

## **BILL ANALYSIS**

C.S.H.B. 2077  
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Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The fraudulent schemes of Isaac Banai regarding Texas driver's licenses led to the reevaluation of residency and proof of identity requirements for a person to obtain a Texas driver's license. A citizen of the United States by marriage, Banai aided foreign nationals residing in other U.S. states on a temporary visa in fraudulently applying for a Texas driver's license by engaging in a scheme whereby the nonresident would stay in a hotel in Texas for two nights and subsequently use the address of the hotel as the applicant's residential address on a driver's license application. This scheme enabled over 300 individuals to falsely obtain a driver's license from the Department of Public Safety (DPS) and caused the Public Safety Commission to adopt new administrative rules regarding residency and identification requirements.

C.S.H.B. 2077 changes the residency and identification requirements for an application for a Texas driver's license or identification certificate, authorizes DPS to establish a process to verify an applicant's Texas residency, and creates a Class A misdemeanor offense for a person who, with the intent to commit fraud, fails to provide notification of a name or address change.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 6 of this bill.

### **ANALYSIS**

C.S.H.B. 2077 amends the Transportation Code to extend the time period during which a person who enters Texas as a new resident is authorized to operate a motor vehicle without a Texas driver's license from no more than 30 days to no more than 90 days, if the person meets certain requirements. The bill creates a Class A misdemeanor offense for a person who, with the intent to defraud or harm another, fails or refuses to notify the Department of Public Safety (DPS) regarding a notice of change of address or name for purposes of a driver's license or identification certificate.

C.S.H.B. 2077 requires each personal identification certificate, driver's license, and commercial driver's license issued by DPS to be in the same format, respectively, to have the same appearance and orientation and to contain the same type of information and prohibits a certificate or driver's license from including any information that is not referenced or required by provisions regarding each respective document.

C.S.H.B. 2077 requires DPS, for purposes of an application for an original license or in the case that DPS requires proof of identity for an application for a commercial driver's license or a commercial driver learner's permit, to accept an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice, rather than to accept such a card or identification as satisfactory proof of identity. The bill requires information DPS requires to determine the residency of an applicant for an original driver's license to be among the information that must be included on an application for an original

license. The bill authorizes DPS, by rule, to establish and implement a process to verify that the applicant resides at the residence address furnished by the applicant and authorizes DPS to deny the issuance of a license to an applicant whose residence address cannot be verified and makes such provisions inapplicable to certain persons who are exempt from driver's license requirements under state law or a person who presents a certificate of homelessness as approved by the federal government. The bill prohibits DPS from denying the issuance of a driver's license to an applicant who has otherwise established the applicant's identity, residency, competency, and eligibility for the driver's license in compliance with the express state law provisions relating to driver's licenses and certificates. The bill prohibits the Public Safety Commission or DPS from adopting or enforcing a rule that is inconsistent with state law regarding the issuance of a driver's license. The bill defines "resident."

#### **EFFECTIVE DATE**

September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2077 adds provisions not in the original requiring each personal identification certificate, driver's license, and commercial driver's license issued by the Department of Public Safety (DPS) to be in the same format, respectively, to have the same appearance and orientation and to contain the same type of information and prohibits a certificate or driver's license from including any information that is not referenced or required by provisions regarding each respective document. The substitute adds a provision not in the original making provisions regarding the authority of DPS to verify an original driver's license applicant's residence address and to deny issuance of the license if such address cannot be verified inapplicable to a person who presents a certificate of homelessness as approved by the federal government.

C.S.H.B. 2077, in the saving provision, makes its provisions applicable only to a driver's license, commercial driver's license, or identification certificate issued on or after the effective date of the bill, rather than only to an application for such a license or certificate filed on or after the effective date of the bill as in the original.