

AN ACT

relating to the use of information provided by an applicant for a driver's license or personal identification certificate in an image verification system.

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

SECTION 1. The heading to Section 502.1715, Transportation Code, is amended to read as follows:

Sec. 502.1715. ADDITIONAL FEE FOR CERTAIN DEPARTMENT PROGRAMS [~~MOTOR VEHICLE FINANCIAL RESPONSIBILITY VERIFICATION PROGRAM~~].

SECTION 2. Sections 502.1715(b) and (c), Transportation Code, are amended to read as follows:

(b) Fees [~~Before August 31, 2005, fees~~] collected under this section shall be deposited to the credit of the state highway fund. Subject to appropriations, the money shall be used by the Department of Public Safety to:

(1) support the Department of Public Safety's reengineering of the driver's license system to provide for the issuance by the Department of Public Safety of a driver's license or personal identification certificate, [~~not~~] to include use of image comparison technology [~~biometric information~~];

(2) establish and maintain a system to support the driver responsibility program under Chapter 708; and

(3) [~~conduct the feasibility study authorized by~~

1 ~~Section 601.450, and~~

2 [~~4~~] make lease payments to the master lease purchase  
3 program for the financing of [~~+~~

4 [~~A~~] the driver's license reengineering project  
5 [~~+~~ and

6 [~~B~~ the liability insurance feasibility study].

7 (c) Fees [~~On or after August 31, 2005, fees~~] collected under  
8 this section shall be deposited to the credit of the state highway  
9 fund. Subject to appropriation, the money may be used by the  
10 Department of Public Safety, the Texas Department of Insurance, and  
11 the department to carry out Subchapter N, Chapter 601.

12 SECTION 3. Section 521.001(a), Transportation Code, is  
13 amended by adding Subdivision (9) to read as follows:

14 (9) "Image comparison technology" means any  
15 technology that is used to compare facial images, thumbprints, or  
16 fingerprints.

17 SECTION 4. Subchapter C, Chapter 521, Transportation Code,  
18 is amended by adding Section 521.059 to read as follows:

19 Sec. 521.059. IMAGE VERIFICATION SYSTEM. (a) The  
20 department shall establish an image verification system based on  
21 the following identifiers collected by the department:

22 (1) an applicant's facial image; and

23 (2) an applicant's thumbprints or fingerprints.

24 (b) The department shall authenticate the facial image and  
25 thumbprints or fingerprints provided by an applicant for a personal  
26 identification certificate, driver's license, or commercial  
27 driver's license or permit using image comparison technology to

1 ensure that the applicant:

2 (1) is issued only one original license, permit, or  
3 certificate;

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

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

8 (c) The department shall use the image verification system  
9 established under this section only to the extent allowed by  
10 Chapter 730, Transportation Code, to aid other law enforcement  
11 agencies in:

12 (1) establishing the identity of a victim of a  
13 disaster or crime that a local law enforcement agency is unable to  
14 establish; or

15 (2) conducting an investigation of criminal conduct.

16 (d) The department shall provide a statistical report  
17 annually to the legislature describing the rate of error presented  
18 in the image verification system, including the rate of incorrect  
19 matching of facial images, categorized by race. This subsection  
20 expires September 1, 2010.

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

23 (b) The application must include:

24 (1) the thumbprints of the applicant or, if  
25 thumbprints cannot be taken, the index fingerprints of the  
26 applicant; ~~and~~

27 (2) a photograph of the applicant;

1           (3) the signature of the applicant; and

2           (4) a brief description of the applicant.

3           SECTION 6. Section 730.010, Transportation Code, is amended  
4 to read as follows:

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

10           (1) use the image only:

11           (A) in connection with the issuance of the  
12 license, permit, or certificate; or

13           (B) to verify the identity of an individual as  
14 provided by Section 521.059; and

15           (2) disclose the image only if disclosure is expressly  
16 authorized by law.

17           SECTION 7. The amendments to Section 502.1715,  
18 Transportation Code, by this Act prevail over any other Act of the  
19 79th Legislature, Regular Session, 2005, regardless of the relative  
20 dates of enactment.

21           SECTION 8. The changes in law made by this Act apply only to  
22 a driver's license or permit, or personal identification  
23 certificate, or the renewal of a driver's license or permit, or  
24 certificate, applied for on or after the effective date of this Act.  
25 A driver's license or permit, or personal identification  
26 certificate, or the renewal of a driver's license or permit, or  
27 certificate, applied for before the effective date of this Act is

1 covered by the law in effect on the date the application was made,  
2 and the former law is continued in effect for that purpose.

3 SECTION 9. This Act takes effect September 1, 2005.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2337 was passed by the House on May 9, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2337 on May 26, 2005, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 2337 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 27, Nays 3.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor