

By: Phillips

H.B. No. 4674

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of driver's licenses and personal
3 identification certificates by the Department of Public Safety of
4 the State of Texas, including enforcement measures against
5 fictitious or fraudulently obtained licenses or certificates;
6 providing a criminal penalty.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 521.029, Transportation Code, is amended
9 to read as follows:

10 Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE
11 RESIDENTS. (a) A person who enters this state as a new resident
12 may operate a motor vehicle in this state for no more than 90 [~~30~~]
13 days after the date on which the person enters this state if the
14 person:

15 (1) is 16 years of age or older; and

16 (2) has in the person's possession a driver's license
17 issued to the person by the person's state or country of previous
18 residence.

19 (b) If a person subject to this section is prosecuted for
20 operating a motor vehicle without a driver's license, the
21 prosecution alleges that the person has resided in this state for
22 more than 90 [~~30~~] days, and the person claims to have been covered
23 by Subsection (a), the person must prove by the preponderance of the
24 evidence that the person has not resided in this state for more than

1 90 [~~30~~] days.

2 SECTION 2. Subchapter C, Chapter 521, Transportation Code,
3 is amended by adding Section 521.060 to read as follows:

4 Sec. 521.060. INTERNAL VERIFICATION SYSTEM. (a) The
5 department by rule shall establish a system for identifying unique
6 addresses that are submitted in license or certificate applications
7 under this chapter or Chapter 522 in a frequency or number that, in
8 the department's determination, casts doubt on whether the
9 addresses are the actual addresses where the applicants reside.

10 (b) The department may contract with a third-party personal
11 data verification service to assist the department in implementing
12 this section.

13 (c) The department shall investigate the validity of
14 addresses identified under Subsection (a).

15 (d) The department may disclose the results of an
16 investigation under Subsection (c) to a criminal justice agency for
17 the purposes of enforcing Section 521.4565 or other provisions of
18 this chapter or Chapter 522.

19 (e) In this section, "criminal justice agency" has the
20 meaning assigned by Article 60.01, Code of Criminal Procedure.

21 SECTION 3. Section 521.101, Transportation Code, is amended
22 by adding Subsection (j) to read as follows:

23 (j) The department may not issue a personal identification
24 certificate to a person who has not established a domicile in this
25 state.

26 SECTION 4. Subchapter G, Chapter 521, Transportation Code,
27 is amended by adding Sections 521.1426 and 521.1427 to read as

1 follows:

2 Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION.

3 (a) The department may not issue a driver's license or a personal
4 identification certificate to a person who has not established a
5 domicile in this state.

6 (b) The department shall adopt rules for determining
7 whether a domicile has been established, including rules
8 prescribing the types of documentation the department may require
9 from the applicant to verify the validity of the claimed domicile.

10 (c) The department may contract with a third-party personal
11 data verification service to assist the department in verifying a
12 claim of domicile, including whether the physical address provided
13 by the applicant is the applicant's actual residence.

14 Sec. 521.1427. POST OFFICE BOX NOT VALID AS ADDRESS.

15 (a) In this section, "post office box address" means a United
16 States Postal Service post office box address or a private mailbox
17 address.

18 (b) An applicant may receive delivery of a license or a
19 personal identification certificate at a post office box address
20 only if the applicant has provided the department the physical
21 address where the applicant resides.

22 (c) The department may require the applicant to provide
23 documentation that the department determines necessary to verify
24 the validity of the physical address provided under Subsection (b).

25 (d) The department may contract with a third-party personal
26 data verification service to assist the department in verifying
27 whether the physical address provided by the applicant is the

1 applicant's actual residence.

2 SECTION 5. Subchapter C, Chapter 522, Transportation Code,
3 is amended by adding Sections 522.0225 and 522.0226 to read as
4 follows:

5 Sec. 522.0225. VERIFICATION OF DOMICILE. (a) The
6 department shall adopt rules for determining whether a domicile has
7 been established under Section 522.022, including rules
8 prescribing the types of documentation the department may require
9 from the applicant to determine the validity of the claimed
10 domicile.

11 (b) The department may contract with a third-party personal
12 data verification service to assist the department in verifying a
13 claim of domicile, including whether the physical address provided
14 by the applicant is the applicant's actual residence.

15 Sec. 522.0226. POST OFFICE BOX NOT VALID AS ADDRESS.
16 (a) In this section, "post office box address" means a United
17 States Postal Service post office box address or a private mailbox
18 address.

19 (b) An applicant may receive delivery of a commercial
20 driver's license at a post office box address only if the applicant
21 has provided the department the physical address where the
22 applicant resides.

23 (c) The department may require the applicant to provide
24 documentation that the department determines necessary to verify
25 the validity of the physical address provided under Subsection (b).

26 (d) The department may contract with a third-party personal
27 data verification service to assist the department in verifying

1 whether the physical address provided by the applicant is the
2 applicant's actual residence.

3 SECTION 6. Subchapter S, Chapter 521, Transportation Code,
4 is amended by adding Section 521.4565 to read as follows:

5 Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT
6 LICENSE OR CERTIFICATE. (a) In this section:

7 (1) "Combination," "conspires to commit," "profits,"
8 and "criminal street gang" have the meanings assigned by Section
9 71.01, Penal Code.

10 (2) "Conspires to manufacture or produce" means that:

11 (A) a person agrees with one or more other
12 persons to engage in the manufacture or production of a forged or
13 counterfeit instrument; and

14 (B) the person and one or more of the other
15 persons perform an overt act in pursuance of the agreement.

16 (3) "Instrument" means a driver's license, commercial
17 driver's license, or personal identification certificate.

18 (4) "Public servant" has the meaning assigned by
19 Section 1.07, Penal Code.

20 (b) A person commits an offense if the person establishes,
21 maintains, or participates in or conspires to establish, maintain,
22 or participate in a combination or criminal street gang, or
23 participates in the profits of a combination or criminal street
24 gang, with the intent to manufacture or produce a forged or
25 counterfeit instrument for the purpose of selling, distributing, or
26 delivering such instrument. An agreement constituting conspiring
27 to manufacture or produce may be inferred from the acts of the

1 parties.

2 (c) An offense under this section is a state jail felony,
3 except that an offense committed by a public servant is a felony of
4 the third degree.

5 SECTION 7. The Department of Public Safety of the State of
6 Texas shall adopt rules required by the amendments of this Act to
7 Chapters 521 and 522, Transportation Code, as soon as practicable
8 after the effective date of this Act.

9 SECTION 8. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.