

BILL ANALYSIS

Senate Research Center

H.B. 1544
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State Affairs
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Engrossed

DIGEST AND PURPOSE

The federal Driver's Privacy Protection Act (Act) sets forth provisions for all states regarding the release and use of personal information from state motor vehicle records and prohibitions against the release and use of such information. One provision of the Act allows personal information, if an individual consents, to be made available for release to bulk distributors, marketing systems, researchers for statistical information, or employers or insurers of employers to obtain or verify information relating to a holder of a commercial driver's license. H.B. 1544 takes the provisions set forth by the Act a step further by eliminating the sale of records for such purposes and addresses enforcement of resale or redisclosure of personal information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 521.050(b)-(d), Transportation Code, as follows:

- (b) Deletes existing Subsection (b). Redesignates existing Subsection (c) as Subsection (b).
- (c) Requires the Department of Public Safety (department) to impose and collect a certain fee.
- Deletes existing Subsection (d).

SECTION 2. Amends Section 521.052, Transportation Code, as follows:

Sec. 521.052. DISCLOSURE OF INDIVIDUAL INFORMATION PROHIBITED. Prohibits the department, except as provided by Sections 521.045, 521.046, 521.049(c), 521.050, and 601.022, and by Chapter 730, from disclosing information from the department's files that relates to personal information, as that term is defined by Section 730.003. Deletes existing Subsections (b) - (c).

SECTION 3. Amends Section 550.065, Transportation Code, as follows:

Sec. 550.065. New heading: RELEASE OF CERTAIN INFORMATION RELATING TO ACCIDENTS. (a) Provides that this section applies only to information that is held by the department or another governmental entity and relates to a motor vehicle accident reported under this chapter or Section 601.004.

- (b) No change.

(c) Requires the department or the governmental entity, on written request and payment of any required fee, to release the information to certain entities.

(d) Deletes existing subsection (d). Redesignates existing Subsection (e) as Subsection (d). Provides that the fee for a copy of the report or accident information is \$10 or the actual cost of the preparation of the copy, whichever is greater (rather than \$4). Deletes text regarding peace officers. Authorizes the copy to be certified by the department or the governmental entity (rather than a law enforcement agency) for an additional fee of \$5 (rather than \$2). Authorizes the department or the governmental entity to issue a certification that no report or information is on file for a fee of \$10 (rather than \$4).

Deletes existing Subsection (f).

SECTION 4. Amends Sections 730.003(1), (4), and (6), Transportation Code, to redefine “agency,” “motor vehicle record,” and “personal information,” respectively.

SECTION 5. Amends Sections 730.004, 730.007, and 730.013, Transportation Code, as follows:

Sec. 730.004. Replaces the text “ Sections 730.005-730.008” with “Sections 730.005-730.007.”

Sec. 730.007. PERMITTED DISCLOSURES. (a) Authorizes personal information obtained by an agency in connection with a motor vehicle record to be disclosed to any requestor by an agency if the requestor meets certain requirements.

(b) No change.

(c) Provides that this section does not prohibit the disclosure of a person's photographic image to certain entities or prevent a court from compelling by subpoena the production of a person's photographic image.

(d) Requires personal information obtained by an agency in connection with a motor vehicle record to be disclosed to a requestor by an agency if the requestor meets certain requirements.

(e) Requires the agency, if it determines that the requestor intends to use personal information requested under Subsection (d) only for the represented purpose, to release to the requestor any requested personal information in the motor vehicle record.

Sec. 730.013. (a) Prohibits an authorized recipient of personal information from reselling or redisclosing the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) Redesignates existing Subsection (a) as Subsection (b). Makes nonsubstantive changes. Deletes text regarding a recipient under Section 730.007(a)(2)(K)(ii) or Section 730.008 and text referencing a use described by Section 730.007(a)(2)(K)(ii). Authorizes an authorized recipient of personal information to resell or redisclose the information only for a use permitted under Section 730.007. Deletes existing Subsection (b).

(c) Deletes existing Subsection (c). Redesignates existing Subsection (d) as Subsection (c). Requires any authorized recipient who resells or rediscloses personal information obtained from an agency to be required by that agency to provide copies of those records to (rather than make those records available for inspection by) the

agency on request.

(d) Provides that a person commits an offense that is a misdemeanor punishable by a fine not to exceed \$25,000 if the person violates this section.

SECTION 6. Amends Chapter 730, Transportation Code, by adding Section 730.016, as follows:

Sec. 730.016. **INELIGIBILITY OF CERTAIN PERSONS TO RECEIVE PERSONAL INFORMATION.** Provides that a person who is convicted of an offense under this chapter, or who violates a rule adopted by an agency relating to the terms or conditions for a release of personal information to the person, is ineligible to receive personal information under Section 730.007. Sets forth conditions under which a person is considered to have been convicted in a case for purposes of this section.

SECTION 7. Repealers from the Transportation Code: Sections 730.008 and 730.009, and Chapter 731.

SECTION 8. (a) Effective date: September 1, 2001.

(b) Makes application of Sections 521.050 and 521.052, Transportation Code, as amended by this Act, prospective regarding the disclosure by the Texas Department of Public Safety of driver's license information in response to a request for the information that is made on or after the effective date of this Act.

(c) Makes application of Section 550.065, Transportation Code, as amended by this Act, prospective regarding a a motor vehicle accident in response to a request for that information that is made on or after the effective date of this Act.

(d) Makes application of Sections 730.004, 730.007, and 730.013, Transportation Code, as amended by this Act, prospective regarding the disclosure by an agency or political subdivision of this state, or an agent of an agency or political subdivision, of personal information in response to a request for the information that is made on or after the effective date of this Act.

(e) Makes application of Section 730.016, Transportation Code, as added by this Act, prospective regarding a person convicted of an offense on or after the effective date of this Act.

(f) Provides that the repeal by this Act of Chapter 731, Transportation Code, does not affect a civil action instituted under Section 731.005 of that chapter before the effective date of this Act. Provides that a civil action instituted under that section before the effective date of this Act is governed by Chapter 731 of that code as it existed immediately before the effective date of this Act.