

Department of Public Safety

Bill Number: S.B. 616

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Continue

- Continue the Department of Public Safety (DPS) for 12 years.

Driver License

- Require DPS to contract with an independent third party to analyze and make recommendations on the management and operating structure of the driver license program and the opportunities and challenges of transferring the program to the Texas Department of Motor Vehicles (TxDMV).¹ A report with the analysis and recommendations is due to the Legislature, governor, Sunset Commission, DPS, and TxDMV by September 1, 2020. If the report is not completed by that date, then the driver license program will be transferred to TxDMV effective September 1, 2021.
- Extend the term of non-commercial driver licenses from six to eight years, extend the term of commercial driver licenses from five to eight years, and require DPS to implement the changes by June 1, 2020, with fees assessed so that the changes are revenue neutral to the state.

Border Security

- Require DPS to track and publicly provide crime statistics as part of the reporting of its border security performance.
- Direct DPS to develop a system for collecting and maintaining output data related to its border security mission. (Management action – nonstatutory)
- Direct DPS to regularly report to members of the Legislature threat levels along the Texas-Mexico border. (Management action – nonstatutory)

Private Security

- Reconstitute the Private Security Board as an advisory committee, and require the Public Safety Commission to appoint its members. Authorize reimbursement for committee members' travel expenses.
- Require everyone who provides services regulated under the Private Security Act or who owns 51 percent or more of a company that provides such services to obtain an individual license and to work under a company license.
- Require governmental subdivisions and private businesses with internal security departments to provide a one-time registration with DPS that lists a point of contact.
- Discontinue regulation of private security salespersons and consultants, guard dog companies and trainers, and telematics companies at the state level.
- Require individuals who provide private security services to obtain a license, rather than a registration or endorsement.

Licensing

- Remove conflicting, nonstandard statutory definitions regarding convictions and unnecessary, subjective qualifications for applicants.
- Authorize DPS to conduct fingerprint-based criminal background checks for all applicants and licensees, and to establish flexible license renewal requirements.
- Discontinue regulation of precursor chemical and laboratory apparatus sales and transfers.
- Discontinue duplicative registration of peyote distributors.
- Direct DPS to adopt a process for applying mitigating and aggravating factors in criminal history evaluations. (Management action – nonstatutory)
- Direct DPS to cease permanently disqualifying individuals for certain convictions (other than those convictions specified by Chapter 53), but allow DPS to apply mitigating and aggravating factors to crimes relevant to the profession according to the level of threat to public safety. (Management action – nonstatutory)

Enforcement

- Establish clear authority for DPS to receive, investigate, and resolve complaints.
- Clarify the Public Safety Commission's responsibility to take final enforcement actions for regulatory programs under DPS' jurisdiction, and prohibit the commission from delegating that responsibility to the director.
- Require DPS to establish a process to informally resolve complaints.
- Provide DPS a full range of sanctions to enforce regulations.
- Remove restrictive fee authority from statute.
- Direct DPS to adopt a risk-based inspection process, and also direct DPS to work with TxDMV to identify the most appropriate means of managing investigations and inspections of salvage yards, and to establish a memorandum of understanding with TxDMV to coordinate oversight of these entities. (Management action – nonstatutory)

Regulatory Management

- Require DPS to track and annually report regulatory information on its website.
- Direct DPS to work with the Texas Department of Licensing and Regulation (TDLR) to develop regulatory processes and rules. (Management action – nonstatutory)

Motorcycle Safety Program

- Transfer the motorcycle and ATV safety training programs from DPS to TDLR effective September 1, 2020, and require the Texas Commission of Licensing and Regulation to establish a motorcycle safety advisory board.
- The department and TDLR should develop a transition plan for the transfer of the motorcycle and ATV safety training programs. (Management action – nonstatutory)

- Direct DPS to discontinue loaning motorcycles to training course operators and require DPS to either sell or process as surplus or salvage property all motorcycles and other equipment related to the program by August 31, 2020.
- Transfer instructor training, research, education, and advocacy functions from DPS to the Texas A&M Engineering Extension Service (TEEX) and to the Texas A&M Transportation Institute (TTI) so that TDLR partners with TEEX to train and certify instructors, and TTI to conduct research, education, and advocacy.

Emergency Assistance Registry

- Direct DPS to better coordinate the State of Texas Emergency Assistance Registry and provide greater guidance to local jurisdictions to ensure the safety of vulnerable Texans during natural disasters. (Management action – nonstatutory)

Contracting

- Direct DPS to analyze its contracting and purchasing procedures, and align its levels of review, approval, and accountability with the value and complexity of the contracts and purchases. Also, direct the director of DPS to provide an annual assessment and report of contract management to the Public Safety Commission that includes trends and best practices on all contracts at the agency. (Management action – nonstatutory)
- Direct DPS to track, analyze, and report contracting and purchasing data through all phases of the procurement process. (Management action – nonstatutory)
- Direct DPS to maintain all contract-related documentation in a central location and post up-to-date contract information on its website. (Management action – nonstatutory)
- The department should reform its business case development process to include a cost-benefit analysis when deciding whether to outsource a major function. (Management action – nonstatutory)

Governance

- Update the standard across-the-board recommendation related to board member training.
- Eliminate three of DPS' required reports.
- Continue the department's two statutory advisory committees on metal recycling and vehicle inspection.
- Require DPS to develop and implement best practices for the collection, protection, and sharing of personal information held by the agency, and to submit a report on these best practices to the Legislature by September 1, 2020.
- Require the Public Safety Commission to adopt physical fitness programs in accordance with Section 614.172 of the Government Code (physical fitness programs and standards for law enforcement agencies), and a resolution certifying these programs are consistent with scientific standards and meet state and federal labor and employment law requirements.

¹ DPS received \$1 million to carry out this study. Rider 53, page V-58, Article V (H.B. 1), Acts of the 86th Legislature, Regular Session, 2019 (the General Appropriations Act).