

**SENATE BILL 370**

**TEXAS DEPARTMENT OF PUBLIC SAFETY**

In an effort to improve the state's inadequate crime prevention and traffic control, the 1935 Texas Legislature created the Texas Department of Public Safety (DPS). The laws creating the Department provided for enforcing of the state's law, protecting the public safety, and providing for prevention and detection of crime. Today, the Department's responsibilities have become more diverse and include functions that extend beyond the traditional scope of law enforcement, such as driver's and concealed handgun, licensing programs, maintenance of state communications and information networks that support local law enforcement agencies, and administration and coordination of emergency preparedness and response programs.

Senate Bill 370 continued the Department of Public Safety for 10 years and contained several statutory changes to strengthen the Department's internal oversight and accountability, employee relations, and the efficient use of limited resources. The Legislature agreed with the Texas Sunset Commission recommendations to provide additional resources, authority, and encouragement to assist DPS in better managing its affairs.<sup>3</sup>

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<sup>3</sup> A Brief look at the Department of Public Safety, Texas Department of Public Safety, Austin, Texas, March 1999.

*Enrolled*  
**ENROLLED**  
**76th-'99**

S.B. No. 370

AN ACT

1 relating to the continuation and functions of the Department of  
2 Public Safety of the State of Texas; providing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subsections (b) and (c), Section 411.002,  
5 Government Code, are amended to read as follows:

6 (b) The department shall have its principal office and  
7 headquarters [~~and shall keep all of its records~~] in Austin.

8 (c) The Department of Public Safety of the State of Texas is  
9 subject to Chapter 325 (Texas Sunset Act). Unless continued in  
10 existence as provided by that chapter, the department is abolished  
11 and Subsections (a) and (b) expire September 1, 2009 [~~1999~~].

12 SECTION 2. Subsection (c), Section 411.0036, Government  
13 Code, is amended to read as follows:

14 (c) If the director has knowledge that a potential ground  
15 for removal exists, the director shall notify the chairman of the  
16 commission of the potential ground. The chairman shall then notify  
17 the governor and the attorney general that a potential ground for  
18 removal exists. If the potential ground for removal involves the  
19 chairman, the director shall notify the member with the longest  
20 tenure on the commission, other than the chairman, who shall then  
21 notify the governor and the attorney general that a potential  
22 ground for removal exists.

23 SECTION 3. Subchapter A, Chapter 411, Government Code, is  
24 amended by amending Section 411.004 and adding Sections 411.0031

1 and 411.0041 to read as follows:

2 Sec. 411.0031. TRAINING FOR COMMISSION MEMBERS. (a) A  
3 person who is appointed to and qualifies for office as a member of  
4 the commission may not vote, deliberate, or be counted as a member  
5 in attendance at a meeting of the commission until the person  
6 completes a training program that complies with this section.

7 (b) The training program must provide the person with  
8 information regarding:

9 (1) the legislation that created the department and  
10 the commission;

11 (2) the programs operated by the department;

12 (3) the role and functions of the department;

13 (4) the rules of the department, with an emphasis on  
14 the rules that relate to disciplinary and investigatory authority;

15 (5) the current budget for the department;

16 (6) the results of the most recent formal audit of the  
17 department;

18 (7) the requirements of:

19 (A) the open meetings law, Chapter 551;

20 (B) the public information law, Chapter 552;

21 (C) the administrative procedure law, Chapter  
22 2001; and

23 (D) other laws relating to public officials,  
24 including conflict of interest laws; and

25 (8) any applicable ethics policies adopted by the  
26 department or the Texas Ethics Commission.

1           (c) A person appointed to the commission is entitled to  
2           reimbursement, as provided by the General Appropriations Act, for  
3           the travel expenses incurred in attending the training program  
4           regardless of whether the attendance at the program occurs before  
5           or after the person qualifies for office.

6           Sec. 411.004. DUTIES AND POWERS OF COMMISSION. The  
7           commission shall:

8                     (1) formulate plans and policies for:

9                             (A) enforcement of state criminal, traffic, and  
10                            safety laws;

11                           (B) prevention of crime;

12                           (C) detection and apprehension of persons who  
13                            violate laws; and

14                           (D) education of citizens of this state in the  
15                            promotion of public safety and the observance of law;

16                     (2) organize the department and supervise its  
17                            operation;

18                     (3) adopt rules considered necessary for carrying out  
19                            the department's work;

20                     (4) maintain records of all proceedings and official  
21                            orders; and

22                     (5) biennially submit a report of its work to the  
23                            governor and legislature, including the commission's and director's  
24                            recommendations[;--and

25                            ~~[(6) provide to its members, as often as necessary,~~  
26                            ~~information regarding their qualifications for office under this~~

1 ~~chapter and their responsibilities under applicable laws relating~~  
2 ~~to standards of conduct for state officers].~~

3 Sec. 411.0041. OPEN MEETINGS EXCEPTION: CRIMINAL  
4 INVESTIGATIONS. A discussion or deliberation of the commission  
5 regarding an ongoing criminal investigation, including a vote to  
6 issue a directive or take other action regarding the investigation,  
7 is not subject to the open meetings law, Chapter 551.

8 SECTION 4. Subsections (b) and (c), Section 411.005,  
9 Government Code, are amended to read as follows:

10 (b) The director may ~~[commission shall]~~ appoint, with the  
11 advice and consent of the commission, [an] assistant directors  
12 [director] who shall perform the duties that the director  
13 designates. An assistant director serves until removed by the  
14 director.

