

BILL ANALYSIS

C.S.S.B. 945

By: Ogden

Defense Affairs and State-Federal Relations
Committee Report (Substituted)

BACKGROUND 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card program operated by the Texas Department of Public Safety (DPS) is experiencing failing equipment and outdated programming, making it progressively more cumbersome and expensive to operate and maintain.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, C.S.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

It is the committee's opinion that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 defines "biometric identification" and "biometric identifier."

SECTION 3 includes a law enforcement or criminal justice agency for investigative purposes to the list of entities to whom social security information on a driver's license application may be disclosed.

SECTION 4 requires the DPS to establish an identification system using biometric identification based on any biometric identifier of an applicant that is collected by DPS.

This SECTION also 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 prohibits DPS from requiring the applicant to provide the applicant's social security number for a state identification card.

SECTION 6 would require a drivers license application to include any biometric identifier specified by DPS, a brief description of the applicant, and the applicant's social security number.

SECTION 7 increases the fee for issuance or renewal of a license from \$24 to \$30.

This SECTION also 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. It also 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 \$38.

The bill requires DPS, before September 1, 2005, to deposit \$6 of each fee collected to the credit of a separate account in the general revenue fund to be appropriated to DPS only to support reengineering of the driver's license system.

After August 31, 2005, \$2 of each fee collected is to be deposited to a separate account to be appropriated to DPS only to replace, maintain, or support the driver's license system. The additional \$4 of each fee would be deposited to the State Highway Fund.

SECTION 8 amends Transportation Code to add Section 521.142 to the list of sections the requirements of which must be met on the application.

SECTION 9 authorizes 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.

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.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Substitute modifies the Engrossed version of the bill in SECTION 3 by removing the Secretary of State from the list of agencies to which information about social security numbers on a drivers license may be disclosed.

The Substitute modifies the Engrossed version of the bill in SECTION 7 by directing part of the renewal fee to the State Highway Fund instead of the fee going into General Revenue.