

Appendix B

Senate Bill 1069, 75th Legislature
Author: Moncrief
Sponsor: Uher

AN ACT

1-1 relating to the release and use of certain personal information
1-2 from motor vehicle records; providing a criminal penalty.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Subtitle J, Title 7, Transportation Code, is
1-5 amended by adding Chapter 730 to read as follows:

1-6 CHAPTER 730. MOTOR VEHICLE RECORDS DISCLOSURE ACT

1-7 Sec. 730.001. SHORT TITLE. This chapter may be cited as the
1-8 Motor Vehicle Records Disclosure Act.

1-9 Sec. 730.002. PURPOSE. The purpose of this chapter is to
1-10 implement 18 U.S.C. Chapter 123 and to protect the interest of an
1-11 individual in the individual's personal privacy by prohibiting the
1-12 disclosure and use of personal information contained in motor
1-13 vehicle records, except as authorized by the individual or by law.

1-14 Sec. 730.003. DEFINITIONS. In this chapter:

1-15 (1) "Agency" includes any agency of this state, or an
1-16 authorized agent or contractor of an agency of this state, that
1-17 compiles or maintains motor vehicle records.

1-18 (2) "Disclose" means to make available or make known
1-19 personal information contained in a motor vehicle record about a
1-20 person to another person, by any means of communication.

1-21 (3) "Individual record" means a motor vehicle record
1-22 obtained by an agency containing personal information about an
1-23 individual who is the subject of the record as identified in a
2-1 request.

2-2 (4) "Motor vehicle record" means a record that
2-3 pertains to a motor vehicle operator's or driver's license or
2-4 permit, motor vehicle registration, motor vehicle title, or
2-5 identification document issued by an agency of this state or a
2-6 local agency authorized to issue an identification document. The
2-7 term does not include a record that pertains to a motor carrier.

2-8 (5) "Person" means an individual, organization, or
2-9 entity but does not include this state or an agency of this state.

2-10 (6) "Personal information" means information that
2-11 identifies a person, including an individual's photograph or
2-12 computerized image, social security number, driver identification
2-13 number, name, address, but not the zip code, telephone number, and
2-14 medical or disability information. The term does not include
2-15 information on vehicle accidents, driving or equipment-related
2-16 violations, or driver's license or registration status.

2-17 (7) "Record" includes any book, paper, photograph,
2-18 photostat, card, film, tape, recording, electronic data, printout,
2-19 or other documentary material regardless of physical form or
2-20 characteristics.

2-21 Sec. 730.004. PROHIBITION ON DISCLOSURE AND USE OF PERSONAL
2-22 INFORMATION FROM MOTOR VEHICLE RECORDS. Notwithstanding any
2-23 other
2-24 provision of law to the contrary, including Chapter 552, Government
2-25 Code, except as provided by Sections 730.005-730.008, an agency may
3-1 not disclose personal information about any person obtained by the
3-2 agency in connection with a motor vehicle record.
3-3 Sec. 730.005. REQUIRED DISCLOSURE. Personal information
3-4 obtained by an agency in connection with a motor vehicle record
3-5 shall be disclosed for use in connection with any matter of:
3-6 (1) motor vehicle or motor vehicle operator safety;
3-7 (2) motor vehicle theft;
3-8 (3) motor vehicle emissions;
3-9 (4) motor vehicle product alterations, recalls, or
3-10 advisories;
3-11 (5) performance monitoring of motor vehicles or motor
3-12 vehicle dealers by a motor vehicle manufacturer; or
3-13 (6) removal of nonowner records from the original
3-14 owner records of a motor vehicle manufacturer to carry out the
3-15 purposes of:
3-16 (A) the Automobile Information Disclosure Act,
3-17 15 U.S.C. Section 1231 et seq.;

3-18 (B) 49 U.S.C. Chapters 301, 305, 323, 325, 327,
3-19 329, and 331;
3-20 (C) the Anti Car Theft Act of 1992, 18 U.S.C.
3-21 Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C.
3-22 Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all
3-23 as amended;
3-24 (D) the Clean Air Act, 42 U.S.C. Section 7401 et
3-25 seq., as amended; and
4-1 (E) any other statute or regulation enacted or
4-2 adopted under or in relation to a law included in Paragraphs
4-3 (A)-(D).

