Gabbert, Legislative Budget Board
Shanisha Johnson

The meeting was called to order by Chairman McHugh. Proper notice had been posted.

- I. **Minutes.** Upon motion by Commissioner Francis and seconded by Commissioner Holt, the minutes of the October 28, 2003 meeting were approved.
- II. **Public comment.** There was no public comment.
- III. **Personnel matters; pending and contemplated litigation; ongoing criminal investigations; status of purchase of real property.** The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters including the Director's intent to discharge probationary employees, Special Ranger and Special Texas Ranger commissions, Honorary Texas Ranger Captains, pending and contemplated litigation, status of purchase of real property, and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner McHugh announced that the Commission had discussed personnel matters, pending and contemplated litigation and ongoing criminal investigations. Upon motion by Commissioner Francis and seconded by

Commissioner Holt, the Commission unanimously consented to the Director's discharge of probationary employees Carmela Hall, Roy D. Jones and Lance P. Kirk. Special Ranger commissions had been considered for DPS retirees Jackie Burns, Richard Easterwood, Larry Marshall and Jack York. Upon motion by Commissioner Holt and seconded by Commissioner Francis, Special Ranger commissions were approved for the above named individuals. Upon motion by Commissioner Holt and seconded by Commissioner McHugh, Commissioner James B. Francis, Jr., was named an Honorary Texas Ranger Captain.

- IV. **Budget matters.** Tom Haas gave the budget report. There was some discussion on vacancies and HUB purchases.
 - A. **Approval of proposed seized fund purchases.** Marshall Caskey and the respective Chiefs briefed the Commission on the proposed seized fund purchases. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached purchases were unanimously approved.
- V. **Audit & Inspection Report.** Farrell Walker gave the Audit & Inspection report.
- VI. **Division reports.** Burt Christian gave the Administration Division report. There was some discussion on the sex offender registration database backlog, CHL processing, Fleet Operations and Building Program projects. Randy Elliston gave the Texas Highway Patrol Division report. There was some discussion on dive team activities, TLE drug interdictions, and results of the overtime payment approval. The Driver License Division report was given by Judy Brown. There was some discussion on the DL reengineering project and the fraud unit. Marshall Caskey gave the Criminal Law Enforcement Division report. There was some discussion on CODIS and DNA forensic case backlogs. The Ranger report was given by C. J. Havrda. Mary Lauderdale gave the Information Management Service report. Danny Knauth gave an update on joint efforts between DPS and the Texas Commission on Environmental Quality (TCEQ) for implementation of the State's vehicle emissions inspection/maintenance program. Mark Rogers updated the Commission on the border safety inspection stations.
- VII. **For publication for public comment.**
 - A. **Proposed amendment to Rule 14.1, 37 TAC Sec. 14.1, relating to school bus transportation and requirement that school bus drivers complete a new updated form to determine physical fitness** Mary Ann Courter briefed the Commission on the proposed amendment. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached amendment was unanimously approved for publication for public comment.
 - B. **Proposed amendments to Rules 14.51 & 14.52 and new Rule 14.53, 37 TAC Secs. 14.51, 14.52 & 14.53, relating to school bus specifications; clarification as to compliance of open-enrollment charter schools, clarification of which school bus specification publications will be used, and requirement that vendors certify that school buses meet all standards and specifications prior to sale or use by the school system**

C. Proposed amendment to Rule 14.61, 37 TAC Sec. 14.61, relating to the Department of Public Safety being the primary agency responsible for school bus specifications

Charley Kennington briefed the Commission on the above proposed amendments and rule. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached rule and amendments were unanimously approved for publication for public comment.