15 (c) The commission shall select the director, and the  
16 director shall select an assistant director, on the basis of the  
17 person's [persons'] training, experience, and qualifications for  
18 the position [positions]. The director and an assistant director  
19 must have five years' experience, preferably in police or public  
20 administration. The director and an assistant director are  
21 entitled to annual salaries as provided by the legislature.

22 SECTION 5. Subchapter A, Chapter 411, Government Code, is  
23 amended by amending Section 411.006 and adding Section 411.0061 to  
24 read as follows:

25 Sec. 411.006. DUTIES OF DIRECTOR. (a) The director shall:

26 (1) be directly responsible to the commission for the

1 conduct of the department's affairs;

2 (2) act as executive director of the department;

3 (3) act with the commission in an advisory capacity,  
4 without vote;

5 (4) adopt rules, subject to commission approval,  
6 considered necessary for the control of the department;

7 (5) issue commissions as law enforcement officers,  
8 under the commission's direction, to all members of the Texas  
9 Rangers and the Texas Highway Patrol and to other officers of the  
10 department;

11 (6) appoint, with the advice and consent of the  
12 commission, the head [chiefs] of a division or bureau [the-bureaus]  
13 provided for by this chapter;

14 ~~(7) [issue-and-sign-requisitions-as--provided--by--law~~  
15 ~~for--the--purchase--of--supplies-for-the-office-and-officers-of-the~~  
16 ~~department,-suitable-uniforms,-arms,-and-equipment;~~

17 [+8] quarterly, annually, and biennially submit to  
18 the commission detailed reports of the operation of the department,  
19 including statements of its expenditures; and

20 (8) [+9] prepare, swear to, submit to the governor,  
21 and file in the department's records a quarterly statement  
22 containing an itemized list of all money received and its source  
23 and all money spent and the purposes for which it was spent.

24 (b) The director or the director's designee shall provide to  
25 members of the commission and to department employees, as often as  
26 necessary, information regarding the requirements for office or

1 employment under this chapter, including information regarding a  
2 person's responsibilities under applicable laws relating to  
3 standards of conduct for state officers or employees.

4 Sec. 411.0061. COMMERCIAL CARRIER INSPECTIONS:  
5 IMPLEMENTATION SCHEDULE FOR NONCOMMISSIONED PERSONNEL. (a) The  
6 director shall develop a schedule to include the use of  
7 noncommissioned staff assigned to enforce commercial motor vehicle  
8 rules under Sections 644.103 and 644.104, Transportation Code, to  
9 supplement the current enforcement program by commissioned  
10 officers. The schedule shall be implemented over a five-year  
11 period beginning January 1, 2000.

12 (b) A report that provides details of the schedule and the  
13 status of schedule implementation shall be filed with the  
14 Legislative Budget Board with each legislative appropriations  
15 request of the department.

16 (c) Unless otherwise directed by the General Appropriations  
17 Act, the department may not increase the number of commissioned  
18 officers assigned to enforce commercial motor vehicle rules under  
19 Sections 644.103 and 644.104, Transportation Code, until the  
20 schedule developed under Subsection (a) has been fully implemented.

21 (d) The department may not reduce the number of commissioned  
22 officers to comply with this section, unless otherwise directed by  
23 the General Appropriations Act.

24 (e) This section expires January 1, 2005.

25 SECTION 6. Section 411.007, Government Code, is amended to  
26 read as follows:



1           Sec. 411.007. OFFICERS AND EMPLOYEES. (a) Subject to [the  
2 ~~commission's approval and~~] the provisions of this chapter, the  
3 director may appoint, promote, reduce, suspend, or discharge any  
4 officer or employee of the department.

5           (b) Appointment or promotion of an officer or employee must  
6 be based on merit determined [~~by examination~~] under commission  
7 rules that take into consideration the applicant's age and[7]  
8 physical condition, if appropriate and to the extent allowed under  
9 federal law, and that take into consideration the applicant's  
10 experience[7] and education. For promotions of commissioned  
11 officers, other than those positions covered under Section  
12 411.0071, the department, with the advice and consent of the  
13 commission, shall establish processes to be consistently applied  
14 and based on merit. Each person who has an application on file for  
15 a position in the department for which an applicant must take an  
16 examination shall be given reasonable written notice of the time  
17 and place of those examinations.

18           (c) An applicant for a position in the department must be a  
19 United States citizen. An applicant may not be questioned  
20 regarding the applicant's political affiliation or religious faith  
21 or beliefs. The department may not prohibit an officer or employee  
22 of the department, while off duty and out of uniform, from placing  
23 a bumper sticker endorsing political activities or a candidate for  
24 political office on a personal vehicle, placing a campaign sign in  
25 the person's private yard, making a political contribution, or  
26 wearing a badge endorsing political activities or a candidate. An

1 officer commissioned by the department may not be suspended,  
2 terminated, or subjected to any form of discrimination by the  
3 department because of the refusal of the officer to take a  
4 polygraph examination.

5 (d) At least annually the heads [chiefs] of the divisions  
6 and bureaus, after due investigation, shall make a report to the  
7 director [commission] of the efficiency of each employee within the  
8 division or bureau. These reports shall be kept in the  
9 department's [commission's] permanent files and shall be given  
10 proper consideration in all matters of promotion and discharge.