4-4 Sec. 730.006. REQUIRED DISCLOSURE WITH CONSENT. Personal
4-5 information obtained by an agency in connection with a motor
4-6 vehicle record shall be disclosed to a requestor who demonstrates,
4-7 in such form and manner as the agency requires, that the requestor
4-8 has obtained the written consent of the person who is the subject
4-9 of the information.

4-10 Sec. 730.007. PERMITTED DISCLOSURES. (a) Personal
4-11 information obtained by an agency in connection with a motor
4-12 vehicle record may be disclosed to any requestor by an agency if
4-13 the requestor:
4-14 (1) provides the requestor's name and address and any
4-15 proof of that information required by the agency; and
4-16 (2) represents that the use of the personal
4-17 information will be strictly limited to:
 (A) use by:

4-18 (i) a government agency, including any
4-19 court or law enforcement agency, in carrying out its functions; or
4-20 (ii) a private person or entity acting on
4-21 behalf of a government agency in carrying out the functions of the
4-22 agency;

4-23 (B) use in connection with a matter of:
4-24 (i) motor vehicle or motor vehicle
4-25 operator safety;
5-1 (ii) motor vehicle theft;
5-2 (iii) motor vehicle product alterations,
5-3 recalls, or advisories;
5-4 (iv) performance monitoring of motor
5-5 vehicles, motor vehicle parts, or motor vehicle dealers;
5-6 (v) motor vehicle market research
5-7 activities, including survey research; or
5-8 (vi) removal of nonowner records from the
5-9 original owner records of motor vehicle manufacturers;

5-10 (C) use in the normal course of business by a
5-11 legitimate business or an agent, employee, or contractor of the
5-12 business, but only:
5-13 (i) to verify the accuracy of personal
5-14 information submitted by the individual to the business or an
5-15 agent, employee, or contractor of the business; and
5-16 (ii) if the information as submitted is
5-17 not correct or is no longer correct, to obtain the correct
5-18 information, for the sole purpose of preventing fraud by, pursuing
5-19 a legal remedy against, or recovering on a debt or security
5-20 interest against the individual;

5-21 (D) use in conjunction with a civil, criminal,
5-22 administrative, or arbitral proceeding in any court or government
5-23 agency or before any self-regulatory body, including service of
5-24 process, investigation in anticipation of litigation, execution or
5-25 enforcement of a judgment or order, or under an order of any court;

6-1 (E) use in research or in producing statistical
6-2 reports, but only if the personal information is not published,
6-3 redisclosed, or used to contact any individual;

6-4 (F) use by an insurer or insurance support
6-5 organization, or by a self-insured entity, or an agent, employee,
6-6 or contractor of the entity, in connection with claims
6-7 investigation activities, antifraud activities, rating, or
6-8 underwriting;

6-9 (G) use in providing notice to an owner of a
6-10 towed or impounded vehicle;

6-11 (H) use by a licensed private investigator
6-12 agency or licensed security service for a purpose permitted under
6-13 this section;

6-14 (I) use by an employer or an agent or insurer of
6-15 the employer to obtain or verify information relating to a holder

6-16 of a commercial driver's license that is required under 49 U.S.C.
6-17 Chapter 313;
6-18 (J) use in connection with the operation of a
6-19 private toll transportation facility;
6-20 (K) use for bulk distribution for surveys,
6-21 marketing, or solicitations, but only if the agency has implemented
6-22 procedures to ensure that:
6-23 (i) persons are provided an opportunity,
6-24 in a clear and conspicuous manner, to opt out and prohibit those
6-25 uses; and
7-1 (ii) the information will be used, rented,
7-2 or sold solely for bulk distribution for surveys, marketing, or
7-3 solicitations, and that surveys, marketing, or solicitations will
7-4 not be directed at any individual who has timely requested that the
7-5 material not be directed at that individual; and
7-6 (L) use for any other purpose specifically
7-7 authorized by law that relates to the operation of a motor vehicle
7-8 or to public safety.

