

BILL ANALYSIS

H.B. 1391
By: Deshotel
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A feature on new breath test instruments allows a breath test operator to swipe or scan the driver's license of a person arrested for driving while intoxicated to quickly, efficiently, and with minimal typographical errors enter the subject's name, gender, and date of birth. Peace officers, Department of Public Safety employees, and certain other persons are currently authorized to swipe or scan a driver's license to access or use the electronically readable information contained in the license. Noncommissioned forensic scientist technical supervisors and noncommissioned breath test operators do not currently have the authority to swipe or scan a driver's license for purposes of obtaining that information. H.B. 1391 seeks to resolve this disparity regarding professionals who can be integral to the taking and analyzing of a breath specimen.

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

H.B. 1391 amends the Transportation Code to exempt a person who possesses a certificate issued by the Department of Public Safety certifying that the individual is qualified to take and analyze a breath specimen or who is otherwise authorized to perform such an analysis from the prohibition against accessing, using, compiling, or maintaining a database of electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.