

BILL ANALYSIS

Senate Research Center
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S.B. 1237
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, peace officers, Department of Public Safety of the State of Texas (DPS) employees, and certain other persons are authorized to swipe or scan a driver's license to access or use the electronically readable information contained in the license. Noncommissioned forensic scientists, technical supervisors, and noncommissioned breath test operators do not currently have the authority to swipe or scan a driver's license for the purposes of obtaining that information. S.B. 1237 seeks to resolve this disparity regarding professionals who can be integral to the taking and analyzing of a breath specimen.

The bill amends the Transportation Code to allow certain persons authorized by DPS to take or analyze a breath specimen to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification card.

As proposed, S.B. 1237 amends current law relating to persons authorized to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.126(d), Transportation Code, to provide that the prohibition provided by Subsection (b) (relating to offenses committed by taking certain actions with electronically readable information) does not apply to a person who accesses, uses, compiles, or maintains a database of the information for a law enforcement or government purpose by certain persons performing certain actions, including a person who possesses a certificate issued by the Department of Public Safety of the State of Texas under Section 724.016 (Breath Specimen) or who is otherwise authorized to take or analyze a breath specimen under Chapter 724 (Implied Consent) or other law.

SECTION 2. Effective date: upon passage or September 1, 2011.