

- SUBJECT:** DPS consideration of all applicants in driver record monitoring program
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 8 ayes — P. King, Nevárez, Burns, Hinojosa, Holland, J. Johnson, Metcalf, Wray
- 1 nay — Schaefer
- WITNESSES:** For — David Foy, RELX (*Registered, but did not testify*: Kevin Cooper, RELX, Inc; Les Findeisen, Texas Trucking Association)
- Against — None
- On — Skylor Hearn, Texas Department of Public Safety
- BACKGROUND:** Transportation Code, sec. 521.062 authorizes the Department of Public Safety (DPS) to establish a driver record monitoring pilot program. Under the program, DPS may enter into contracts with entities to monitor drivers' records. DPS may provide certain information from individual driver's license records to employers, insurers, or other specified entities that are eligible to receive information under the Motor Vehicle Records Disclosure Act in Transportation Code, ch. 730. Under the contracts, DPS must monitor and report on changes in the status of licenses or traffic offense convictions.
- DIGEST:** HB 1699 would prohibit DPS from limiting the number of qualified entities participating in the driver record monitoring pilot program. DPS would be required to enter into a contract with any qualified entity to provide driver record monitoring services. To qualify, an entity would have to submit an application, as well as meet requirements in current law to be an employer, insurer, or other listed entity that is eligible to receive the information under Transportation Code, ch. 730. DPS would be required to accept applications from contractors until the end of the pilot program.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS  
SAY:**

By removing the limit on the number of contractors who could participate in the driver record monitoring pilot program, HB 1699 would ensure that the state was not picking winners and losers in the marketplace. The pilot program, authorized in 2009, currently is limited by DPS rule to three vendors. This restriction leaves out other qualified vendors who would like to participate in the program and could provide services to Texas employers, insurers, or others. Participation in the program should be encouraged, not limited, because it can enhance road safety by giving employers and others timely information about an individual's driving record, including the status of a license or a moving violation.

With the pilot program set to begin in early summer, it should be open to all vendors who meet the state's eligibility requirements. The criteria and rules are fully developed so opening it to all qualified vendors would not result in any implementation difficulties. All vendors would have to comply with the program's authorizing statute, DPS rules, and Transportation Code, ch. 730 restrictions on who can access driver records and how the information can be used. DPS plans to evaluate the pilot program after six months and could make any necessary changes to the fee or the program's operations or rules at that time.

According to the fiscal note, the bill would have no significant fiscal impact to the state, and DPS could absorb any costs associated with its implementation.

**OPPONENTS  
SAY:**

Opening the driver record monitoring pilot program to an unlimited number of vendors could make it difficult to monitor the program's initial phases. DPS designed a limited rollout for the pilot program using three vendors: a small-, medium-, and large-volume company. The statute requires the agency to set a fee to recover its program costs, and the soft rollout was designed to help the agency gauge the proper fee. DPS estimates that it will need to charge between 6 cents and 20 cents per

record monitored and has set the fee for the pilot program at 11 cents.

Limiting the program's pilot phase to a small number of vendors would help to ensure the program had adequate parameters for which entities could get information and about which drivers. It also would allow for vetting of the program's control measures over the use and disclosure of what could be sensitive or personal information and help avoid unforeseen problems arising before the program moves beyond the initial stage.