

**SUBJECT:** DPS verification of social security numbers

**COMMITTEE:** Public Safety — committee substitute recommended

**VOTE:** 7 ayes — B. Turner, Berman, Carter, Driver, Gutierrez, P. King, Najera  
1 nay — Hupp  
1 absent — Keel

**WITNESSES:** For — Bill Toney  
Against — None  
On — Frank Elder, Department of Public Safety

**DIGEST:** CSHB 2938 would amend the rights and responsibilities of the Department of Public Safety (DPS) in obtaining social security number information from an applicant for a driver's license or identification card. The bill would require a driver's license application to state the applicant's social security number in addition to currently required information. DPS could require an applicant to produce any documents it determined to be necessary to verify information on an application.

DPS could cancel or deny any original, renewal, or duplicate driver's license or personal identification certificate if an applicant did not submit satisfactory proof of authorized presence in the United States. If DPS received a notice from the Immigration and Naturalization Service (INS) that an applicant was in the country illegally, DPS would have to cancel the license or certificate. An applicant who submitted a birth certificate or other documentation issued outside the U.S. would have to offer proof of legal presence.

DPS could verify through the Social Security Administration (SSA) a social security number provided by an applicant or any social security number on file with DPS. DPS could cancel or deny a license or identification card if the social security number provided did not correspond with the information obtained by the department through the SSA.

CSHB 2938 would specify that information on an application related to the applicant's social security number and any information used to verify the number could be used only by DPS or disclosed only to the attorney general's child support enforcement division or another state entity responsible for enforcing child support.

This bill would take effect September 1, 2000.

**SUPPORTERS  
SAY:**

CSHB 2938 would make Texas compliant with the Federal Immigration Reform Act by enabling DPS to verify the social security numbers of applicants for driver's licenses or personal identification cards.

Federal law requires that in order to use a driver's license for identification to collect benefits, a person's social security number must be verified through the SSA. States that do not verify license applicants' social security numbers are sanctioned, and its citizens receive reduced federal benefits.

State-issued licenses and certificates are the primary source of identification for obtaining federal benefits. If Texas were to be sanctioned because it did not verify the social security numbers of applicants, Texans would not be able to use their driver's licenses or identification cards to obtain benefits.

Once an online computer system was implemented to verify social security numbers online, the verification would be instantaneous. The system would not increase significantly the amount of time it took to obtain a license or identification card.

DPS already requires driver's license applicants to provide their social security numbers, but it has no authority to collect that information from identification card applicants. This bill would give the agency that authority.

CSHB 2938 would not put DPS in the position of enforcing immigration law. DPS reports a person to INS for unlawful presence in the United States only if that person presents falsified INS documents. DPS does not arrest illegal immigrants who apply for driver's licenses or identification cards. These practices would not change as a result of this bill.

DPS could establish procedures for cases in which a person's license or

identification card application was denied because the social security number had not been verified. DPS could conduct an investigation to determine if a bureaucratic error had resulted in the lack of verification. This would benefit applicants, since their applications would not be denied absolutely.

The language in CSHB 2938 regarding verification is permissive in case the federal act is overturned. If that happened, Texas would not be saddled with the time and expense of unnecessarily checking social security numbers.

The bill contains safeguards that would ensure that applicants' social security numbers were used only for authorized purposes.

**OPPONENTS  
SAY:**

Verification of a person's social security number is unprecedented in Texas. Furthermore, it is a breach of personal privacy.

According to the bill's fiscal note, CSHB 2938 would cost the state nearly \$600,000 in general revenue in fiscal 2000. Many of the social security number verifications initiated by DPS would result in affirmations of the number's validity. Therefore, this money would be wasted, as would the applicant's time.

The language of CSHB 2938 is too permissive and would give DPS the latitude to choose whose social security numbers to verify. DPS employees selectively and arbitrarily could require verification of an applicant's social security number. This could lead to discriminatory practices or "profiling," asking for verification only from people who "look like" undocumented immigrants. DPS also could report these people to INS. DPS should not be in the business of enforcing immigration law.

The bill would not provide an appeals process for people whose licenses were denied because their social security numbers could not be verified, regardless of whether the reason was legitimate. A bureaucratic mistake resulting in the denial of a license could cost a person lost time at work. The bill should address this possibility in the statute, not through the prospect of DPS rules or regulations.

DPS currently has no computer system to verify social security numbers instantaneously. Other states have implemented such systems, but those states are much smaller. It is impossible to know whether such a system would work

for Texas' large population. If any new system were to fail ultimately, DPS would be stuck with the requirement to verify social security numbers manually, resulting in unprecedented delays in obtaining a driver's license or identification card. Likewise, if a computer glitch hindered the system even for one day, all of that day's applicants would be inconvenienced.