

BILL ANALYSIS

Senate Research Center

H.B. 2730
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Government Organization
5/19/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Public Safety of the State of Texas (DPS) and the Private Security Board (board) are subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the legislature. The Sunset Advisory Commission review found that Texas continues to need DPS and the board.

H.B. 2730 relates to the continuation and functions of DPS and the board and provides a penalty.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the governor's division of emergency management is transferred to the Texas Division of Emergency Management in SECTION 2B.06 (Section 418.073, Government Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Private Security (TCPS) is transferred to the Texas Private Security Board (board) in SECTION 4.02 (Section 1702.004, Occupations Code), SECTION 4.10 (Section 1702.030, Occupations Code), SECTION 4.17 (Section 1702.061, Occupations Code), SECTION 4.19 (Section 1702.062, Occupations Code), SECTION 4.23 (Section 1702.0645, Occupations Code), SECTION 4.31 (Section 1702.103, Occupations Code), SECTION 4.38 (Section 1702.116, Occupations Code), SECTION 4.45 (Section 1702.122, Occupations Code), SECTION 4.55 (Section 1702.1675, Occupations Code), SECTION 4.56 (Section 1702.168, Occupations Code), SECTION 4.58 (Section 1702.171, Occupations Code), SECTION 4.63 (Section 1702.204, Occupations Code), SECTION 4.75 (Section 1702.236, Occupations Code), SECTION 4.76 (Section 1702.239, Occupations Code), SECTION 4.85 (Section 1702.304, Occupations Code), and SECTION 4.88 (Section 1702.309, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the board in SECTION 4.66 (Section 1702.221, Occupations Code), SECTION 4.78 (Section 1702.241, Occupations Code), and SECTION 4.103 (Section 1702.402, Occupations Code) of this bill.

Rulemaking authority previously granted to TCPS is rescinded in SECTION 4.28 (Section 1702.082, Occupations Code) of this bill.

Rulemaking authority previously granted to the public safety director is rescinded in SECTION 5.08 (Section 411.1095, Government Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety (DPS) in SECTION 6.08 (Section 521.005, Transportation Code) and SECTION 8.01 (Section 411.0133, Government Code) of this bill.

Rulemaking authority previously granted to DPS is modified in SECTION 6.14 (Section 708.157, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the public safety director in SECTION 9.01 (Section 411.0203, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1.01. Amends Section 548.006(i), Transportation Code, to require the advisory committee to hold a meeting at least once each quarter, rather than at least two meetings each year.

SECTION 1.02. Amends Subchapter A, Chapter 548, Transportation Code, by adding Section 548.008, as follows:

Sec. 548.008. VEHICLE INSPECTION PROGRAM DIRECTOR. (a) Provides that a vehicle inspection program (program) is managed by a program director who is prohibited from being a commissioned officer.

(b) Requires that the office of the program director be located in Austin, Texas.

(c) Sets forth the duties of the program director.

(d) Requires the regional offices to make reports as requested by the program director.

SECTION 1.03. Amends Section 548.501, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that the fee for inspection of a motor vehicle other than a moped, except as provided by Sections 548.503 (Initial Two-Year Inspection of Passenger Car or Light Truck) and 548.504 (Inspection of Commercial Motor Vehicles), is \$14, rather than \$12.50. Provides that the fee for inspection of a moped is \$6.75, rather than \$5.75. Provides that the fee for a verification form issued as required by Section 548.256 (Verification Form Required to Register Vehicle) is \$2, rather than \$1.

(c) Authorizes an inspection station to collect the applicable inspection fee at the time of the original inspection of a vehicle, regardless of whether an inspection certificate is issued at that time. Authorizes an inspection fee to be included with charges for other products or services but requires that the fee be shown on a work order for the products or services as a separate item. Authorizes an inspection to be advertised in conjunction with other products or services.

ARTICLE 2. DIVISION OF EMERGENCY MANAGEMENT

PART A. ORGANIZATION OF DIVISION

SECTION 2A.01. Amends Section 418.004, Government Code, by amending Subdivision (2) and adding Subdivision (9), to redefine "division" and define "department."

SECTION 2A.02. Amends Sections 418.041(a)-(c), Government Code, as follows:

(a) Provides that the Texas Division of Emergency Management (division) is a division of the Department of Public Safety of the State of Texas (DPS). Deletes existing text providing that the division of emergency management is a division of the office of the governor.

(b) Provides that the division is managed by a chief, rather than by a director, appointed by the public safety director of DPS (director), with the approval of the governor, and that the chief serves at the pleasure of the director, rather than at the pleasure of the governor. Requires the chief to possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response. Makes a conforming change.

(c) Requires representatives of certain agencies, at least once every two months, to meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified. Deletes existing text requiring the director to appoint a state coordinator.

SECTION 2A.03. Amends Section 418.072, Government Code, as follows:

Sec. 418.072. **DISASTER EMERGENCY FUNDING BOARD.** Sets forth the composition of the disaster emergency funding board (board), and includes the executive commissioner of the Health and Human Services Commission (HHSC) and the chief of the division, rather than the commissioner of the Department of Human Services and the director of the division.

SECTION 2A.04. Amends Section 418.074(b), Government Code, to authorize the chief of the division, rather than the state coordinator, if designated by the governor, to dispense a gift, grant, or loan for certain purposes.

SECTION 2A.05. Amends Section 431.082, Government Code, by adding Subsection (d), to provide that a member of the Texas State Guard called to state active duty in response to a state emergency is a temporary employee of the state while on state active duty.

**PART B. OTHER AMENDMENTS, INCLUDING CONFORMING AMENDMENTS
REFLECTING DIVISION'S NAME CHANGE**

SECTION 2B.01. Amends Section 12.0012, Agriculture Code, to make conforming changes.

SECTION 2B.02. Amends Sections 88.303(a) and (d), Education Code, to make conforming changes.

SECTION 2B.03. Amends Section 418.014(e), Government Code, to make a conforming change.

SECTION 2B.04. Amends the heading of Subchapter C, Chapter 418, Government Code, to read as follows:

SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

SECTION 2B.05. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.050, as follows:

Sec. 418.050. **REENTRY CREDENTIALING PILOT PROGRAM.** (a) Requires the division to consider implementing a pilot program for a reentry credentialing process for reentry into areas previously evacuated because of a disaster or threat of disaster.

(b) Requires that the reentry credentials issued under the project, if the division implements a pilot project under this section, be uniform and commonly constructed, have common card holder information, and have security features equivalent to the security features of a Texas driver's license.

(c) Prohibits the division from requiring residents of an evacuated area to participate in or comply with a reentry credentialing process under this section.

SECTION 2B.06. Amends Section 418.073(d), Government Code, to require the division to annually report to the speaker of the house of representatives and the lieutenant governor expenditures from the fund, the overall status of the fund, and any changes to rules and procedures regarding the fund. Makes a conforming change.

SECTION 2B.07. Amends Section 421.021(a), Government Code, to provide that the Homeland Security Council is composed of the governor or the governor's designee, the speaker of the house of representatives or the speaker's designee, the lieutenant governor or the lieutenant governor's designee, and one representative of certain entities, including the House Committee on Defense and Veterans' Affairs, rather than the House Committee on Defense and State-Federal Relations, appointed by the single statewide elected or appointed governing officer, administrative head, or chair, as appropriate, of the entity. Makes a conforming change.

SECTION 2B.08. Amends Section 661.907(b), Government Code, to make a conforming change.

SECTION 2B.09. Amends Section 661.919(b), Government Code, to make a conforming change.

SECTION 2B.10. Amends Section 501.001(5), Labor Code, to make a conforming change and nonsubstantive changes.

SECTION 2B.11. Amends Sections 16.055(a) and (b), Water Code, as follows:

(a) Provides that the chief of division, rather than the coordinator of the division of emergency management of the office of the governor, is the state drought manager.

(b) Sets forth the composition of the drought preparedness council and includes the Texas AgriLife, rather than Agricultural, Extension Service. Makes a conforming change.

SECTION 2B.12. Amends Section 1(3), Chapter 350 (S.B. 1101), Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c, V.T.C.S.), to redefine "Division of Emergency Management."

SECTION 2B.13. Provides that a reference in law or a rule to the "governor's division of emergency management" or the "division of emergency management in the office of the governor" means the Texas Division of Emergency Management in DPS.

ARTICLE 3. ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE FOR INTOXICATION OFFENSES

SECTION 3.01. Amends Section 524.038, Transportation Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Provides that an affidavit from an expert witness, rather than a person, whose presence is timely requested under this section is inadmissible if the expert witness fails to appear at a hearing without a showing of good cause. Authorizes an affidavit under this section, otherwise, to be submitted in lieu of an appearance at the hearing by the expert witness, rather than by the breath test operator (operator), breath test technical supervisor (supervisor), or expert witness. Makes a conforming change.

