

BILL ANALYSIS

C.S.H.B. 120
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Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, peace officers and special investigators cannot use an alternative residential address on their driver's licenses. Allowing an officer or investigator to list an alternative residential address on a driver's license, rather than listing the address where the officer or investigator resides, ensures that sensitive personal information is kept from persons who could threaten, harass, or physically harm the officer or investigator or his or her family.

C.S.H.B. 120 requires the Department of Public Safety (DPS) by rule to adopt procedures for the issuance of a driver's license to a peace officer or a special investigator that omits the license holder's actual residence address and includes, as an alternative, an address that is in the municipality or county of the license holder's residence and is acceptable to DPS.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 120 amends the Transportation Code to require the Department of Public Safety (DPS) by rule to adopt procedures for the issuance of a driver's license to a peace officer or a special investigator that omits the license holder's actual residence address and includes, as an alternative, an address that is in the municipality or county of the license holder's residence and is acceptable to DPS. The bill requires a peace officer or a special investigator who is to be issued a license that includes an alternative address to apply to DPS and provide sufficient evidence acceptable to DPS to establish the applicant's status as a peace officer or a special investigator and the physical address of the officer's or investigator's duty station. The bill requires the license holder, on issuance of a license that includes an alternative address, to surrender any other driver's license issued to the holder by DPS.

C.S.H.B. 120 requires the holder of a driver's license that includes an alternative address to notify DPS of a move to a new residence, name change, or change of employment to a different law enforcement agency and to provide DPS with the number of the person's driver's license and, as applicable, the person's former and new addresses, names, or employing law enforcement agency not later than the 30th day after the date of the address, name, or employment change. The bill requires the holder of a driver's license that includes an alternative address who ceases to be a peace officer or special investigator to apply to DPS, not later than the 30th day after the date of the status change, for issuance of a duplicate license that includes the person's actual current residence address. The bill provides that any civil process that is required by statute or rule to be personally served on a peace officer or a special investigator who has been issued a driver's license that includes an alternative address may be served by delivering a copy of the process to the custodian of records, a designated agent, or a records clerk for the law enforcement agency that employs the officer or investigator.

C.S.H.B. 120 defines "peace officer" and "special investigator."

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B 120 differs from the original by making provisions governing the issuance of a driver's license that includes an alternative residence address applicable to the issuance of such a license to a peace officer and a special investigator, rather than only a peace officer as in the original. The substitute differs from the original by adding the physical address of the officer's or investigator's duty station to the information required to be provided to the Department of Public Safety (DPS) for issuance of a driver's license that includes an alternative address. The substitute adds to the provision in the original requiring such a license holder to notify DPS of an address or name change and to provide DPS with the former and new addresses or names by a certain date, to also require notification of a law enforcement agency employment change and the provision of former and new employing law enforcement agencies and the physical address of the person's new duty station, to DPS. The substitute adds a provision not in the original to authorize any civil process that is required by statute or rule to be personally served on a peace officer or special investigator who has been issued a driver's license that includes an alternative address to be served by delivering a copy of the process to the custodian of records, a designated agent, or a records clerk for the law enforcement agency that employs the officer or investigator. The substitute adds the definition of "special investigator" not in the original.