7-9 (b) The only personal information an agency may release
7-10 under this section is the individual's:
7-11 (1) name and address;
7-12 (2) date of birth; and
7-13 (3) driver's license number.

7-14 **Sec. 730.008. DISCLOSURE OF INDIVIDUAL RECORD.**

7-15 (a) Personal information obtained by an agency in connection with
7-16 a motor vehicle record that is contained in an individual record
7-17 may be disclosed to a requestor without regard to intended use if
7-18 the Department of Public Safety has:

7-19 (1) provided, in a clear and conspicuous manner on
7-20 forms for issuance or renewal of an operator's or driver's license,
7-21 registration, title, or identification document, notice that
7-22 personal information collected by the Department of Public Safety
7-23 may be disclosed to any person making a request for an individual
7-24 record; and

7-25 (2) provided in a clear and conspicuous manner on that
8-1 form an opportunity for each person who is the subject of the
8-2 record to prohibit that disclosure.

8-3 (b) An agency may include the notice described by Subsection
8-4 (a)(1) on forms used by members of the general public.

8-5 **Sec. 730.009. REQUESTS TO PROHIBIT DISCLOSURE.** Each agency
8-6 shall distinguish between a request by a person under Section
8-7 730.008 to prohibit disclosure of personal information in the
8-8 person's individual record and a request under Section
8-9 730.007(a)(2)(K) by a person to prohibit disclosure of that
8-10 information.

8-11 **Sec. 730.010. DISCLOSURE OF THUMB OR FINGER IMAGES**
8-12 **PROHIBITED.** Notwithstanding any other provision of this chapter,
8-13 if an agency obtains an image of an individual's thumb or finger in

8-14 connection with the issuance of a license, permit, or certificate
8-15 to the individual, the agency may:

8-16 (1) use the image only in connection with the issuance
8-17 of the license, permit, or certificate; and

8-18 (2) disclose the image only if disclosure is expressly
8-19 authorized by law.

8-20 Sec. 730.011. FEES. Unless a fee is imposed by law, an
8-21 agency that has obtained information in connection with a motor
8-22 vehicle may adopt reasonable fees for disclosure of that personal
8-23 information under this chapter.

8-24 Sec. 730.012. ADDITIONAL CONDITIONS. (a) In addition to
8-25 the payment of a fee adopted under Section 730.011, an agency may
9-1 require a requestor to provide reasonable assurance:

9-2 (1) as to the identity of the requestor; and

9-3 (2) that use of the personal information will be only
9-4 as authorized or that the consent of the person who is the subject
9-5 of the information has been obtained.

9-6 (b) An agency may require the requestor to make or file a
9-7 written application in the form and containing any certification
9-8 requirement the agency may prescribe.

9-9 Sec. 730.013. RESALE OR REDISCLOSURE. (a) An authorized
9-10 recipient of personal information, other than a recipient under
9-11 Section 730.007(a)(2)(K)(ii) or Section 730.008, may resell or
9-12 redisclose the information for any use permitted under Section
9-13 730.007, other than a use described by Section
9-14 730.007(a)(2)(K)(ii).

9-15 (b) An authorized recipient of an individual record under
9-16 Section 730.008 may resell or redisclose personal information for
9-17 any purpose.

9-18 (c) An authorized recipient of personal information for bulk
9-19 distribution for surveys, marketing, or solicitations under Section
9-20 730.007(a)(2)(K)(ii) may resell or redisclose personal information
9-21 only in compliance with the terms of that section.

9-22 (d) Any authorized recipient who resells or rediscloses
9-23 personal information obtained from an agency shall be required by
9-24 that agency to:

9-25 (1) maintain for a period of not less than five years
10-1 records as to any person or entity receiving that information and
10-2 the permitted use for which it was obtained; and

10-3 (2) make those records available for inspection by the
10-4 agency on request.

10-5 Sec. 730.014. AGENCY RULES; ORGANIZATION OF RECORDS.