(e) Provides that an affidavit from an operator or supervisor is admissible unless the judge determines that justice requires the operator or supervisor to be present.

SECTION 3.02. Amends Section 524.039, Transportation Code, as follows:

Sec. 524.039. APPEARANCE OF TECHNICIANS AT HEARING. (a) Authorizes the person who requested a hearing, not later than the fifth day before the date of a scheduled hearing, to apply to the State Office of Administrative Hearings (SOAH) to issue a subpoena for the attendance of the operator who took the specimen of the person's breath to determine alcohol concentration or the certified supervisor responsible for maintaining and directing the operation of the breath test instrument used to analyze the specimen of the person's breath, or both. Requires SOAH to issue the subpoena only on a showing of good cause. Deletes existing text requiring each requested person, notwithstanding Section 524.038, if not later than the fifth day before the date of a scheduled hearing DPS receives from the person who requested the hearing written notice, including a facsimile transmission, requesting the presence at the hearing of the operator or the supervisor, to appear at the hearing.

(b) Authorizes DPS to reschedule a hearing once not less than 48 hours before the hearing if a person subpoenaed, rather than the person requested to attend, under Subsection (a) is unavailable. Makes conforming changes.

SECTION 3.03. Makes application Sections 524.038 and 524.039, Transportation Code, as amended by this Act, prospective to September 1, 2009.

SECTION 3.04. Provides that this article takes effect September 1, 2009.

ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

SECTION 4.01. Amends Section 1702.002, Occupations Code, by amending Subdivisions (2), (3), (5), (11), (12), (13), (17), (19)-(21) and adding Subdivision (6-b), as follows:

(2) Redefines "branch office" to include a place other than the principal place of business as shown in Texas Private Security Board (board) records, rather than Texas Commission on Private Security (TCPS) records.

(3) Makes a conforming change.

(5) Makes a conforming change.

(6-b) Defines "endorsement."

(11) Makes a conforming change.

(12) Makes a conforming change.

(13) Makes a conforming change.

(17) Defines "personal protection officer endorsement," rather than "personal protection officer authorization." Makes a conforming change.

(19)-(21) Makes conforming changes.

SECTION 4.02. Amends Section 1702.004, Occupations Code, as follows:

Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) Sets forth certain duties of the board and includes endorsing certain individuals and regulating endorsement holders. Makes a conforming and a nonsubstantive change.

(b) Requires the board to adopt rules necessary to comply with Chapter 53 (Consequences of Criminal Conviction) and in its rules under this section, to list the specific offenses for each category of regulated persons for which a conviction would constitute grounds for the board to take action under Section 53.021 (Authority to Revoke, Suspend, or Deny License). Deletes existing text providing that Chapter 53 does not apply to this chapter or to any licensing, regulatory, or disciplinary determinations made under this chapter.

SECTION 4.03. Amends the heading to Subchapter B, Chapter 1702, Occupations Code, to read as follows:

SUBCHAPTER B. TEXAS PRIVATE SECURITY BOARD

SECTION 4.04. Amends Section 1702.021, Occupations Code, as follows:

Sec. 1702.021. New heading: BOARD MEMBERSHIP. (a) Makes no changes to this subsection.

(b) Makes a conforming change. Deletes existing Subsection (c), requiring the secretary of state, on presentation by a commission member of the constitutional oath taken by the member, together with the certificate of appointment, to issue a commission to the member as evidence of the member's authority to act as a commission member.

SECTION 4.05. Amends Section 1702.023, Occupations Code, to make conforming changes.

SECTION 4.06. Amends Sections 1702.024(b) and (c), Occupations Code, as follows:

(b) Prohibits a person from being a board member, and from being a department employee whose primary duties include private security regulation and who is employed in a certain capacity. Make conforming changes.

(c) Makes conforming changes.

SECTION 4.07. Amends Section 1702.027, Occupations Code, as follows:

Sec. 1702.027. GROUND FOR REMOVAL. (a) Make conforming changes.

(b) Makes conforming changes.

(c) Requires the chief administrator, rather than the director, if the chief administrator has knowledge that a potential ground for removal exists, to notify the presiding officer of the board of the potential ground. Makes conforming changes.

SECTION 4.08. Amends Section 1702.028, Occupations Code, as follows:

Sec. 1702.028. PER DIEM; REIMBURSEMENT. (a) Makes conforming changes.

(b) Entitles a board member to reimbursement for travel, rather than transportation, expenses incurred while conducting board business, including expenses for transportation, meals, and lodging, as prescribed by the General Appropriations Act. Deletes existing text prohibiting a member from receiving compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses.

SECTION 4.09. Amends Section 1702.029, Occupations Code, to make conforming changes.

SECTION 4.10. Amends Section 1702.030, Occupations Code, to make conforming changes.

SECTION 4.11. Amends the heading to Subchapter C, Chapter 1702, Occupations Code, to read as follows:

SUBCHAPTER C. CHIEF ADMINISTRATOR AND PERSONNEL

SECTION 4.12. Amends Section 1702.041, Occupations Code, as follows:

Sec. 1702.041. New heading: CHIEF ADMINISTRATOR. (a) Provides that the chief administrator is responsible for the administration of this chapter under the direction of the board. Makes conforming changes.

(b) Makes conforming changes.

SECTION 4.13. Amends Section 1702.042, Occupations Code, as follows:

Sec. 1702.042. PERSONNEL; CONFLICT OF INTEREST. Prohibits an employee of the department whose primary duties include private security regulation from having a financial or business interest, contingent or otherwise, in a security services contractor or investigations company or being licensed under this chapter. Makes a conforming change.

SECTION 4.14. Amends Section 1702.043, Occupations Code, to make conforming changes.

SECTION 4.15. Amends Section 1702.044, Occupations Code, to make conforming changes.

SECTION 4.16. Amends the heading to Subchapter D, Chapter 1702, Occupations Code, to make a conforming change.

SECTION 4.17. Amends Section 1702.061, Occupations Code, as follows:

Sec. 1702.061. New heading: GENERAL POWERS AND DUTIES OF BOARD. (a)-(c) Makes conforming changes.

(d) Provides that the board has certain powers and duties, including to determine the qualifications of license holders, registrants, endorsement holders, and commissioned security officers. Makes conforming changes.

(e) Makes conforming changes. Deletes existing Subsection (f), authorizing the commission to commission investigators who are employed full-time by the commission as peace officers for the limited purpose of assisting the commission in investigating alleged violations of this chapter and of commission rules.

SECTION 4.18. Amends Subchapter D, Chapter 1702, Occupations Code, by adding Section 1702.0612, as follows:

Sec. 1702.0612. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) Requires the board to develop and implement a policy to encourage the use of negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of board rules and appropriate alternative dispute resolution procedures under Chapter 2009 (Alternative Dispute Resolution for Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) Requires that the board's procedures relating to alternative dispute resolution conform, to the extent possible, to any model guidelines issued by SOAH for the use of alternative dispute resolution by state agencies.

(c) Requires the board to designate a trained person to coordinate the implementation of the policy adopted under Subsection (a), serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution, and collect data concerning the effectiveness of those procedures, as implemented by the board.

SECTION 4.19. Amends Section 1702.062, Occupations Code, as follows:

Sec. 1702.062. FEES. (a) Requires the board by rule to establish, reasonable and necessary fees that produce sufficient revenue to administer this chapter. Prohibits the fees from producing unnecessary fund balances. Deletes existing text prohibiting certain fees from exceeding certain amounts.

(b) Authorizes the board, rather than TCPS, in addition to other fees established under this chapter, to charge a fee each time the board requires a person regulated under this chapter to resubmit a set of fingerprints for processing by the board during the application process for a license, registration, endorsement, or commission. Requires the board to set the fee in an amount that is reasonable and necessary to cover the administrative expenses related to processing the fingerprints. Makes conforming changes.

(c) Makes a conforming change.

SECTION 4.20. Amends the heading to Section 1702.063, Occupations Code, to make a conforming change.

SECTION 4.21. Amends Section 1702.0635, Occupations Code, to make a conforming change.

SECTION 4.22. Amends Section 1702.064, Occupations Code, to make conforming changes.

SECTION 4.23. Amends Section 1702.0645, Occupations Code, to make conforming changes.

SECTION 4.24. Amends Section 1702.066, Occupations Code, to make conforming changes.

SECTION 4.25. Amends Section 1702.067, Occupations Code, to make conforming changes.

SECTION 4.26. Amends Section 1702.068, Occupations Code, to make a conforming change.

SECTION 4.27. Amends Section 1702.081, Occupations Code, to make conforming changes.

SECTION 4.28. Amends Section 1702.082, Occupations Code, as follows:

Sec. 1702.082. COMPLAINTS. (a) Requires the board to maintain a system to promptly and efficiently act on complaints filed with the board, information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Redesignates Subsection (c) as Subsection (b). Requires the board to make information available describing its procedures for complaint investigation and resolution.

