

DEPARTMENT OF PUBLIC SAFETY

Issue 1

DPS Has Not Maximized Its Resources to Adequately Improve Driver License Customer Service.

Change in Statute

Rec. 1.1, Not Adopted

Require DPS to develop and implement a plan to close inefficient driver license offices.

Management Action

Rec. 1.2, Adopted as Modified

Replace the original staff recommendation with the following. Contingent upon funding, direct DPS to contract with an independent third party to perform an analysis and make recommendations on opportunities and challenges of transferring the driver license program to the Texas Department of Motor Vehicles (TxDMV). The independent third party shall coordinate with TxDMV and any other pertinent organization to assist in this analysis. A report with the analysis and recommendations will be due to the Sunset Commission, legislative leadership, and the governor by September 1, 2020.

If the 86th Legislature does not appropriate money to DPS to fund the third party analysis, then the driver license program shall be transferred to TxDMV effective September 1, 2021. In preparation for the transfer:

- DPS shall provide TxDMV access to any information, systems, records, property, staff, or data necessary for the transfer;
- DPS and TxDMV shall establish a working group to develop a transition plan containing milestone and deliverable dates, and provide at least quarterly reports to the Sunset Commission, governor, and legislative leadership; and
- TxDMV shall study how it can use existing state and local property and staff (with intergovernmental agreements as necessary) to most effectively administer the driver license program. For this study, TxDMV should prioritize cost savings, efficiencies, and accessibility for Texans across the state, including in rural parts of the state. DPS should assist in this study as necessary.

Issue 2

DPS Should Better Measure and Report Its Border Security Performance to Allow the State to Determine the Return on Its Significant Investment.

Change in Statute

Rec. 2.1, Adopted

Require DPS to track and publicly provide crime statistics as part of the reporting of its border security performance.

Management Action

Rec. 2.2, Adopted

Direct DPS to develop a system for collecting and maintaining output data related to its border security mission.

Rec. 2.3, Adopted

Direct DPS to regularly report to members of the Legislature threat levels along the Texas-Mexico border.

Issue 3

Overregulation and Unclear Authority Hamper DPS' Private Security Program.

Change in Statute

Rec. 3.1, Adopted as Modified

Reconstitute the Private Security Board as an advisory committee, and require the Public Safety Commission to appoint its members. Also require the Public Safety Commission to designate one of its members to serve as a liaison to the private security advisory committee.

Rec. 3.2, Adopted as Modified

Require everyone who provides services regulated under the Private Security Act (Occupations Code, Chapter 1702) 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. These two types of individual licenses will replace all of the existing categories (shareholders, corporate officers, managers, supervisors, branch offices).

To obtain a company license, require an applicant to (1) satisfy insurance requirements, (2) pass the jurisprudence examination, (3) pass a criminal background check, and (4) demonstrate adequate experience.

Require governmental subdivisions and private businesses with internal security departments to provide a one-time registration with DPS that lists a point of contact. Require governmental subdivisions and private businesses to inform DPS any time the point of contact changes.

Require DPS to adopt rules to implement these provisions.

Rec. 3.3, Adopted

Discontinue regulation of private security salespersons and consultants.

Rec. 3.4, Not Adopted

Remove requirements for regulated individuals to be affiliated with companies.

Rec. 3.5, Adopted

Require individuals who provide private security services to obtain a license, rather than a registration or endorsement.

Rec. 3.6, Adopted

Discontinue regulation of guard dog companies and trainers.

Rec. 3.7, Adopted

Discontinue state regulation of telematics companies.

Issue 4

The Department's Nonstandard Regulatory Processes Compromise Effective and Fair Operations.

Regulatory Management

Change in Statute

Rec. 4.1, Adopted

Require DPS to track and annually report regulatory information on its website.

Management Action

Rec. 4.2, Adopted

Direct DPS to work with TDLR to develop regulatory processes and rules.

