

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 976
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Transportation
3/27/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Just as the recent awareness of Communication Impediment with a Peace Officer restriction code is offered on the Texas driver license or state ID, the same option should be offered when registering a vehicle through the Texas Department of Motor Vehicles (TxDMV), allowing a trooper pivotal information prior to approaching the vehicle in a pullover scenario.

When registering a vehicle through TxDMV, Texas citizens challenged with communication would have the option to privately alert an officer of the law via the Texas Law Enforcement Telecommunications System (TLETS). This would eliminate miscommunication between driver and law enforcement as the officer would know the diagnosis prior to approaching the vehicle.

The TxDMV would have to have the authority to capture the data of "Communication Impediment with A Peace Officer" (subcategory: Autism, Asperger Syndrome, Deafness, Parkinson's Disease, Down Syndrome, Mild Intellectual Disability, Mutism or other) and also be authorized to disseminate it. The Department of Public Safety of the State of Texas could work with TxDMV so that when an office queried a license plate through TLETS, TLETS would pass that query to TxDMV and receive vehicle registration data (as is done today), but the response could be enhanced to include information regarding potential communication impediments if any were captured at TxDMV. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 976 amends current law relating to the notification of a peace officer through an indication associated with vehicle registration that a person has a health condition or disability that may impede effective communication.

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 Subchapter B, Chapter 502, Transportation Code, by adding Section 502.061, as follows:

Sec. 502.061. REGISTRATION BY OWNER WITH CONDITION THAT IMPEDES EFFECTIVE COMMUNICATION. (a) Requires an application for registration to provide space for the applicant to voluntarily indicate that the applicant has a health condition or disability that may impede effective communication with a peace officer. Authorizes the Texas Department of Motor Vehicles (TxDMV) to request from a person who makes an indication under this subsection verification of a condition in the form of:

(1) for a physical health condition, a written statement from a licensed physician; or

(2) for a mental health condition, a written statement from a licensed physician, a licensed psychologist, or a non-physician mental health professional, as defined by Section 571.003 (Definitions), Health and Safety Code.

(b) Requires TxDMV to provide to the Department of Public Safety of the State of Texas (DPS) the vehicle registration information of a person who voluntarily indicated on an application under Subsection (a) that the person has a health condition or disability that may impede effective communication. Prohibits TxDMV from providing to DPS information that shows the type of health condition or disability a person has.

(c) Requires DPS to establish a system to include information received under Subsection (b) in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may have a health condition that may impede communication.

(d) Prohibits DPS from making information received under Subsection (b) available in the Texas Law Enforcement Telecommunications System to a person who has access to the system under a contract unless the contract prohibits the person from disclosing that information to a person who is not subject to the contract.

(e) Prohibits TxDMV from issuing to a person without the person's consent a license plate with a visible marking that indicates to the general public that a person voluntarily indicated on an application under Subsection (a) that the person has a health condition or disability that may impede effective communication.

(f) Provides that, except as provided by Subsection (d), information supplied to TxDMV relating to an applicant's health condition or disability is for the confidential use of TxDMV and DPS and may not be disclosed to any person.

SECTION 2. Provides that a DPS contract that allows a person to access the Texas Law Enforcement Telecommunications System and that is in effect before the effective date of this Act is governed by the law in effect on the date on which the contract was entered into, and that that law is continued in effect for that purpose, except that the contract:

(1) continues only for the term of the contract; and

(2) is prohibited from being renewed unless the renewed contract includes the prohibition required by Section 502.061(d), Transportation Code, as added by this Act.

SECTION 3. Effective date: September 1, 2019.