(c) Creates this subsection from text of existing Subsection (e). Requires the board to periodically notify the complaint parties of the status of the complaint until final disposition.

Deletes existing text requiring TCPS by rule to establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of TCPS for the purpose of directing complaints to TCPS. Deletes existing text authorizing TCPS to provide for that notice in certain ways. Deletes existing text requiring TCPS to maintain a file on each written complaint filed with TCPS and requiring that the file include the name of the person who filed the complaint, the date the complaint is received by TCPS, the name of each person contacted in relation to the complaint, and an explanation of the reason the file was closed, if the agency closed the file without taking action other than to investigate the complaint. Deletes existing text requiring TCPS to provide to the person filing the complaint a copy of TCPS's policies and procedures relating to complaint investigation and resolution. Deletes existing text requiring TCPS, unless it would jeopardize an undercover investigation, to provide to each person who is a subject of the complaint a copy of TCPS's policies and procedures relating to complaint investigation and resolution. Deletes existing text requiring TCPS, at least quarterly until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation. Makes nonsubstantive changes.

SECTION 4.29. Amends Section 1702.083, Occupations Code, to make conforming changes.

SECTION 4.30. Amends Section 1702.084, Occupations Code, to make conforming changes.

SECTION 4.31. Amends Section 1702.103, Occupations Code, as follows:

Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES. (a) Sets forth the license classifications and includes Class F: level III training school license; Class O: alarm level I training school license; Class P: private business letter of authority license; Class X: government letter of authority license; and Class T: telematics license. Deletes existing text providing the license classification of Class D: electronic access control device license, covering operations of an electronic access control device company. Makes a nonsubstantive change.

(b) Provides that a license described by this chapter, rather than a Class A, B, C, or D license, does not authorize the license holder to perform a service for which the license holder has not qualified. Makes a conforming change.

(c)-(d) Makes conforming changes.

(e) Authorizes the board by rule to establish other license classifications for activities expressly regulated by this chapter and to establish qualifications and practice requirements consistent with this chapter for those license classifications.

SECTION 4.32. Amends Section 1702.110, Occupations Code, to require that an application for a license under this chapter be in the form prescribed by the board and include certain information, including a report from the Department of Public Safety of the State of Texas (DPS), rather than the Texas Department of Public Safety, stating the applicant's record of any convictions for a Class B misdemeanor or equivalent offense or a greater offense. Makes conforming changes.

SECTION 4.33. Amends Section 1702.111, Occupations Code, to make conforming changes.

SECTION 4.34. Amends Section 1702.112, Occupations Code, to make a conforming change.

SECTION 4.35. Amends Sections 1702.113(a) and (c), Occupations Code, as follows:

(a) Requires that an applicant for a license, certificate of registration, endorsement, or security officer commission or the applicant's manager be at least 18 years of age and not have certain offenses on his or her record. Deletes existing text providing that the applicant must not have been convicted in any jurisdiction of two or more felony offenses, unless full pardons have been granted for all convictions for reasons relating to wrongful convictions; have been convicted in any jurisdiction of a single felony or equivalent offense for which the 20th anniversary of the date of conviction has not occurred before the date of application, or a Class A misdemeanor or equivalent offense for which the 10th anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction; or in the 10 years preceding the date of application, have been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony. Makes nonsubstantive changes.

(c) Provides that for purposes of this section, an offense under the laws of this state, another state, or the United States is considered a Class B misdemeanor if the offense is not a felony or Class A misdemeanor and the offense at the time of conviction was designated by a law of this state as a Class B misdemeanor, contains all the elements of an offense designated by a law of this state as a Class B misdemeanor, or provides as a possible punishment confinement in a jail other than a state jail felony facility. Deletes existing text providing that for purposes of this section, an offense under the laws of this state, another state, or the United States is considered a felony if the offense at the time of conviction was designated by a law of this state as a felony, including a state jail felony; contains all the elements of an offense designated by a law of this state as a felony, including a state jail felony; or is punishable by confinement for one year or more in a penitentiary; or a Class A misdemeanor if the offense is not a felony and the offense at the time of conviction was designated by a law of this state as a Class A misdemeanor; contains all the elements of an offense designated by a law of this state as a Class A misdemeanor; or provides as a possible punishment confinement in a jail other than a state jail felony facility. Makes nonsubstantive changes.

SECTION 4.36. Amends Section 1702.114, Occupations Code, to make conforming changes.

SECTION 4.37. Amends Section 1702.115, Occupations Code, to make conforming changes.

SECTION 4.38. Amends Section 1702.116, Occupations Code, as follows:

Sec. 1702.116. QUALIFICATIONS FOR GUARD DOG COMPANY LICENSE; INSPECTIONS. (a) Makes a conforming change.

(b) Requires the board to adopt rules, after consulting the Department of State Health Services (DSHS), rather than the Texas Department of Health, to ensure that the areas in which a guard dog company houses, exercises, or trains its animals are securely enclosed by a six-foot chain-link fence or made equally secure. Makes a conforming change.

(c) Makes a conforming change.

SECTION 4.39. Amends Sections 1702.117(a), (c), and (d), Occupations Code, as follows:

(a) Requires the board to require an applicant for a commission, license, registration, or endorsement under this chapter or the applicant's manager to demonstrate qualifications in the person's license classification, including knowledge of applicable state laws and board rules, by taking an examination to be determined by the board. Makes conforming changes.

(c) and (d) Makes conforming changes.

SECTION 4.40. Amends Section 1702.118, Occupations Code, to make conforming changes.

SECTION 4.41. Amends Section 1702.1183, Occupations Code, to make conforming changes.

SECTION 4.42. Amends Section 1702.1186, Occupations Code, to make conforming changes.

SECTION 4.43. Amends Section 1702.120(b), Occupations Code, to make a conforming change.

SECTION 4.44. Amends Section 1702.121, Occupations Code, to make conforming changes.

SECTION 4.45. Amends Section 1702.122, Occupations Code, to make a conforming change.

SECTION 4.46. Amends Section 1702.123, Occupations Code, to make conforming changes.

SECTION 4.47. Amends Section 1702.125, Occupations Code, to make conforming changes.

SECTION 4.48. Amends Sections 1702.127(b) and (c), Occupations Code, to make conforming changes.

SECTION 4.49. Amends Section 1702.129, Occupations Code, to make conforming changes.

SECTION 4.50. Amends Section 1702.131, Occupations Code, to make a conforming change.

SECTION 4.51. Amends Section 1702.161(b), Occupations Code, to make a conforming change.

SECTION 4.52. Amends Section 1702.162, Occupations Code, to make conforming changes.

SECTION 4.53. Amends Section 1702.165, Occupations Code, to make conforming changes.

SECTION 4.54. Amends Section 1702.167, Occupations Code, to make conforming changes.

SECTION 4.55. Amends Sections 1702.1675(a)-(f) and (i), Occupations Code, to make conforming changes.

SECTION 4.56. Amends Section 1702.168, Occupations Code, to make conforming changes.

SECTION 4.57. Amends Sections 1702.1685(b) and (d), Occupations Code, to make conforming changes.

SECTION 4.58. Amends Section 1702.171, Occupations Code, to make conforming changes.

SECTION 4.59. Amends Section 1702.183, Occupations Code, to require a security department of a private business or of a political subdivision that applies for a security officer commission for an individual employed by the security department to submit an application to the board for a letter of authority on a form provided by the board. Makes conforming changes.

SECTION 4.60. Amends the heading to Subchapter I, Chapter 1702, Occupations Code, to make a conforming change.

SECTION 4.61. Amends Section 1702.201, Occupations Code, to make conforming changes.

SECTION 4.62. Amends Section 1702.203, Occupations Code, to make conforming changes.

SECTION 4.63. Amends Section 1702.204, Occupations Code, to make conforming changes.

SECTION 4.64. Amends Section 1702.205(a), Occupations Code, to make a conforming change.

SECTION 4.65. Amends Section 1702.206, Occupations Code, to make conforming changes.

SECTION 4.66. Amends Section 1702.221, Occupations Code, as follows:

Sec. 1702.221. New heading: REGISTRATION AND ENDORSEMENT REQUIRED.

(a) Requires an individual, to perform any activity regulated by this chapter, to register in accordance with the requirements of this chapter and related administrative rules, obtain the proper endorsement under Subsection (b), and be employed by a company licensed under this chapter.

(b) Redesignates existing Subsection (a) as Subsection (b). Requires an individual to obtain the appropriate endorsement, rather than to register, in accordance with the requirements of this chapter and related administrative rules if the individual is employed in certain professions, including an alarm instructor, a level 3 classroom or firearm instructor, a level 4 personal protection instructor, or an individual whose duties include performing another activity for which an endorsement is required under Subsection (e), or is an owner, officer, partner, or shareholder of a license holder. Makes nonsubstantive changes.

