

By: Ogden

S.B. No. 945

Substitute the following for S.B. No. 945:

By: Corte

C.S.S.B. No. 945

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the manner of issuance of, and use of information in an
3 application for, a driver's license or personal identification
4 certificate issued by the Department of Public Safety of the State
5 of Texas.

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

7 SECTION 1. Subsection (a), Section 521.001, Transportation
8 Code, is amended by adding Subdivisions (9) and (10) to read as
9 follows:

10 (9) "Biometric identification" means any automated
11 method of identifying a person based on a physiological
12 characteristic, including facial recognition, thumbprinting, and
13 fingerprinting.

14 (10) "Biometric identifier" means any physiological
15 characteristic used in biometric identification.

16 SECTION 2. The heading to Section 521.044, Transportation
17 Code, is amended to read as follows:

18 Sec. 521.044. USE OF SOCIAL SECURITY NUMBER INFORMATION
19 [~~FOR CHILD SUPPORT COLLECTION~~].

20 SECTION 3. Subsection (a), Section 521.044, Transportation
21 Code, is amended to read as follows:

22 (a) Information provided on a driver's license application
23 that relates to the applicant's social security number may be used
24 only by the department or disclosed only to:

1 (1) the child support enforcement division of the
2 attorney general's office;

3 (2) another state entity responsible for enforcing the
4 payment of child support; ~~[or]~~

5 (3) the United States Selective Service System as
6 provided by Section 521.147; or

7 (4) a law enforcement or criminal justice agency for
8 investigative purposes.

9 SECTION 4. Subchapter C, Chapter 521, Transportation Code,
10 is amended by adding Section 521.058 to read as follows:

11 Sec. 521.058. IDENTITY AUTHENTICATION SYSTEM. (a) The
12 department shall establish an identification system using
13 biometric identification based on any biometric identifier of an
14 applicant that is collected by the department.

15 (b) The department shall authenticate the biometric
16 identifier provided by an applicant for a personal identification
17 certificate, driver's license, or commercial driver's license or
18 permit to ensure that the applicant:

19 (1) is issued only one original license, permit, or
20 certificate;

21 (2) does not fraudulently obtain a duplicate license,
22 permit, or certificate; and

23 (3) does not commit other fraud in connection with the
24 application for a license, permit, or certificate.

25 SECTION 5. Subsection (d), Section 521.101, Transportation
26 Code, is amended to read as follows:

27 (d) The department may require each applicant for an

1 original, renewal, or duplicate personal identification
2 certificate to furnish to the department the information required
3 by Section 521.142, except the department may not require the
4 applicant to provide the applicant's social security number.

5 SECTION 6. Subsection (b), Section 521.142, Transportation
6 Code, is amended to read as follows:

7 (b) The application must include:

8 (1) any biometric identifier specified by the
9 department [~~the thumbprints of the applicant or, if thumbprints~~
10 ~~cannot be taken, the index fingerprints of the applicant~~]; [~~and~~]

11 (2) a brief description of the applicant; and

12 (3) the applicant's social security number.

13 SECTION 7. Section 521.421, Transportation Code, is amended
14 by amending Subsections (a) and (b) and adding Subsections (i) and
15 (j) to read as follows:

16 (a) The fee for issuance or renewal of a license not
17 otherwise provided for by this section is \$30 [~~\$24~~].

18 (b) An applicant applying for issuance of a Class M license
19 or additional authorization to operate a motorcycle shall pay an
20 additional \$15 fee for the required application. The fee for
21 renewal of a Class M license or for renewal of a license that
22 includes authorization to operate a motorcycle is \$38 [~~\$32~~].

23 (i) Before September 1, 2005, the department shall deposit
24 \$6 of each fee collected under Subsections (a) and (b) to the credit
25 of a separate account in the general revenue fund. Money in that
26 account must be appropriated to the department only to support the
27 department's reengineering of the driver's license system.

1 (j) After August 31, 2005, of each fee collected under
2 Subsections (a) and (b) the department shall deposit:

3 (1) \$2 to the credit of a separate account in the
4 general revenue fund to be appropriated to the department only to
5 replace, maintain, or support the driver's license system; and

6 (2) \$4 to the credit of the state highway fund.

7 SECTION 8. Subsection (c), Section 522.021, Transportation
8 Code, is amended to read as follows:

9 (c) The application must meet the requirements of an
10 application under Sections [~~Section~~] 521.141 and 521.142 and must
11 be accompanied by the fee required under Section 522.029. The
12 department may require documentary evidence to verify the
13 information required by Subsection (a).

14 SECTION 9. Section 730.010, Transportation Code, is amended
15 to read as follows:

16 Sec. 730.010. DISCLOSURE OF THUMB OR FINGER IMAGES
17 PROHIBITED. Notwithstanding any other provision of this chapter,
18 if an agency obtains an image of an individual's thumb or finger in
19 connection with the issuance of a license, permit, or certificate
20 to the individual, the agency may:

21 (1) use the image to authenticate identity [~~only in~~
22 ~~connection with the issuance of the license, permit, or~~
23 ~~certificate~~]; and

24 (2) disclose the image only if disclosure is expressly
25 authorized by law.

26 SECTION 10. Subsection (f), Section 521.421,
27 Transportation Code, as added by Chapter 1156, Acts of the 75th

1 Legislature, Regular Session, 1997, and Subsection (f), Section
2 521.421, Transportation Code, as added by Chapter 1372, Acts of the
3 75th Legislature, Regular Session, 1997, are repealed.

4 SECTION 11. (a) This Act takes effect September 1, 2003.

5 (b) The change in law made by this Act to Section 521.421,
6 Transportation Code, applies only to the fee for the issuance or
7 renewal of a driver's license that is applied for on or after
8 September 1, 2003.

9 (c) A driver's license or renewal of a driver's license
10 applied for before September 1, 2003, is covered by the law in
11 effect on the date the application for the driver's license or
12 renewal was made, and the former law is continued in effect for that
13 purpose.