

By: Zaffirini

S.B. No. 2261

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the proof of identity and residency required of an
3 applicant for a driver's license or personal identification
4 certificate.

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

6 SECTION 1. Section 521.142(a), Transportation Code, is
7 amended to read as follows:

8 (a) An application for an original license must state the
9 applicant's full name and place and date of birth. This
10 information must be verified by presentation of proof of identity
11 satisfactory to the department. [~~The department must accept as
12 satisfactory proof of identity under this subsection an offender
13 identification card or similar form of identification issued to an
14 inmate by the Texas Department of Criminal Justice.~~]

15 SECTION 2. Subchapter G, Chapter 521, Transportation Code,
16 is amended by adding Section 521.1421 to read as follows:

17 Sec. 521.1421. EVIDENCE OF IDENTITY AND RESIDENCY. (a)
18 Except as provided by Subsection (f), an applicant for an original,
19 duplicate, or renewal license or an original, duplicate, or renewal
20 personal identification certificate must provide the department
21 with:

22 (1) one piece of primary identification;

23 (2) two pieces of secondary identification, one of
24 which provides evidence of the applicant's identity and one of

1 which provides evidence of the applicant's current residence
2 address in this state; or

3 (3) if the applicant's identity and current residence
4 address in this state cannot be established by the identification
5 provided under Subdivision (1) or (2), or both, one piece of
6 secondary identification that provides evidence of the applicant's
7 identity or the applicant's current residence address in this state
8 and two pieces of supporting identification that provide evidence
9 of the applicant's identity and residence address.

10 (b) If the document contains the applicant's full name and
11 date of birth, the department shall accept the following as primary
12 identification under Subsection (a)(1):

13 (1) an unexpired driver's license or personal
14 identification certificate issued by the department that bears a
15 photograph of the applicant;

16 (2) an unexpired United States passport;

17 (3) a United States citizenship or naturalization
18 certificate that bears a photograph of the applicant;

19 (4) an unexpired United States Bureau of Citizenship
20 and Immigration Services document that bears a photograph of the
21 applicant;

22 (5) an unexpired United States military
23 identification card that bears a photograph of the applicant;

24 (6) a passport issued by a foreign country,
25 accompanied by a visa issued by the United States Department of
26 State with an unexpired I-94 marked valid for a fixed duration; or

27 (7) a passport issued by a foreign country,

1 accompanied by a visa issued by the United States Department of
2 State with an I-94 marked valid for the duration of stay and
3 appropriate documentation.

4 (c) The department shall accept the following as secondary
5 identification under Subsection (a)(2) or (3), if the name of the
6 applicant is shown:

7 (1) an unexpired driver's license or identification
8 card or certificate issued by another state or territory of the
9 United States, the District of Columbia, or a province of Canada
10 that bears a photograph of the applicant;

11 (2) an original or certified copy of a court order from
12 a court in this or another state of the United States that shows the
13 name and date of birth of the applicant and indicates that the court
14 authorized or required a change in the official recordation of the
15 applicant's name, gender, or both;

16 (3) school records, including a student
17 identification card issued by a public, private, or parochial
18 school, college, or university;

19 (4) United States military records;

20 (5) an unexpired United States military dependant
21 identification card;

22 (6) an original or certified copy of a marriage
23 license or divorce decree;

24 (7) a voter registration card;

25 (8) a driver's license temporary receipt issued by the
26 department;

27 (9) a motor vehicle liability insurance policy

1 covering a vehicle that satisfies Subchapter D, Chapter 601, and
2 was issued within the preceding six months, or a photocopy of the
3 policy; or

4 (10) a receipt for the payment of ad valorem taxes
5 imposed on residential property in this state that lists the
6 applicant as the owner or a joint owner of the property and includes
7 the street address of the property.

8 (d) The department shall accept the following as supporting
9 identification under Subsection (a)(3) if the name of the applicant
10 is shown:

11 (1) an insurance policy that has been in effect for at
12 least two years, or a photocopy of the policy;

13 (2) a social security card;

14 (3) a pilot's license issued by the Federal Aviation
15 Administration;

16 (4) a license to carry a concealed handgun issued by
17 the department;

18 (5) an original or certified copy of a birth
19 certificate issued by an agency of another state or territory of the
20 United States, the District of Columbia, or a province of Canada;

21 (6) an original or certified copy of a Consular Report
22 of Birth Abroad of a Citizen of the United States;

23 (7) a driver's license or identification certificate
24 or card issued by another state or a territory of the United States,
25 the District of Columbia, or a province of Canada that expired
26 within the preceding two years;

27 (8) a consular document issued by a state or national

1 government;

2 (9) an offender identification card or similar form of
3 identification issued to an inmate by the Texas Department of
4 Criminal Justice;

5 (10) a utility bill for water, sewer, electricity,
6 gas, telephone, or cable service that was issued in the preceding 60
7 days and bears the applicant's street address in this state;

8 (11) an unexpired credit card or debit card that bears
9 a photograph of the applicant;

10 (12) a monthly statement issued in the preceding 60
11 days by a bank, credit union, or other financial institution that
12 bears the applicant's street address in this state;

13 (13) immunization records; or

14 (14) one or more expired documents issued by a state,
15 territory, district, province, or government that would qualify as
16 a form of primary or secondary identification if unexpired.

17 (e) The department may determine that a document that is not
18 included in Subsection (a), (b), or (c) may be accepted as evidence
19 of an applicant's identity or residency in this state. The
20 department may not require an applicant to provide a document that
21 is not included in those subsections.

22 (f) The department shall accept an unexpired license or
23 personal identification certificate issued to the applicant by the
24 department as sufficient proof of the identity and residency of an
25 applicant for a renewal or duplicate license or personal
26 identification certificate and may not require the applicant to
27 provide additional information to establish identity or residency.

1 (g) To the extent of a conflict between this section and
2 another provision of this chapter, this section controls.

3 SECTION 3. The changes in law made by this Act apply only to
4 an application for a driver's license or personal identification
5 certificate that is filed on or after the effective date of this
6 Act. An application for a driver's license or personal
7 identification certificate that was filed before the effective date
8 of this Act is subject to the law in effect on the date the
9 application was filed, and the former law is continued in effect for
10 that purpose.

11 SECTION 4. This Act takes effect September 1, 2009.