(c) Redesignates existing Subsection (b) as Subsection (c). Provides that registration and endorsement under this chapter does not preclude an individual from performing additional duties or services authorized by the individual's employer that are not regulated by this chapter. Requires an individual who performs more than one of the services that required an endorsement under this section to obtain an endorsement for each service.

(d) Requires a person holding a security officer commission, in addition to the services listed in Subsection (a), to also obtain an endorsement for personal protection if the individual performs the services described by Section 1702.202 (Personal Protection Officer).

(e) Authorizes the board by rule to require a person to hold an endorsement for performing other activity expressly regulated by this chapter.

SECTION 4.67. Amends Section 1702.2226(b), Occupations Code, to make a conforming change.

SECTION 4.68. Amends the heading to Subchapter J, Chapter 1702, Occupations Code, to read as follows:

**SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS;
DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER**

SECTION 4.69. Amends Section 1702.228, Occupations Code, to make a conforming change.

SECTION 4.70. Amends Section 1702.230, Occupations Code, to make conforming changes.

SECTION 4.71. Amends Section 1702.2305, Occupations Code, to make conforming changes.

SECTION 4.72. Amends Section 1702.232, Occupations Code, to require that the pocket card for each registrant under this chapter contain certain information, including to state each endorsement held by the registrant and the date the endorsement expires. Makes nonsubstantive and conforming changes.

SECTION 4.73. Amends Section 1702.234, Occupations Code, to make conforming changes.

SECTION 4.74. Amends Section 1702.235, Occupations Code, to make a conforming change.

SECTION 4.75. Amends Section 1702.236, Occupations Code, as follows:

Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) Requires the board to require an individual who applies for an endorsement, rather than for registration, as an electronic access control device installer to pass an examination given by the board or a person approved by the board. Makes conforming changes.

(b) Authorizes the board by rule, on and after September 1, 2005, to allow an electronic access control device installer to obtain or renew an endorsement, rather than a certificate of registration, by fulfilling the requirements of a board-approved, industry-based education training program. Makes conforming changes.

SECTION 4.76. Amends Sections 1702.239(a), (b), and (d), Occupations Code, to make conforming changes.

SECTION 4.77. Amends Section 1702.240(b), Occupations Code, to make a conforming change.

SECTION 4.78. Amends Subchapter J, Chapter 1702, Occupations Code, by adding Section 1702.241, as follows:

Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) Authorizes the board to develop and administer at least twice each calendar year a jurisprudence examination to determine the knowledge that an applicant for an endorsement has of this chapter, board rules, and any other applicable laws of this state affecting the applicant's activities regulated under this chapter.

(b) Requires the board, before the board is authorized to administer a jurisprudence examination under this section, to adopt rules to implement this section, including rules related to the development and administration of the examination, examination fees, guidelines for reexamination, grading the examination, and providing notice of examination results. Authorizes the board to design different examinations for different types of endorsements.

SECTION 4.79. Amends Sections 1702.282(a), (c), and (e), Occupations Code, to make conforming changes.

SECTION 4.80. Amends Section 1702.283, Occupations Code, to make a conforming change.

SECTION 4.81. Amends Section 1702.285, Occupations Code, to make a conforming change.

SECTION 4.82. Amends Sections 1702.301(c)-(h), Occupations Code, to make conforming changes.

SECTION 4.83. Amends Section 1702.302, Occupations Code, to make conforming changes.

SECTION 4.84. Amends Section 1702.303, Occupations Code, to make a conforming change.

SECTION 4.85. Amends Section 1702.304, Occupations Code, to make conforming changes.

SECTION 4.86. Amends Section 1702.307, Occupations Code, to make conforming changes.

SECTION 4.87. Amends Sections 1702.308(b) and (c), Occupations Code, to make conforming changes.

SECTION 4.88. Amends Section 1702.309(a), Occupations Code, to make conforming changes.

SECTION 4.89. Amends Sections 1702.321(b), (c), and (e), Occupations Code, to make conforming changes.

SECTION 4.90. Amends Sections 1702.361(a) and (b), Occupations Code, as follows:

(a) Makes conforming changes.

(b) Requires DPS to take disciplinary action described by Subsection (a) (relating to disciplinary actions) on proof of that the applicant, license holder, registrant, endorsement holder, or commissioned security officer has taken certain actions, including performed any service for which an endorsement is required under this chapter and either was not employed with a company licensed under this chapter at the time the service was performed or performed the service for a company licensed under this chapter that was not listed on the individual's registration without informing the board of the individual's employment with the company within a reasonable period. Makes conforming changes.

SECTION 4.91. Amends Section 1702.362, Occupations Code, to make conforming changes.

SECTION 4.92. Amends Section 1702.363, Occupations Code, to make a conforming change.

SECTION 4.93. Amends Sections 1702.364(a), (d), (f), and (h), Occupations Code, to make conforming changes.

SECTION 4.94. Amends Section 1702.365, Occupations Code, to make conforming changes.

SECTION 4.95. Amends Sections 1702.367(a) and (c)-(e), Occupations Code, to make conforming changes.

SECTION 4.96. Amends Section 1702.368, Occupations Code, to make conforming changes.

SECTION 4.97. Amends Subchapter O, Chapter 1702, Occupations Code, by adding Section 1702.372, as follows:

Sec. 1702.372. RECUSAL OF BOARD MEMBER. (a) Provides that a board member who participated in the investigation of a complaint or in informal settlement negotiations regarding the complaint is prohibited from voting on the matter at a board meeting related to the complaint and is required to state at the meeting the reason for which the member is prohibited from voting on the matter.

(b) Requires that a statement under Subsection (a)(2) (relating to the reason why the member may not vote) be entered into the minutes of the meeting.

SECTION 4.98. Amends Section 1702.381(b), Occupations Code, to make conforming changes.

SECTION 4.99. Amends Section 1702.386(a), Occupations Code, to make conforming changes.

SECTION 4.100. Amends Section 1702.3863(a), Occupations Code, to make a conforming change.

SECTION 4.101. Amends Section 1702.387(a), Occupations Code, to make conforming changes.

SECTION 4.102. Amends Section 1702.388(b), Occupations Code, to make a conforming change.

SECTION 4.103. Amends Section 1702.402, Occupations Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. Prohibits the amount of each separate violation from exceeding \$5,000, rather than \$500.

(c) Requires the board by rule to develop a standardized penalty schedule based on the criteria listed in Subsection (b).

SECTION 4.104. Amends Section 1702.406(b), Occupations Code, to provide that judicial review is under the substantial evidence rule as provided by Subchapter G (Contested Cases: Judicial Review), Chapter 2001 (Administrative Procedure), Government Code.

SECTION 4.105. Repealer: Section 1702.002(4) (relating to the definition of "commission"), Occupations Code.

Repealer: Section 1702.003 (Application of Sunset Act), Occupations Code.

Repealer: Section 1702.045 (Career Ladder Program; Performance Evaluations), Occupations Code.

Repealer: Section 1702.046 (Equal Employment Opportunity Policy; Report), Occupations Code.

Repealer: Section 1702.047 (Administrative Staff), Occupations Code.

Repealer: Section 1702.065 (Powers and Duties Relating to Alarm Systems Installers; Certificates of Installation), Occupations Code.

Repealer: Section 1702.069 (Annual Report), Occupations Code.

Repealer: Section 1702.113(e) (relating to an individual's eligibility under this chapter not being affected by any relationship or lack thereof between the nature of the criminal charge or conviction and the regulated occupation), Occupations Code.

Repealer: Section 1702.364(j) (relating to an individual's eligibility under this section not being affected by any relationship or lack thereof between the nature of the criminal charge or conviction and the regulated occupation), Occupations Code.

Repealer: Subchapter K (Sellers Certificate), Occupations Code.

SECTION 4.106. (a) Requires the board and DPS, not later than January 1, 2010, to adopt the rules required by or under Section 1702.062, Occupations Code, as amended by this article. Provides that the fee schedule in effect under Section 1702.062, Occupations Code, before the effective date of this article is continued in effect until new fees are adopted under Section 1702.062, Occupations Code, as amended by this article.

(b) Provides that the requirement to pass a jurisprudence examination under Section 1702.241, Occupations Code, as added by this article, applies only to an individual who applies for a registration or endorsement under Chapter 1702 (Private Security), Occupations Code, on or after the date specified by the board in the event the board begins requiring applicants to pass a jurisprudence examination, but not earlier than September 1, 2010.