11 (e) An officer or employee of the department may not be  
12 discharged without just cause. The director shall determine  
13 whether an officer or employee is to be discharged. An officer or  
14 employee ordered discharged may appeal to the commission, and  
15 during the appeal the officer or employee shall be suspended  
16 without pay. Except as provided by Subsection (f), the [The]  
17 department may not discharge, suspend, or demote a commissioned  
18 officer except for the violation of a specific commission rule. If  
19 the department discharges, suspends, or demotes an officer, the  
20 department shall deliver to the officer a written statement giving  
21 the reasons for the action taken. The written statement must point  
22 out each commission rule alleged to have been violated by the  
23 officer and must describe the alleged acts of the officer that the  
24 department contends are in violation of the commission rules. [An  
25 ~~officer--commissioned--by--the--department--may--not--be--suspended,~~  
26 ~~terminated,--or--subjected--to--any--form--of--discrimination--by--the~~

1 department--because--of--the--refusal--of--the--officer--to--take-a  
2 polygraph-examination.]

3 (f) [~~The commission shall establish grades and positions for~~  
4 ~~the department. For each grade and position the commission shall~~  
5 ~~designate the authority and responsibility within the limits of~~  
6 ~~this chapter, set standards of qualifications, and fix~~  
7 ~~prerequisites of training, education, and experience.] The~~  
8 commission shall establish [~~adopt~~] necessary policies and  
9 procedures [~~rules~~] for the appointment, promotion, reduction,  
10 suspension, and discharge of all employees [~~after hearing before~~  
11 ~~the commission~~]. A discharged officer or employee is entitled, on  
12 application to the commission, to a public hearing before the  
13 commission, who shall affirm or set aside the discharge. The  
14 commission shall affirm or set aside a discharge on the basis of  
15 the evidence presented. If the commission affirms the discharge,  
16 the discharged officer may seek judicial review, not later than the  
17 90th day after the date the commission affirms the discharge, in a  
18 district court under the substantial evidence standard of review,  
19 and the officer remains suspended without pay while the case is  
20 under judicial review. A noncommissioned employee [person]  
21 inducted into the service of the department is on probation for the  
22 first one year of service, and an officer is on probation from the  
23 date the person is inducted into the service of the department  
24 until the anniversary of the date the person is commissioned. At  
25 [at] any time during the probationary [that] period, a person may  
26 be discharged without the public hearing provided for by this

1 subsection if the director, with the advice and consent of the  
2 commission, finds the person to be unsuitable for the work.

3 SECTION 7. Subchapter A, Chapter 411, Government Code, is  
4 amended by adding Sections 411.0071, 411.0072, 411.0073, 411.0098,  
5 411.0099, and 411.0131 to read as follows:

6 Sec. 411.0071. DIRECT APPOINTMENT TO MANAGEMENT TEAM  
7 POSITIONS BY DIRECTOR. (a) The director may designate a head of a  
8 division or a position that involves working directly with the  
9 director as a management team position.

10 (b) The director may directly appoint a person to a position  
11 designated as a management team position under Subsection (a) under  
12 criteria determined by the director and approved by the commission.  
13 The director's appointment of a person to a management team  
14 position or transfer of a person from a management team position to  
15 another position for which the person is qualified, as determined  
16 by the director, is not subject to Section 411.007.

17 (c) A person appointed to a management team position under  
18 this section, on removal from that position, shall be returned to  
19 the position the person held immediately before appointment to the  
20 management team position or to a position of equivalent rank. If a  
21 person is removed from a management team position as a result of  
22 the filing of a formal charge of misconduct, this subsection  
23 applies only if the person is exonerated for the misconduct  
24 charged.

25 Sec. 411.0072. EMPLOYMENT-RELATED GRIEVANCES AND APPEALS OF  
26 DISCIPLINARY ACTIONS WITHIN THE DEPARTMENT. (a) In this section:

1                   (1) "Disciplinary action" means discharge, suspension,  
2 or demotion.

3                   (2) "Employment-related grievance" means an  
4 employment-related issue, other than a disciplinary action, in  
5 regard to which an employee wishes to express dissatisfaction,  
6 including promotions, leave requests, performance evaluations,  
7 transfers, benefits, working environment, shift or duty  
8 assignments, harassment, retaliation, and relationships with  
9 supervisors or other employees or any other issue the commission  
10 determines by rule.

11                   (b) The commission shall establish procedures and practices  
12 governing the appeal of a disciplinary action within the  
13 department.

14                   (c) The commission shall establish procedures and practices  
15 through which the department will address an employment-related  
16 grievance that include:

17                   (1) a form on which an employee may state an  
18 employment-related grievance and request a specific corrective  
19 action;

20                   (2) time limits for submitting a grievance and for  
21 management to respond to a grievance;

22                   (3) a multilevel process in which an employee's  
23 grievance is submitted to the lowest appropriate level of  
24 management, with each subsequent appeal submitted to a higher level  
25 in the chain of command;

26                   (4) an assurance that confidentiality of all parties

1 involved will be maintained, except to the extent that information  
2 that is subject to required public disclosure under the public  
3 information law, Chapter 552, is released in response to an open  
4 records request, and that retaliation against an employee who files  
5 a grievance is prohibited; and

6 (5) a program to advertise and explain the grievance  
7 procedure to all employees.

8 (d) The department shall submit annually to the commission,  
9 and as part of its biennial report to the legislature required  
10 under Section 411.004, a report on the department's use of the  
11 employment-related grievance process under Subsection (c). The  
12 report must include:

13 (1) the number of grievances filed;

14 (2) a brief description of the subject of each  
15 grievance filed; and

16 (3) the final disposition of each grievance.

17 Sec. 411.0073. MEDIATION OF PERSONNEL DISPUTES. (a) The  
18 commission shall establish procedures for an employee to resolve an  
19 employment-related grievance covered by Section 411.0072 through  
20 mediation if the employee chooses. The procedures must include  
21 mediation procedures and establish the circumstances under which  
22 mediation is appropriate for an employment-related grievance.

