



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 15, 1998

Ms. Stacy C. Ferguson
Schulman, Walheim & Heidelberg, Inc.
112 East Pecan, Suite 3000
San Antonio, Texas 78205-1528

OR98-2435

Dear Ms. Ferguson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118038.

The San Antonio Independent School District (the "district"), which you represent, received a request for the driving records of all of the district's bus drivers. You claim that the requested information is excepted from required public disclosure by sections 552.101, 552.102, 552.117, and 552.130 of the Government Code. We have considered the exceptions you have claimed and have reviewed the documents you have submitted. The documents consist of driving records from the Texas Department of Public Safety including the driver's name, address, birth date, licence number, licence type or class, expiration date, original application date, restrictions, endorsements, and information reflecting any reported conviction, accident involvement, or department action.

Section 552.130 of the Government Code provides as follows

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;

(2) a motor vehicle title or registration issued by an agency of this state; or

(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

The information at issue consists of information described by section 552.130(a). In previous open records rulings, this office held that the public release of the same types of information at issue here was governed by section 552.130(b) in conjunction with chapter 730 of the Transportation Code. We previously believed school districts to be acting as an "agency of this state, or an authorized agent or contractor of an agency of this state, *that compiles or maintains motor vehicle records.*" Transp. Code § 730.003(1). (Emphasis added.). After further consideration, we no longer believe that such is the case.¹ Accordingly, we conclude that chapter 730 of the Transportation Code does not apply to school districts. Open Records Letter No. 98-2415 (1998). Because the information at issue is excepted from public disclosure under section 552.130(a) of the Government Code, and is not subject to release under section 552.130(b), we conclude that the district must withhold the requested information pursuant to section 552.130(a).

Because we make a determination under section 552.130, we do not consider your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 118038

Enclosures: Submitted documents
Open Records Letter No. 98-2415 (1998)

¹The question of whether a school district is a "motor carrier" for purposes of section 730.003(4) is, therefore, no longer an issue because we find chapter 730 to be inapplicable to school districts.

cc: Ms. Marilyn Moritz
KSAT-TV
1408 North St. Mary's Street
San Antonio, Texas 78215
(w/Open Records Letter No. 98-2415 (1998))