10-6 (a) Each agency may adopt rules to implement and administer this
10-7 chapter.

10-8 (b) An agency that maintains motor vehicle records in
10-9 relation to motor vehicles is not required to also maintain those
10-10 records in relation to the individuals named in those records.

10-11 Sec. 730.015. PENALTY FOR FALSE REPRESENTATION. (a) A

10-12 person who requests the disclosure of personal information from an
10-13 agency's records under this chapter and misrepresents the person's
10-14 identity or who makes a false statement to the agency on an
10-15 application required by the agency under this chapter commits an
10-16 offense.

10-17 (b) An offense under Subsection (a) is a Class A
10-18 misdemeanor.

10-19 SECTION 2. Subtitle J, Title 7, Transportation Code, is
10-20 amended by adding Chapter 731 to read as follows:

10-21 CHAPTER 731. DISCLOSURE OF PERSONAL INFORMATION
10-22 FROM MOTOR VEHICLE RECORDS

10-23 Sec. 731.001. DEFINITIONS. In this chapter:

10-24 (1) "Agency" means an agency of this state that
10-25 compiles or maintains motor vehicle records. The term includes the
11-1 Department of Public Safety and the Texas Department of
11-2 Transportation.

11-3 (2) "Internet" means the international computer
11-4 network of federal and nonfederal interoperable packet switched
11-5 data networks or a similar computer bulletin board or computer
11-6 network accessible to the public.

11-7 (3) "Motor vehicle record" means a record that
11-8 pertains to a motor vehicle operator's or driver's license or
11-9 permit, motor vehicle registration, motor vehicle title, or
11-10 identification document issued by an agency or a local governmental
11-11 entity authorized to issue an identification document. The term
11-12 includes a driver record maintained by the Department of Public
11-13 Safety.

11-14 (4) "Personal information" means information that
11-15 identifies an individual, including an individual's photograph or
11-16 computerized photographic image, social security number, driver
11-17 identification number, personal identification certificate number,
11-18 name, address other than the postal routing code, telephone number,
11-19 and medical or disability information. The term does not include
11-20 information on vehicular accidents, driving violations, or driver's
11-21 license status.

11-22 Sec. 731.002. RELEASE OF PERSONAL INFORMATION BY AGENCY.

11-23 Notwithstanding any other law, including Chapter 501, 502, 521, or
11-24 522 of this code and Chapter 552, Government Code, an agency is
11-25 prohibited from providing a person with personal information from
12-1 the agency's motor vehicle records unless the person receiving the
12-2 information is the individual to whom the information pertains or
12-3 that individual's agent or the person agrees in writing with the
12-4 agency that the person will not:

12-5 (1) disseminate or publish the information on the
12-6 internet; or

12-7 (2) permit another to disseminate or publish the
12-8 information on the internet.

12-9 Sec. 731.003. PUBLICATION OR DISCLOSURE OF PERSONAL

12-10 INFORMATION ON INTERNET. A person may not publish or disclose on
12-11 the internet personal information from a motor vehicle record that
12-12 has been obtained directly or indirectly from an agency without the
12-13 consent of the individual to whom the information pertains.

12-14 Sec. 731.004. CIVIL ENFORCEMENT. A district or county
12-15 attorney or the attorney general may file suit in a district court
12-16 to enjoin a violation of this chapter or to compel compliance with
12-17 this chapter.

12-18 Sec. 731.005. CIVIL CAUSE OF ACTION. (a) A person who
12-19 knowingly discloses or uses personal information from an agency's
12-20 motor vehicle records in violation of this chapter is liable for
12-21 damages caused by the disclosure or use in an action brought in a
12-22 district court by the individual to whom the information relates.

12-23 (b) A person who brings a suit under Subsection (a) may
12-24 recover:

12-25 (1) actual damages or, if actual damages are less than
13-1 \$2,500, actual damages and liquidated damages of not less than
13-2 \$2,500;

13-3 (2) punitive damages, on proof of wilful or reckless
13-4 disregard of the law;

13-5 (3) reasonable attorney's fees and litigation costs;

13-6 and

13-7 (4) other equitable and preliminary relief that the
13-8 court finds appropriate.

13-9 Sec. 731.006. FALSE STATEMENT TO AGENCY; PENALTY. (a) A
13-10 person commits an offense if the person makes a false statement or
13-11 representation to an agency to obtain personal information
13-12 pertaining to any individual from the agency's motor vehicle
13-13 records.

13-14 (b) An offense under this section is a Class A misdemeanor.

13-15 Sec. 731.007. DISSEMINATION OR PUBLICATION OF PERSONAL
13-16 INFORMATION ON INTERNET PROHIBITED; PENALTY. (a) A person
commits

13-17 an offense if the person:

13-18 (1) has access to or is in possession of personal
13-19 information obtained from an agency's motor vehicle records; and

13-20 (2) disseminates or publishes the information on the
13-21 internet without the consent of the individual to whom the
13-22 information pertains.

13-23 (b) An offense under Subsection (a) is a Class A
13-24 misdemeanor.

13-25 Sec. 731.008. AFFIRMATIVE DEFENSE TO CIVIL ACTION OR
14-1 PROSECUTION. It is an affirmative defense to an action brought
14-2 under Section 731.005 or to a prosecution brought under Section
14-3 731.007 that the person disclosed or used the personal information
14-4 of the individual in compliance with and for a purpose authorized
14-5 by the federal Driver's Privacy Protection Act of 1994 (18 U.S.C.
14-6 Section 2721 et seq.).

14-7 Sec. 731.009. RULES. Each agency to which this chapter
14-8 applies shall adopt rules to implement and enforce this chapter.

14-9 SECTION 3. Subsections (d) through (g), Section 411.0201,
14-10 Government Code, are amended to read as follows:

14-11 (d) [The department shall provide an adequate number of
14-12 microfilm readers and printers to allow the public convenient and
14-13 inexpensive access to records created under Subsection (a). The
14-14 department shall index the records alphabetically, by number, by
14-15 subject matter, or by other appropriate references and shall
14-16 provide the index to the public to promote convenient access.]

14-17 [(e)] A photograph, microphotograph, or film of a record
14-18 reproduced under Subsection (a) is equivalent to the original
14-19 record for all purposes, including introduction as evidence in all
14-20 courts and administrative agency proceedings. A certified or
14-21 authenticated copy of such a photograph, microphotograph, or film
14-22 is admissible as evidence equally with the original photograph,
14-23 microphotograph, or film.

14-24 (e) [(f)] The director or an authorized representative may
14-25 certify the authenticity of a photograph, microphotograph, or film
15-1 of a record reproduced under this section and shall charge a fee
15-2 for the certified photograph, microphotograph, or film as provided
15-3 by law.

15-4 (f) [(g)] Certified records shall be furnished to any person
15-5 who is authorized by law to receive them.

15-6 SECTION 4. Subchapter C, Chapter 552, Government Code, is
15-7 amended by adding Section 552.130 to read as follows:

15-8 Sec. 552.130. EXCEPTION: MOTOR VEHICLE RECORDS.

15-9 (a) Information is excepted from the requirements of Section
15-10 552.021 if the information relates to:

15-11 (1) a motor vehicle operator's or driver's license or
15-12 permit issued by an agency of this state;

15-13 (2) a motor vehicle title or registration issued by an
15-14 agency of this state; or

15-15 (3) a personal identification document issued by an
15-16 agency of this state or a local agency authorized to issue an
15-17 identification document.

15-18 (b) Information described by Subsection (a) may be released
15-19 only if, and in the manner, authorized by Chapter 730,
15-20 Transportation Code.

15-21 SECTION 5. Section 552.222, Government Code, is amended by
15-22 amending Subsection (a) and adding Subsection (c) to read as
15-23 follows:

15-24 (a) The officer for public information and the officer's
15-25 agent may not make an inquiry of a requestor except to establish
16-1 proper identification or except as provided by Subsection (b) or
16-2 (c).

