

1-1 By: Corte, et al. (Senate Sponsor - Staples) H.B. No. 2337
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 19, 2005, reported
1-5 favorably by the following vote: Yeas 7, Nays 0, 1 present not
1-6 voting; May 19, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the use of information provided by an applicant for a
1-10 driver's license or personal identification certificate in an image
1-11 verification system.

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

1-13 SECTION 1. The heading to Section 502.1715, Transportation
1-14 Code, is amended to read as follows:

1-15 Sec. 502.1715. ADDITIONAL FEE FOR CERTAIN DEPARTMENT
1-16 PROGRAMS [~~MOTOR VEHICLE FINANCIAL RESPONSIBILITY VERIFICATION~~
1-17 ~~PROGRAM~~].

1-18 SECTION 2. Sections 502.1715(b) and (c), Transportation
1-19 Code, are amended to read as follows:

1-20 (b) Before August 31, 2007 [~~2005~~], fees collected under this
1-21 section shall be deposited to the credit of the state highway fund.
1-22 The money shall be used by the Department of Public Safety to:

1-23 (1) support the Department of Public Safety's
1-24 reengineering of the driver's license system to provide for the
1-25 issuance by the Department of Public Safety of a driver's license or
1-26 personal identification certificate, [~~not~~] to include use of image
1-27 comparison technology [~~biometric information~~];

1-28 (2) establish and maintain a system to support the
1-29 driver responsibility program under Chapter 708; and

1-30 (3) [~~conduct the feasibility study authorized by~~
1-31 ~~Section 601.450; and~~

1-32 [~~(4)~~] make lease payments to the master lease purchase
1-33 program for the financing of [~~+~~

1-34 [~~(A)~~] the driver's license reengineering project
1-35 [~~+~~ and

1-36 [~~(B) the liability insurance feasibility study~~].

1-37 (c) On or after August 31, 2007 [~~2005~~], fees collected under
1-38 this section shall be deposited to the credit of the state highway
1-39 fund. Subject to appropriation, the money may be used by the
1-40 Department of Public Safety, the Texas Department of Insurance, and
1-41 the department to carry out Subchapter N, Chapter 601.

1-42 SECTION 3. Section 521.001(a), Transportation Code, is
1-43 amended by adding Subdivision (9) to read as follows:

1-44 (9) "Image comparison technology" means any
1-45 technology that is used to compare facial images, thumbprints, or
1-46 fingerprints.

1-47 SECTION 4. Subchapter C, Chapter 521, Transportation Code,
1-48 is amended by adding Section 521.059 to read as follows:

1-49 Sec. 521.059. IMAGE VERIFICATION SYSTEM. (a) The
1-50 department shall establish an image verification system based on
1-51 the following identifiers collected by the department:

1-52 (1) an applicant's facial image; and

1-53 (2) an applicant's thumbprints or fingerprints.

1-54 (b) The department shall authenticate the facial image and
1-55 thumbprints or fingerprints provided by an applicant for a personal
1-56 identification certificate, driver's license, or commercial
1-57 driver's license or permit using image comparison technology to
1-58 ensure that the applicant:

1-59 (1) is issued only one original license, permit, or
1-60 certificate;

1-61 (2) does not fraudulently obtain a duplicate license,
1-62 permit, or certificate; and

1-63 (3) does not commit other fraud in connection with the
1-64 application for a license, permit, or certificate.

2-1 (c) The department shall use the image verification system
2-2 established under this section to aid other law enforcement
2-3 agencies in:

2-4 (1) establishing the identity of a victim of a
2-5 disaster or crime that a local law enforcement agency is unable to
2-6 establish; or

2-7 (2) conducting an investigation of criminal conduct.

2-8 SECTION 5. Section 521.142(b), Transportation Code, is
2-9 amended to read as follows:

2-10 (b) The application must include:

2-11 (1) the thumbprints of the applicant or, if
2-12 thumbprints cannot be taken, the index fingerprints of the
2-13 applicant; ~~and~~

2-14 (2) a photograph of the applicant;

2-15 (3) the signature of the applicant; and

2-16 (4) a brief description of the applicant.

2-17 SECTION 6. Section 730.010, Transportation Code, is amended
2-18 to read as follows:

2-19 Sec. 730.010. DISCLOSURE OF THUMB OR FINGER IMAGES
2-20 PROHIBITED. Notwithstanding any other provision of this chapter,
2-21 if an agency obtains an image of an individual's thumb or finger in
2-22 connection with the issuance of a license, permit, or certificate
2-23 to the individual, the agency may:

2-24 (1) use the image only:

2-25 (A) in connection with the issuance of the
2-26 license, permit, or certificate; or

2-27 (B) to verify the identity of an individual as
2-28 provided by Section 521.059; and

2-29 (2) disclose the image only if disclosure is expressly
2-30 authorized by law.

2-31 SECTION 7. The changes in law made by this Act apply only to
2-32 a driver's license or permit, or personal identification
2-33 certificate, or the renewal of a driver's license or permit, or
2-34 certificate, applied for on or after the effective date of this Act.
2-35 A driver's license or permit, or personal identification
2-36 certificate, or the renewal of a driver's license or permit, or
2-37 certificate, applied for before the effective date of this Act is
2-38 covered by the law in effect on the date the application was made,
2-39 and the former law is continued in effect for that purpose.

2-40 SECTION 8. This Act takes effect September 1, 2005.

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