

BILL ANALYSIS

H.B. 2411
By: Fletcher
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Transportation Code prohibits a person from displaying, possessing, or allowing another person to use a driver's license or certificate that is not their own. The code also creates an offense for providing false information in an application for a driver's license or certificate. This creates a conflict with provisions of the Penal Code, which address a similar offense.

The Transportation Code makes it a crime to swear to or affirm false information in an application for a driver's license or certificate and when using that driver's license or certificate. In cases where these licenses are used to commit an offense of identity theft or fraud addressed in the Penal Code, the punishment for the Transportation Code offenses is limited to a misdemeanor.

H.B. 2411 removes a violation involving displaying, causing or permitting to be displayed, or having in a person's possession a driver's license or certificate the person knows is fictitious or has been altered from the list of general driver's license violations classified as a Class A misdemeanor. The bill increases the punishment for swearing to or affirming false information in a driver's license application from a Class A misdemeanor to a third-degree felony and repeals a provision establishing the Class A misdemeanor offense of use of an illegal license or certificate.

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

H.B. 2411 amends the Transportation Code to increase from a Class A misdemeanor to a felony of the third degree the penalty for an offense relating to a false application for an original, renewal, or duplicate driver's license or personal identification certificate. The bill repeals provisions establishing the Class A misdemeanor offense of using an illegal license or certificate. The bill removes a violation involving displaying, causing or permitting to be displayed, or having in a person's possession a driver's license or certificate that the person knows is fictitious or has been altered from the list of general violations relating to driver's licenses and certificates that constitute a Class A misdemeanor. The bill removes a violation involving providing a false name, false address, or a counterfeit document or knowingly making a false statement, concealing a material fact, or otherwise committing fraud in an application for an original, renewal, or duplicate driver's license from the list of general violations relating to driver's licenses and certificates that constitute a Class A misdemeanor.

H.B. 2411 repeals Section 521.455, Transportation Code.

EFFECTIVE DATE

September 1, 2009.