16-3 (c) If the information requested relates to a motor vehicle
16-4 record, the officer for public information or the officer's agent

16-5 may require the requestor to provide additional identifying
16-6 information sufficient for the officer or the officer's agent to
16-7 determine whether the requestor is eligible to receive the
16-8 information under Chapter 730, Transportation Code. In this
16-9 subsection, "motor vehicle record" has the meaning assigned that
16-10 term by Section 730.003, Transportation Code.

16-11 SECTION 6. Section 502.008, Transportation Code, is amended
16-12 by adding Subsection (d) to read as follows:

16-13 (d) This section does not authorize the release of
16-14 information that is prohibited from disclosure under Chapter 730.

16-15 SECTION 7. Section 521.045, Transportation Code, is amended
16-16 to read as follows:

16-17 Sec. 521.045. DISCLOSURE OF CERTAIN INFORMATION RELATING
TO

16-18 INDIVIDUAL OPERATOR. On receipt of a written request and payment
16-19 of a \$4 fee, the department may disclose information relating to an
16-20 individual's date of birth, current license status, and most recent
16-21 address, as shown in the department's records, to a person who:

16-22 (1) is eligible to receive [demonstrates a legitimate
16-23 need for] the information under Chapter 730; and

16-24 (2) submits to the department the individual's
16-25 driver's license number or the individual's full name and date of
17-1 birth.

17-2 SECTION 8. Subsection (a), Section 521.046, Transportation
17-3 Code, is amended to read as follows:

17-4 (a) In addition to the information authorized to be released
17-5 under Section 521.045, on receipt of a written request and payment
17-6 of a \$6 fee, the department may disclose that information and
17-7 information regarding each reported traffic law conviction and
17-8 motor vehicle accident in which the individual received a citation,
17-9 by date and location, within the three years preceding the date of
17-10 the request, to a person who:

17-11 (1) is eligible to receive [demonstrates a legitimate
17-12 need for] the information under Chapter 730; and

17-13 (2) submits to the department the individual's
17-14 driver's license number or the individual's full name and date of
17-15 birth.

17-16 SECTION 9. Section 521.050, Transportation Code, is amended
17-17 to read as follows:

17-18 Sec. 521.050. SALE OF LICENSE INFORMATION. (a) In addition
17-19 to the provisions of this subchapter relating to the disclosure of
17-20 driver's license information on an individual, the department may
17-21 provide a purchaser with a magnetic tape of the names, addresses,
17-22 and dates of birth of all license holders that are contained in the
17-23 department's basic driver's license record file if the purchaser
17-24 certifies in writing that the purchaser is eligible to receive the
17-25 information under Chapter 730.

18-1 (b) A magnetic tape provided under this section may contain

18-2 only the names, addresses, and dates of birth of individuals who
18-3 have not prohibited the disclosure of personal information relating
18-4 to those individuals under Section 521.052 and Chapter 730.

18-5 (c) The department may also periodically provide to the
18-6 purchaser of the information any addition to that file.

18-7 (d) [(b)] Before the department may provide information
18-8 under Subsection (a), the purchaser must agree to delete the name,
18-9 address, and date of birth of an individual whose name is also
18-10 included on the mail or telephone preference list maintained by a
18-11 recognized trade association that is used to remove the name of an
18-12 individual who has requested that the individual's name not be made
18-13 available for solicitation purposes.

18-14 SECTION 10. Section 521.051, Transportation Code, is amended
18-15 to read as follows:

18-16 Sec. 521.051. DISCLOSURE OF CERTAIN INFORMATION
18-17 PROHIBITED.

18-17 The department may not disclose class-type listings from the basic
18-18 driver's license record file to any person except as provided by
18-19 Section 521.049(c), regardless of whether the requestor is eligible
18-20 to receive the information under Chapter 730.

