

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 10, 2021

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB15 by Nichols (Relating to the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB15, As Engrossed : an impact of \$0 through the biennium ending August 31, 2023.

However, there would be costs and revenue losses to various other funds.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from Appropriated Receipts 666	Probable Revenue (Loss) from Appropriated Receipts 666	Probable (Cost) from Tx Dept of Motor Vehicles End 10	Probable Revenue Gain/(Loss) from State Highway Fund 6
2022	(\$70,000)	(\$45,000)	(\$364,104)	(\$37,000)
2023	(\$50,000)	(\$95,000)	(\$332,604)	(\$37,000)
2024	(\$50,000)	(\$95,000)	(\$332,604)	(\$37,000)
2025	(\$50,000)	(\$95,000)	(\$332,604)	(\$37,000)
2026	(\$50,000)	(\$95,000)	(\$341,004)	(\$37,000)

<i>Fiscal Year</i>	Change in Number of State Employees from FY 2021
2022	4.0
2023	4.0
2024	4.0
2025	4.0
2026	4.0

Fiscal Analysis

This bill would amend the Parks and Wildlife Code to add conditions to the disclosure of certain statistical data and personal information by the Texas Parks and Wildlife Department (TPWD).

The bill would amend Chapter 730 of the Transportation Code to limit the disclosure of certain personal information to an entity other than an authorized recipient and restrict the use of certain personal information obtained by an agency. The bill would require a contract granting access to motor vehicle records to contain certain conditions.

The bill would create new offenses related to improper use of personal information obtained in connection with a motor vehicle record. Those offenses would be punishable by a fine not to exceed \$100,000. The bill would increase the maximum fine that could be imposed under Section 730.013 from \$25,000 to \$100,000.

The bill would repeal Sections 204.011 of the Transportation Code and 11.030 of the Parks and Wildlife Code, to prohibit the Texas Department of Transportation (TxDOT) and Texas Parks and Wildlife Commission from disclosing certain personal information or selling mailing lists containing certain personal information.

Methodology

The bill would prohibit the disclosure of personal information obtained by an agency in connection with a motor vehicle record if the user of the information uses it for motor vehicle market research activities and certain business uses. The Department of Public Safety (DPS) indicates this could potentially result in a minimal loss of revenue.

Based on information provided by TxDOT and the Comptroller of Public Accounts, it is assumed the removal of the agency's authority to sell or rent "Texas Highways" subscriber lists would result in an annual revenue loss of \$37,000 to the State Highway Fund.

Based on the information provided by the Texas Parks and Wildlife Department (TPWD), the agency estimates a revenue loss from the sale of customer lists of \$45,000 per fiscal year, as well as a loss of revenue of magazine subscriptions of \$50,000 per year starting in fiscal year 2023. Additionally, TPWD estimates an increase in expenses related to the purchase of customer lists of \$70,000 in fiscal year 2022 and \$50,000 in each fiscal year thereafter.

The Department of Motor Vehicles estimates a cost to the State in FYs 2022-2026 of \$1,702,920 for TxDMV Fund 0010 for salaries and all related expenses related to the employment of four new FTEs.

Based on the information by DPS, it is assumed that the costs associated with the bill's provisions could be absorbed using existing resources.

Note: The bill would reduce, rescind, or repeal the dedication of a specific source or portion of revenue dedicated to the Texas Mobility Fund. Article 3, Section 49-k, of the Texas Constitution, specifies that while money in the Texas Mobility Fund is pledged for the payment of any outstanding debt obligations, the Legislature may not reduce, rescind, or repeal the dedication of a specific source or portion of revenue dedicated to the Texas Mobility Fund unless the Legislature by law dedicates a substitute or different source of revenue that is projected by the Comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed.

Technology

According to DPS, any costs for the programing and required driver license resources will be absorbed operationally.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 601 Department of Transportation, 608 Department of Motor Vehicles, 802 Parks and Wildlife Department

LBB Staff: JMc, AAL, KFB, NA, SD, TG