(c) Provides that the changes in law made by this article related to the filing, investigation, or resolution of a complaint under Chapter 1702, Occupations Code, as amended by this article, apply only to a complaint filed with the board on or after the effective date of this article. Provides that a complaint filed before the effective date of this article is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

(d) Provides that the changes in law made by this article governing the authority of the board and DPS to issue, renew, or revoke a license, registration, endorsement, or commission under Chapter 1702, Occupations Code, apply only to an application for an original or renewal license, registration, endorsement, or commission filed with the board under Chapter 1702, Occupations Code, as amended by this article, on or after the effective date of this article. Provides that an application filed before the effective date of this article is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

(e) Provides that the change in law made by this article with respect to conduct that is grounds for imposition of a disciplinary sanction applies only to conduct that occurs on or after the effective date of this article. Provides that conduct that occurs before the effective date of this article is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(f) Provides that Section 1702.372, Occupations Code, as added by this article, applies only to a hearing conducted on or after the effective date of this article, regardless of the date on which the complaint was filed. Provides that a complaint on which a hearing is conducted before the effective date of this article is governed by the law in effect on the date the hearing was conducted, and the former law is continued in effect for that purpose.

(g) Requires the holder of a Class D license under Chapter 1702, Occupations Code, as amended by this article, to be considered to hold a Class B license on the effective date of this article. Authorizes the license holder, on the expiration of the Class D license, to renew the license as a Class B license.

SECTION 4.107. Provides that this article takes effect September 1, 2009.

ARTICLE 5. GENERAL PROVISIONS

SECTION 5.01. Amends Section 411.002, Government Code, by amending Subsection (c) and adding Subsections (d) and (e), as follows:

(c) Provides that unless continued in existence by Chapter 325 (Texas Sunset Act), DPS is abolished and Subsections (a) (relating to the purpose of DPS) and (b) (relating to the DPS having its headquarters in Austin) expire September 1, 2015, rather than September 1, 2009.

(d) Requires the Sunset Advisory Commission, not later than December 1, 2010, to review and prepare a written report for submission to the legislature on DPS's implementation of the recommendations in the 2008 audit of DPS's information technology system and a civilian business model for the operation of the driver's license division that focuses on improving customer service by using best practices in call center technology and monitoring customer service calls, expanding operating hours at driver's license offices, and decreasing the time DPS takes to send a replacement driver's license.

(e) Requires the Sunset Advisory Commission to submit the report required by Subsection (d) not later than February 15, 2011. Provides that this subsection and Subsection (d) expire August 31, 2011.

SECTION 5.02. Amends Section 411.0035, Government Code, as follows:

Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a) Defines "Texas trade association."

(b) Prohibits a person from being, rather than serving as, a member of the Public Safety Commission (commission) and from being a DPS employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if the person is an officer, employee, or paid consultant of a Texas trade association in the field of law enforcement or private security or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of law enforcement or private security.

(c) Prohibits a person from being a member of the commission or acting as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

SECTION 5.03. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0042, as follows:

Sec. 411.0042. DIVISION OF RESPONSIBILITIES. Requires the commission to develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the public safety director (director) and the staff of DPS.

SECTION 5.04. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0043, as follows:

Sec. 411.0043. TECHNOLOGY POLICY. Requires the commission to implement a policy requiring DPS to use appropriate technological solutions to improve DPS's ability to perform its functions. Requires that the policy ensure that the public is able to interact with DPS on the Internet.

SECTION 5.05. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0044, as follows:

Sec. 411.0044. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) Requires the commission to develop and implement a policy to encourage the use of negotiated rulemaking procedures under Chapter 2008 for the adoption of DPS rules and appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under DPS's jurisdiction.

(b) Requires that DPS's procedures relating to alternative dispute resolution conform, to the extent possible, to any model guidelines issued by SOAH for the use of alternative dispute resolution by state agencies.

(c) Requires the commission to designate a trained person to coordinate the implementation of the policy adopted under Subsection (a), serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution, and collect data concerning the effectiveness of those procedures, as implemented by DPS.

SECTION 5.06. Amends Section 411.005, Government Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Requires the commission to appoint a citizen of the United States, rather than a citizen of this state, as public safety director.

(c) Requires the director and each assistant director, during the six-year period before appointment to DPS as the director or as an assistant director, to have been serving for a period of not less than five consecutive years as a full-time peace officer commissioned by a state, federal, local, or tribal law enforcement agency and the head of or a senior manager in a state, federal, local or tribal law enforcement agency. Deletes existing text requiring the director and an assistant director to have five years' experience, preferably in police or public administration.

(d) Creates this subsection from existing text. Makes no changes to this subsection.

SECTION 5.07. Amends Section 411.015(b), Government Code, to prohibit the division relating to the Texas Rangers from being abolished. Deletes existing text prohibiting the number of divisions from exceeding the number of divisions existing on August 22, 1957.

SECTION 5.08. Amends Sections 411.0195(a)-(c), Government Code, as follows:

(a) Requires DPS to maintain a system to promptly and efficiently act on complaints filed with DPS and requires DPS to maintain information about parties to the complaint, a summary of the results of the review or investigation of the complaint, and its disposition. Deletes existing text requiring DPS to prepare information of public interest describing the functions of DPS and DPS's procedures by which complaints are filed with and resolved by DPS. Deletes existing text requiring DPS to make the information available to the public and appropriate state agencies.

(b) Requires DPS to make information available describing its procedures for complaint investigation and resolution. Deletes existing text requiring the director by rule to establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of DPS for the purpose of directing complaints to DPS.

(c) Requires DPS to periodically notify the complaint parties of the status of the complaint until final disposition. Deletes existing text requiring DPS to maintain a file on each written complaint filed with DPS and requiring that the file include certain information.

SECTION 5.09. Amends Section 411.188, Government Code, by adding Subsection (j), to authorize DPS to offer online, or allow a qualified handgun instructor to offer online, the continuing education instruction course and written section of the proficiency examination required to renew a license.

SECTION 5.10. Amends Section 411.190, Government Code, by adding Subsection (d-1), to require DPS to ensure that an applicant may renew certification under Subsection (d) from any county in this state by using an online format to complete the required retraining courses if the applicant is renewing certification for the first time or the applicant completed the required retraining courses in person the previous time the applicant renewed the certificate.

SECTION 5.11. Amends the heading to Section 411.244, Government Code, to read as follows:

Sec. 411.244. OFFICE OF INSPECTOR GENERAL.

SECTION 5.12. Amends Sections 411.244(a), (b), and (d)-(f), Government Code, as follows:

(a) Requires the commission to establish the office of inspector general, which is responsible for acting to prevent and detect criminal conduct with DPS and independently and objectively investigating criminal activity occurring in all divisions of DPS; allegations of wrongdoing by DPS employees; crimes committed on DPS property; and serious breaches of DPS policy. Deletes existing text requiring the director to establish the office of internal affairs.

(b) Provides that the office of inspector general, rather than the office of internal affairs, has original departmental jurisdiction over all investigations occurring on DPS property or involving DPS employees.

(d) Provides that the commission has direct oversight over the office of inspector general, including decisions regarding budget and staffing. Requires the commission to establish policies to ensure that the commission continues to oversee the office of internal affairs as required by this subsection and to ensure that the office of internal affairs retains and exercises its original jurisdiction under Subsection (b). Makes conforming changes.

(e) Makes conforming changes.

(f) Requires the inspector general to present certain information at each regularly scheduled commission meeting and at other appropriate times, including reports of investigations. Makes a conforming change.

SECTION 5.13. Repealer: Section 411.0195(d) (relating to the requirement of DPS to establish checkpoint procedures), Government Code.

Repealer: Section 411.0195(e) (relating to definitions of "motor vehicle," "vehicle," and "watercraft"), Government Code.

SECTION 5.14. Makes application of Section 411.0035, Government Code, as amended by this Act, prospective.

SECTION 5.15. Makes application of Section 411.0195, Government Code, as amended by this Act, prospective.

SECTION 5.16. Requires DPS to take action as necessary to ensure that an applicant is authorized to renew a qualified handgun instructor certification from any county in this state, as required by Section 411.190(d-1), Government Code, as added by this Act, not later than March 1, 2010.

SECTION 5.17. Requires DPS to develop customer service training requirements that at a minimum are required to be completed by the staff of the driver license division that interact with the public. Requires each new employee of the division that is required to complete this training, as a condition of employment, to do so by the end of the third month of employment. Requires each employee that the training applies to, thereafter, to participate annually in this training.

SECTION 5.18. Requires DPS to develop cultural diversity training requirements to be completed by all staff of the drivers license division. Requires each new employee of the division, as a condition of employment, to complete the training by the end of the third month of employment. Requires each employee in the division, thereafter, to participate annually in this training.

SECTION 5.19. Requires DPS to develop training requirements regarding proof of citizenship documents. Requires that this training, at a minimum, be completed by all staff in the drivers license division. Requires each new employee of the division, as a condition of employment, to complete the training by the end of the third month of employment. Requires each employee that the training applies to, thereafter, to participate annually in this training.

ARTICLE 6. ADDITIONAL PROVISIONS

SECTION 6.01. Amends Section 411.00755(b), Government Code, to prohibit the personal records of a commissioned officer of DPS from being disclosed or otherwise made available to the public, except that DPS is required to release in accordance with Chapter 552, rather than notwithstanding Chapter 552, certain documents.