18-21 SECTION 11. Section 521.052, Transportation Code, is amended
18-22 to read as follows:

18-23 Sec. 521.052. DISCLOSURE OF INDIVIDUAL INFORMATION
18-24 PROHIBITED. (a) Except as provided by Sections 521.045, 521.046,
18-25 521.049(c), and 521.050[,], and by Chapter 730 [521.051 and by
19-1 Subsection (d)], the department may not disclose information from
19-2 the department's files that relates to personal information, as
19-3 that term is defined by Section 730.003 [the address of an
19-4 individual if:]

19-5 [(1) the department's files contain a statement
19-6 executed by that individual that restricts public access to the
19-7 information; and]

19-8 [(2) the individual has:]

19-9 [(A) provided the department in writing an
19-10 accurate mailing address, other than a post office box number, in
19-11 the municipality, if any, and county in this state in which the
19-12 individual resides and to which public access is not to be
19-13 restricted;]

19-14 [(B) consented in writing to receive service of
19-15 process under the laws of this state at that alternate address; and]

19-16 [(C) paid to the department a fee of \$5, if the
19-17 individual established or changed an alternate address at any time
19-18 other than when the individual renewed the individual's driver's
19-19 license or personal identification certificate].

19-20 (b) The department shall provide written notice to each
19-21 applicant for an original or renewal license or personal
19-22 identification certificate, or a duplicate or corrected license or
19-23 certificate, that the applicant is entitled to prohibit disclosure

19-24 of personal information under Chapter 730 and is entitled to
19-25 execute a statement that prohibits [restricts] public access to
20-1 personal information relating to the [address of the] applicant.

20-2 (c) [An individual who has executed a statement under this
20-3 section shall notify the department of any change in the
20-4 individual's alternate address in writing before the 10th day after
20-5 the date on which the alternate address is changed.]

20-6 [(d) The department is not prohibited under this section
20-7 from disclosing information relating to the address of an
20-8 individual who:]

20-9 [(1) gives the department an inaccurate alternate
20-10 mailing address; or]

20-11 [(2) fails to provide the department with the
20-12 notification required by Subsection (c).]

20-13 [(e)] An individual may at any time revoke a [the] statement
20-14 executed under Subsection (a) or (b). Revocation of an executed
20-15 statement must be in writing in the manner prescribed by the
20-16 department.

20-17 [(f) The department or an officer or employee of the
20-18 department is not liable to a person damaged or injured by the
20-19 disclosure of information to which public access is restricted
20-20 under this section.]

20-21 SECTION 12. Subsection (a), Section 521.053, Transportation
20-22 Code, is amended to read as follows:

20-23 (a) The department may provide to any person the information
20-24 specified by Section 521.045, 521.046, or 521.047 and by Section
20-25 601.022, for the fee required by those sections, that relate to the
21-1 holder of or applicant for a commercial driver's license under
21-2 Chapter 522 if the person is eligible to receive the information
21-3 under Chapter 730.

21-4 SECTION 13. Section 550.065, Transportation Code, is amended
21-5 to read as follows:

21-6 Sec. 550.065. RELEASE OF ACCIDENT REPORTS AND CERTAIN
21-7 INFORMATION RELATING TO ACCIDENTS. (a) This section applies only
21-8 to information that is held by the department or another
21-9 governmental entity and relates to a motor vehicle accident,
21-10 including:

21-11 (1) information reported under this chapter, Section
21-12 601.004, or Chapter 772, Health and Safety Code;

21-13 (2) information contained in a dispatch log, towing
21-14 record, or a record of a 9-1-1 service provider; and

21-15 (3) the part of any other record that includes
21-16 information relating to the date of the accident, the name of any
21-17 person involved in the accident, or the specific location of the
21-18 accident [An accident report prepared by a peace officer and
21-19 submitted to the department after January 1, 1970, is a public
21-20 record open for inspection].

