

BILL ANALYSIS

C.S.H.B. 2553
By: Driver
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law allows the Department of Public Safety (DPS) to release four types of driver history records: a status check, a three-year record, a five-year record, and a certified abstract of a complete driving record. The status check and three-year record are available interactively from DPS to a license holder or an entity qualified under the Motor Vehicle Disclosure Act to receive personal information regarding commercial driver's license holders. The five-year record and certified abstract are available only by a manual paper request. The manual paper request is slower and less convenient than the interactive system, making the more complete records less readily available to motor carriers needing the information. C.S.H.B. 2553 authorizes an expansion of the interactive release of records to include the five-year and certified complete records.

Currently, federal law requires motor carriers to request a drug and alcohol test history from all of a prospective driver's employers over the previous two years and to test all of its drivers for drug and alcohol use. If a driver fails to report a previous employer or if a previous employer fails to accurately report a positive drug test to the new employer, the new employer will not know about the positive drug test. C.S.H.B. 2553 addresses this concern by requiring motor carriers to provide positive drug test information to DPS and permitting DPS to release the information to any person eligible to receive the information under the Motor Vehicle Records Disclosure Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. C.S.H.B. 2553 adds Section 521.0475 to the Transportation Code to require DPS to provide a certified abstract of a complete driving record, for a fee of \$20, to the license holder or a person eligible to receive the information under certain sections of the Motor Vehicle Records Disclosure Act. If an abstract of a complete driving record does not exist for a license holder, DPS must provide a person making a request with a certified statement to that effect. The bill requires abstracts or statements described in this section to not be marked as certified if disseminated through the interactive system.

SECTION 2. C.S.H.B. 2553 amends Section 521.052, Transportation Code, to provide an exception to the general prohibition on disclosure of personal information by DPS for information requested under Section 521.0475, relating to abstract records. The bill deletes the exception on disclosure for driving record abstracts requested under Section 601.022.

SECTION 3. C.S.H.B. 2553 amends Section 521.053, Transportation Code, to allow DPS to provide driving record information about the holder of or applicant for a commercial driver's license to a person eligible under the Motor Vehicle Records Disclosure Act. The bill adds Section 521.053(c), which allows DPS to disseminate information under this section through the interactive system. The bill adds Section 521.053(d) to authorize DPS to provide information on positive drug tests to a commercial driver's license

holder, the license holder's current employer, or an agent of the employer upon receipt of the license holder's written consent.

SECTION 4. C.S.H.B. 2553 amends Section 521.055, Transportation Code, to provide that the interactive system may provide for the release of driving records described in:

- (1) Section 521.045--birthday, license status, and most current address;
- (2) Section 521.046--moving violations and accidents within the preceding 3-year period;
- (3) Section 521.047--all information in the two preceding sections, plus all other moving violations and accidents and the completion of any driver education or driver safety course; and
- (4) Section 521.0475--abstract of complete driving record.

The bill amends Section 521.055(c) to establish fees for requests made under this section.

SECTION 5. C.S.H.B. 2553 amends Section 643.052, Transportation Code, to add that a motor carrier's application for registration with DPS must include a certification that the carrier is in compliance with the drug testing requirements of 49 C.F.R. Part 382, and, if the carrier belongs to a consortium, the names of persons operating the consortium.

SECTION 6. C.S.H.B. 2553 amends Section 643.056(a), Transportation Code, to require a motor carrier to supplement its application for registration before the carrier changes its consortium.

SECTION 7. C.S.H.B. 2553 adds Section 643.064 to the Transportation Code, requiring a motor carrier required to register with DPS to report to the department a valid positive result on a controlled substances test performed as part of the carrier's drug testing program or consortium on an employee of the carrier who holds a commercial driver's license under Chapter 522. DPS is required to maintain the information reported under this section, and the information is confidential and only subject to release to those specified under Chapter 730 (Motor Vehicle Records Disclosure Act).

SECTION 8. C.S.H.B. 2553 repeals Section 601.022 of the Transportation Code.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2553 amends the original bill by authorizing DPS to provide information on positive drug test results to a commercial driver's license holder, the license holder's current employer, or the employer's agent upon written consent of the license holder.

C.S.H.B. 2553 amends the original bill by deleting alcohol test results from the results a motor carrier must report to DPS. The substitute also adds that DPS must maintain the information provided under this section and that the information is confidential and only subject to release to those specified under Chapter 730 (Motor Vehicle Records Disclosure Act).