SECTION 6.02. Amends Section 411.192, Government Code, by amending Subsections (a) and (d) and adding Subsection (e), as follows:

(a) Provides that information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, zip code, telephone number, e-mail address, and Internet website address. Makes a nonsubstantive change.

(d) Requires DPS, except as provided by Subsection (e), to make public and distribute to the public at no cost lists of individuals who are certified as qualified handgun instructors by DPS. Requires DPS to include on the lists each individual's name, telephone number, e-mail address, and Internet website address. Requires DPS to make the list available on DPS's Internet website. Makes nonsubstantive changes.

(e) Authorizes an individual who is certified as a qualified handgun instructor to request in writing that DPS not disclose all or part of the information described by Subsection (d) regarding the individual. Requires DPS to remove all or part of the individual's information from the list as requested.

SECTION 6.03. Amends the heading to Section 418.005, Government Code, to read as follows:

Sec. 418.005. EMERGENCY MANAGEMENT TRAINING FOR APPOINTED OFFICERS.

SECTION 6.04. Amends Subchapter A, Chapter 418, Government Code, by adding Section 418.0051, as follows:

Sec. 418.0051. EMERGENCY MANAGEMENT TRAINING FOR ELECTED PUBLIC OFFICERS. Authorizes an elected public officer of the state or of a political subdivision whose duties include emergency management responsibilities or who plays a role in emergency preparedness, response, or recovery to attend the training provided under Section 418.005 appropriate to the individual's position.

SECTION 6.05. Amends Section 614.151(2), Government Code, as added by Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular Session, 2007, to redefine "law enforcement officer."

SECTION 6.06. Amends Section 614.152, Government Code, as added by Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular Session, 2007, as follows:

Sec. 614.152. New heading: PHYSICAL FITNESS PROGRAMS AND STANDARDS. (a) Requires each law enforcement agency to adopt physical fitness programs that a law enforcement officer is required to participate in and physical fitness standards that a law enforcement officer is required to meet. Requires that the standards as applied to an officer directly relate to the officer's job duties and include individual fitness goals specific to the officer's age, weight, and gender. Deletes existing text requiring each law enforcement agency, out of appropriated funds, to adopt physical fitness standards that a law enforcement officer is required to meet to continue employment with the agency as a law enforcement officer.

(a-1) Requires each law enforcement agency to adopt a reward policy that provides for reward incentives to officers who participate in the program and meet the standards adopted under Subsection (a). Requires that the reward incentives under the policy be an amount of administrative leave of not more than four days per year.

(a-2) Authorizes an agency to adopt physical readiness standards independent of other law enforcement agencies.

(b) Provides that except as provided by Subsection (c), the inability of an officer to participate in a program or meet a standard adopted under Subsection (a) is just cause to transfer an officer to a position that is not compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act. Deletes existing text providing that except as

provided by Subsection (c), a violation of a standard adopted under Subsection (a) is just cause to discharge an officer or for a law enforcement officer employed by the Parks and Wildlife Department and compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations Act, transfer the officer to a position that does not require the employee to be a commissioned peace officer.

(c) Authorizes a law enforcement agency to exempt a law enforcement officer from participating in a program or meeting a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether an officer was injured in the line of duty.

SECTION 6.07. Amends Section 411.171(4), Government Code, to redefine "convicted."

SECTION 6.08. Amends Section 521.005, Transportation Code, as follows:

Sec. 521.005. RULEMAKING AUTHORITY. (a) Creates this subsection from existing text.

(b) Prohibits DPS from adopting or implementing a new rule or directive that is consistent with the REAL ID Act of 2005 (49 U.S.C. Section 30301 et seq.), unless otherwise authorized by this chapter.

SECTION 6.09. Amends Subchapter C, Chapter 522, Transportation Code, by adding Section 522.034, as follows:

Sec. 522.034. HEALTH MANAGEMENT AND WELLNESS PROGRAM. (a) Requires DPS to establish a health management and wellness program to educate each applicant for a commercial driver's license or commercial driver learner's permit on health risks that may increase the risk that an operator may cause an accident while driving a commercial motor vehicle. Requires that the program, at a minimum, include information on high blood pressure, high cholesterol, and diabetes.

(b) Requires DPS to make the health management and wellness information required by Subsection (a) available to each applicant in person, at the time the applicant submits an application for a commercial driver's license or commercial driver learner's permit, and on DPS's Internet website.

SECTION 6.10. Amends Subchapter S, Chapter 521, Transportation Code, by adding Section 521.4565, as follows:

Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT LICENSE OR CERTIFICATE. (a) Defines "combination," "conspires to commit," "profits," "criminal street gang," "conspires to manufacture or produce," "instrument," and "public servant" in this section.

(b) Provides that a person commits an offense if the person establishes, maintains, or participates in a combination or criminal street gang, or participates in the profits of a combination or criminal street gang, with the intent to manufacture or produce a forged or counterfeit instrument for the purpose of selling, distributing, or delivering the instrument. Authorizes an agreement that constitutes conspiring to manufacture or produce to be inferred from the acts of the parties.

(c) Provides that an offense under this section is a state jail felony, except that an offense committed by a public servant is a felony of the third degree.

SECTION 6.11. Amends Section 708.151, Transportation Code, as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) Creates this subsection from existing text. Requires DPS to send notices as required by Subsection (b) to the holder of a

driver's license when a surcharge is assessed on that license. Sets forth the requirements of each notice. Makes nonsubstantive changes.

(b) Requires DPS to send a first notice not later than the fifth day after the date the surcharge is assessed. Requires that any notice under this section also include a conspicuous notice regarding the ability of a person to qualify as indigent under Section 708.158 and the procedures to establish with DPS their indigent status so that they are authorized to qualify for the reduced surcharges as set forth in Section 708.158.

(c) Requires DPS, once a person is recognized as an indigent under Section 708.158, to send a new notification to that person which accurately reflects the reduced surcharges owed.

(d) Requires DPS, if on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with DPS, to send a second notice. Requires DPS, if on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with DPS, to send a third notice which advises the person that his/her driving privileges are suspended.

SECTION 6.12. Amends Section 708.152(a), Transportation Code, to provide that if on the 60th day, rather than before the 30th day, after the date DPS sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with DPS, the license of the person is automatically suspended. Prohibits the person's license from being suspended under this section before the 105th day after the surcharge was assessed by DPS.

SECTION 6.13. Amends Section 708.153(b), Transportation Code, to provide that a rule under this section may not require a person to pay a surcharge over a period of less than 36 consecutive months for surcharges in the amount of \$500 or more, may not require a person to pay a surcharge over a period of less than 24 consecutive months for surcharges of \$250 to \$499, and may not require a person to pay a surcharge over a period of less than 12 consecutive months for surcharges of \$249 or less; and may provide that if the person fails to make any required monthly installment payment, DPS is authorized to reestablish the installment plan upon receipt of a payment in the amount at least equal to a required monthly installment payment. Deletes existing text providing that a rule under this section may not permit a person to pay a surcharge over a period of more than 36 consecutive months and may provide that if the person fails to make a required installment payment, DPS is authorized to reestablish the installment plan or declare the amount of the unpaid surcharge immediately due and payable.

SECTION 6.14. Amends Section 708.157(c), Transportation Code, to require DPS, rather than authorize DPS, by rule to establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by DPS.

SECTION 6.15. Amends Subchapter D, Chapter 708, Transportation Code, by adding Section 708.158, as follows:

Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES. (a) Requires DPS to waive 75 percent of all surcharges assessed under Chapter 708 (Driver Responsibility Program) for a person meeting the criteria set forth in Subsections (b) and (c) hereof.

(b) Requires DPS to waive 80 percent of all surcharges against a person who is indigent. Provides that for the purposes of this subsection, a person is indigent if the person provides evidence described by Subsection (c) to DPS.

(c) Requires a person to provide certain information to DPS that the person's income or the person's household income does not exceed 125 percent of the

applicable income level established by the federal poverty guidelines, and authorizes certain documentation to be used as such proof.

SECTION 6.16. Amends Article 2.131, Code of Criminal Procedure, as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. (a) Creates this subsection from existing text.

(b) Prohibits a civilian employee of DPS assigned to a driver's license facility of DPS from engaging in racial profiling in issuing an original, renewal, or duplicate driver's license, commercial driver's license, or professional identification certificate.

SECTION 6.17. Amends Article 2.132, Code of Criminal Procedure, by adding Subsection (g), to provide that to the extent that they can be made applicable, the provisions of Subsections (b)(1)-(5) also apply to civilian employees of DPS who are assigned to the driver's license facilities of DPS.

SECTION 6.18. Amends Section 22.0834, Education Code, by adding Subsection (k), to provide that the requirements of this section apply to an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement and any subcontractor of the entity. Defines "subcontractor" for purposes of this subsection.

SECTION 6.19. (a) Defines "authorized employee," "department," and "pilot program" in this section.

