

BILL ANALYSIS

Senate Research Center
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S.B. 945
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Infrastructure Development and Security
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DIGEST AND PURPOSE

Currently, the driver's license and identification card program operated by the Texas Department of Public Safety (DPS) is experiencing failing equipment and outdated programming, making it progressively more cumbersome and expensive to operate and maintain. A driver's license is a vulnerable target for counterfeiting and fraud. As proposed, S.B. 945 incorporates technological changes necessary for DPS to ensure the security and integrity of the driver's licenses and identification cards it issues by using biometric information. This bill also provides funding to update and maintain the DPS driver's license and identification card issuance system.

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 Section 521.001(a), Transportation Code, by adding Subdivisions (9) and (10) to define "biometric identification" and "biometric identifier."

SECTION 2. Amends the heading to Section 521.044, Transportation Code, to read as follows:

Sec. 521.044. USE OF SOCIAL SECURITY NUMBER INFORMATION.

SECTION 3. Amends Section 521.044(a), Transportation Code, to include the secretary of state for jury wheel or voter registration purposes and a law enforcement or criminal justice agency for investigative purposes to the list of entities to whom information provided on a driver's license application that relates to the applicant's social security number may be disclosed.

SECTION 4. Amends Chapter 521C, Transportation Code, by adding Section 521.058, as follows:

Sec. 521.058. IDENTITY AUTHENTICATION SYSTEM. (a) Requires the Department of Public Safety (DPS) to establish an identification system using biometric identification based on any biometric identifier of an applicant that is collected by DPS.

(b) Requires DPS to authenticate the biometric identifier provided by an applicant for a personal identification certificate, driver's license, or commercial driver's license or permit to ensure that the applicant is issued only one original license, permit, or certificate, does not fraudulently obtain a duplicate license, permit, or certificate, and does not commit other fraud in connection with the application for a license, permit, or certificate.

SECTION 5. Amends Section 521.101(d), Transportation Code, to authorize DPS to require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to DPS the information required by Section 521.142. Prohibits DPS from requiring the applicant to provide the

applicant's social security number.

SECTION 6. Amends Section 521.142(b), Transportation Code, to require the application to include any biometric identifier specified by DPS, a brief description of the applicant, and the applicant's social security number.

SECTION 7. Amends Section 521.421, Transportation Code, by amending Subsections (a) and (b) and adding Subsections (i) and (j), as follows:

(a) Increases the fee for issuance or renewal of a license not otherwise provided for by this section from \$24 to \$36.

(b) Requires an applicant applying for issuance of a Class M license or additional authorization to operate a motorcycle to pay an additional \$15 fee for the required application. Increases the fee for renewal of a Class M license or for renewal of a license that includes authorization to operate a motorcycle from \$32 to \$44.

(i) Requires DPS, before September 1, 2005, to deposit \$12 of each fee collected under Subsections (a) and (b) to the credit of a separate account in the general revenue fund. Requires money in that account to be appropriated to DPS only to support reengineering of the driver's license system.

(j) Requires DPS, after August 31, 2005, to deposit \$2 of each fee collected under Subsections (a) and (b) to the credit of a separate account in the general revenue fund. Requires money in that account to be appropriated to DPS only to replace, maintain, or support the driver's license system.

SECTION 8. Amends Section 522.021(c), Transportation Code, to add Section 521.142 to the list of sections the requirements of which must be met on the application.

SECTION 9. Amends Section 730.010, Transportation Code, to authorize an agency that obtains an image of an individual's thumb or finger in connection with the issuance of a license, permit, or certificate to the individual, to use the image to authenticate identity and disclose the image only if disclosure is expressly authorized by law, notwithstanding any other provision of this chapter.

SECTION 10. Repealer: Sections 521.421(f), Transportation Code, as added by Chapter 1156, Acts of the 75th Legislature, Regular Session, 1997, (requiring a \$15 fee for an application to operate a motorcycle), and 521.421(f), Transportation Code, as added by Chapter 1372, Acts of the 75th Legislature, Regular Session, 1997, (providing for a fee for a driver's license to be increased by \$8 to include authorization to operate a motorcycle or moped).

SECTION 11. (a) Effective date: September 1, 2003.

(b) and (c) Make application of this Act prospective.