GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE M. COURT PROGRAMS REGULATION

CHAPTER 171. EDUCATIONAL PROGRAMS REGULATED BY TEXAS DEPARTMENT OF LICENSING AND REGULATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 171.0001. DEFINITIONS. In this chapter:

(1) "Alcohol educational program for minors" means an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code.

(2) "Certificate of program completion" means a uniform, serially numbered certificate that is given by a program provider to a participant who successfully completes a court-ordered program.

(3) "Commission" means the Texas Commission of Licensing and Regulation.

(4) "Court-ordered program" means any of the following programs:

(A) the alcohol educational program for minors;

(B) the drug offense educational program;

(C) the intervention program for intoxication offenses; or

(D) the educational program for intoxication offenses.

(5) "Department" means the Texas Department of Licensing and Regulation.

(6) "Drug offense educational program" means an educational program described by Section 521.374(a)(1), Transportation Code.

(7) "Educational program for intoxication offenses" means an educational program described by Article 42A.403, Code of Criminal Procedure.

(8) "Executive director" means the executive director of the department.

(9) "Instructor" means a person licensed by the

department to instruct a court-ordered program.

(10) "Intervention program for intoxication offenses" means an educational program described by Article 42A.404, Code of Criminal Procedure.

(11) "Participant" means a person who attends, takes, or completes a court-ordered program.

(12) "Program provider" means a person licensed by the department to offer or provide a court-ordered program.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0002. APPLICABILITY. This chapter does not affect a court's jurisdiction or authority to require court-ordered programs. A court may specify the type and format of the court-ordered program that must be completed by the individual.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION, DEPARTMENT, AND EXECUTIVE DIRECTOR

Sec. 171.0051. GENERAL POWERS AND DUTIES. The commission, department, or executive director, as appropriate, shall administer and enforce this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0052. POWERS AND DUTIES OF DEPARTMENT. The department shall:

(1) prescribe the application form for a license under this chapter;

(2) evaluate the qualifications of applicants; and

(3) enforce minimum standards applicable to program providers, instructors, and court-ordered programs.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0053. RULES. (a) The commission shall adopt rules necessary to administer and enforce this chapter. The rules regulating court-ordered programs under this chapter must include:

(1) the criteria for program administration;

(2) the structure, length, content, and manner of program delivery;

(3) the criteria for a participant to successfully complete the program;

(4) maintenance of program and participant records;

(5) reports to be filed with the department; and

(6) the use of supplemental educational materials.

(b) The commission may adopt rules for court-ordered programs related to:

(1) program security and attendance verification;

(2) participant privacy;

(3) the conduct of instructors;

(4) teaching requirements for instructors; and

(5) participant evaluations, screenings, and exit interviews.

(c) The commission may require different information to be reported for each type of court-ordered program.

(d) The commission may consult with other state agencies in the development of rules under this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0054. FEES. (a) The commission by rule shall set fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing this chapter, which may include fees for:

(1) the issuance or renewal of a license;

(2) instructor training courses, materials, and any applicable examinations or end-of-course assessments;

(3) instructor continuing education courses;

(4) the issuance of a certificate of program completion or a certificate number; and

(5) the curricula and materials used for a

court-ordered program.

(b) A fee imposed by the department under this chapter is not refundable.

(c) The department or the department's authorized representative may collect a fee imposed under this chapter. An authorized representative of the department may charge a fee only in accordance with the terms of a contract with the department.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0055. FORMAT OF COURT-ORDERED PROGRAM. A provider may offer a court-ordered program under this chapter in-person or online.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0056. CODE OF ETHICS. The commission shall adopt and publish a code of ethics for license holders.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0057. ELECTRONIC TRANSMISSION OF PROGRAM INFORMATION. The department may develop and implement procedures to electronically transmit information regarding court-ordered programs to municipal and justice courts.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0058. MEMORANDUM OF UNDERSTANDING. The department may enter into a memorandum of understanding with the Department of Public Safety, the Texas Department of Transportation, the Texas Department of Criminal Justice, the Health and Human Services Commission, the Department of State Health Services, the Office of Court Administration of the Texas Judicial System, or any other appropriate state agency regarding the development of rules, curricula, certificates of program completion, or certificate numbers for court-ordered programs.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER C. PROGRAM PROVIDER LICENSE REQUIREMENTS

Sec. 171.0101. PROGRAM PROVIDER LICENSE REQUIRED. A person may not provide or offer to provide a court-ordered program unless the person holds a program provider license issued under this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0102. ELIGIBILITY REQUIREMENTS FOR PROGRAM PROVIDER LICENSE. (a) The commission by rule shall establish eligibility requirements and criteria for the issuance of a program provider license under this chapter.

