

By: McClendon

H.B. No. 2026

A BILL TO BE ENTITLED

AN ACT

1
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 and in compliance with the laws and
12 constitution of this state and the United States. The department
13 must accept as satisfactory proof of identity under this subsection
14 an offender identification card or similar form of identification
15 issued to an inmate by the Texas Department of Criminal Justice [~~if~~
16 ~~the applicant also provides supplemental verifiable records or~~
17 ~~documents that aid in establishing identity~~].

18 SECTION 2. Subchapter G, Chapter 521, Transportation Code,
19 is amended by adding Section 521.1422 to read as follows:

20 Sec. 521.1422. EVIDENCE OF IDENTITY AND RESIDENCY. (a)
21 Except as provided by Subsection (f), an applicant for an original,
22 duplicate, or renewal license or an original, duplicate, or renewal
23 personal identification certificate must provide the department
24 with:

1 (1) one piece of primary identification;

2 (2) two pieces of secondary identification, one of
3 which provides evidence of the applicant's identity and one of
4 which provides evidence of the applicant's current residence
5 address in this state; or

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

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

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

19 (2) an unexpired United States passport;

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

22 (4) an unexpired United States Bureau of Citizenship
23 and Immigration Services document that bears a photograph of the
24 applicant;

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

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

1 accompanied by a visa issued by the United States Department of
2 State with an unexpired I-94 marked valid for a fixed duration; or
3 (7) a passport issued by a foreign country,
4 accompanied by a visa issued by the United States Department of
5 State with an I-94 marked valid for the duration of stay and
6 appropriate documentation.

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

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

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

19 (3) school records, including a student
20 identification card issued by a public, private, or parochial
21 school, college, or university;

22 (4) United States military records;

23 (5) an unexpired United States military dependant
24 identification card;

25 (6) an original or certified copy of a marriage
26 license or divorce decree;

27 (7) a voter registration card;

1 (8) a driver's license temporary receipt issued by the
2 department;

3 (9) a motor vehicle liability insurance policy
4 covering a vehicle that satisfies Subchapter D, Chapter 601, and
5 was issued within the preceding six months, or a photocopy of the
6 policy; or

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

11 (d) The department shall accept the following as supporting
12 identification under Subsection (a)(3) if the name of the applicant
13 is shown:

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

16 (2) a social security card;

17 (3) a pilot's license issued by the Federal Aviation
18 Administration;

19 (4) a license to carry a concealed handgun issued by
20 the department;

21 (5) an original or certified copy of a birth
22 certificate issued by an agency of this state, another state or
23 territory of the United States, the District of Columbia, or a
24 province of Canada;

25 (6) an original or certified copy of a Consular Report
26 of Birth Abroad of a Citizen of the United States of America;

27 (7) a driver's license or identification certificate

1 or card issued by another state or a territory of the United States,
2 the District of Columbia, or a province of Canada that expired
3 within the preceding two years;

4 (8) a consular document issued by a state or national
5 government;

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

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

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

14 (12) immunization records; or

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

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

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

1 provide additional information to establish identity or residency.

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

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

12 SECTION 4. This Act takes effect September 1, 2011.