

BILL ANALYSIS

S.B. 652
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Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas lacks an efficient system for storing and accessing emergency contact and medical information. As a result, emergency response personnel face a difficult challenge when trying to locate next of kin in the case of a serious or fatal accident.

Current law authorizes a driver's license or identification card holder to write emergency contact or medical information directly on the back of the card, which is inefficient due to the limited space provided, often illegible handwriting, and outdated or worn information.

S.B. 652 authorizes driver's license and identification card holders to voluntarily submit emergency contact and medical information to the Texas Department of Public Safety (DPS) for storage in DPS's existing database that may be accessed by law enforcement personnel.

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

S.B. 652 amends the Transportation Code to require the Department of Public Safety (DPS) to maintain in its files a record of the name, address, and telephone number of each individual identified by the holder of a driver's license or personal identification certificate as an individual the holder authorizes to be contacted in the event that the holder is injured or dies in or as a result of a vehicular accident or another emergency situation. The bill requires DPS to maintain in its files a record of any medical information described in the medical and emergency information located on the reverse side of a driver's license or certificate that is provided to DPS by the applicant or any information regarding a health condition that may impede communication with a peace officer that is voluntarily provided to DPS in an application for an original driver's license or certificate.

S.B. 652 establishes that a record containing a person's emergency contact and medical information maintained by DPS is confidential and authorizes the information to be disclosed, on request, only to a peace officer in Texas or another state; if the peace officer is otherwise authorized to obtain information in the driver's license or personal identification certificate files of DPS; and for the purpose, as applicable, of making contact with a named individual to report the injury to or death of the holder of the driver's license or personal identification certificate, learning the nature of any medical information reported by the person who holds the driver's license or identification certificate, or learning whether the person who holds the driver's license or identification certificate has a health condition that may impede communications with the peace officer.

S.B. 652 requires an application for an original, renewal, or duplicate driver's license or personal identification certificate to be designed to allow, but not require, the applicant to provide the

name, address, and telephone number of not more than two individuals to be contacted if the applicant is injured or dies in or as a result of a vehicular accident or another emergency situation and medical information described in the medical and emergency information located on the reverse side of a driver's license or certificate in addition to the specified health condition information voluntarily provided to DPS in an application for an original license or certificate. The bill requires an application for an original, renewal, or duplicate driver's license or personal identification card to include a statement that describes the confidential nature of the emergency contact and medical information that a person provides to DPS and states that by providing DPS with the information, the applicant consents to the limited disclosure and use of the information.

S.B. 652 requires DPS to establish and maintain on the DPS Internet website forms and procedures by which the holder of a driver's license or personal identification certificate may request that DPS add specific emergency contact or medical information to the appropriate file maintained by DPS, or amend or delete emergency contact or medical information the holder previously provided to DPS. The bill requires the forms and procedures to comply with the bill's requirements for an application for an original, renewal, or duplicate driver's license or personal identification certificate. The bill establishes that its confidentiality and disclosure provisions do not prohibit DPS from disclosing information to the holder of a driver's license or personal identification certificate who provided the information or to an authorized agent of the holder.

S.B. 652 requires DPS to implement the bill's provisions not later than January 1, 2010, and to use existing personnel in the implementation.

EFFECTIVE DATE

September 1, 2009.