23 (b) Except for Section 2008.054, Chapter 2008, as added by  
24 Chapter 934, Acts of the 75th Legislature, Regular Session, 1997,  
25 does not apply to the mediation. The mediator must be trained in  
26 mediation techniques.

1           Sec. 411.0098. COORDINATION WITH DEPARTMENT OF  
2 TRANSPORTATION. (a) The department and the Texas Department of  
3 Transportation shall establish procedures to ensure effective  
4 coordination of the development of transportation infrastructure  
5 projects that affect both agencies.

6           (b) Procedures established under this section shall:

7                   (1) allow each agency to provide comments and advice  
8 to the other agency on an ongoing basis regarding statewide  
9 transportation planning efforts that affect traffic law  
10 enforcement;

11                   (2) define the role of each agency in transportation  
12 infrastructure efforts; and

13                   (3) require the department and the Texas Department of  
14 Transportation to develop a plan for applying for and using federal  
15 funds to address infrastructure needs that affect enforcement  
16 efforts.

17           (c) The department and the Texas Department of  
18 Transportation shall:

19                   (1) update and revise the procedures established under  
20 this section as necessary; and

21                   (2) file not later than January 15 of each  
22 odd-numbered year with the presiding officer of each house of the  
23 legislature a report that describes the procedures established  
24 under this section and their implementation.

25           Sec. 411.0099. NEEDS ASSESSMENT FOR ENFORCEMENT OF  
26 COMMERCIAL MOTOR VEHICLE RULES. (a) The department shall conduct

1 a long-term needs assessment for the enforcement of commercial  
2 motor vehicle rules that considers at a minimum:

3 (1) the inventory of current facilities and equipment  
4 used for enforcement, including types of scales, structures, space,  
5 and other equipment;

6 (2) enforcement activity, including trend information,  
7 at fixed-site facilities;

8 (3) staffing levels and operating hours for each  
9 facility; and

10 (4) needed infrastructure improvements and the  
11 associated costs and projected increase in activity that would  
12 result from the improvements.

13 (b) The department shall submit a biennial report to the  
14 legislative committees with primary jurisdiction over state  
15 budgetary matters and the Texas Transportation Commission that  
16 reflects the results of the needs assessment conducted under  
17 Subsection (a). The report shall be submitted to the legislature  
18 in conjunction with the department's legislative appropriations  
19 request.

20 Sec. 411.0131. USE OF SEIZED AND FORFEITED ASSETS. (a) The  
21 commission by rule shall establish a process under which the  
22 commission approves all of the department's dispositions of assets  
23 seized or forfeited under state or federal law and received by or  
24 appropriated to the department. The commission shall adopt rules  
25 under this section in accordance with Chapter 2001. Before  
26 approving a disposition, the commission shall consider how the



1 disposition supports priorities established in the department's  
2 strategic plan and whether the disposition complies with applicable  
3 federal guidelines.

4 (b) The department shall file annually with the governor and  
5 the presiding officer of each house of the legislature a report on  
6 seized and forfeited assets. The report must include:

7 (1) a summary of receipts, dispositions, and fund  
8 balances for the fiscal year derived from both federal and state  
9 sources;

10 (2) regarding receipts, the court in which each case  
11 involving seized or forfeited assets was adjudicated, the nature  
12 and value of the assets, and the specific intended use of the  
13 assets;

14 (3) regarding dispositions, the departmental control  
15 number and category, the division making the request, the specific  
16 item and amount requested, the amount the commission approved, and  
17 the actual amount expended per item; and

18 (4) regarding planned dispositions, a description of  
19 the broad categories of anticipated dispositions and how they  
20 relate to the department's strategic plan.

21 (c) The department shall, within 30 days after the end of  
22 each quarter, report and justify any dispositions of seized or  
23 forfeited assets during the quarter that:

24 (1) differ from the planned dispositions reported  
25 under Subsection (b); and

26 (2) were used for a purpose not considered a priority

1 in the department's strategic plan or not required by law or  
2 applicable federal guidelines.

3 SECTION 8. Section 411.0195, Government Code, is amended by  
4 amending Subsections (c) and (d) and adding Subsection (e) to read  
5 as follows:

6 (c) The department shall maintain a file on each written  
7 complaint filed with the department. The file must include:

8 (1) the name of the person who filed the complaint;

9 (2) the date the complaint is received by the  
10 department;

11 (3) the subject matter of the complaint;

12 (4) the name of each person contacted in relation to  
13 the complaint;

14 (5) a summary of the results of the review or  
15 investigation of the complaint; and

16 (6) an explanation of the reason the file was closed,  
17 if the agency closed the file without taking action other than to  
18 investigate the complaint [~~keep--an--information--file--about--each~~  
19 ~~complaint--filed--with--the--department--that--the--department--has~~  
20 ~~authority--to--resolve~~].

21 (d) The department shall provide to the person filing the  
22 complaint and to each person who is a subject of the complaint a  
23 copy of the department's policies and procedures relating to  
24 complaint investigation and resolution.

25 (e) The department, at least quarterly until final  
26 disposition of the complaint, shall notify the person filing the

1 complaint and each person who is a subject of the complaint of the  
2 status of the investigation unless the notice would jeopardize an  
3 undercover investigation. [If a written complaint is filed with the  
4 department that the department has authority to resolve, the  
5 department, at final disposition of the complaint, shall notify the  
6 parties to the complaint of the status of the complaint unless the  
7 notice would jeopardize an undercover investigation.]