(b) Requires DPS, if sufficient funds are available, to develop and implement a program in one or more counties of this state to pilot the use by authorized employees of a mobile fingerprint identification system to perform fingerprint checks in the field as an aid to law enforcement.

(c) Requires DPS, in implementing the pilot program, to use a portable, lightweight mobile fingerprint scanner developed for law enforcement that is secure, uses encrypted data transmissions for protection of the public, and does not require the authorized employee to carry additional equipment for the scanner to receive the data. Requires DPS to make its existing automated fingerprint identification system available for use during the period of the pilot program.

(d) Requires DPS to comply with all state procurement requirements in implementing the pilot program.

(e) Authorizes DPS to work with and enter into memorandums of understanding with municipalities to implement the pilot program.

(f) Prohibits an authorized employee, under the pilot program, from checking the fingerprint of a person without the verbal consent of that person.

(g) Authorizes DPS to extend the pilot program to additional counties if DPS determines that the expansion would be cost-effective.

(h) Requires DPS to begin implementation of the pilot program not later than January 1, 2010, and conduct the pilot program for at least 12 months.

(i) Requires DPS, not later than February 1, 2011, to report to the governor, lieutenant governor, the speaker of the house of representatives, and the Sunset Advisory Commission regarding the pilot program. Requires that the report include DPS's recommendations for continuation or expansion of the pilot program and an evaluation of DPS's use of the mobile fingerprint identification system, including certain evaluations.

SECTION 6.20. Requires all DPS employees charged with processing applications for and issuing driver's license and/or identification cards, subject to the availability of funds, to receive a one-time pay raise in the amount of \$3,000 per year upon meeting certain qualifications.

ARTICLE 7. CERTAIN AGENCY ACCESS TO DATABASES

SECTION 7.01. Amends Subchapter C, Chapter 481, Health and Safety Code, by adding Section 481.0762, as follows:

Sec. 481.0762. CERTAIN AGENCY ACCESS TO DATABASES. Requires the director of DPS (director), notwithstanding any other provision of law, when it becomes technologically feasible, to permit the Texas State Board of Pharmacy and the Texas Medical Board to have independent direct access to any information submitted to the director of DPS for their respective applicants or licensees relating to controlled substance prescriptions, including information submitted by electronic transfer of prescriptions for controlled substances created under Subchapter C (Regulation of Manufacture, Distribution, and Dispensation of Controlled Substances, Chemical Precursors, and Chemical Laboratory Apparatus), Chapter 481 (Texas Controlled Substances Act), including any information received, collected, maintained, or compiled under Section 481.076 (Official Prescription Information) or 481.0761 (Rules; Authority to Contract).

ARTICLE 8. GRANTS FOR HOMELAND SECURITY AND BORDER SECURITY PURPOSES

SECTION 8.01. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0133, as follows:

Sec. 411.0133. HOMELAND SECURITY AND BORDER SECURITY GRANTS. (a) Provides that notwithstanding any other law, including Section 772.006 (Governor's Criminal Justice Division), DPS is the only entity of state government that is authorized to select the recipient of state or federal funds granted by the state for homeland security or border security purposes.

(b) Requires another state entity with state or federal funds to be granted for homeland security or border security purposes to remit the funds to DPS, which is required to administer the grant, or notify DPS and award the grant to the person selected by DPS.

(c) Requires DPS by rule to adopt a formula for selecting the recipients of grants for homeland security and border security purposes. Requires that the formula fully consider the needs of the communities or entities applying for the grants and give emphasis to certain statistics.

(d) Prohibits DPS from awarding a grant using a method other than the formula under Subsection (c).

(e) Requires DPS, not later than December 1 of each year, to submit a report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature regarding DPS's activities under this section during the preceding state fiscal year.

SECTION 8.02. Amends Sections 421.0025(b) and (c), Government Code, as follows:

(b) Requires the Border Security Council, to develop and recommend to DPS, rather than to the office of the governor, performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by DPS for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds. Makes a conforming change.

(c) Makes conforming changes.

SECTION 8.03. Amends the heading to Subchapter D, Chapter 421, Government Code, to read as follows:

SUBCHAPTER D. COOPERATION AND ASSISTANCE

SECTION 8.04. Repealer: Section 421.072 (Funding), Government Code.

SECTION 8.05. Provides that this article takes effect September 1, 2009.

ARTICLE 9. SAFE SCHOOLS UNIT

SECTION 9.01. Amends Subchapter A, Chapter 411, Government Code, by adding Subsection 411.0203, as follows:

Sec. 411.0203. SAFE SCHOOLS UNIT. (a) Requires the Public Safety Commission (commission) to establish a safe schools unit pilot program in DPS for the 2010-2011 school year to provide school districts in counties that participate in the program with information and other assistance concerning the issues of juvenile delinquency, juvenile substance abuse, and other law enforcement issues that affect school districts.

(b) Requires the public safety director (director), not later than February 1, 2010, to select five counties to participate in the pilot program. Authorizes the director to select only a county that has a population of less than 500,000. Requires that at least one of the counties the director selects have a population of more than 190,000, be located along the southern portion of the border between this state and Mexico, and contain a municipality with a population of more than 175,000. Requires each school district in a participating county to participate in the pilot program.

(c) Requires the director to administer the pilot program and adopt rules to implement and administer the program. Requires the director, in adopting the rules, to ensure that the pilot program addresses law enforcement issues that affect school districts, including the prevention of and intervention in juvenile delinquency and substance abuse.

(d) Provides that this section expires August 31, 2011.

SECTION 9.02. Requires the director, as soon as practicable after the effective date of this Act, to adopt rules as necessary to implement Section 411.0203, Government Code, as added by this Act.

ARTICLE 9A. DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION REGARDING PUBLIC SCHOOL EMPLOYEES

SECTION 9A.01. Amends Section 411.084, Government Code, by amending Subsection (a) and adding Subsection (a-1) and (c), as follows:

(a) Provides that criminal history record information obtained from DPS under this subchapter, including any identification information that could reveal the identity of a person about whom criminal history record information is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system is for the exclusive use of the authorized recipient of the information; and may be disclosed or used by the recipient only if, and only to the extent that, disclosure or use is authorized or directed by this subchapter, another statute, a rule adopted under a statute, or an order of a court of competent jurisdiction.

(a-1) Provides that the term "criminal history record" information under Subsection (a) does not refer to any specific document produced to comply with this subchapter but to

the information contained, wholly or partly, in a document's original form or any subsequent form or use.

(c) Prohibits an agency or individual from confirming the existence or nonexistence of criminal history record information to any person that is not eligible to receive the information.

SECTION 9A.02. Amends Sections 411.090(b) and (c), Government Code, as follows:

(b) Provides that criminal history information obtained by the board in the original form or any subsequent form, rather than obtained by the board under Subsection (a), is authorized to be used only for a purpose, rather than used for any purpose, related to the issuance, denial, suspension, or cancellation of a certificate issued by the board; prohibited from being released to any person except the person who is the subject of the information, the Texas Education Agency, a local or regional entity as provided by Section 411.097 (Access to Criminal History Record Information: Local and Regional Educational Entities), or by court order, rather than on court order or with the consent of the applicant for a certificate; is not subject to disclosure as provided by Chapter 552; and is required to be destroyed by the board after the information is used for the authorized purposes.

(c) Provides that any record of the notification and any information contained in the notification is not subject to disclosure as provided by Chapter 552.

SECTION 9A.03. Amends Section 411.0901, Government Code, as follows:

Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EDUCATION AGENCY. (a) Creates this subsection from existing text.

(b) Provides that criminal history record information obtained by the agency in the original form or any subsequent form is authorized to be used only for a purpose authorized by the Education Code; is prohibited from being released to any person except the person who is the subject of the information, the State Board for Educator Certification, a local or regional educational entity as provided by Section 411.097, or by court order; is not subject to disclosure as provided by Chapter 552; and is required to be destroyed by the agency after the information is used for the authorized purposes.

SECTION 9A.04. Amends Section 411.097, Government Code, by amending Subsection (d) and adding Subsection (f), as follows:

(d) Provides that criminal history record information obtained by a school district, charter school, private school, service center, commercial transportation company, or shared services arrangement in the original form or any subsequent form is prohibited from being released, rather than is prohibited from being released or disclosed under Subsection (a), (b), or (c), to any certain person; is not subject to disclosure as provided by Chapter 552; and is required to be destroyed by the school district charter school, private school, service center, commercial transportation company, or shared services arrangement on the earlier of the first anniversary of the date the information was originally obtained or the date the information is used for the authorized purpose.

(f) Authorizes an employee of a school district, charter school, private school, regional education service center, commercial transportation company, or educational shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement to request from the employer a copy of any criminal history record information relating to that employee that the employer has obtained as provided by Subchapter C (Criminal History Records), Chapter 22 (School District Employees and Volunteers), Education Code. Authorizes an employer to charge a fee to an employee requesting a copy of the information in an amount not to exceed the actual cost of copying the requested criminal history record information.

