

## **BILL ANALYSIS**

S.B. 2027  
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Border & International Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recently, the state of Washington enacted a high security driver's license pilot program to issue enhanced driver's licenses and personal identification certificates. Under the program, applicants have the option of choosing standard or enhanced driver's licenses or personal identification certificates. Those who choose an enhanced license or a personal identification certificate receive a license or certificate that appears standard, but contains a radio frequency identification chip that will include certain information that can be scanned at entry points on the Washington-Canada border. Noted advantages of the enhanced license or certificate include lower costs and faster turnaround time compared to a passport. It may benefit both the state and persons traveling between Texas and Mexico to implement a similar program.

As proposed, S.B. 2027 authorizes the Department of Public Safety (DPS) to initiate a permissive high security driver's license program, to adopt rules to implement the program, and to enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between Texas and Mexico.

### **RULEMAKING AUTHORITY**

It is the opinion of this committee that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 2027 amends the Transportation Code by authorizing the department to issue an enhanced state driver's license or personal identification certificate for Texas residents crossing the Texas-Mexico border if a person provides proof of U.S. citizenship, identity, and state residency. The department is required to offer each applicant for a driver's license or personal identification certificate the option of receiving the standard or enhanced driver's license or personal identification certificate.

The bill requires the department to implement a one-to-many biometric matching system for the enhanced driver's license or personal identification certificate and requires an applicant to submit a biometric identifier in accordance with the provisions of this Act. The bill provides that the enhanced driver's license or personal identification certificate must include reasonable security measures to protect the privacy of the license or certificate holders, as provided by this Act. The bill requires the department to ensure that certain technology used in accordance with the provisions of this Act is encrypted or otherwise secure from unauthorized information access.

The bill provides that the requirements of this Act are in addition to any other requirements imposed on applicants for a driver's license or personal identification certificate. The department is required to adopt rules necessary for implementation of this Act. The bill requires the department to periodically review technological innovations and amend the rules as appropriate, as provided by this Act. The department is authorized to set a fee for the issuance of an enhanced driver's license or personal identification certificate as provided by this Act.

Additionally, the department is authorized to enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between Texas and Mexico, and to enter into an agreement with Mexico to implement this initiative, to the extent permitted by federal law, and for purposes authorized by this Act. The department shall implement a statewide education campaign as provided by this Act. The bill sets forth

provisions prohibiting a person from selling or otherwise disclosing biometric information accessed from an enhanced driver's license, with the exception of a financial institution described by Section 521.126(e).

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.