8 SECTION 9. Section 411.023, Government Code, is amended by  
9 adding Subsection (f) to read as follows:

10 (f) The commission shall authorize a badge for persons  
11 appointed as special rangers under this section that is distinct in  
12 appearance from the badge authorized for special Texas Rangers  
13 under Section 411.024 and from any badge issued to a Texas Ranger.

14 SECTION 10. Subchapter B, Chapter 411, Government Code, is  
15 amended by adding Section 411.024 to read as follows:

16 Sec. 411.024. SPECIAL TEXAS RANGERS. (a) The commission  
17 may appoint as a special Texas Ranger an honorably retired or  
18 retiring commissioned officer of the department whose position  
19 immediately preceding retirement is an officer of the Texas  
20 Rangers.

21 (b) A special Texas Ranger is subject to the orders of the  
22 commission and the governor for special duty to the same extent as  
23 other law enforcement officers provided for by this chapter, except  
24 that a special Texas Ranger may not enforce a law except one  
25 designed to protect life and property and may not enforce a law  
26 regulating the use of a state highway by a motor vehicle. A

1 special Texas Ranger is not connected with a ranger company or  
2 uniformed unit of the department.

3 (c) Before issuance of a commission to a special Texas  
4 Ranger the person shall enter into a good and sufficient bond  
5 executed by a surety company authorized to do business in the state  
6 in the amount of \$2,500, approved by the director, and indemnifying  
7 all persons against damages resulting from an unlawful act of the  
8 special Texas Ranger.

9 (d) A special Texas Ranger is not entitled to compensation  
10 from the state for service as a special Texas Ranger.

11 (e) A special Texas Ranger commission expires January 1 of  
12 the first odd-numbered year after appointment. The commission may  
13 revoke the commission of a special Texas Ranger who commits a  
14 violation of a rule of the department for which an active officer  
15 of the Texas Rangers would be discharged.

16 (f) The commission shall authorize a badge for persons  
17 appointed as special Texas Rangers under this section that is  
18 distinct in appearance from the badge authorized for special  
19 rangers under Section 411.023.

20 SECTION 11. Subsection (a), Section 411.046, Government  
21 Code, is amended to read as follows:

22 (a) The bureau of identification and records shall establish  
23 and maintain a central repository for the collection and analysis  
24 of information relating to crimes that are motivated by prejudice,  
25 hatred, or advocacy of violence, including, but not limited to,  
26 incidents for which statistics are or were kept under Public Law

1 No. 101-275, as that law existed on July 3, 1996 [~~September 17,~~  
2 ~~1994~~]. On establishing the repository, the department shall  
3 develop a procedure to monitor, record, classify, and analyze  
4 information relating to incidents directed against persons and  
5 property that are apparently motivated by the factors listed in  
6 this subsection.

7 SECTION 12. Subsection (a), Section 411.047, Government  
8 Code, is amended to read as follows:

9 (a) The department shall maintain statistics related to  
10 responses by law enforcement agencies to incidents in which a  
11 person licensed to carry a handgun under Subchapter E is convicted  
12 of [~~arrested-for~~] an offense under Section 46.035, Penal Code[~~-or~~  
13 ~~discharges-a-handgun~~].

14 SECTION 13. Subchapter D, Chapter 411, Government Code, is  
15 amended by adding Section 411.050 to read as follows:

16 Sec. 411.050. CRIME STATISTIC MAPPING. The department, in  
17 conjunction with Southwest Texas State University, may annually  
18 produce maps of the state that include information regarding crime  
19 statistics correlated with the various regions of the state.

20 SECTION 14. Section 411.178, Government Code, is amended to  
21 read as follows:

22 Sec. 411.178. NOTICE TO LOCAL LAW ENFORCEMENT. [~~if the~~  
23 ~~department issues a license, the department shall notify the~~  
24 ~~sheriff of the county in which the license holder resides that a~~  
25 ~~license has been issued to the license holder.] On request of a  
26 local law enforcement agency, the department shall notify the~~

1 agency of the licenses that have been issued to license holders who  
2 reside in the county in which the agency is located.

3 SECTION 15. Subsection (f), Section 411.181, Government  
4 Code, is amended to read as follows:

5 (f) [~~The--department--shall--notify--the--sheriff--of--the--county~~  
6 ~~in--which--a--license--holder--resides--of--a--change--made--under--Subsection~~  
7 ~~(a)--by--the--license--holder--]~~ On request of a local law enforcement  
8 agency, the department shall notify the agency of changes made  
9 under Subsection (a) by license holders who reside in the county in  
10 which the agency is located.

11 SECTION 16. Chapter 411, Government Code, is amended by  
12 adding Subchapter I to read as follows:

13 SUBCHAPTER I. INTERNAL OVERSIGHT

14 Sec. 411.241. OFFICE OF AUDIT AND REVIEW. The commission  
15 shall establish the office of audit and review. The office shall  
16 coordinate activities designed to promote effectiveness in  
17 departmental operations and to keep the commission and the  
18 legislature fully informed about deficiencies within the  
19 department. The office shall:

20 (1) inspect and audit departmental programs and  
21 operations for efficiency, uniformity, and compliance with  
22 established procedures and develop recommendations for improvement;

23 (2) coordinate and be responsible for promoting  
24 accountability, integrity, and efficiency in the department; and

25 (3) provide the commission with information relevant  
26 to its oversight of the department.

1           Sec. 411.242. DIRECTOR OF AUDIT AND REVIEW. (a) The  
2 commission shall appoint the director of the office of audit and  
3 review. The director of audit and review serves until removed by  
4 the commission.