VIII. For final adoption.

A. Proposed amendments to Rules 6.1 & 6.2, 37 TAC Secs. 6.1 & 6.2, relating to the acceptance of approved credit cards for online applications for Licenses to Carry Handguns and changes to statute references, as published in 28 TexReg 7942, September 12, 2003

B. Proposed amendments to Rules 6.11, 6.13, 6.15, 6.16, 6.19 & 6.20, 37 TAC Secs. 6.11, 6.13, 6.15, 6.16, 6.19 & 6.20, relating to eligibility requirements and procedures to establish residency required by applicants to obtain Licenses to Carry Handguns, as published in 28 TexReg 7943, September 12, 2003

C. Proposed amendment to Rule 6.44, 37 TAC Sec. 6.44, relating to places prohibited by License Holders to carry handguns, as published in 28 TexReg 7948, September 12, 2003

D. Proposed amendment to Rule 6.63, 37 TAC Sec. 6.63, relating to a change in statutory reference for revocation of a License to Carry Handguns, as published in 28 TexReg 7949, September 12, 2003

E. Proposed amendments to Rules 6.71, 6.89 & 6.95, 37 TAC Secs. 6.71, 6.89 & 6.95, relating to use of videos for course instruction by Certified Handgun Instructors and expiration of Instructor Certification, as published in 28 TexReg 7950, September 12, 2003

F. Proposed repeal of Rules 6.117-6.119, 37 TAC Secs. 6.117-6.119, relating to reporting requirements for law enforcement agencies regarding Handgun Licensees, as published in 28 TexReg 7951, September 12, 2003

Mary Ann Courter briefed the Commission on the above proposed amendments and repeal. Upon motion by Commissioner Holt and seconded by Commissioner Francis, the attached amendments and repeal were unanimously approved for final adoption.

G. Proposed amendments to Rules 15.1 & 15.5-15.7, 37 TAC Secs. 15.1 & 15.5-15.7, relating to requirements for Driver Licenses, instruction permits, motorcycle licenses and occupational licenses, as published in 28 TexReg 7951, September 12, 2003. Mary Ann Courter briefed the Commission on the proposed amendments. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached amendments with the change as noted were unanimously approved for final adoption.


H. Proposed amendment to Rule 15.21, 37 TAC Sec. 15.21, relating to Driver License application signature requirements, as published in 28 TexReg 7952, September 12, 2003

- I. **Proposed amendment to Rule 15.55, 37 TAC Sec. 15.55, relating to the acceptance of a motorcycle training course for the waiver of the motorcycle skills test, as published in 28 TexReg 7953, September 12, 2003**
- J. **Proposed amendments to Rule 15.58, 37 TAC Sec. 15.58, relating to Medical Advisory Board referrals as to driver license applicants, as published in 28 TexReg 8826, October 10, 2003**
- K. **Proposed amendments to Rules 31.1-31.4, 31.6, 31.7, 31.9, 31.10 & 31.12, 37 TAC Secs. 31.1-31.4, 31.6, 31.7, 31.9, 31.10 & 31.12, relating to Standards for an Approved Motorcycle Operator Training Course, as published in 28 TexReg 7952, September 12, 2003**

Mary Ann Courter briefed the Commission on the above proposed amendments. Upon motion by Commissioner Francis and seconded by Commissioner Holt, the attached amendments were unanimously approved for final adoption.

A motion was made by Commissioner Francis and seconded by Commissioner Holt adjourning the meeting.

Read and approved this _____ day of _____, 2004.


Chairman


Member

Member

**FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 10-31-03

Division/Service/Section making request:

Director's Staff – Information Management Service

Description of Item(s) requested (attach request memo):

Intrusion detection hardware/software – approved Option #1

Describe Overall Impact of Request:

See attached justification.

Equipment Location (circle one): Field Headquarters Both

Estimated Cost of this Request: \$80,235

RECOMMENDATION OF COMMITTEE:

☒ Approval

Fund _____

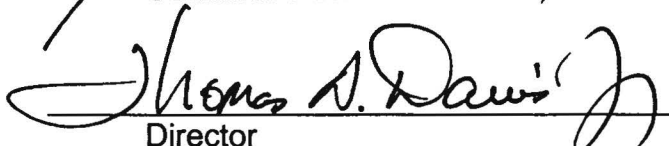
☐ Not Approved

Control Number 04-006

Reason if NOT Approved:


Committee Chairman

11-07-03
Date


Director

11-24-03
Date


for the Public Safety Commission

11-25-03
Date

**FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 11-03-03

Division/Service/Section making request:

Director's Staff – Aircraft Section

Description of Item(s) requested (attach request memo):

Purchase of FLIR Unit for helicopter in Lubbock.

Describe Overall Impact of Request:

See attached memo for justification.

