

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB2553** by Driver (Relating to certain records kept by the Department of Public Safety involving the holder of a driver's license.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2553, As Introduced: a positive impact of \$622,420 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$459,920
2005	\$162,500
2006	\$162,500
2007	\$162,500
2008	\$162,500

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from GENERAL REVENUE FUND 1	Probable Revenue Gain from GENERAL REVENUE FUND 1
2004	(\$190,080)	\$650,000
2005	\$0	\$162,500
2006	\$0	\$162,500
2007	\$0	\$162,500
2008	\$0	\$162,500

Fiscal Analysis

The bill would amend the Transportation Code as it relates to certain records kept by the Department of Public Safety involving the holder of a commercial driver's license. It would add a \$20.00 fee provision for processing certified abstract driving records and create a \$1.00 increase for a five-year driving record.

Methodology

Commercial driver's license holders are required to have their driving history checked once every twelve months. There are approximately 650,000 commercial driver's license (CDL) operators in Texas. The bill provides an option for an employer to obtain a five-year driver record instead of a three-year record for an additional \$1. This may result in revenue gain of \$650,000 (650,000 X \$1) in

the first year (2004). Although CDL driving records are required annually, it is assumed that there would be a 75% decline in the number of five-year driver records in subsequent years since employers would already have the preceeding four years of an employees driving records. As a result, fiscal years 2005 through 2008 revenue gain is calculated at \$162,500 (650,000 multiplied by 25% multiplied by \$1). Contract programming services will be required for modifications to the on-line, batch, and e-commerce portions of the Driver License System, which would enable the preparation of the required abstracts, provide for their delivery by various means, accept the associated fees and properly account for the funds, and modify the Driver License history to accept the new history code (s). These one-time costs are estimated at \$190,080 in fiscal year 2004 (1,584 hours at \$120 per hour).

The Department of Public Safety reports that the bill would conflict with federal statute by allowing the release of certain types of information. Federal statute, 49 CFR 382.405, Int. #5, mandates that the only agencies that may have access to the records without the consent of the employee, are those agencies that have regulatory authority over a motor carrier's drug testing program. The bill could result in the loss of Federal Motor Carrier Safety Grant funds or the loss of all federal funding for the agency (\$195,000,000 in 2002).

**Technology**

Technology costs include contract programming services for modifications needed in the on-line, batch, and e-commerce portions of the Driver License System to prepare the required abstracts, accept the associated fees and properly account for the funds, and modify the Driver License history to accept the new history code(s). These costs are estimated at \$190,080 in fiscal year 2004 (1,584 hours at \$120 per hour).

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JK, WK, VDS, AR