

By: Gallegos

S.B. No. 1679

A BILL TO BE ENTITLED

AN ACT

relating to driving records and to the operation of commercial motor vehicles; creating an offense.

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

SECTION 1. Subsections (b) and (c), Section 521.055, Transportation Code, are amended to read as follows:

(b) The system may provide for the release of the following information:

(1) the status check described in Section 521.045; ~~and~~

(2) the three-year driving record under Section 521.046; or

(3) the complete driver history in the form of a certified abstract.

(c) The fee for a status check under Subsection (b)(1) is \$2.50. The fee for a three-year driving record under Subsection (b)(2) is \$4.50. The fee for a certified abstract under Subsection (b)(3) is \$15.

SECTION 2. Subchapter F, Chapter 522, Transportation Code, is amended by adding Section 522.0615 to read as follows:

Sec. 522.0615. DUTY OF EMPLOYER. Every 12 months during the person's employment, an employer of a person who holds or is required to hold a commercial driver's license under this chapter shall obtain information relating to the person under Section

1 730.005(b), including information on:

2 (1) convictions relating to motor vehicle traffic
3 control;

4 (2) disqualifications from driving a commercial motor
5 vehicle; and

6 (3) reports made under Section 522.104.

7 SECTION 3. Section 522.064, Transportation Code, is amended
8 by adding Subsection (d) to read as follows:

9 (d) A person commits an offense if the person fails to
10 provide the information required under Subsection (a) or (b) or
11 provides false information under Subsection (a) or (b). An offense
12 under this subsection is a Class C misdemeanor.

13 SECTION 4. Subsection (c), Section 601.022, Transportation
14 Code, is amended to read as follows:

15 (c) A request for a certified abstract under this section
16 must be accompanied by a \$15 [~~\$20~~] fee for each abstract.

17 SECTION 5. Section 730.005, Transportation Code, is amended
18 to read as follows:

19 Sec. 730.005. REQUIRED DISCLOSURE. (a) Personal
20 information obtained by an agency in connection with a motor
21 vehicle record shall be disclosed for use in connection with any
22 matter of:

23 (1) motor vehicle or motor vehicle operator safety;

24 (2) motor vehicle theft;

25 (3) motor vehicle emissions;

26 (4) motor vehicle product alterations, recalls, or
27 advisories;

1 (5) performance monitoring of motor vehicles or motor
2 vehicle dealers by a motor vehicle manufacturer;

3 (6) removal of nonowner records from the original
4 owner records of a motor vehicle manufacturer to carry out the
5 purposes of:

6 (A) the Automobile Information Disclosure Act,
7 15 U.S.C. Section 1231 et seq.;

8 (B) 49 U.S.C. Chapters 301, 305, 323, 325, 327,
9 329, and 331;

10 (C) the Anti Car Theft Act of 1992, 18 U.S.C.
11 Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C.
12 Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all
13 as amended;

14 (D) the Clean Air Act, 42 U.S.C. Section 7401 et
15 seq., as amended; and

16 (E) any other statute or regulation enacted or
17 adopted under or in relation to a law included in Paragraphs
18 (A)-(D); or

19 (7) child support enforcement under Chapter 231,
20 Family Code.

21 (b) Personal information obtained by an agency in
22 connection with a motor vehicle record shall be disclosed to any
23 requestor by an agency if the requestor:

24 (1) provides the requestor's name and address and any
25 proof of that information required by the agency; and

26 (2) represents that the use of the personal
27 information will be strictly limited to use by an employer or an

1 agent or insurer of the employer to obtain or verify information
2 relating to a holder of a commercial driver's license that is
3 required under federal law.

4 SECTION 6. Subsection (a), Section 730.007, Transportation
5 Code, is amended to read as follows:

6 (a) Personal information obtained by an agency in
7 connection with a motor vehicle record may be disclosed to any
8 requestor by an agency if the requestor:

9 (1) provides the requestor's name and address and any
10 proof of that information required by the agency; and

11 (2) represents that the use of the personal
12 information will be strictly limited to:

13 (A) use by:

14 (i) a government agency, including any
15 court or law enforcement agency, in carrying out its functions; or

16 (ii) a private person or entity acting on
17 behalf of a government agency in carrying out the functions of the
18 agency;

19 (B) use in connection with a matter of:

20 (i) motor vehicle or motor vehicle operator
21 safety;

