

BILL ANALYSIS

Senate Research Center
85R9627 JXC-F

H.B. 3376
By: Holland (Perry)
Transportation
5/11/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note the problems that can arise when the Texas Department of Public Safety (DPS) attempts to provide notices regarding certain enforcement proceedings and actions to an individual for whom DPS does not have a valid mailing address. H.B. 3376 seeks to remedy this situation by giving DPS the option to provide such notices electronically.

H.B. 3376 amends current law relating to forms of notice that may be provided by the Department of Public Safety during certain enforcement proceedings and actions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.2465, Transportation Code, by adding Subsection (a-1), to authorize a notice provided to a person by the Texas Department of Public Safety (DPS) under Subsection (a) (relating to requiring DPS to take certain actions upon receipt of notice that a person has been restricted to the use of a certain motor vehicle) to be provided by first class mail or e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically.

SECTION 2. Amends Section 521.295, Transportation Code, as follows:

Sec. 521.295. NOTICE OF DEPARTMENT'S DETERMINATION. (a) Requires DPS, under certain circumstances, to send a notice of suspension or revocation by e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically. Makes nonsubstantive changes.

(b) Provides that notice is considered received on the fifth day after the date the notice is sent, rather than on the fifth day after the date the notice is mailed.

SECTION 3. Amends Section 521.344, Transportation Code, by amending Subsection (g) and adding Subsection (g-1), as follows:

(g) Requires the public safety director (director) to promptly send a notice of a revocation or prohibition order issued under Subsection (e) (relating to requiring the director to revoke the license of a certain person under certain circumstances) or (f) (relating to requiring the director to suspend the license of a certain person under certain circumstances) by e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically. Makes nonsubstantive changes.

(g-1) Requires that the notice provided under Subsection (g) include certain information and provides that the notice is considered received on the fifth day after the date the notice is sent, rather than on the fifth day after the date the notice is mailed. Makes conforming changes.

SECTION 4. Amends Section 521.457(d), Transportation Code, to provide that, for purposes of this section (Driving While License Invalid), actual notice is presumed if the notice was sent, rather than if the notice was mailed, in accordance with law.

SECTION 5. Amends Section 601.124, Transportation Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Deletes existing text requiring a self-insurer to receive at least five days' notice of the hearing.

(e) Requires that a self-insurer receive at least five days' notice of a hearing held under Subsection (d) (relating to authorizing DPS to cancel a certain certificate) and requires DPS to send notice of the hearing to the self-insurer by first class mail or e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically.

SECTION 6. Amends Section 601.155, Transportation Code, as follows:

Sec. 601.155. NOTICE OF DETERMINATION. (a) Requires DPS to notify the affected person of a determination made under Section 601.154 (Department Determination of Probability of Liability) by personal service, first class mail, or e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically.

(b) Requires that the notice state that the person's driver's license and vehicle registration or the person's nonresident's operating privilege will be suspended unless the person establishes certain criteria not later than the 20th day after the date the notice was personally served or sent, rather than personally served or mailed. Makes a conforming change.

(c) Requires that notice under this section that is mailed by first class mail be mailed to the person's last known address, as shown by DPS's records.

(d) Provides that, for purposes of this section, notice is presumed to be received if the notice was sent, rather than mailed, to the person's last known address or e-mail address, as shown by DPS's records.

SECTION 7. Amends Section 601.156(c), Transportation Code, to require that notice under this subsection among certain other methods of delivery, be sent by e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically. Makes nonsubstantive changes.

SECTION 8. Amends Section 601.159, Transportation Code, to require DPS to suspend the driver's license and each vehicle registration of an owner or operator or the nonresident's operating privilege of an owner or operator, unless, among certain other conditions, the person meets certain criteria, if a hearing is not requested, not later than the 20th day after the date a certain notice was personally served or sent, rather than personally served or mailed.

SECTION 9. Amends Section 601.161, Transportation Code, to require DPS to send a notice of suspension by first class mail or by e-mail to any owner or operator who has provided an e-mail address to DPS and who has elected to receive notice electronically.

SECTION 10. Amends Section 601.232(a), Transportation Code, to require DPS to send in a timely manner, rather than mail in a timely manner, notice to certain persons.

SECTION 11. Amends Section 601.371(b), Transportation Code, to provide that, for the purposes of this subsection notice of suspension is presumed to be received if the notice was sent, rather than mailed, in accordance with this chapter (Motor Vehicle Safety Responsibility Act) to the last known address or e-mail address of the person as shown by DPS records.

SECTION 12. Amends Section 601.372, Transportation Code, by amending Subsections (b) and (d) and adding Subsection (b-1), as follows:

(b) Requires that certain notice be provided by, among certain other methods of delivery, e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically. Makes nonsubstantive changes.

(b-1) Provides that notice provided under Subsection (b) by mail or e-mail is presumed to be received on the 10th day after the date the notice is sent, rather than on the 10th day after the date the notice is mailed.

(d) Authorizes proof of the notice to be made by the certificate of a DPS employee stating that the notice was prepared in the regular course of business and placed in the United States mail or sent by e-mail as part of the regular organized activity of DPS.

SECTION 13. Amends Section 708.055, Transportation Code, to require DPS to notify the holder of a driver's license of the assignment of a fifth point on that license by e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically. Makes nonsubstantive changes.

SECTION 14. Amends Section 708.151(a), Transportation Code, to require that each required notice sent by DPS to certain persons, among certain other requirements, be sent by e-mail if the person has provided an e-mail address to DPS and has elected to receive notice electronically. Makes nonsubstantive changes.

SECTION 15. Effective date: September 1, 2017.