Equipment Location (circle one):

Field

Headquarters

Both

Estimated Cost of this Request:

\$225,000

RECOMMENDATION OF COMMITTEE:

✓ Approval

Fund _____

____ Not Approved

Control Number 04-007

Reason if NOT Approved:

Marshall Carkey
Committee Chairman

11-07-03
Date

Thomas P. Davis
Director

11-24-03
Date

Gregory M. Huger
for the Public Safety Commission

11-25-03
Date

**FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 10-31-03

Division/Service/Section making request:

Driver License Division

Description of Item(s) requested (attach request memo):

DL Image Retrieval, Phase 2B

Describe Overall Impact of Request:

Completion of project.

Equipment Location (circle one): Field Headquarters Both

Estimated Cost of this Request: **\$254,105**

RECOMMENDATION OF COMMITTEE:

☒ Approval

Fund _____

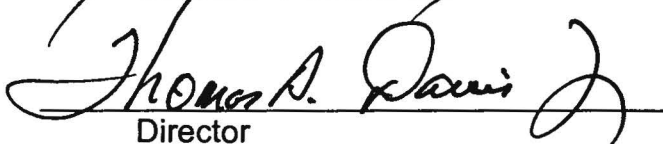
☐ Not Approved

Control Number 02-012

Reason if NOT Approved:


Committee Chairman

11-07-03
Date


Director

11-24-03
Date


for the Public Safety Commission

11-25-03
Date

**FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 10-31-03

Division/Service/Section making request:

Texas Highway Patrol Division

Description of Item(s) requested (attach request memo):

Boston Whaler boat and motor

Describe Overall Impact of Request:

To replace outdated, existing boat and motor.

Equipment Location (circle one):

Field

Headquarters

Both

Estimated Cost of this Request:

\$35,000

RECOMMENDATION OF COMMITTEE:

✓ Approval

Fund _____

____ Not Approved

Control Number 04-005

Reason if NOT Approved:

Marshall Carby
Committee Chairman

11-07-03
Date

Thomas A. Davis
Director

11-24-03
Date

Cecilia D. Huggins
for the Public Safety Commission

11-25-03
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter A
Section Numbers 6.1, 6.2

The Texas Department of Public Safety adopts amendments to Section 6.1 and Section 6.2, concerning License To Carry Handguns, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7942).

Amendment to Section 6.1 is necessary due to the codification of Texas Civil Statutes to Texas Government Code. Amendment to Section 6.2 is necessary in order to make the public aware that approved credit cards will be accepted for applications submitted online.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Government Code, Chapter 411, Subchapter H.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


M. Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter A
Section Numbers 6.11, 6.13, 6.15, 6.16, 6.19 and 6.20

The Texas Department of Public Safety adopts amendments to Sections 6.11, 6.13, 6.15, 6.16, 6.19, and 6.20, concerning License To Carry Handguns, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7943).

Amendments to Section 6.11 are necessary because effective September 1, 2003, the Texas Legislature changed the eligibility requirements making an applicant eligible for a license as soon as they relocate to the state with intent to establish residency and because they also changed the definition of felony conviction for concealed handgun license applicants. Amendment to Section 6.13 is necessary in order to correct a grammatical error. Amendments to Section 6.15 are necessary because of the legislature's change to the eligibility requirements and thus establish procedures for an applicant to provide proof of relocation with intent to establish residency. Amendments to Section 6.16 are necessary due to the legislature changing the statute to allow non-resident license holders to keep and renew their licenses until licenses issued in their home state are recognized in Texas. In addition, the legislature authorized the governor to negotiate reciprocity agreements or issue a proclamation recognizing licenses issued in other states. Further changes are necessary due the codification of Texas Government Code to the Occupations Code. Amendment to Section 16.19 is necessary in order to correct an error in syntax. Amendment to Section 6.20 is necessary to correct a reference to statute.

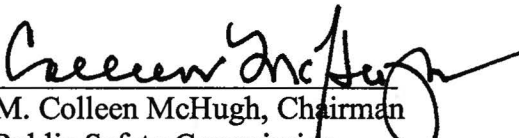
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Government Code, Chapter 411, Subchapter H.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


M. Colleen McHugh, Chairman
Public Safety Commission

MA

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter D
Section Number 6.44

The Texas Department of Public Safety adopts an amendment to Section 6.44, concerning License To Carry Handguns, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7948).