22 (ii) motor vehicle theft;

23 (iii) motor vehicle product alterations,
24 recalls, or advisories;

25 (iv) performance monitoring of motor
26 vehicles, motor vehicle parts, or motor vehicle dealers;

27 (v) motor vehicle market research

1 activities, including survey research; or

2 (vi) removal of nonowner records from the
3 original owner records of motor vehicle manufacturers;

4 (C) use in the normal course of business by a
5 legitimate business or an authorized agent of the business, but
6 only:

7 (i) to verify the accuracy of personal
8 information submitted by the individual to the business or the
9 agent of the business; and

10 (ii) if the information is not correct, to
11 obtain the correct information, for the sole purpose of preventing
12 fraud by, pursuing a legal remedy against, or recovering on a debt
13 or security interest against the individual;

14 (D) use in conjunction with a civil, criminal,
15 administrative, or arbitral proceeding in any court or government
16 agency or before any self-regulatory body, including service of
17 process, investigation in anticipation of litigation, execution or
18 enforcement of a judgment or order, or under an order of any court;

19 (E) use in research or in producing statistical
20 reports, but only if the personal information is not published,
21 redisclosed, or used to contact any individual;

22 (F) use by an insurer or insurance support
23 organization, or by a self-insured entity, or an authorized agent
24 of the entity, in connection with claims investigation activities,
25 antifraud activities, rating, or underwriting;

26 (G) use in providing notice to an owner of a towed
27 or impounded vehicle;

1 (H) use by a licensed private investigator agency
2 or licensed security service for a purpose permitted under this
3 section;

4 (I) ~~[use by an employer or an agent or insurer of~~
5 ~~the employer to obtain or verify information relating to a holder of~~
6 ~~a commercial driver's license that is required under 49 U.S.C.~~
7 ~~Chapter 313,~~

8 [~~(J)~~] use in connection with the operation of a
9 private toll transportation facility;

10 (J) [~~(K)~~] use by a consumer reporting agency, as
11 defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et
12 seq.), for a purpose permitted under that Act; or

13 (K) [~~(L)~~] use for any other purpose specifically
14 authorized by law that relates to the operation of a motor vehicle
15 or to public safety.

16 SECTION 7. Section 12.51, Penal Code, is amended by
17 amending Subsections (b) and (c) and adding Subsection (f) to read
18 as follows:

19 (b) If a corporation or association is adjudged guilty of an
20 offense that provides a penalty including imprisonment, or that
21 provides no specific penalty, a court may sentence the corporation
22 or association to pay a fine in an amount fixed by the court, not to
23 exceed:

- 24 (1) \$20,000 if the offense is a felony of any category;
25 (2) \$10,000 if the offense is a Class A or Class B
26 misdemeanor;
27 (3) \$2,000 if the offense is a Class C misdemeanor;

1 [~~or~~]

2 (4) \$50,000 if, as a result of an offense classified as
3 a felony or Class A misdemeanor, an individual suffers serious
4 bodily injury or death; or

5 (5) \$100,000 if, as a result of criminally negligent
6 conduct involving the inspection, maintenance, or operation of a
7 commercial motor vehicle, an individual suffers death.

8 (c) In lieu of the fines authorized by Subsections (a),
9 (b)(1), (b)(2), [~~and~~] (b)(4), and (b)(5), if a court finds that the
10 corporation or association gained money or property or caused
11 personal injury or death, property damage, or other loss through
12 the commission of a felony or Class A or Class B misdemeanor, the
13 court may sentence the corporation or association to pay a fine in
14 an amount fixed by the court, not to exceed double the amount gained
15 or caused by the corporation or association to be lost or damaged,
16 whichever is greater.

17 (f) In this section, "commercial motor vehicle" means a
18 self-propelled or towed vehicle that is used on a public highway to
19 transport cargo if the vehicle or combination of vehicles has a
20 gross weight, registered weight, or gross weight rating of more
21 than 26,000 pounds.

22 SECTION 8. (a) This Act takes effect September 1, 2003.

23 (b) The change in law made by this Act applies only to an
24 offense committed on or after September 1, 2003. An offense
25 committed before September 1, 2003, is covered by the law in effect
26 when the offense was committed, and the former law is continued in
27 effect for that purpose. For purposes of this subsection, an

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1 offense was committed before September 1, 2003, if any element of
2 the offense was committed before that date.