

By: Canales, et al.

H.B. No. 71

Substitute the following for H.B. No. 71:

By: Guillen

C.S.H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a program for the issuance of digital identification; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 526 to read as follows:

CHAPTER 526. DIGITAL IDENTIFICATION PROGRAM

Sec. 526.0101. DEFINITIONS. In this chapter:

(1) "Department" and "driver's license" have the meanings assigned by Section 521.001.

(2) "Digital identification" includes a digital driver's license, a digital personal identification certificate, a digital handgun license, and a digital hunting or fishing license.

(3) "Handgun license" means a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code.

(4) "Hunting or fishing license" means a noncommercial hunting or fishing license of any type issued by the Parks and Wildlife Department, including:

(A) a hunting license issued under Chapter 42, Parks and Wildlife Code;

(B) a fishing license issued under Chapter 46, Parks and Wildlife Code; or

(C) a combination hunting and fishing license issued under Chapter 50, Parks and Wildlife Code.

1       Sec. 526.0102. DIGITAL IDENTIFICATION PROGRAM. (a) The  
2 department, in consultation with the Parks and Wildlife Department,  
3 by rule shall establish a program for the issuance of digital  
4 identification.

5       (b) In establishing the digital identification program, the  
6 department shall:

7           (1) assess existing department infrastructure and  
8 upgrade department infrastructure according to the department's  
9 findings;

10          (2) provide a digital identification solution that:

11           (A) is capable of presenting digital  
12 identification on a wireless communication device that:

13                   (i) must include the information included  
14 on a driver's license, as described by Section 521.121(a); and

15                   (ii) may include, as applicable:

16                           (a) the information included on a  
17 handgun license, as required by Subchapter H, Chapter 411,  
18 Government Code; and

19                           (b) the information included on a  
20 hunting or fishing license, as required by the Parks and Wildlife  
21 Code, including a stamp or other authorization issued by the Parks  
22 and Wildlife Department in connection with the hunting or fishing  
23 license;

24                   (B) includes an authentication and verification  
25 process for a wireless communication device; and

26                   (C) may be used in any location regardless of the  
27 location's level of wireless connectivity or cellular telephone

1 service;

2 (3) deploy the digital identification solution; and

3 (4) implement any procedures necessary to allow law  
4 enforcement officials to accept digital identification.

5 (c) The department may contract with a third party to  
6 establish the program described by this section if the contract is  
7 at no cost to the department.

8 (d) The department may charge a fee for the issuance of  
9 digital identification under this section to offset the  
10 department's costs in establishing and implementing the program  
11 under this section.

12 (e) Digital identification issued under this section may  
13 not be used for voting purposes.

14 SECTION 2. (a) The Department of Public Safety by rule  
15 shall establish the digital identification program under Chapter  
16 526, Transportation Code, as added by this Act, not later than  
17 February 1, 2025.

18 (b) If before implementing any provision of this Act the  
19 Department of Public Safety determines that a waiver or  
20 authorization from a federal agency is necessary for the  
21 implementation of that provision, the Department of Public Safety  
22 shall request the waiver or authorization and may delay  
23 implementing that provision until the waiver or authorization is  
24 granted.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.