

By: Driver

H.B. No. 2553

Substitute the following for H.B. No. 2553:

By: Keel

C.S.H.B. No. 2553

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain records kept by the Department of Public Safety
3 involving the holder of a driver's license.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 521, Transportation Code,
6 is amended by adding Section 521.0475 to read as follows:

7 Sec. 521.0475. DISCLOSURE OF ABSTRACT RECORD. (a) Except
8 as provided by Subsection (b) or (c), the department shall provide a
9 certified abstract of a complete driving record of a license
10 holder, for a fee of \$20, to the license holder or a person eligible
11 to receive the information under Sections 730.007(a)(2)(A), (D),
12 and (I).

13 (b) If an abstract of a complete driving record does not
14 exist for a license holder, the department shall provide a person
15 making a request under Subsection (a) a certified statement to that
16 effect.

17 (c) If the department provides information under Subsection
18 (a) or (b) through the system described by Section 521.055, the
19 information may not be marked as certified.

20 SECTION 2. Section 521.052, Transportation Code, is amended
21 to read as follows:

22 Sec. 521.052. DISCLOSURE OF INDIVIDUAL INFORMATION
23 PROHIBITED. Except as provided by Sections 521.045, 521.046,
24 521.0475, 521.049(c), and 521.050~~[, and 601.022]~~, and by Chapter

1 730, the department may not disclose information from the
2 department's files that relates to personal information, as that
3 term is defined by Section 730.003.

4 SECTION 3. Section 521.053, Transportation Code, is amended
5 by amending Subsection (a) and adding Subsections (c) and (d) to
6 read as follows:

7 (a) The department may provide to any person the information
8 specified by Section 521.045, 521.046, 521.0475, or 521.047 [~~and by~~
9 ~~Section 601.022~~], for the fee required by those sections, that
10 relate to the holder of or applicant for a commercial driver's
11 license under Chapter 522 if the person is eligible to receive the
12 information under Chapter 730.

13 (c) The department may provide information under Subsection
14 (a) through the system described by Section 521.055.

15 (d) The department may provide information maintained under
16 Section 643.064 that relates to a holder of a commercial driver's
17 license under Chapter 522 to the holder, the holder's current
18 employer, or a person acting on behalf of the employer if the
19 department receives the holder's specific written consent to the
20 release of information.

21 SECTION 4. Sections 521.055(b) and (c), Transportation
22 Code, are amended to read as follows:

23 (b) The system may provide for the release of driving
24 records described in [~~the following information~~]:

25 (1) [~~the status check described in~~] Section 521.045;
26 [~~and~~]

27 (2) [~~the three-year driving record under~~] Section

1 521.046;

2 (3) Section 521.047; and

3 (4) Section 521.0475.

4 (c) The fee for a driving record [~~status check~~] under
5 Subsection (b)(1) is \$2.50. The fee for a [~~three-year~~] driving
6 record under Subsection (b)(2) is \$4.50. The fee for a driving
7 record under Subsection (b)(3) is \$5.50. The fee for a driving
8 record under Subsection (b)(4) is \$20.

9 SECTION 5. Section 643.052, Transportation Code, is amended
10 to read as follows:

11 Sec. 643.052. APPLICATION. To register under this
12 subchapter a motor carrier must submit to the department an
13 application on a form prescribed by the department. The
14 application must include:

15 (1) the name of the owner and the principal business
16 address of the motor carrier;

17 (2) the name and address of the legal agent for service
18 of process on the carrier in this state, if different;

19 (3) a description of each vehicle requiring
20 registration the carrier proposes to operate, including the motor
21 vehicle identification number, make, and unit number;

22 (4) a statement as to whether the carrier proposes to
23 transport household goods or a hazardous material;

24 (5) a declaration that the applicant has knowledge of
25 all laws and rules relating to motor carrier safety, including this
26 chapter, Chapter 644, and Subtitle C; [~~and~~]

27 (6) a certification that the carrier is in compliance

1 with the drug testing requirements of 49 C.F.R. Part 382, and if the
2 carrier belongs to a consortium, as defined by 49 C.F.R. Part 382,
3 the names of the persons operating the consortium; and

4 (7) any other information the department by rule
5 determines is necessary for the safe operation of a motor carrier
6 under this chapter.

7 SECTION 6. Section 643.056(a), Transportation Code, is
8 amended to read as follows:

9 (a) A motor carrier required to register under this
10 subchapter shall supplement the carrier's application for
11 registration before:

12 (1) the carrier transports a hazardous material or
13 household goods if the carrier has not provided notice of the
14 transportation to the department in the carrier's initial or a
15 supplemental application for registration;

16 (2) the carrier operates a vehicle requiring
17 registration that is not described on the carrier's initial or a
18 supplemental application for registration; or

19 (3) the carrier changes the carrier's principal
20 business address, legal agent, ownership, consortium, as defined by
21 49 C.F.R. Part 382, or name.

22 SECTION 7. Subchapter B, Chapter 643, Transportation Code,
23 is amended by adding Section 643.064 to read as follows:

24 Sec. 643.064. REPORT OF POSITIVE RESULT. (a) A motor
25 carrier required to register under this chapter shall report to the
26 Department of Public Safety a valid positive result on a controlled
27 substances test performed as part of the carrier's drug testing

1 program or consortium, as defined by 49 C.F.R. Part 382, on an
2 employee of the carrier who holds a commercial driver's license
3 under Chapter 522.

4 (b) The Department of Public Safety shall maintain the
5 information provided under this section.

6 (c) Information maintained under this section is
7 confidential and only subject to release as provided by Section
8 521.053.

9 SECTION 8. Section 601.022, Transportation Code, is
10 repealed.

11 SECTION 9. This Act takes effect September 1, 2003.