

1-1 By: Ogden S.B. No. 945  
1-2 (In the Senate - Filed March 6, 2003; March 11, 2003, read  
1-3 first time and referred to Committee on Infrastructure Development  
1-4 and Security; March 25, 2003, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; March 25, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the manner of issuance of, and use of information in an  
1-9 application for, a driver's license or personal identification  
1-10 certificate issued by the Department of Public Safety of the State  
1-11 of Texas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 521.001, Transportation  
1-14 Code, is amended by adding Subdivisions (9) and (10) to read as  
1-15 follows:

1-16 (9) "Biometric identification" means any automated  
1-17 method of identifying a person based on a physiological  
1-18 characteristic, including facial recognition, thumbprinting, and  
1-19 fingerprinting.

1-20 (10) "Biometric identifier" means any physiological  
1-21 characteristic used in biometric identification.

1-22 SECTION 2. The heading to Section 521.044, Transportation  
1-23 Code, is amended to read as follows:

1-24 Sec. 521.044. USE OF SOCIAL SECURITY NUMBER INFORMATION  
1-25 [~~FOR CHILD SUPPORT COLLECTION~~].

1-26 SECTION 3. Subsection (a), Section 521.044, Transportation  
1-27 Code, is amended to read as follows:

1-28 (a) Information provided on a driver's license application  
1-29 that relates to the applicant's social security number may be used  
1-30 only by the department or disclosed only to:

1-31 (1) the child support enforcement division of the  
1-32 attorney general's office;

1-33 (2) another state entity responsible for enforcing the  
1-34 payment of child support; ~~or~~

1-35 (3) the United States Selective Service System as  
1-36 provided by Section 521.147;

1-37 (4) the secretary of state for jury wheel or voter  
1-38 registration purposes; or

1-39 (5) a law enforcement or criminal justice agency for  
1-40 investigative purposes.

1-41 SECTION 4. Subchapter C, Chapter 521, Transportation Code,  
1-42 is amended by adding Section 521.058 to read as follows:

1-43 Sec. 521.058. IDENTITY AUTHENTICATION SYSTEM. (a) The  
1-44 department shall establish an identification system using  
1-45 biometric identification based on any biometric identifier of an  
1-46 applicant that is collected by the department.

1-47 (b) The department shall authenticate the biometric  
1-48 identifier provided by an applicant for a personal identification  
1-49 certificate, driver's license, or commercial driver's license or  
1-50 permit to ensure that the applicant:

1-51 (1) is issued only one original license, permit, or  
1-52 certificate;

1-53 (2) does not fraudulently obtain a duplicate license,  
1-54 permit, or certificate; and

1-55 (3) does not commit other fraud in connection with the  
1-56 application for a license, permit, or certificate.

1-57 SECTION 5. Subsection (d), Section 521.101, Transportation  
1-58 Code, is amended to read as follows:

1-59 (d) The department may require each applicant for an  
1-60 original, renewal, or duplicate personal identification  
1-61 certificate to furnish to the department the information required  
1-62 by Section 521.142, except the department may not require the  
1-63 applicant to provide the applicant's social security number.

1-64 SECTION 6. Subsection (b), Section 521.142, Transportation

2-1 Code, is amended to read as follows:

2-2 (b) The application must include:

2-3 (1) any biometric identifier specified by the  
2-4 department [the thumbprints of the applicant or, if thumbprints  
2-5 cannot be taken, the index fingerprints of the applicant]; [and]

2-6 (2) a brief description of the applicant; and

2-7 (3) the applicant's social security number.

2-8 SECTION 7. Section 521.421, Transportation Code, is amended  
2-9 by amending Subsections (a) and (b) and adding Subsections (i) and  
2-10 (j) to read as follows:

2-11 (a) The fee for issuance or renewal of a license not  
2-12 otherwise provided for by this section is \$36 [~~\$24~~].

2-13 (b) An applicant applying for issuance of a Class M license  
2-14 or additional authorization to operate a motorcycle shall pay an  
2-15 additional \$15 fee for the required application. The fee for  
2-16 renewal of a Class M license or for renewal of a license that  
2-17 includes authorization to operate a motorcycle is \$44 [~~\$32~~].

2-18 (i) Before September 1, 2005, the department shall deposit  
2-19 \$12 of each fee collected under Subsections (a) and (b) to the  
2-20 credit of a separate account in the general revenue fund. Money in  
2-21 that account must be appropriated to the department only to support  
2-22 the department's reengineering of the driver's license system.

2-23 (j) After August 31, 2005, the department shall deposit \$2  
2-24 of each fee collected under Subsections (a) and (b) to the credit of  
2-25 a separate account in the general revenue fund. Money in that  
2-26 account must be appropriated to the department only to replace,  
2-27 maintain, or support the driver's license system.

2-28 SECTION 8. Subsection (c), Section 522.021, Transportation  
2-29 Code, is amended to read as follows:

2-30 (c) The application must meet the requirements of an  
2-31 application under Sections [~~Section~~] 521.141 and 521.142 and must  
2-32 be accompanied by the fee required under Section 522.029. The  
2-33 department may require documentary evidence to verify the  
2-34 information required by Subsection (a).

2-35 SECTION 9. Section 730.010, Transportation Code, is amended  
2-36 to read as follows:

2-37 Sec. 730.010. DISCLOSURE OF THUMB OR FINGER IMAGES  
2-38 PROHIBITED. Notwithstanding any other provision of this chapter,  
2-39 if an agency obtains an image of an individual's thumb or finger in  
2-40 connection with the issuance of a license, permit, or certificate  
2-41 to the individual, the agency may:

2-42 (1) use the image to authenticate identity [~~only in~~  
2-43 ~~connection with the issuance of the license, permit, or~~  
2-44 ~~certificate~~]; and

2-45 (2) disclose the image only if disclosure is expressly  
2-46 authorized by law.

2-47 SECTION 10. Subsection (f), Section 521.421,  
2-48 Transportation Code, as added by Chapter 1156, Acts of the 75th  
2-49 Legislature, Regular Session, 1997, and Subsection (f), Section  
2-50 521.421, Transportation Code, as added by Chapter 1372, Acts of the  
2-51 75th Legislature, Regular Session, 1997, are repealed.

2-52 SECTION 11. (a) This Act takes effect September 1, 2003.

2-53 (b) The change in law made by this Act to Section 521.421,  
2-54 Transportation Code, applies only to the fee for the issuance or  
2-55 renewal of a driver's license that is applied for on or after  
2-56 September 1, 2003.

2-57 (c) A driver's license or renewal of a driver's license  
2-58 applied for before September 1, 2003, is covered by the law in  
2-59 effect on the date the application for the driver's license or  
2-60 renewal was made, and the former law is continued in effect for that  
2-61 purpose.

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