

By: Carona

S.B. No. 512

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorizing the Department of Public Safety of the  
3 State of Texas to establish a driver record monitoring pilot  
4 program and enter into contracts for the periodic reporting of  
5 certain information in the department's driver's license files;  
6 providing penalties.

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

8 SECTION 1. Subchapter C, Chapter 521, Transportation Code,  
9 is amended by adding Section 521.060 to read as follows:

10 Sec. 521.060. DRIVER RECORD MONITORING PILOT PROGRAM.

11 (a) The department by rule may establish a driver record  
12 monitoring pilot program. The term of the pilot program may not  
13 exceed one year.

14 (b) Under the pilot program, the department may enter into a  
15 contract with a person to provide driver record monitoring  
16 services, as described by Subsection (c), and certain information  
17 from the department's driver's license records to the person, if the  
18 person:

19 (1) is an employer, an insurer, an insurance support  
20 organization, an employer support organization, or an entity that  
21 self-insures its motor vehicles; and

22 (2) is eligible to receive the information under  
23 Chapter 730.

24 (c) A contract entered into by the department must require:

1           (1) the department, during the term of the contract,  
2 to:

3           (A) monitor the driver record of each holder of a  
4 driver's license issued by the department that is requested by the  
5 person with whom the department has contracted;

6           (B) identify any change in the status of a  
7 driver's license or any conviction for a traffic offense reported  
8 to the department during the monitoring period; and

9           (C) periodically, as specified in the contract,  
10 provide reports of those individuals identified as having a change  
11 in status or convictions to the person with whom the department has  
12 contracted; and

13           (2) the person with whom the department has  
14 contracted:

15           (A) to purchase under Section 521.046 a copy of  
16 the driver record of each individual identified in a report  
17 provided under Subdivision (1)(C);

18           (B) to warrant that:

19           (i) the person will not directly or  
20 indirectly disclose information received from the department under  
21 the contract to a third party without the express written consent of  
22 the department, except as required by law or legal process; and

23           (ii) if a disclosure is required by law or  
24 legal process, the person will immediately notify the department so  
25 that the department may seek to oppose, limit, or restrict the  
26 required disclosure; and

27           (C) if the person is an insurance support

1 organization, to warrant that the person will not seek to obtain  
2 information about a holder of a driver's license under the contract  
3 unless the license holder is insured by a client of the  
4 organization, and that the person will provide the department with  
5 the name of each client to whom the insurance support organization  
6 provides information received from the department under the  
7 contract.

8 (d) The attorney general may file a suit against a person  
9 with whom the department has contracted under this section for:

10 (1) injunctive relief to prevent or restrain the  
11 person from violating a term of the contract or from directly or  
12 indirectly disclosing information received from the department  
13 under the contract in a manner that violates the terms of the  
14 contract; or

15 (2) a civil penalty in an amount not to exceed \$2,000  
16 for each disclosure in violation of those terms.

17 (e) If the attorney general brings an action against a  
18 person under Subsection (d) and an injunction is granted against  
19 the person or the person is found liable for a civil penalty, the  
20 attorney general may recover reasonable expenses, court costs,  
21 investigative costs, and attorney's fees. Each day a violation  
22 continues or occurs is a separate violation for purposes of  
23 imposing a penalty under Subsection (d).

24 (f) A violation of the terms of a contract entered into with  
25 the department by the person with whom the department has  
26 contracted is a false, misleading, or deceptive act or practice  
27 under Subchapter E, Chapter 17, Business & Commerce Code.

1       (g) A civil action brought under this section shall be filed  
2 in a district court:

3               (1) in Travis County; or

4               (2) in any county in which the violation occurred.

5       (h) A person with whom the department has contracted under  
6 this section commits an offense if the person directly or  
7 indirectly discloses information received from the department  
8 under the contract in a manner that violates the terms of the  
9 contract. An offense under this subsection is a Class B  
10 misdemeanor. If conduct constituting an offense under this  
11 subsection also constitutes an offense under another law, the actor  
12 may be prosecuted under this subsection, the other law, or both.

13       (i) The department shall impose a fee on each person with  
14 whom the department contracts under this section for the services  
15 provided by the department under the contract. The fee must be  
16 reasonable and be not less than the amount necessary to allow the  
17 department to recover all reasonable costs to the department  
18 associated with entering into the contract and providing services  
19 to the person under the contract, including direct, indirect, and  
20 administrative costs and costs related to the development and  
21 deployment of the pilot program.

22       (j) The department may establish a reasonable deadline by  
23 which a person must apply to enter into a contract with the  
24 department under this section and may not enter into a contract with  
25 a person who fails to apply before that deadline.

26       (k) To the fullest extent practicable, the services of the  
27 department under a contract entered into under this section shall

1 be provided by, through, or in conjunction with the interactive  
2 system established under Section 521.055.

3 (1) At the conclusion of the term of the pilot program, and  
4 on the recommendation of the department, the commission may  
5 authorize the department to implement the pilot program as a  
6 permanent program.

7 (m) Before the department recommends that the pilot program  
8 be implemented as a permanent program, the department shall submit  
9 to the lieutenant governor, the speaker of the house of  
10 representatives, and each member of the legislature a report that  
11 contains an analysis of the scope, effectiveness, and cost benefits  
12 of the pilot program. The report must include:

13 (1) a list of each insurance support organization with  
14 which the department has contracted under this section; and

15 (2) a list of each client to whom the insurance support  
16 organization has provided information received from the department  
17 under this section.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.