

BILL ANALYSIS

C.S.H.B. 1278
By: McClendon
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Sunset Advisory Commission's review indicates deficiencies in the administrative operations of the Public Safety Commission driver's license bureau and recommends that the driver's license functions administered by the Department of Public Safety (DPS) be conducted according to a business model to disentangle the driver's license procedures from law enforcement procedures. An independent study prepared in 2008 by Deloitte Consulting LLP reached similar conclusions. According to the Sunset Advisory Commission's evaluation reports, DPS presently has over 1,500 full-time employees, 220 of which are peace officers, who administer about 250 driver's license offices. These employees are responsible for managing more than 16 million drivers and handling 6 million driver's license transactions annually.

Current law requires an applicant for a driver's license to state whether the applicant is a citizen of the United States. However, the law does not require an applicant to establish proof of citizenship in order to obtain a driver's license. Drivers in Texas should be required to establish who they are and where they currently reside, in addition to meeting the skill, vision, fee, and financial responsibility requirements for obtaining a driver's license.

C.S.H.B. 1278 addresses the Sunset Advisory Commission's recommendations by requiring the DPS driver's license division to establish the identity and current residence of an applicant seeking a driver's license or a personal identification card. The bill enumerates the types of documentation that satisfy the bill's requirements. Primary documentation establishes both identity and current residence. Secondary documentation establishes either identity or current residence. Supporting documentation is similar to secondary documentation, but the reliability of secondary documentation is stronger than that of supporting documentation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1278 amends the Transportation Code to require an applicant for an original, duplicate, or renewal license or an original, duplicate, or renewal personal identification certificate to provide the Department of Public Safety (DPS) with one piece of primary identification; two pieces of secondary identification, one of which provides evidence of the applicant's identity and one of which provides evidence of the applicant's current residence address in Texas; or if the applicant's identity and current residence address in Texas cannot be established by the identification provided by such primary or secondary identification, or both, one piece of secondary identification that provides evidence of the applicant's identity or current residence address in Texas and two pieces of supporting identification that provide evidence of the applicant's identity and residence address. The bill requires DPS to accept the following documents as primary identification, if the document contains the applicant's full name and date

of birth: an unexpired driver's license or personal identification certificate issued by DPS that bears a photograph of the applicant; an unexpired United States passport; a United States citizenship or naturalization certificate that bears a photograph of the applicant; an unexpired United States Bureau of Citizenship and Immigration Services document that bears a photograph of the applicant; an unexpired United States military identification card that bears a photograph of the applicant; a passport issued by a foreign country, accompanied by a visa issued by the United States Department of State with an unexpired I-94 marked valid for a fixed duration; or a passport issued by a foreign country, accompanied by a visa issued by the United States Department of State with an I-94 marked valid for the duration of stay and appropriate documentation.

C.S.H.B. 1278 requires DPS to accept the following documents as secondary identification if the name of the applicant is shown: an unexpired driver's license or identification card or certificate issued by another state or territory of the United States, the District of Columbia, or a province of Canada that bears a photograph of the applicant; an original or certified copy of a court order from a court in Texas or another state of the United States that shows the name and birth date of the applicant and indicates that the court authorized or required a change in the official recordation of the applicant's name, gender, or both; school records, including a student identification card issued by a public, private, or parochial school, college, or university; United States military records; an unexpired United States military dependent identification card; an original or certified copy of a marriage license or divorce decree; a voter registration card; a driver's license temporary receipt issued by DPS; a motor vehicle liability insurance policy covering a vehicle that satisfies the requirements under state law and was issued within the preceding six months, or a photocopy of the policy; or a receipt for the payment of property taxes imposed on residential property in Texas that lists the applicant as the owner or a joint owner of the property and includes the street address of the property.

C.S.H.B. 1278 requires DPS to accept the following documents as supporting identification if the name of the applicant is shown: an insurance policy that has been in effect for at least two years, or a photocopy of the policy; a social security card; a pilot's license issued by the Federal Aviation Administration; a license to carry a concealed handgun issued by DPS; an original or certified copy of a birth certificate issued by an agency of this state, another state, or a territory of the United States, the District of Columbia, or a province of Canada; an original or certified copy of a Consular Report of Birth Abroad of a Citizen of the United States; a driver's license or identification certificate or card issued by another state or a territory of the United States, the District of Columbia, or a province of Canada that expired within the preceding two years; a consular document issued by a state or national government; a utility bill for water, sewer, electricity, gas, telephone, or cable service that was issued in the preceding 60 days and bears the applicant's street address in Texas; an unexpired credit card or debit card that bears a photograph of the applicant; a monthly statement issued in the preceding 60 days by a bank, credit union, or other financial institution that bears the applicant's street address in Texas; immunization records; or one or more expired documents issued by a state, territory, district, province, or government that would qualify as a form of primary or secondary identification if unexpired.

C.S.H.B. 1278 authorizes DPS to determine that a document that is not listed as an acceptable form of primary, secondary, or supporting identification may be accepted as evidence of an applicant's identity or residency in Texas. The bill prohibits DPS from requiring an applicant to provide a document that is not listed as an acceptable form of primary, secondary or supporting identification. The bill requires DPS to accept an unexpired license or personal identification certificate issued to the applicant by DPS as sufficient proof of the identity and residency of an applicant for a renewal or duplicate license or personal identification certificate and prohibits DPS from requiring the applicant to provide additional information to establish identity or residency. The bill requires proof of identity presented by an applicant to DPS in an application for an original driver's license to be in compliance with the laws and constitution of Texas and the United States, in addition to being satisfactory to DPS. The bill clarifies that, to the extent of a conflict between the provisions of this bill and certain law relating to driver's licenses and

person identification cards, the provisions of this bill control.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

Although both the original and substitute versions of H.B. 1278 require the Department of Public Safety (DPS) to accept an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice (TDCJ) as satisfactory proof of identity, the substitute requires DPS to accept it as satisfactory proof for an application for an original driver's license, the original classifies such an identification card as supporting identification.

C.S.H.B. 1278 adds a provision not in the original requiring proof of identity presented to DPS by an applicant in an application for an original driver's license to be in compliance with the laws and constitution of Texas and the United States.

C.S.H.B. 1278 adds language not in the original requiring DPS to accept an original or certified copy of a birth certificate issued by an agency of the state as supporting identification for a driver's license or identification certificate if it shows the applicant's name.