

BILL ANALYSIS

Senate Research Center
80R9105 DWS-D

S.B. 1787
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Transportation & Homeland Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Public Safety (DPS) is authorized to electronically collect a person's fingerprints for various purposes, including issuance of one original form of identification to a person to ensure that others do not fraudulently represent themselves as that person to obtain a license, certificate, or permit. DPS does not have the authority to contract with any private or governmental entity to provide the electronic fingerprint system for verification of a person's age or identity.

As proposed, S.B. 1787 authorizes DPS to contract with a private entity or a governmental entity to provide the electronic fingerprint system for verification of a person's age and identity and for monetary transactions.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 521.060, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 521, Transportation Code, by adding Section 521.060, as follows:

Sec. 521.060. CONTRACT TO PROVIDE FINGERPRINT INFORMATION. (a) Authorizes the Department of Public Safety (DPS), notwithstanding Section 521.059 (Image Verification System) or Chapter 730 (Motor Vehicle Records Disclosure Act), to contract to provide fingerprint information from DPS driver's license and personal identification certificate records to a private entity or governmental entity for use in an electronic system through which, by scanning a customer's fingerprint:

- (1) authorizes a retailer to complete or subsidize a commercial transaction, with or without use of a credit card, debit card, check, or similar token; or verify a customer's age for the purpose of complying with a law providing an age requirement for certain transactions;
- (2) authorizes the governmental entity to distribute public benefits; or
- (3) authorizes a health care provider to maintain and distribute health care records.

(b) Requires a contract under this section to provide that a person receiving the fingerprint information from DPS is prohibited from retaining, storing, or transferring to another person an actual image of a fingerprint. Requires the mathematical algorithms used by the electronic system to collect fingerprint data and to identify a person from the data to be reasonably designed to prevent reproduction of an actual image of the fingerprint from which the data is collected.

(c) Authorizes a contract under this section with a private entity to provide that DPS is authorized to collect a fee for providing information under the contract in an amount based on a percentage of the amount received by the private entity for

use of the information in commercial transactions described by Subsection (a)(1)(A), and that DPS is authorized to accept from the private entity equipment for use under the contract.

(d) Authorizes DPS to accept unsolicited proposals for a proposed contract under this section or to solicit competing proposals as provided by applicable law. Requires DPS to establish rules and procedures for accepting unsolicited proposals that specify the information required in a proposal and the criteria for evaluating the proposal.

SECTION 2. Effective date: upon passage or September 1, 2007.