Licensing

Change in Statute

Rec. 4.3, Adopted

Remove conflicting, nonstandard statutory definitions regarding convictions.

Rec. 4.4, Adopted

Remove unnecessary, subjective qualifications for applicants.

Rec. 4.5, Adopted

Authorize DPS to conduct fingerprint-based criminal background checks for all applicants and licensees.

Rec. 4.6, Adopted

Authorize DPS to establish flexible license renewal requirements.

Management Action**Rec. 4.7, Adopted**

Direct DPS to adopt a process for applying mitigating and aggravating factors in criminal history evaluations.

Rec. 4.8, Adopted as Modified

Direct DPS to cease permanently disqualifying individuals for certain convictions (other than those convictions specified by Chapter 53), but in reviewing and modifying its rules, allow DPS to apply mitigating and aggravating factors to crimes relevant to the profession according to the level of threat to public safety.

Enforcement**Change in Statute****Rec. 4.9, Adopted**

Establish clear authority to receive, investigate, and resolve complaints.

Rec. 4.10, Adopted as Modified

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.

Rec. 4.11, Adopted

Require DPS to establish a process to informally resolve complaints.

Rec. 4.12, Adopted

Provide DPS a full range of sanctions to enforce regulations.

Rec. 4.13, Adopted

Remove restrictive fee authority from statute.

Management Action

Rec. 4.14, Adopted as Modified

Direct DPS to adopt a risk-based inspection process. 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.

Issue 5

Three DPS Regulatory Programs Are Not Necessary to Protect the Public.

Change in Statute

Rec. 5.1, Adopted

Discontinue regulation of precursor chemical and laboratory apparatus sales and transfers.

Rec. 5.2, Adopted

Discontinue duplicative registration of peyote distributors.

Rec. 5.3, Not Adopted

Discontinue regulation of ignition interlock device vendors.

Issue 6

DPS' Management of the Motorcycle Safety Program Wastes State Resources.

Change in Statute

Rec. 6.1, Adopted as Modified

Replace the original staff recommendation with the following. Transfer the motorcycle and ATV safety training programs from DPS to the Texas Department of Licensing and Regulation. (*See Adopted Language*)

Management Action

Rec. 6.2, Adopted

The department and TDLR should develop a transition plan for the transfer of the motorcycle and ATV safety training programs.

Rec. 6.3, Adopted as Modified

Replace the original staff recommendation with the following. Direct DPS to discontinue loaning motorcycles to training course operators and allow TDLR to use money collected from motorcyclists to support the motorcycle safety program more efficiently. (*See Adopted Language*)

Rec. 6.4, Adopted as Modified

Replace the original staff recommendation with the following. 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). Under this recommendation, DPS would phase out its instructor training and safety courses no later than August 31, 2019. Once the program is transferred to TDLR, TDLR shall partner with TEEX to train and certify instructors; and TTI to conduct research, education, and advocacy.

Issue 7

DPS Needs Enhanced Accountability and Efficiencies in Contracting and Purchasing.

Management Action

Rec. 7.1, Adopted as Modified

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.

Rec. 7.2, Adopted

Direct DPS to track, analyze, and report contracting and purchasing data through all phases of the procurement process.

Rec. 7.3, Adopted

Direct DPS to maintain all contract-related documentation in a central location and post up-to-date contract information on its website.

Rec. 7.4, Adopted

The department should reform its business case development process to include a cost-benefit analysis when deciding whether to outsource a major function.

Issue 8

Texas Has a Continuing Need for the Department of Public Safety.

Change in Statute

Rec. 8.1, Adopted

Continue the Department of Public Safety for 12 years.

Rec. 8.2, Adopted as Modified

Update the standard across-the-board requirement related to commission member training, and require that each Public Safety Commission member attests to receiving and reviewing annually the training manual.

Rec. 8.3, Adopted

Eliminate three of DPS' required reports.

Rec. 8.4, Adopted

Continue the department's two statutory advisory committees.

