

1-1 By: Carona, Wentworth S.B. No. 1785  
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 20, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1785 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of driver's licenses and personal  
1-11 identification certificates by the Department of Public Safety of  
1-12 the State of Texas, including enforcement measures against  
1-13 fictitious or fraudulently obtained licenses or certificates;  
1-14 providing a criminal penalty.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Section 521.029, Transportation Code, is amended  
1-17 to read as follows:

1-18 Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE  
1-19 RESIDENTS. (a) A person who enters this state as a new resident  
1-20 may operate a motor vehicle in this state for no more than 90 [30]  
1-21 days after the date on which the person enters this state if the  
1-22 person:

1-23 (1) is 16 years of age or older; and

1-24 (2) has in the person's possession a driver's license  
1-25 issued to the person by the person's state or country of previous  
1-26 residence.

1-27 (b) If a person subject to this section is prosecuted for  
1-28 operating a motor vehicle without a driver's license, the  
1-29 prosecution alleges that the person has resided in this state for  
1-30 more than 90 [30] days, and the person claims to have been covered  
1-31 by Subsection (a), the person must prove by the preponderance of the  
1-32 evidence that the person has not resided in this state for more than  
1-33 90 [30] days.

1-34 SECTION 2. Subchapter C, Chapter 521, Transportation Code,  
1-35 is amended by adding Section 521.060 to read as follows:

1-36 Sec. 521.060. INTERNAL VERIFICATION SYSTEM. (a) The  
1-37 department by rule shall establish a system for identifying unique  
1-38 addresses that are submitted in license or certificate applications  
1-39 under this chapter or Chapter 522 in a frequency or number that, in  
1-40 the department's determination, casts doubt on whether the  
1-41 addresses are the actual addresses where the applicants reside.

1-42 (b) The department may contract with a third-party personal  
1-43 data verification service to assist the department in implementing  
1-44 this section.

1-45 (c) The department shall investigate the validity of  
1-46 addresses identified under Subsection (a).

1-47 (d) The department may disclose the results of an  
1-48 investigation under Subsection (c) to a criminal justice agency for  
1-49 the purposes of enforcing Section 521.4565 or other provisions of  
1-50 this chapter or Chapter 522.

1-51 (e) In this section, "criminal justice agency" has the  
1-52 meaning assigned by Article 60.01, Code of Criminal Procedure.

1-53 SECTION 3. Section 521.101, Transportation Code, is amended  
1-54 by adding Subsection (j) to read as follows:

1-55 (j) The department may not issue a personal identification  
1-56 certificate to a person who has not established a domicile in this  
1-57 state.

1-58 SECTION 4. Subchapter G, Chapter 521, Transportation Code,  
1-59 is amended by adding Sections 521.1426 and 521.1427 to read as  
1-60 follows:

1-61 Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION.

1-62 (a) The department may not issue a driver's license or a personal  
1-63 identification certificate to a person who has not established a

domicile in this state.

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

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

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

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

(b) Unless an exception exists under state or federal law, an applicant may receive delivery of a license or a personal identification certificate at a post office box address only if the applicant has provided the department the physical address where the applicant resides.

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

(d) The department may contract with a third-party personal data verification service to assist the department in verifying whether the physical address provided by the applicant is the applicant's actual residence.

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

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

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

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

(b) Unless an exception exists under state or federal law, an applicant may receive delivery of a commercial driver's license at a post office box address only if the applicant has provided the department the physical address where the applicant resides.

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

(d) The department may contract with a third-party personal data verification service to assist the department in verifying whether the physical address provided by the applicant is the applicant's actual residence.

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

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

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

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

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

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

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

(4) "Public servant" has the meaning assigned by

Section 1.07, Penal Code.

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

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

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

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

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