5           (b) The director of audit and review must satisfy the  
6 requirements to be the agency's internal auditor under Section  
7 2102.006(b) and is considered to be the agency's internal auditor  
8 for purposes of Chapter 2102.

9           (c) The department shall provide the director of audit and  
10 review with access to any records, data, or other information  
11 necessary to fulfill the purposes of this section and Section  
12 411.243.

13           (d) The director of audit and review shall, with the advice  
14 and consent of the commission, determine which audits and  
15 inspections to perform and may publish the findings and  
16 recommendations of the office of audit and review.

17           (e) The director of audit and review shall:

18                   (1) report to the commission regarding audits and  
19 inspections planned and the status and findings of those audits and  
20 inspections; and

21                   (2) report to the director for administrative purposes  
22 and keep the director informed of the office's findings.

23           Sec. 411.243. POWERS AND DUTIES. (a) The office of audit  
24 and review shall:

25                   (1) independently and objectively inspect all  
26 divisions of the department to:

1           (A) ensure that operations are conducted  
2 efficiently, uniformly, and in compliance with established  
3 procedures; and

4           (B) make recommendations for improvements in  
5 operational performance;

6           (2) independently and objectively audit all divisions  
7 of the department to:

8           (A) promote economy, effectiveness, and  
9 efficiency within the department;

10           (B) prevent and detect fraud, waste, and abuse  
11 in department programs and operations; and

12           (C) make recommendations about the adequacy and  
13 effectiveness of the department's system of internal control  
14 policies and procedures;

15           (3) advise in the development and evaluation of the  
16 department's performance measures;

17           (4) review actions taken by the department to improve  
18 program performance and make recommendations for improvement;

19           (5) review and make recommendations to the commission  
20 and the legislature regarding rules, laws, and guidelines relating  
21 to department programs and operations;

22           (6) keep the commission, director, and legislature  
23 fully informed of problems in department programs and operations;  
24 and

25           (7) ensure effective coordination and cooperation  
26 among the state auditor's office, legislative oversight committees,



1 and other governmental bodies while attempting to avoid  
2 duplication.

3 (b) Chapter 2102 applies to the office of audit and review.

4 Sec. 411.244. INTERNAL AFFAIRS. (a) The director shall  
5 establish the office of internal affairs.

6 (b) The office of internal affairs has original departmental  
7 jurisdiction over all investigations occurring on department  
8 property or involving department employees. The office shall  
9 coordinate, but need not conduct, all investigations under this  
10 section.

11 (c) An investigation under this section may be initiated  
12 only by the director or the commission.

13 (d) The director shall appoint the head of the office of  
14 internal affairs. The head of the office of internal affairs  
15 serves until removed by the director.

16 (e) The head of the office of internal affairs shall report  
17 directly to the director regarding performance of and activities  
18 related to investigations, report to the director for  
19 administrative purposes, and provide the director with information  
20 regarding investigations as appropriate.

21 (f) The head of the office of internal affairs shall present  
22 at each regularly scheduled commission meeting and at other  
23 appropriate times a summary of information relating to  
24 investigations conducted under this section that includes analysis  
25 of the number, type, and outcome of investigations, trends in the  
26 investigations, and recommendations to avoid future complaints.

1           SECTION 17. Subsection (a), Section 502.409, Transportation  
2 Code, is amended to read as follows:

3           (a) A person commits an offense if the person attaches to or  
4 displays on a motor vehicle a number plate or registration insignia  
5 that:

6                   (1) is assigned to a different motor vehicle;

7                   (2) is assigned to the vehicle under any other motor  
8 vehicle law other than by the department;

9                   (3) is assigned for a registration period other than  
10 the registration period in effect;

11                   (4) is fictitious; [or]

12                   (5) has letters, numbers, or other identification  
13 marks that because of blurring matter are not plainly visible at  
14 all times during daylight;

15                   (6) is a sticker, decal, or other insignia that is not  
16 authorized by law and that interferes with the readability of the  
17 letters or numbers on the plate; or

18                   (7) has a coating, covering, or protective material  
19 that distorts angular visibility or detectability.

20           SECTION 18. Section 521.044, Transportation Code, is amended  
21 by adding Subsection (f) to read as follows:

22           (f) This section does not authorize the department to  
23 require an applicant for a driver's license to provide the  
24 applicant's social security number unless the provision of the  
25 social security number is required under federal law.

26           SECTION 19. Subchapter E, Chapter 521, Transportation Code,

1 is amended by adding Section 521.103 to read as follows:

2 Sec. 521.103. RENEWAL BY MAIL OR ELECTRONIC MEANS. The  
3 department by rule may provide that the holder of a personal  
4 identification certificate may renew the certificate by mail, by  
5 telephone, over the Internet, or by other electronic means. A rule  
6 adopted under this section may prescribe eligibility standards for  
7 renewal under this section.

8 SECTION 20. Section 521.125, Transportation Code, is amended  
9 to read as follows:

10 Sec. 521.125. MEDICAL AND EMERGENCY INFORMATION ON LICENSE.  
11 On the reverse side of a driver's license, the department shall:

12 (1) print:

13 (A) [~~+~~] "Allergic Reaction to Drugs: \_\_\_\_\_";

14 [and]

15 (B) [~~+~~] "Directive to physician has been filed  
16 at tel. #"; and

17 (C) "Emergency contact tel. #";

18 (2) include to the right of the statements under  
19 Subdivisions (1)(B) and (C) a surface on which [~~followed-by-a--line~~  
20 ~~that~~] the license holder may write [~~use--to--indicate~~] the  
21 appropriate telephone number; and

22 (3) include to the left of each of the statements  
23 under Subdivisions (1)(B) and (C) a box that the license holder may  
24 use to indicate for what purpose the telephone number applies.