SECTION 9A.05. Amends Subchapter C, Chapter 22, Education Code, by adding Section 22.08391, as follows:

Sec. 22.08391. CONFIDENTIALITY OF INFORMATION. (a) Provides that information collected about a person to comply with this subchapter, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records is prohibited from being released except to comply with this subchapter, by court order, or with the consent of the person who is the subject of the information; is not subject to disclosure as provided by Chapter 552, Government Code; and is required to be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

(b) Provides that any criminal history record information received by the State Board for Educator Certification as provided by this subchapter is subject to Section 411.090(b), Government Code.

(c) Provides that any criminal history record information received by the agency as provided by this subchapter is subject to Section 411.0901(b), Government Code.

(d) Provides that any criminal history record information received by a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by this subchapter is subject to Section 411.097(d), Government Code.

SECTION 9A.06. Makes application of this article prospective.

ARTICLE 10. CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATED OFFENSES

SECTION 10.01. Amends Section 411.135(a), Government Code, to entitle any person to obtain certain information from DPS, including any information described as public information under Section 411.1355(a). Makes nonsubstantive changes.

SECTION 10.02. Amends Subchapter F, Chapter 411, Government Code, by adding Sections 411.1355 and 411.1356, as follows:

Sec. 411.1355. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES. (a) Provides that criminal history record information that concerns a person's conviction for an offense under Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), 49.05 (Flying While Intoxicated), 49.06 (Boating While Intoxicated), 49.065 (Assembling or Operating an Amusement Ride While Intoxicated), 49.07 (Intoxicated Assault), or 49.08 (Intoxication Manslaughter), Penal Code, is public information if the person has been previously convicted of an offense under one of those sections.

(b) Requires DPS to design and implement an Internet website to allow any person, free of charge, to electronically search for and receive information described by Subsection (a) by entering specific search criteria into the website, including a zip code, city, county, or name of a person. Provides that the search results are required to include the municipality in which the last known address of the person convicted is located and a recent photograph of the person convicted taken attendant to the person's arrest; and is prohibited from including any information regarding the convicted person's social security number, driver's license number, or telephone number, any information that would identify a victim of the offense, or any information regarding a person if 15 years have

elapsed since the date the person committed the most recent offense for which the person was convicted under Sections 49.04-49.08, Penal Code.

Sec. 411.1356. CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER ON REQUEST. Requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether DPS has criminal history record information concerning an offense under Sections 49.04-49.08, Penal Code, about the person to whom the driver's license, personal identification certificate, or license plate is issued. Requires that the procedure allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request during the duration of a reasonable motor vehicle stop.

SECTION 10.03. Requires DPS, not later than May 1, 2010, to make criminal history record information available to a requesting person as required by Sections 411.1355 and 411.1356, Government Code, as added by this Act.

ARTICLE 11. APPLICATION FOR LICENSE TO CARRY A CONCEALED HANDGUN

SECTION 11.01. Repealer: Section 411.175 (Request for Application Materials), Government Code.

SECTION 11.02. Amends Section 411.172(a), Government Code, to delete existing text providing that a person is eligible for a license to carry a concealed handgun if the person has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state; has not been finally determined to be in default on a loan made under Chapter 57 (Guaranteed Student Loans), Education Code; and has not made any material misrepresentation, or failed to disclose any material fact, in a request for application submitted pursuant to Section 411.175.

SECTION 11.03. Amends Section 411.176, Government Code, as follows:

Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) Makes a nonsubstantive change. Authorizes the director's designee, for purposes of this section, to be a noncommissioned employee of DPS.

(b) Authorizes the director's designee to access any records necessary for purposes of this subsection.

(c) Creates this subsection from existing text. Authorizes the director's designee, rather than the director's designee in the appropriate geographical area, to submit the application and the recommendation that the license be issued.

(d) Creates this subsection from existing text.

SECTION 11.04. Amends Section 411.177(b), Government Code, to require DPS, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials, to notify the applicant in writing that the application was denied based on the affidavit of the director's designee submitted to DPS under Section 411.176(c), rather than Section 411.176(b).

SECTION 11.05. Makes Section 411.175, Government Code, as repealed by this article, prospective, to September 1, 2009.

SECTION 11.06. Provides that this article takes effect September 1, 2009.

ARTICLE 12. DISPLAY OF LICENSE TO

CARRY A CONCEALED HANDGUN

SECTION 12.01. Amends Sections 411.187(a) and (c), Government Code, as follows:

(a) Deletes existing text authorizing a license from being suspended under this section if the license holder fails to display a license as required by Section 411.205. Makes nonsubstantive changes.

(c) Authorizes a license to be suspended under this section for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), (3), or (4), except as provided by Subdivision (2), rather than Subdivision (3). Deletes existing text authorizing a license to be suspended under this section for 90 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2) (relating to authorizing a license from being suspended under this section if the license holder fails to display a license as required by Section 411.205), except as provided by Subdivision (3). Makes nonsubstantive changes.

SECTION 12.02. Amends Section 411.205, Government Code, as follows:

Sec. 411.205. New heading: REQUIREMENT TO DISPLAY LICENSE. Deletes existing text providing that a person who fails or refuses to display the license and identification as required by this subsection is subject to suspension of the person's license as provided by Section 411.187. Deletes existing text providing that a person commits an offense if the person fails or refuses to display the license and identification as required by Subsection (a) after previously having had the person's license suspended for a violation of the subsection. Deletes existing text providing that an offense under this subsection is a Class B misdemeanor.

SECTION 12.03. Prohibits an offense under Section 411.205, Government Code, from being prosecuted after the effective date of this article. Provides that if, on the effective date of this article, a criminal action is pending of an offense under Section 411.205, the action is dismissed on that date. Provides that, however, a final conviction for an offense under Section 411.205 that exists on the effective date of this article is unaffected by this article.

SECTION 12.04. Provides that this article takes effect September 1, 2009.

ARTICLE 13. DRIVER'S LICENSE ISSUED TO CERTAIN FEDERAL AND STATE JUDGES AND SPOUSES

SECTION 13.01. Amends Section 521.001, Transportation Code, by adding Subdivisions (3-a) and (8-a), to define "federal judge" and "state judge."

SECTION 13.02. Amends Sections 521.054(a) and (b), Transportation Code, as follows:

(a) Provides that this section applies to a person who after applying for or being issued a license or certificate moves to a new residence address, has used the procedure under Section 521.121(d) and whose status as a federal judge, a state judge, or the spouse of a federal or state judge becomes inapplicable, or changes in the person's name by marriage or otherwise. Deletes existing text providing that this section applies to a person who after applying for the license or certificate from the address stated in the person's application for a license or certificate or moves from the address shown on the license or certificate hold by the person.

(b) Requires that the duplicate license include the person's current residence address.

SECTION 13.03. Amends Section 521.131, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires that the driver's license include certain information, including the full name and date of birth of the holder and the license holder's residence address, or for a license holder using the procedure under Subsection (d), the street address of the courthouse in

which the license holder or license holder's spouse serves as a federal judge or state judge. Makes nonsubstantive changes.

(d) Requires DPS to establish a procedure for a federal judge, a state judge, or the spouse of a federal or state judge to omit the license holder's residence address on the license and to include, in lieu of the address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. Requires DPS, in establishing the procedure, to require sufficient documentary evidence to establish the license holder's status as a federal judge, state judge, or the spouse of a federal or state judge.

SECTION 13.04. Amends Section 521.142(c), Transportation Code, to require that the application state the residence address of the applicant, or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(d), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge.

ARTICLE 14. OPERATION OF MOTOR VEHICLES

SECTION 14.01. Amends Section 545.413(e), Transportation Code, to provide that it is a defense to prosecution under this section that the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle. Makes nonsubstantive changes.

SECTION 14.02. Provides that the change in law made by this article to Section 545.413(e), Transportation Code, as amended by this article, applies only to an offense under Section 545.413(a) of that code, regardless of whether the offense was committed before, on, or after the effective date of this Act.

ARTICLE 15. MOTOR VEHICLE SAFETY RESPONSIBILITY

SECTION 15.01. Amends Section 601.053, Transportation Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that an operator who does not exhibit evidence of financial responsibility under Subsection (a), except as provided by Subsection (c), is presumed to have operated the vehicle in violation of Section 601.051.

(c) Provides that Subsection (b) does not apply if the peace officer determines through the use of the verification program established under Subchapter N (Database Interface System to Verify Financial Responsibility) that financial responsibility has been established for the vehicle.

SECTION 15.02. Repealer: Subchapter N (Database Interface System to Verify Financial Responsibility), Chapter 601, Transportation Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th Legislature, Regular Session, 2003.

ARTICLE 16. EFFECTIVE DATE

SECTION 16.01. Effective date: upon passage or September 1, 2009.