Amendment to the section is necessary in order to include sites of execution, on the day of execution, as an additional place where weapons are prohibited.

No comments were received regarding adoption of the amendment.


The amendment is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Government Code, Chapter 411, Subchapter H.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


M. Colleen McHugh, Chairman
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter F
Section Number 6.63

The Texas Department of Public Safety adopts an amendment to Section 6.63, concerning License To Carry Handguns, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7949).

Amendment to Section 6.63 is necessary in order to correct a reference to statute.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to The amendment is proposed pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Government Code, Chapter 411, Subchapter H.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


M. Colleen McHugh, Chairman
Public Safety Commission

MA

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter G
Section Numbers 6.71, 6.89, 6.95

The Texas Department of Public Safety adopts amendments to Sections 6.71, 6.89, and 6.95, concerning License To Carry Handguns, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7950).

Amendment to Section 6.71 is necessary in order to correct a grammatical error. Amendment to Section 6.89 is necessary in order to keep instructors from offering the entire course by video. Amendment to Section 6.95 is necessary in order to correct a grammatical error and, because the instructor certification renewal course is only offered during August and September of odd numbered years, this amendment allows the instructors to remain certified if they complete the renewal course after the two year anniversary of their last certification. This amendment will also assist the Training Unit in scheduling the courses by allowing instructors to take any course during that two month period.

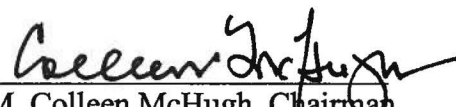
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Government Code, Chapter 411, Subchapter H.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


M. Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

License to Carry Handguns
Title 37 T.A.C. Part I, Chapter 6
Subchapter H
Section Numbers 6.117 – 6.119

The Texas Department of Public Safety adopts the repeal of Sections 6.117-6.119, concerning License To Carry Handguns, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7951).

Repeal of the sections is necessary because the statute was amended and law enforcement agencies no longer report incidents involving license holders and the department is no longer required to generate statistics based on reports.


No comments were received regarding adoption of the repeals.

The repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Government Code, Chapter 411, Subchapter H.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


M. Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver Licensing Requirement
Title 37 T.A.C. Part I, Chapter 15
Subchapter A
Section Numbers 15.1, 15.5 – 15.7

The Texas Department of Public adopts amendments to Sections 15.1 and 15.5-15.7, concerning Licensing Requirements. Sections 15.1, 15.6 and 15.7 are adopted without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7951) and will not be republished. Section 15.5 is adopted with changes to subsection (c) and will be republished. The change to subsection (c) is necessary in order to change "licensed motorcycle operator age 18 or over in sight" to "licensed motorcycle operator age 21 or over in sight" for consistency.

Amendment to Section 15.1 is necessary in order to make grammatical corrections. Amendment to Section 15.5 is necessary in order to make grammatical corrections and to have the rule conform to statute. Amendment to Section 15.6 is necessary for grammatical corrections and the term "moped" as well as the acceptance of approved motorcycle training certificates from other jurisdictions. Amendment to Section 15.7 is necessary in order to clarify the requirements for the issuance of an occupational license concerning reinstatement fees and the effect of a subsequent suspension/revocation following the issuance of an occupational license.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 521.005.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter A
Section Numbers 15.21

The Texas Department of Public Safety adopts amendments to Section 15.21, concerning Application Requirements-Original, Renewal, Duplicate, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7952).

Amendments to the section are necessary in order to clarify procedures to be followed when processing an applicant that cannot sign their name and must make a "mark."

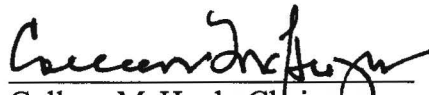
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department work, and Texas Transportation Code, Section 521.005.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter C
Section Number 15.55

The Texas Department of Public Safety adopts amendments to Section 15.55, concerning Examination Requirements, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7953).

Amendments to the section are necessary in order to restate the acceptance of a motorcycle training course for the waiver of the motorcycle skills test as stated in Section 15.6 of this title (relating to Motorcycle License) and changes the age restriction of having a "licensed operator age 21 or over in the front seat" to be consistent with statute. The amendment further removes the acceptance of a U.S. Military license to waive the driving test.


No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, Section 521.005.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter C
Section Number 15.58

The Texas Department of Public Safety adopts amendments to Section 15.58, concerning Medical Advisory Board Referrals, without changes to the proposed text as published in the October 10, 2003, issue of the Texas Register (28 TexReg 8826).

Amendments to the section are necessary in order to enhance the department's ability to identify and assess potential driver limitations. Furthermore, the amendments ensure consistency with current Medical Advisory Board Guidelines. The revised referral criteria result from the department's recent review of all policies, procedures and forms utilized in processing driver license applicants with medical and/or physical conditions that may adversely affect their ability to safely operate a motor vehicle. Department procedures were systematically evaluated to eliminate unnecessary actions and to increase the opportunity to more effectively evaluate driver ability.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Chapter 521, which provides that the department may adopt rules to administer that chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


Colleen McHugh, Chairman
Public Safety Commission

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TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 25, 2003, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Standards for an Approved Motorcycle Operator Training Course
Title 37 T.A.C. Part I, Chapter 31
Section Numbers 31.1 - 31.4, 31.6, 31.7, 31.9, 31.10 and 31.12

The Texas Department of Public Safety adopts amendments to Sections 31.1-31.4, 31.6, 31.7, 31.9, 31.10, and 31.12, concerning Standards For An Approved Motorcycle Operator Training Course, without changes to the proposed text as published in the September 12, 2003, issue of the Texas Register (28 TexReg 7952).

Amendments to Section 31.1 are necessary in order to clean up wording so that the rule may closely parallel the wording in Texas Transportation Code, Chapter 662 and also changes the word "Instructor" to "RiderCoach" because the new Basic RiderCourse prefers the term "RiderCoach."

Amendments to Section 31.2 are necessary in order to change the word "Instructor" to "RiderCoach" and to change the word "chief school official" to "program administrator." The term "chief school official" relates to a position within a public school system and since many of the training sites are privately owned, the term is changed to "program administrator" since the persons identified actually administer their program.

The word "Instructor" is also changed to "RiderCoach" in Section 31.3 as well as changing the requirement in paragraph (a)(3) to read "valid Texas motorcycle license or an equivalent license from the applicant's state of residence." This change is necessary in order to allow motorcycle safety RiderCoaches, typically military members or persons vacationing in Texas, the ability to teach motorcycle safety in Texas without having to obtain a Texas driver license. Paragraph (a)(5) is also amended to add the requirement for the applicant for approval to teach motorcycle safety to have to provide a certified copy of their out-of-state driving history so that the department may evaluate the person's driving record.

Amendments to Section 31.4 are necessary in order to change "be admitted to" to "enroll into" to clarify the requirements that must be met before a minor may enroll into a motorcycle operator training course.

Amendments to Section 31.6 are necessary in order to change the word "Instructor" to "RiderCoach." The section is also amended to indicate that the Motorcycle Safety Foundation's (MSF) Basic RiderCourse is now the approved basic motorcycle operator training course. Further amendments also increase the instructor to student ratio in accordance with the new curriculum and changed from the instructor preparation course to the RiderCourse Preparation Course to train RiderCoaches to present the MSF's Basic RiderCourse.

Amendments to Section 31.7 are necessary in order to change the word "Instructor" to "RiderCoach" and amends wording relating to motorcycles used in the basic or advanced motorcycle operator training course to allow student-owned motorcycles of any displacement to be used per the MSF's Basic RiderCourse. Amendment also requires persons using a personal or borrowed motorcycle in the basic motorcycle operator training course to sign a waiver form stating that they accept all liability for damages caused by, or to the vehicle.

Amendment to Section 31.9 is necessary in order to change the word "Instructor" to "RiderCoach."

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Amendments to Section 31.10 are necessary in order to change the title from "Quality Assurance Visits" to "Technical Assistance Visits," change "QAV" to "TAV," and provide basic guidance for conducting a Technical Assistance Visit since a TAV differs in focus from the QAV.

Wording in Section 31.12 is revised in order to improve readability.

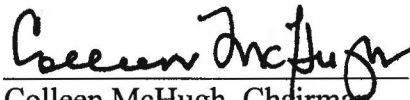
No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 662.009.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


Colleen McHugh, Chairman
Public Safety Commission