25 SECTION 21. Subsection (a), Section 521.141, Transportation  
26 Code, is amended to read as follows:

1 (a) An applicant for an original or renewal of a driver's  
2 license must apply in a manner prescribed [en-a-form-provided] by  
3 the department.

4 SECTION 22. Section 521.142, Transportation Code, is amended  
5 by adding Subsection (g) to read as follows:

6 (g) The department may not require an applicant to provide  
7 the applicant's social security number unless the provision of the  
8 social security number is required under federal law.

9 SECTION 23. Subsection (a), Section 521.143, Transportation  
10 Code, is amended to read as follows:

11 (a) An application for an original [~~or--renewal--of--a~~]  
12 driver's license must be accompanied by evidence of financial  
13 responsibility or a statement that the applicant does not own a  
14 motor vehicle for which evidence of financial responsibility is  
15 required under Chapter 601. The department may require an  
16 application for a renewal of a driver's license to be accompanied  
17 by evidence of financial responsibility or a statement that the  
18 applicant does not own a motor vehicle for which evidence of  
19 financial responsibility is required under Chapter 601.

20 SECTION 24. Section 521.274, Transportation Code, is amended  
21 to read as follows:

22 Sec. 521.274. RENEWAL BY MAIL OR ELECTRONIC MEANS.

23 [~~a~~] The department by rule may provide that the holder of a  
24 driver's license may renew the license by mail, by telephone, over  
25 the Internet, or by other electronic means.

26 [~~b~~] A rule adopted under this section [~~subsection~~] may

1 prescribe eligibility standards for renewal under this section [not  
2 ~~permit renewal by mail of:~~

3 [~~(1)~~] ~~a provisional license,~~

4 [~~(2)~~] ~~an occupational license, or~~

5 [~~(3)~~] ~~a driver's license if the license holder's~~  
6 ~~driving record as maintained by the department shows that the~~  
7 ~~holder, within the four years preceding the date of the renewal~~  
8 ~~application, has been convicted of:~~

9 [~~(A)~~] ~~a moving violation, as defined by~~  
10 ~~department rule, in this state, or~~

11 [~~(B)~~] ~~an offense described by Subchapter  ].~~

12 SECTION 25. The subchapter heading to Subchapter M, Chapter  
13 521, Transportation Code, is amended to read as follows:

14 SUBCHAPTER M. LICENSE EXPIRATION, [AND] RENEWAL,

15 AND NUMBER CHANGE

16 SECTION 26. Subchapter M, Chapter 521, Transportation Code,  
17 is amended by adding Section 521.275 to read as follows:

18 Sec. 521.275. CHANGE OF DRIVER'S LICENSE OR PERSONAL  
19 IDENTIFICATION CERTIFICATE NUMBER. (a) The department shall issue  
20 to a person a new driver's license number or personal  
21 identification certificate number on the person's showing a court  
22 order stating that the person has been the victim of domestic  
23 violence.

24 (b) The department may require each applicant to furnish the  
25 information required by Section 521.142. If the applicant's name  
26 has changed, the department may require evidence identifying the

1 applicant by both the former and new name.

2 (c) Except as provided by Sections 521.049(c), 730.005, and  
3 730.006, the department may not disclose:

4 (1) the changed license or certificate number; or

5 (2) the person's name or any former name.

6 SECTION 27. Subsection (d), Section 521.306, Transportation  
7 Code, is amended to read as follows:

8 (d) The department may not reinstate a license suspended or  
9 revoked under this subchapter unless the person whose license was  
10 suspended or revoked applies to the department for reinstatement of  
11 the license and pays a \$100 [~~\$50~~] reinstatement fee to the  
12 department.

13 SECTION 28. Subchapter R, Chapter 521, Transportation Code,  
14 is amended by adding Section 521.427 to read as follows:

15 Sec. 521.427. METHOD OF PAYMENT OF FEES. (a) The  
16 department may adopt rules regarding the method of payment of a fee  
17 for a license, personal identification card, or license record  
18 issued under this chapter.

19 (b) The rules may authorize payment, under circumstances  
20 prescribed by the department:

21 (1) in person, by mail, by telephone, or over the  
22 Internet;

23 (2) by means of electronic funds transfer; or

24 (3) by means of a valid credit card issued by a  
25 financial institution chartered by a state or the federal  
26 government or by a nationally recognized credit organization

1 approved by the department.

2 (c) The rules may require the payment of a discount or  
3 service charge for a credit card payment in addition to the fee.

4 SECTION 29. Subsection (a), Section 548.051, Transportation  
5 Code, is amended to read as follows:

6 (a) A motor vehicle, trailer, semitrailer, pole trailer, or  
7 mobile home, registered in this state, must have the following  
8 items inspected at an inspection station or by an inspector:

- 9 (1) tires;
- 10 (2) wheel assembly;
- 11 (3) safety guards or flaps, if required by Section  
12 547.606;
- 13 (4) brake system, including power brake unit;
- 14 (5) steering system, including power steering;
- 15 (6) lighting equipment;
- 16 (7) horns and warning devices;
- 17 (8) mirrors;
- 18 (9) windshield wipers;
- 19 (10) sunscreening devices, unless the vehicle is  
20 exempt from sunscreen device restrictions under Section 547.613;
- 21 (11) front seat belts in vehicles on which seat belt  
22 anchorages were part of the manufacturer's original equipment;
- 23 (12) tax decal, if required by Section 548.104(d)(1);
- 24 (13) exhaust system; [and]
- 25 (14) exhaust emission system;
- 26 (15) fuel tank cap, using pressurized testing

1 equipment approved by department rule; and

2 (16) emissions control equipment as designated by  
3 department rule.

