

BILL ANALYSIS

C.S.H.B. 11
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the opinion of many, the current processes, procedures, and management of the driver license program are in need of significant reform. According to the Sunset Advisory Commission, of the 28.4 million people living in Texas in 2017, 20.3 million held a Texas driver license and another 3.2 million held a state-issued ID. Managing the demand for driver license services is a major undertaking, but even so wait times at driver license offices continue to increase and it was reported that the Department of Public Safety answered only 20 percent of the related 24,400 daily calls. There have been calls to transfer the administration of the driver licensing program from the Department of Public Safety to the Texas Department of Motor Vehicles. C.S.H.B. 11 provides for such a transfer.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTIONS 32, 82, 90, and 103 of this bill.

ANALYSIS

C.S.H.B. 11 transfers the powers and duties of the Department of Public Safety (DPS) with regard to driver's licenses, personal identification certificates, and other miscellaneous programs, powers, and duties to the Texas Department of Motor Vehicles (TxDMV), effective January 1, 2021. The bill provides for the following matters, effective January 1, 2021:

- all DPS rules are continued in effect as rules of TxDMV until superseded by TxDMV rule;
- all applicable licenses or certifications issued by DPS are continued in effect as applicable; and
- complaints, investigations, contested cases, or other proceedings pending on the bill's effective date are continued without change in status.

The bill establishes that an activity conducted by DPS is considered to be an activity conducted by TxDMV. The bill requires the public safety director of DPS on September 1, 2019, or as soon as possible after that date, to adopt a comprehensive plan to ensure the smooth transition of such programs, powers, and duties before January 1, 2021, from DPS to TxDMV.

C.S.H.B. 11 provides for the following effective January 1, 2021:

- all money, contracts, leases, rights, property, records, and bonds and other obligations of DPS relating to driver's licenses, personal identification certificates, and other miscellaneous programs, powers, and duties are transferred to TxDMV; and
- an employee of the DPS Driver License Division and any employee of DPS who

primarily performs duties related to a power or duty transferred under the bill become employees of TxDMV.

C.S.H.B. 11 transfers and reappropriates the unobligated and unexpended balance of any appropriations made to DPS in connection with or relating to the transferred programs, powers, and duties for the state fiscal biennium ending August 31, 2021, to TxDMV for the purpose of implementing those transferred powers, duties, obligations, and rights of action. The bill requires DPS to continue, as necessary, to perform the duties and functions being transferred to TxDMV until the transfer of agency duties and functions is complete.

C.S.H.B. 11 requires the governing bodies of TxDMV and DPS to enter into or revise a joint memorandum of understanding to coordinate the TxDMV and DPS information systems to allow for the sharing of information so that each department may effectively and efficiently perform the functions and duties assigned to it. The bill sets out provisions relating to the joint memorandum of understanding, requires the memorandum to be entered into or revised at the first official meeting of the board of TxDMV occurring after the bill's effective date, and provides for additional joint memoranda of understanding between the two departments if necessary to effect the transfer of powers and duties of DPS to TxDMV.

C.S.H.B. 11 requires TxDMV to study the most effective use of available state and county resources, including personnel, property, and technology resources potentially available through the adoption of intergovernmental agreements, to perform duties relating to driver's license, personal identification, and election identification issuance and the registration of voters while prioritizing the following outcomes:

- customer service satisfaction, including reducing wait times for customers to be issued driver's licenses, personal identification certificates, and election identification certificates;
- accessibility for citizens of this state, including citizens residing in rural areas of this state, to facilities performing those duties; and
- administrative efficiency and cost savings.

The bill requires DPS to assist in the study if requested by TxDMV.

C.S.H.B. 11 amends the Transportation Code to authorize TxDMV to photograph, microphotograph, or film any record in connection with the issuance of a driver's license or commercial driver's license, but prohibits an original fingerprint card from being photographed or filmed to dispose of the original record. The bill sets out provisions relating to the reproduction of and certification of authenticity of certain records. The bill requires TxDMV to promptly send to DPS any photograph of a person subject to sex offender registration requirements that is made available to TxDMV through the process of issuing a driver's license or personal identification certificate for purposes of the sex offender registration program database.

C.S.H.B. 11 requires TxDMV to promptly send notice to DPS of the suspension of a driver's license and vehicle registration under the Motor Vehicle Safety Responsibility Act and to promptly send to DPS a copy of each notice of suspension or denial of a driver's license based on the refusal to give a specimen as requested by a peace officer.

C.S.H.B. 11 includes TxDMV among the agencies for which the uniform certificate of driving safety course completion provided by the Texas Commission of Licensing and Regulation (TCLR) must include an identifying number used to verify its authenticity with the course provider.

C.S.H.B. 11 amends the Education Code to add a representative of TxDMV as a member of the advisory committee to the Texas Commission of Licensing and Regulation on educational and technical matters relevant to administering driver and traffic safety education.

C.S.H.B. 11 amends the Alcoholic Beverage Code, Business & Commerce Code, Code of Criminal Procedure, Election Code, Family Code, Finance Code, Government Code, Health and Safety Code, Human Resources Code, Occupations Code, and Tax Code to make conforming changes.

C.S.H.B. 11 repeals Section 411.0085, Government Code, which limits the number of commissioned officers and supervising personnel assigned to driver's license facilities.

EFFECTIVE DATE

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 11 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the date on which the transfer is effective from September 1, 2020, to January 1, 2021, and specifies the state fiscal biennium for which the unobligated and unexpended balance of any appropriations made to DPS are transferred in connection with the transferred powers and duties.

The substitute changes the mechanisms by which DPS and TxDMV cooperate in effecting the transfer and the means by which the change is effected in the statutes.

The substitute includes the following provisions:

- requires TxDMV to send to DPS any photograph of a person subject to sex offender registration that is made available to TxDMV through the issuance of a driver's license or personal identification certificate;
- requires TxDMV to notify DPS of the suspension or denial of a driver's license and the suspension of a vehicle registration under certain circumstances;
- sets out TxDMV's responsibilities relating to the reproduction of records in connection with the issuance of a driver's license or commercial driver's license; and
- includes TxDMV on a TCLR advisory committee.