Adopted New Recommendations

Improve Coordination of the State of Texas Emergency Assistance Registry

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

Extend the Term of Driver Licenses From Six to Eight Years

Extend the term of a Class C driver's license from six to eight years. Require DPS to implement the change by June 1, 2020, with fees assessed so that the change is revenue neutral to the state.

Adopted New Language

Rec. 6.1

Create the Motorcycle Safety Advisory Board (MSAB) under TDLR to provide advice and recommendations to the department on rules, technical matters, and other topics relevant to the motorcycle safety program.

The MSAB shall consist of nine members appointed for staggered six-year terms by the presiding officer of the Texas Commission of Licensing and Regulation, with the approval of the commission, as follows. The members selected to represent schools and instructors shall be representative of the different sizes and types of schools that exist in Texas.

- Three members representing different licensed schools and instructors
- One member representing retail motorcycle dealers
- One member representing a law enforcement agency
- One member representing the Texas A&M Transportation Institute
- One member representing the Texas A&M Engineering Extension Service (TEEX)
- Two members representing the public who hold a valid Texas motorcycle license

Authorize TDLR to convene the MSAB and the Driver Training and Traffic Safety Advisory Committee together to work on issues of common interest.

TDLR shall adopt minimum motorcycle safety curriculum standards and approve all courses that meet the standards. For entry-level courses, TDLR shall use the NHTSA standards as a guide.

TDLR shall license motorcycle safety instructors and schools. To maintain licensure, schools must

- only employ licensed instructors; and
- meet basic safety, facility, and consumer protection standards to be set in rule.

To maintain licensure, instructors must

- pass a TDLR-approved course administered by TEEX (unless they maintain an existing certification obtained through DPS);

- have had a valid motorcycle license for the past two years; and
- have no more than nine points on their driving record.

Specify no one can charge money for providing motorcycle safety training unless they have a valid school license and use a TDLR-approved course and a TDLR-licensed instructor.

TDLR shall enforce these provisions, charge license fees, and perform inspections or audits as they do for other regulatory programs. TDLR shall recognize out-of-state experience and qualifications towards a Texas instructor license.

Unless a school agrees to charge certain fees in exchange for a contract or grant from TDLR, schools may set their own fees for providing a motorcycle safety course. If necessary to meet the program's needs, TDLR may charge licensing fees for schools and instructors, provided that the fee for schools may not exceed \$100 per year, and the fee for instructors may not exceed \$50 per year.

Rec. 6.3

DPS shall develop and implement a plan to dispose of its loaned motorcycles and other equipment so as to best support the program's safety mission. All proceeds shall be deposited in the Motorcycle Education Fund Account (GR-D 501):

- First, sponsors with loaned equipment shall have a reasonable opportunity to purchase any equipment they're using.
- Second, DPS shall transfer ownership of any equipment TDLR, the Texas A&M Transportation Institute (TTI), or the Texas A&M Engineering Extension Service (TEEX) need to continue the program.
- Finally, any remaining equipment shall be sold in accordance with provisions of the state surplus property program and other state requirements before the program is transferred to TDLR.

Before the program is transferred to TDLR, TDLR and DPS shall enter into a memorandum of understanding regarding real property and facilities that were acquired or leased using money from GR-D 501. The memorandum shall ensure the motorcycle safety program realizes a reasonable return from its investment in any DPS property.

As the new administrator of GR-D 501, TDLR may contract with schools and issue grants to improve motorcycle safety in Texas. TDLR shall make final decisions regarding contracts and grants and shall consider input from the MSAB before executing contracts or issuing grants.

- Grants may be awarded to any person or entity that applies.

- Grants may aim to promote motorcycle safety programs, increase the number of people who enroll in classes or become certified instructors, or any other goal that is reasonably likely to improve motorcycle safety in Texas.
- TDLR shall develop grant parameters and procedures to enforce these provisions.

TDLR may also accept grants or donations for GR-D 501.