

BILL ANALYSIS

Senate Research Center

S.B. 652
By: Zaffirini
Transportation & Homeland Security
9/28/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas lacks an efficient system for storing and accessing emergency contact and medical information. As a result, emergency response personnel are faced with a difficult challenge when trying to locate next of kin in the case of a serious or fatal accident.

Current law allows a driver's license or identification card holder to write emergency contact or medical information directly on the back of the card, which is inefficient due to the limited space provided, often illegible handwriting, and outdated or worn information.

S.B. 652 amends current law relating to the maintenance of emergency contact and medical information databases by the Department of Public Safety of the State of Texas.

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 Subchapter C, Chapter 521, Transportation Code, by adding Section 521.060, as follows:

Sec. 521.060. EMERGENCY CONTACT AND MEDICAL INFORMATION DATABASES. (a) Requires the Texas Department of Public Safety of the State of Texas (DPS) to maintain in its files a record of the name, address, and telephone number of each individual identified by the holder of a driver's license or personal identification certificate as an individual the holder authorizes to be contacted in the event that the holder is injured or dies in or as a result of a vehicular accident or another emergency situation. Requires DPS, in addition, to maintain in its files a record of any medical information described by Section 521.125(a) (relating to the requirement that DPS print certain medical information on the reverse side of a driver's license) that is provided to DPS under Subsection (c) or any health condition information that is voluntarily provided to DPS under Section 521.142(h) (relating to the requirement that the application leave space for health condition information to be listed).

(b) Provides that a record maintained by DPS under Subsection (a) is confidential and, on request, is authorized to be disclosed only to a peace officer in this or another state; only if the peace officer is otherwise authorized to obtain information in the driver's license or personal identification certificate files of DPS; and only for the purpose, as applicable, of making contact with a named individual to report the injury to or death of the holder of the driver's license or personal identification certificate, learning the nature of any medical information reported by the person who holds the driver's license or identification certificate, or learning whether the person who holds the driver's license or identification certificate has a health condition that may impede communications with the peace officer.

(c) Requires that an application for an original, renewal, or duplicate driver's license or personal identification certificate be designed to allow, but not require, the applicant to provide certain identifying information and certain medical

information, and include a statement that describes the confidential nature of the information, and states that by providing DPS with the information, the applicant consents to the limited disclosure and use of the information.

(d) Requires DPS to establish and maintain on DPS's Internet website forms and procedures by which the holder of a driver's license or personal identification certificate may request that DPS add specific emergency contact or medical information described by Subsection (a) to the appropriate file maintained by DPS, or amend or delete emergency contact or medical information the holder previously provided to DPS.

(e) Requires that the forms and procedures maintained under Subsection (d) comply with Subsection (c).

(f) Provides that Subsection (b) does not prohibit DPS from disclosing information to the holder of a driver's license or personal identification certificate who provided the information or to an authorized agent of the holder.

SECTION 2. (a) Effective date: September 1, 2009.

(b) Requires DPS to implement the provisions of Section 521.060, Transportation Code, as added by this Act, not later than January 1, 2010.

(c) Requires DPS to implement Section 521.060, Transportation Code, as added by this Act, using existing personnel.