(b) The commission by rule may establish eligibility requirements based on:

(1) the type of court-ordered program the applicant seeks to provide;

(2) whether the program is offered in-person or online; and

(3) if the program is offered in-person, the location where the program will be provided.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0103. PROGRAM PROVIDER LICENSE ENDORSEMENTS. (a) A license for a program provider must be endorsed with one or more of the following classifications:

(1) the alcohol educational program for minors;

(2) the drug offense educational program;

(3) the educational program for intoxication offenses; or

(4) the intervention program for intoxication offenses.

(b) A license holder may not provide a court-ordered program

for which the person's license is not endorsed.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0104. ISSUANCE OF PROGRAM PROVIDER LICENSE. The department shall issue a program provider license to an applicant who:

(1) meets the eligibility requirements and criteria established by commission rule;

(2) submits a completed application to the department on the form prescribed by the department; and

(3) pays the nonrefundable license application fee set by the commission.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER D. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

Sec. 171.0151. INSTRUCTOR LICENSE REQUIRED. A person may not instruct or represent that the person is an instructor of a court-ordered program to which this chapter applies unless the person holds an instructor license issued under this subchapter with the appropriate endorsement for that program.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0152. ISSUANCE OF INSTRUCTOR LICENSE. (a) The department shall issue an instructor license for a particular court-ordered program to an applicant who:

(1) meets the eligibility requirements and criteria established by commission rule;

(2) submits a completed application to the department on the form prescribed by the department;

(3) successfully completes the instructor training course and any applicable examinations or end-of-course assessments under Section 171.0155; and

(4) pays the license application fee.

(b) An instructor shall carry the instructor license at all times while providing instruction at a court-ordered program.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0153. INSTRUCTOR LICENSE ENDORSEMENTS. (a) An instructor license must be endorsed with one or more of the following classifications:

(1) the alcohol educational program for minors;

(2) the drug offense educational program;

(3) the educational program for intoxication offenses; or

(4) the intervention program for intoxication offenses.

(b) A license holder may not instruct a court-ordered program for which the person's license is not endorsed.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0154. ELIGIBILITY REQUIREMENTS FOR INSTRUCTOR LICENSE. The commission by rule shall establish requirements for the issuance of an instructor license under this chapter. The commission by rule may establish eligibility criteria for instructors based on the type of court-ordered program for which the applicant seeks an endorsement, including education and experience requirements.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0155. INSTRUCTOR TRAINING COURSE; EXAMINATION OR ASSESSMENT. (a) The commission by rule shall establish the requirements for the instructor training course and any applicable examinations or end-of-course assessments.

(b) The department or the department's authorized representative shall provide the training course and administer examinations for applicants for an instructor license.

(c) The applicant must pay all fees associated with the

instructor training course and any applicable examinations or end-of-course assessments.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER E. RESTRICTIONS ON LICENSE

Sec. 171.0201. LICENSE NOT TRANSFERABLE. A license issued under this chapter is not transferable or assignable.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0202. PROGRAM PROVIDER CHANGE OF OWNERSHIP. Not less than 30 days before the date of a change in ownership of a program provider, the proposed new owner must apply for a new program provider license with an endorsement for each type of court-ordered program to be offered by the new owner.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER F. LICENSE TERM AND RENEWAL

Sec. 171.0251. LICENSE TERM. A license issued under this chapter is valid for one or two years from the date of issuance as prescribed by commission rule.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0252. LICENSE RENEWAL. The commission by rule shall establish the requirements for renewing a license issued under this chapter, including the payment of applicable fees.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0253. CONTINUING EDUCATION FOR RENEWAL OF INSTRUCTOR LICENSE. The commission by rule shall establish the minimum number of hours of continuing education that a license

holder must complete to renew an instructor license issued under Subchapter D. The commission may require a different number of hours of continuing education for each type of court-ordered program for which the license holder holds an endorsement.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER G. REQUIREMENTS FOR COURT-ORDERED PROGRAMS

Sec. 171.0301. GENERAL REQUIREMENTS FOR COURT-ORDERED PROGRAMS. (a) The department or the department's authorized representative shall develop the curriculum and educational materials to be used for each court-ordered program.

(b) A court-ordered program must be:

(1) provided by a program provider licensed for the type of program;

(2) taught by an instructor with the appropriate endorsement for the program using curriculum approved by the department; and

(3) delivered in the program format or at the location approved by the department.