21-21 (b) Except as provided by Subsection (c), the information is

21-22 privileged and for the confidential use of:
21-23 (1) the department; and
21-24 (2) an agency of the United States, this state, or a
21-25 local government of this state that has use for the information for
22-1 accident prevention purposes.
22-2 (c) On written request and payment of any required fee, the
22-3 department or the governmental entity shall release the information
22-4 to:
22-5 (1) an entity described by Subsection (b);
22-6 (2) the law enforcement agency that employs the peace
22-7 officer who investigated the accident and sent the information to
22-8 the department;
22-9 (3) the court in which a case involving a person
22-10 involved in the accident is pending if the report is subpoenaed; or
22-11 (4) a person who provides the department or
22-12 governmental entity with the name of any person involved in the
22-13 accident and one or more of the following:
22-14 (A) the date of the accident; or
22-15 (B) the specific address or the highway or
22-16 street where the accident occurred.
22-17 (d) The department or governmental entity shall request
22-18 information on a written form adopted by the department or the
22-19 entity to determine whether the person or entity requesting the
22-20 information is entitled to receive the information under Subsection
22-21 (c).
22-22 (e) [On written request and payment of the required fee, the
22-23 department or a law enforcement agency shall provide a copy of a
22-24 peace officer's report that may be released under this section.]
22-25 [(c)] The fee for a copy of the peace officer's report is
23-1 \$4. The copy may be certified by the department or a law
23-2 enforcement agency for an additional fee of \$2. The department may
23-3 issue a certification that no report is on file for a fee of \$4.
23-4 (f) If the person or entity requesting the information is
23-5 entitled to receive the information under Subsection (c),
23-6 Subchapter F, Chapter 552, Government Code, applies in connection
23-7 with:
23-8 (1) making the information available to that person or
23-9 entity if the information exists in a paper record;
23-10 (2) providing that person or entity access to the
23-11 information if the information exists in an electronic medium or in
23-12 an electronic form; and
23-13 (3) providing a copy of the information to that person
23-14 or entity.
23-15 SECTION 14. Subsection (a), Section 601.022, Transportation
23-16 Code, is amended to read as follows:
23-17 (a) The department, on request and receipt of the required
23-18 fee, shall provide any person a certified abstract of the record of
23-19 conviction of a person subject to this chapter for violation of a

23-20 law relating to the operation of a motor vehicle or the record of
23-21 any injury or damage caused by the person's operation of a motor
23-22 vehicle if the requestor is eligible to receive the information
23-23 under Chapter 730.

23-24 SECTION 15. (a) This Act takes effect September 1, 1997.

23-25 (b) No later than January 1, 1998, each agency of this state
24-1 that on September 1, 1997, compiles or maintains motor vehicle
24-2 records shall adopt rules to implement the procedures described by
24-3 Paragraph (K), Subdivision (2), Subsection (a), Section 730.007,
24-4 Transportation Code, as added by this Act. An agency of this state
24-5 that after September 1, 1997, begins to compile or maintain motor
24-6 vehicle records shall adopt rules to implement the procedures
24-7 described by Paragraph (K), Subdivision (2), Subsection (a),
24-8 Section 730.007, Transportation Code, as added by this Act, no
24-9 later than the 121st day after the date that the agency begins to
24-10 compile or maintain motor vehicle records.

24-11 SECTION 16. (a) In addition to the substantive changes made
24-12 by this Act, this Act conforms Section 550.065, Transportation
24-13 Code, to Section 1, Chapter 894, Acts of the 74th Legislature,
24-14 1995.

24-15 (b) Section 1, Chapter 894, Acts of the 74th Legislature,
24-16 1995, is repealed.

24-17 (c) To the extent of any conflict, this Act prevails over
24-18 another Act of the 75th Legislature, Regular Session, 1997,
24-19 relating to nonsubstantive additions to and corrections in enacted
24-20 codes.

24-21 SECTION 17. The importance of this legislation and the
24-22 crowded condition of the calendars in both houses create an
24-23 emergency and an imperative public necessity that the
24-24 constitutional rule requiring bills to be read on three several
24-25 days in each house be suspended, and this rule is hereby suspended.

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1069 passed the Senate on
May 1, 1997, by the following vote: Yeas 31, Nays 0; and that the
Senate concurred in House amendment on May 29, 1997, by a viva-voce
vote.

Secretary of the Senate

I hereby certify that S.B. No. 1069 passed the House, with
amendment, on May 27, 1997, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor