

1-1 By: Gallegos S.B. No. 1679  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Infrastructure Development  
1-4 and Security; May 8, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;  
1-6 May 8, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1679 By: Barrientos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to driving records and to the operation of commercial  
1-11 motor vehicles; creating an offense.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsections (b) and (c), Section 521.055,  
1-14 Transportation Code, are amended to read as follows:

1-15 (b) The system may provide for the release of the following  
1-16 information:

1-17 (1) the status check described in Section 521.045;

1-18 [~~and~~]

1-19 (2) the three-year driving record under Section  
1-20 521.046; or

1-21 (3) the complete driver history in the form of a  
1-22 certified abstract.

1-23 (c) The fee for a status check under Subsection (b)(1) is  
1-24 \$2.50. The fee for a three-year driving record under Subsection

1-25 (b)(2) is \$4.50. The fee for a certified abstract under Subsection  
1-26 (b)(3) is \$15.

1-27 SECTION 2. Subchapter F, Chapter 522, Transportation Code,  
1-28 is amended by adding Section 522.0615 to read as follows:

1-29 Sec. 522.0615. DUTY OF EMPLOYER. Every 12 months during the  
1-30 person's employment, an employer of a person who holds or is  
1-31 required to hold a commercial driver's license under this chapter  
1-32 shall obtain information relating to the person under Section  
1-33 730.005(b), including information on:

1-34 (1) convictions relating to motor vehicle traffic  
1-35 control;

1-36 (2) disqualifications from driving a commercial motor  
1-37 vehicle; and

1-38 (3) reports made under Section 522.104.

1-39 SECTION 3. Section 522.064, Transportation Code, is amended  
1-40 by adding Subsection (d) to read as follows:

1-41 (d) A person commits an offense if the person fails to  
1-42 provide the information required under Subsection (a) or (b) or  
1-43 provides false information under Subsection (a) or (b). An offense  
1-44 under this subsection is a Class C misdemeanor.

1-45 SECTION 4. Subsection (c), Section 601.022, Transportation  
1-46 Code, is amended to read as follows:

1-47 (c) A request for a certified abstract under this section  
1-48 must be accompanied by a \$15 [~~\$20~~] fee for each abstract.

1-49 SECTION 5. Section 730.005, Transportation Code, is amended  
1-50 to read as follows:

1-51 Sec. 730.005. REQUIRED DISCLOSURE. (a) Personal  
1-52 information obtained by an agency in connection with a motor  
1-53 vehicle record shall be disclosed for use in connection with any  
1-54 matter of:

1-55 (1) motor vehicle or motor vehicle operator safety;

1-56 (2) motor vehicle theft;

1-57 (3) motor vehicle emissions;

1-58 (4) motor vehicle product alterations, recalls, or  
1-59 advisories;

1-60 (5) performance monitoring of motor vehicles or motor  
1-61 vehicle dealers by a motor vehicle manufacturer;

1-62 (6) removal of nonowner records from the original  
1-63 owner records of a motor vehicle manufacturer to carry out the

2-1 purposes of:

2-2 (A) the Automobile Information Disclosure Act,

2-3 15 U.S.C. Section 1231 et seq.;

2-4 (B) 49 U.S.C. Chapters 301, 305, 323, 325, 327,

2-5 329, and 331;

2-6 (C) the Anti Car Theft Act of 1992, 18 U.S.C.

2-7 Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C.

2-8 Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all

2-9 as amended;

2-10 (D) the Clean Air Act, 42 U.S.C. Section 7401 et

2-11 seq., as amended; and

2-12 (E) any other statute or regulation enacted or

2-13 adopted under or in relation to a law included in Paragraphs

2-14 (A)-(D); or

2-15 (7) child support enforcement under Chapter 231,

2-16 Family Code.

2-17 (b) Personal information obtained by an agency in

2-18 connection with a motor vehicle record shall be disclosed to any

2-19 requestor by an agency if the requestor:

2-20 (1) provides the requestor's name and address and any

2-21 proof of that information required by the agency; and

2-22 (2) represents that the use of the personal

2-23 information will be strictly limited to use by an employer or an

2-24 agent or insurer of the employer to obtain or verify information

2-25 relating to a holder of a commercial driver's license that is

2-26 required under federal law.

2-27 SECTION 6. Subsection (a), Section 730.007, Transportation

2-28 Code, is amended to read as follows:

2-29 (a) Personal information obtained by an agency in

2-30 connection with a motor vehicle record may be disclosed to any

2-31 requestor by an agency if the requestor:

2-32 (1) provides the requestor's name and address and any

2-33 proof of that information required by the agency; and

2-34 (2) represents that the use of the personal

2-35 information will be strictly limited to:

2-36 (A) use by:

2-37 (i) a government agency, including any

2-38 court or law enforcement agency, in carrying out its functions; or

2-39 (ii) a private person or entity acting on

2-40 behalf of a government agency in carrying out the functions of the

2-41 agency;

2-42 (B) use in connection with a matter of:

2-43 (i) motor vehicle or motor vehicle operator

2-44 safety;

2-45 (ii) motor vehicle theft;

2-46 (iii) motor vehicle product alterations,

2-47 recalls, or advisories;

2-48 (iv) performance monitoring of motor

2-49 vehicles, motor vehicle parts, or motor vehicle dealers;

2-50 (v) motor vehicle market research

2-51 activities, including survey research; or

2-52 (vi) removal of nonowner records from the

2-53 original owner records of motor vehicle manufacturers;

2-54 (C) use in the normal course of business by a

2-55 legitimate business or an authorized agent of the business, but

2-56 only:

2-57 (i) to verify the accuracy of personal

2-58 information submitted by the individual to the business or the

2-59 agent of the business; and

2-60 (ii) if the information is not correct, to

2-61 obtain the correct information, for the sole purpose of preventing

2-62 fraud by, pursuing a legal remedy against, or recovering on a debt

2-63 or security interest against the individual;

2-64 (D) use in conjunction with a civil, criminal,

2-65 administrative, or arbitral proceeding in any court or government

2-66 agency or before any self-regulatory body, including service of

2-67 process, investigation in anticipation of litigation, execution or

2-68 enforcement of a judgment or order, or under an order of any court;

2-69 (E) use in research or in producing statistical

3-1 reports, but only if the personal information is not published,  
3-2 redisclosed, or used to contact any individual;

3-3 (F) use by an insurer or insurance support  
3-4 organization, or by a self-insured entity, or an authorized agent  
3-5 of the entity, in connection with claims investigation activities,  
3-6 antifraud activities, rating, or underwriting;

3-7 (G) use in providing notice to an owner of a towed  
3-8 or impounded vehicle;

3-9 (H) use by a licensed private investigator agency  
3-10 or licensed security service for a purpose permitted under this  
3-11 section;

3-12 (I) ~~[use by an employer or an agent or insurer of~~  
3-13 ~~the employer to obtain or verify information relating to a holder of~~  
3-14 ~~a commercial driver's license that is required under 49 U.S.C.~~  
3-15 ~~Chapter 313,~~

3-16 [~~(J)~~] use in connection with the operation of a  
3-17 private toll transportation facility;

3-18 (J) [~~(K)~~] use by a consumer reporting agency, as  
3-19 defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et  
3-20 seq.), for a purpose permitted under that Act; or

3-21 (K) [~~(L)~~] use for any other purpose specifically  
3-22 authorized by law that relates to the operation of a motor vehicle  
3-23 or to public safety.

3-24 SECTION 7. Section 12.51, Penal Code, is amended by  
3-25 amending Subsections (b) and (c) and adding Subsection (f) to read  
3-26 as follows:

3-27 (b) If a corporation or association is adjudged guilty of an  
3-28 offense that provides a penalty including imprisonment, or that  
3-29 provides no specific penalty, a court may sentence the corporation  
3-30 or association to pay a fine in an amount fixed by the court, not to  
3-31 exceed:

3-32 (1) \$20,000 if the offense is a felony of any category;

3-33 (2) \$10,000 if the offense is a Class A or Class B  
3-34 misdemeanor;

3-35 (3) \$2,000 if the offense is a Class C misdemeanor;

3-36 [~~(4)~~]  
3-37 (4) \$50,000 if, as a result of an offense classified as  
3-38 a felony or Class A misdemeanor, an individual suffers serious  
3-39 bodily injury or death; or

3-40 (5) \$100,000 if, as a result of criminally negligent  
3-41 conduct involving the inspection, maintenance, or operation of a  
3-42 commercial motor vehicle, an individual suffers death.

3-43 (c) In lieu of the fines authorized by Subsections (a),  
3-44 (b)(1), (b)(2), [~~and~~] (b)(4), and (b)(5), if a court finds that the  
3-45 corporation or association gained money or property or caused  
3-46 personal injury or death, property damage, or other loss through  
3-47 the commission of a felony or Class A or Class B misdemeanor, the  
3-48 court may sentence the corporation or association to pay a fine in  
3-49 an amount fixed by the court, not to exceed double the amount gained  
3-50 or caused by the corporation or association to be lost or damaged,  
3-51 whichever is greater.

3-52 (f) In this section, "commercial motor vehicle" means a  
3-53 self-propelled or towed vehicle that is used on a public highway to  
3-54 transport cargo if the vehicle or combination of vehicles has a  
3-55 gross weight, registered weight, or gross weight rating of more  
3-56 than 26,000 pounds.

3-57 SECTION 8. (a) This Act takes effect September 1, 2003.

3-58 (b) The change in law made by this Act applies only to an  
3-59 offense committed on or after September 1, 2003. An offense  
3-60 committed before September 1, 2003, is covered by the law in effect  
3-61 when the offense was committed, and the former law is continued in  
3-62 effect for that purpose. For purposes of this subsection, an  
3-63 offense was committed before September 1, 2003, if any element of  
3-64 the offense was committed before that date.

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