(c) A program provider may only employ or contract with an instructor who holds a license with an endorsement for the program being provided.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0302. DISCRIMINATION PROHIBITED. A program provider or instructor may not discriminate against participants based on sex, race, religion, age, national or ethnic origin, or disability.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0303. CERTIFICATE OF PROGRAM COMPLETION. (a) The department shall issue or provide for the issuance of a certificate of program completion or certificate number showing completion of a

court-ordered program.

(b) The commission by rule shall provide for the form, design, content, and distribution of certificates of program completion and certificate numbers.

(c) The commission by rule shall adopt a system for program providers to provide for the appropriate care, custody, and control of certificates of program completion and certificate numbers.

(d) The commission by rule shall establish requirements regarding the submission of a copy of a certificate of program completion or certificate number to the appropriate court, state agency, or community supervision and corrections department.

(e) A program provider shall submit to the department information regarding programs, instructors, and participants. The commission may require different information to be reported for each type of court-ordered program.

(f) A program provider shall submit to the department required information relating to certificates of program completion issued by the program provider in a manner prescribed by the department.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0304. DISPLAY OF LICENSE AND DEPARTMENT CONTACT INFORMATION. The commission by rule shall establish:

(1) requirements for providers and instructors regarding the displaying or posting of a license or providing notice of a license number to a participant of a court-ordered program; and

(2) notification methods for providers and instructors to provide a participant with the name of the department, mailing address, telephone number, and Internet website address for the purpose of submitting a complaint regarding the court-ordered program.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0305. INFORMATION REQUIRED. A program provider

shall maintain and make available to participants information regarding course fees, schedules, methods of course delivery, and locations, as applicable, for all court-ordered programs provided by the program provider.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

SUBCHAPTER H. PROHIBITED PRACTICES AND ENFORCEMENT

Sec. 171.0351. PROHIBITED PRACTICES BY ALL LICENSE HOLDERS. A license holder may not:

(1) use advertising that is false, misleading, or deceptive; or

(2) issue, sell, trade, or transfer a certificate of program completion or a certificate number to a person who has not successfully completed the applicable court-ordered program or who is not otherwise authorized to possess the certificate or number.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0352. GROUNDS FOR DISCIPLINARY ACTIONS. The commission or executive director may deny an application for an initial or renewal license, revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder who:

(1) violates this chapter, a rule adopted under this chapter, or an order of the commission or executive director;

(2) permits or engages in misrepresentation, fraud, or deceit regarding a court-ordered program provided or instructed by the license holder;

(3) engages in conduct that harms, endangers, or is likely to harm or endanger the health, welfare, or safety of a participant or the public as defined by commission rule;

(4) violates the code of ethics adopted and published by the commission; or

(5) violates a standard of practice or conduct as adopted by commission rule.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0353. DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY. If a person violates this chapter or an order issued or a rule adopted under this chapter, the person is subject to any action or penalty under Subchapter F or G, Chapter 51, Occupations Code.
Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0354. AUDITS OF PROVIDERS AND PROGRAMS. (a) The department may conduct audits of the program providers and the court-ordered programs to verify compliance with this chapter. These audits may be conducted onsite, remotely, or through other means, and may include audits of records and courses.

(b) A program provider, instructor, or any person associated with a court-ordered program shall:

(1) cooperate with the department during an audit under this section;

(2) provide or make available to the department any documents or records related to the audit, unless otherwise prohibited by law; and

(3) provide the department with access to courses and facilities related to the audit.
Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0355. INVESTIGATIONS. (a) A program provider, instructor, or any person associated with a court-ordered program shall:

(1) cooperate with the department during an investigation of a complaint under this chapter; and

(2) provide or make available to the department on request any documents or records related to the investigation, including all instructor records, unless otherwise prohibited by law.

(b) The department may contract with the Department of

Public Safety to provide investigative assistance in the enforcement of this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0356. UNLAWFUL TRANSFER OF CERTIFICATE OF PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a certificate of program completion or a certificate number to a person not authorized to possess the certificate or number.

(b) An offense under this section is a Class A misdemeanor.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.

Sec. 171.0357. UNLAWFUL POSSESSION OF CERTIFICATE OF PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person commits an offense if the person knowingly possesses a certificate of program completion or a certificate number that the person is not authorized to possess under this chapter.

(b) An offense under this section is a Class A misdemeanor.

Added by Acts 2021, 87th Leg., R.S., Ch. 948 (S.B. 1480), Sec. 1, eff. September 1, 2021.