

BILL ANALYSIS

Senate Research Center
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, the State of Washington enacted a high security driver's license pilot program to provide enhanced driver's licenses and personal identification certificates (certificate). Under this program, applicants have the option of choosing standard or enhanced driver's licenses or certificates. Those who choose an enhanced license or 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 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 to initiate a permissive high security driver's license pilot 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 movement of people between Texas and Mexico.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 521.032, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 521, Transportation Code, by adding Section 521.032, as follows:

Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) Authorizes the Department of Public Safety (DPS) to issue an enhanced driver's license or personal identification certificate (certificate) for purposes of crossing the border between Texas and Mexico to an applicant who provides DPS with proof of United States citizenship, identity, and state residency. Requires DPS, upon issuance of such a driver's license or certificate, to continue to issue standard driver's licenses and certificates and to offer each applicant the option of receiving the standard or enhanced driver's license or certificate.

(b) Requires DPS to implement a one-to-many biometric matching system for the enhanced driver's license or certificate. Requires an applicant for the enhanced driver's license or certificate to submit a biometric identifier as designated by DPS which, notwithstanding any other law, may only be used to verify the identity of the applicant for purposes relating to implementation of the border crossing initiative (initiative) established by this section. Requires an applicant to sign a declaration acknowledging the applicant's understanding of the biometric match.

(c) Requires the enhanced driver's license or certificate to include certain reasonable security measures to protect the privacy of the license or certificate holder. Requires DPS to ensure that any radio frequency identification chip used in enhanced driver's licenses and certificates is encrypted or otherwise secure from unauthorized access.

(d) Provides that the requirements of this section are in addition to any other requirements imposed on driver's license or certificate applicants. Requires DPS to adopt rules necessary to implement this section. Requires DPS to periodically review technological innovation related to the security of driver's licenses and certificates and to amend rules as consistent with certain goals.

(e) Authorizes DPS to set a fee for issuance of an enhanced driver's license or certificate in a reasonable amount necessary to fund the implementation and administration of this section.

(f) Authorizes DPS 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. Authorizes DPS to enter into an agreement with Mexico to implement an initiative authorized by this section, to the extent permitted by federal law. Requires DPS to implement a statewide education campaign to educate residents of this state about the initiative. Sets forth certain information required to be included in the campaign.

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