

## **BILL ANALYSIS**

Senate Research Center

H.B. 1762  
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Criminal Justice  
5/6/2001  
Engrossed

### **DIGEST AND PURPOSE**

Current law authorizes the Department of Public Safety (DPS) to adopt rules to allow driver's license or personal identification card applicants to pay certain fees by mail, telephone, Internet, or electric transaction (other means) in an effort to minimize the wait in driver's license offices and reduce the inconvenience to the public. However, the current statute may be too specific to allow other transactions. H.B. 1762 authorizes the expansion of DPS's e-commerce business process to allow persons to apply for duplicate driver's licenses and submit requests for information by other means.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 521.0485, Transportation Code), SECTION 2 (Section 521.146, Transportation Code), and SECTION 3 (411.0135, Government Code) in this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 521C, Transportation Code, by adding Section 521.0485, as follows:

Sec. 521.0485. REQUESTS FOR INFORMATION BY MAIL OR ELECTRONIC MEANS. Authorizes the Department of Public Safety (department) by rule to provide that the holder of a driver's license issued by the department may submit a request for information under Sections 521.045-521.048 by mail, by telephone, over the Internet, or by other electronic means. Provides that a rule adopted under this section is authorized to prescribe eligibility standards for release of the requested information, and is prohibited from conflicting with any provision of this chapter or another law that relates to the release of the information by the department.

SECTION 2. Amends Section 521.146, Transportation Code, to authorize the department by rule to provide that the holder of a driver's license or identification certificate issued by the department may apply for the insurance of a duplicate license or certificate by mail, by telephone, over the Internet, or by other electronic means. Authorizes a rule adopted under this section to prescribe eligibility standards for issuance of a duplicate driver's license or identification certificate under this section. Deletes text that requires an applicant for a duplicate driver's license or certificate to submit to the department the required fee and proof satisfactory to the department that the driver's license or certificate was lost or destroyed.

SECTION 3. Amends Chapter 411A, Government Code, by adding Section 411.0135, as follows:

Sec. 411.0135. METHOD OF PAYMENT OF FEES AND CHARGES. Authorizes the department to adopt rules regarding the method of payment of any fee or charge that is imposed or collected by the department. Authorizes the rules adopted under this section to authorize payment under certain circumstances prescribed by the department. Authorizes the department to require, in addition to the amount of the fee or charge, the payment of a discount, convenience or service charge for a payment transaction; or a service charge in connection with

the payment of a payment transaction that is dishonored or refused for lack of funds or insufficient funds.

SECTION 4. Repealer: Section 521.427 (Method of Payment of Fees), Transportation Code.

SECTION 5. Effective date: September 1, 2001.

- Provides that the repeal by this Act of Section 521.427, Transportation Code, does not affect the continuing validity of a rule adopted by the Department of Public Safety under that section, regardless of the date of adoption. Provides that a rule adopted by the Department of Public Safety under that section continues in effect unless the rule is amended, repealed, or rescinded by the department.