4 SECTION 30. Section 548.306, Transportation Code, is amended  
5 by adding Subsections (k), (l), (m), and (n) to read as follows:

6 (k) A hearing for a citation issued under this section shall  
7 be heard by a justice of the peace of any precinct in the county in  
8 which the vehicle is registered.

9 (l) Enforcement of the remote sensing component of the  
10 vehicle emissions inspection and maintenance program may not  
11 involve any method of screening in which the registered owner of a  
12 vehicle found to have allowable emissions by remote sensing  
13 technology is charged a fee.

14 (m) The department by rule may require that a vehicle  
15 determined by on-road testing to have excessive emissions be  
16 assessed an on-road emissions testing fee not to exceed the  
17 emissions testing fee charged by a certified emissions testing  
18 facility.

19 (n) The department by rule may establish procedures for  
20 reimbursing a fee for a verification test required by Subsection  
21 (c) if the owner demonstrates to the department's satisfaction  
22 that:

23 (1) the vehicle passed the verification emissions test  
24 not later than the 30th day after the date the vehicle owner  
25 received notice that the vehicle was detected as having excessive  
26 emissions; and



1                   (2) the vehicle was not repaired between the date of  
2 detection and the date of the verification emissions test.

3                   SECTION 31. Subsections (a) and (c), Section 548.405,  
4 Transportation Code, are amended to read as follows:

5                   (a) The department may deny a person's application for a  
6 certificate, revoke or suspend the certificate of a person,  
7 inspection station, or inspector, place on probation a person who  
8 holds a suspended certificate, or reprimand a person who holds a  
9 certificate if:

10                   (1) the station or inspector conducts an inspection,  
11 fails to conduct an inspection, or issues a certificate:

12                                   (A) in violation of this chapter or a rule  
13 adopted under this chapter; or

14                                   (B) without complying with the requirements of  
15 this chapter or a rule adopted under this chapter;

16                   (2) the person, station, or inspector commits an  
17 offense under this chapter or violates this chapter or a rule  
18 adopted under this chapter;

19                   (3) the applicant or certificate holder does not meet  
20 the standards for certification under this chapter or a rule  
21 adopted under this chapter;

22                   (4) the station or inspector does not maintain the  
23 qualifications for certification or does not comply with a  
24 certification requirement under Subchapter G;

25                   (5) the certificate holder or the certificate holder's  
26 agent, employee, or representative commits an act or omission that

1 would cause denial, revocation, or suspension of a certificate to  
2 an individual applicant or certificate holder;

3 (6) the station or inspector does not pay a fee  
4 required by Subchapter H; or

5 (7) the inspector or owner of an inspection station is  
6 convicted of a:

7 (A) felony or Class A or Class B misdemeanor;

8 (B) similar crime under the jurisdiction of  
9 another state or the federal government that is punishable to the  
10 same extent as a felony or a Class A or Class B misdemeanor in this  
11 state; or

12 (C) crime under the jurisdiction of another  
13 state or the federal government that would be a felony or a Class A  
14 or Class B misdemeanor if the crime were committed in this state.

15 (c) If the department suspends a certificate because of a  
16 violation of Subchapter F, the suspension must be for a period of  
17 not less than six months. The suspension may not be probated or  
18 deferred.

19 SECTION 32. Subsection (1), Section 548.407, Transportation  
20 Code, is amended to read as follows:

21 (1) If an administrative law judge of the State Office of  
22 Administrative Hearings conducts a hearing under this section and  
23 the proposal for decision supports the position of the department,  
24 the proposal for decision may recommend a denial of an application  
25 or a revocation or suspension of a certificate only. The proposal  
26 may not recommend a reprimand or a probated or otherwise deferred

1 disposition of the denial, revocation, or suspension. If the [~~in~~  
2 ~~conducting-a-hearing-under--this--section--an~~] administrative law  
3 judge [~~of--the--State--Office--of--Administrative-Hearings~~] makes a  
4 proposal for a decision to deny an application or to suspend or  
5 revoke a certificate, the administrative law judge shall include in  
6 the proposal a finding of the costs, fees, expenses, and reasonable  
7 and necessary attorney's fees the state incurred in bringing the  
8 proceeding. The director may adopt the finding for costs, fees,  
9 and expenses and make the finding a part of the final order entered  
10 in the proceeding. Proceeds collected from a finding made under  
11 this subsection shall be paid to the department [~~deposited--in--a~~  
12 ~~special--account--in--the--general--revenue--fund--that--may--be~~  
13 ~~appropriated-only-to-the-attorney-general~~].

14 SECTION 33. Section 548.408, Transportation Code, is amended  
15 by amending Subsections (a) and (b) and adding Subsection (f) to  
16 read as follows:

17 (a) A person dissatisfied with the action of the director  
18 may appeal the action[~~7--without-filing-a-motion-for-rehearing,7~~] by  
19 filing a petition in district court in the county where the person  
20 resides or in Travis County. The petition must be filed not later  
21 than the 30th day after the date the action is taken.

22 (b) The district or county attorney or the attorney general  
23 shall represent the director in the appeal, except that an attorney  
24 who is a full-time employee of the department may represent the  
25 director in the appeal with the approval of the attorney general.

26 (f) A stay under this section may not be effective for more