

By: Gonzales

H.B. No. 3199

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the issuance of driver's licenses and personal
3 identification certificates, including the use of electronically
4 readable information; authorizing a fee.

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

6 SECTION 1. Section 521, Transportation Code, is amended by
7 adding Section 521.033 to read as follows:

8 Sec. 521.033. SECURE DRIVERS LICENSE OR PERSONAL
9 IDENTIFICATION CERTIFICATE. (a) The department shall issue a
10 secure driver's license or personal identification certificate for
11 the purpose of verifying:

12 (1) the on-site identity and credentials of first
13 responders and other emergency personnel, as determined by the
14 department;

15 (2) the identity of an applicant for the provision of
16 state and federal government program benefits; and

17 (3) the identity of the holder when using the secure
18 electronic features of the document, as determined by the
19 department.

20 (b) A secure driver's license and personal identification
21 certificate must incorporate an integrated circuit chip and comply
22 with ISO/IEC 1803-2:2008 or a successor standard.

23 (c) The department shall continue to issue a standard
24 driver's license and personal identification certificate and offer

1 each applicant the option of receiving:

2 (1) a standard driver's license or personal
3 identification certificate;

4 (2) an enhanced driver's license or personal
5 identification certificate;

6 (3) a secure driver's license or personal
7 identification certificate.

8 (d) The department shall implement a one-to-one and
9 one-to-many biometric matching system for the secure driver's
10 license or personal identification certificate. An applicant for a
11 secure driver's license or personal identification certificate
12 must submit a biometric identifier as designated by the department.

13 (e) An applicant for a secure driver's license or personal
14 identification certificate must sign a declaration acknowledging
15 the applicant's understanding of the one-to-many biometric match.

16 (f) The secure driver's license or personal identification
17 certificate must include security measures to protect the privacy
18 of the license or certificate holders, including reasonable
19 safeguards to protect against the unauthorized disclosure of
20 information about the holders. The secure driver's license or
21 personal identification certificate must conform with
22 interoperability standards and be Common Criteria Level 4+
23 certified by an accredited lab or a successor standard. If the
24 secure driver's license or personal identification certificate
25 includes an integrated circuit chip, the department shall ensure
26 that the data stored in the chip is encrypted or otherwise secure
27 from unauthorized information access.

1 (g) A secure driver's license or personal identification
2 certificate must include;

3 (1) card body construction conforming to ISO 7810 or
4 an updated standard and be constructed with a substrate to ensure a
5 life expectancy of not less than six years;

6 (2) a security overlay applied to protect personalized
7 information printed on the card if the information is applied to the
8 card using dye sublimation, ink jet, or thermal retransfer;

9 (3) a single secure microchip that:

10 (A) contains a minimum of 128kb of non-volatile
11 memory supporting dual-interface technology conforming to ISO 7816
12 and ISO 14443 standards;

13 (B) conforms to the General Services
14 Administration's Approved Product List (APL) certified FIPS 201
15 Personal Identity Verification application, and updates to that
16 list;

17 (4) the use of cryptographic services compliant with
18 FIPS140-2 Certified to Level 3, and updates to that standard; and

19 (5) the use of lifecycle management operations that
20 conform to Global Platform V2.2.2, and updates to that standard,
21 and support not fewer than four security domains.

22 (h) The requirements of this section are in addition to any
23 other requirements imposed on applicants for a driver's license or
24 personal identification certificate. The department shall adopt
25 rules necessary to implement this section. The department shall
26 periodically review technological innovations related to the
27 security of driver's license and personal identification

1 certificates and amend the rules as appropriate, consistent with
2 this section, to protect the privacy of driver's license and
3 personal identification certificate holders.

4 (i) The department may set a fee for issuance of a secure
5 driver's license or personal identification certificate in a
6 reasonable amount necessary to implement and administer this
7 section.

8 (j) The department may enter into a memorandum of
9 understanding with any federal agency for the purposes of
10 facilitating the use of the secure electronic features of the
11 secure driver's license or personal identification certificate.

12 (k) A person may not sell or otherwise disclose information
13 accessed from a secure driver's license or personal identification
14 certificate to another person or an affiliate of the person. This
15 subsection does not apply to a financial institution described by
16 Section 521.126(e).

17 (l) The department shall create a task force to develop a
18 plan for the implementation of this section consistent with the
19 following;

20 (1) The task force shall seek input from other state
21 agencies, legislative members and industry.

22 (2) The Task force shall begin planning operations no
23 later than September 1, 2013 and issue a final implementation plan
24 by September 1, 2014.

25 (m) The Department shall begin to issue a secure driver's
26 license as described by this Chapter no later than June 1, 2015.

27 SECTION 2. Section 521.052, Transportation Code, is amended

1 to read as follows:

2 Sec. 521.052. DISCLOSURE OF INDIVIDUAL INFORMATION
3 PROHIBITED. Except as provided by Sections 521.033, 521.045,
4 521.046, 521.0475, 521.049(c), 521.050, and by Chapter 730, the
5 department may not disclose information from the department's files
6 that relates to personal information, as that term is defined by
7 Section 730.003.

8 SECTION 3. Section 521.055(a), (b) and (c), Transportation
9 Code, are amended to read as follows:

10 (a) The department may establish a system, separate from the
11 department's mainframe computer, that will allow interactive
12 access to certain driver's license record information or
13 verification of identity and other information under Section
14 521.033.

15 (b) The system may provide for the release of driving
16 records described in:

- 17 (1) Section 521.033;
- 18 (2) Section 521.045;
- 19 (3) [~~(3)~~] Section 521.046;
- 20 (4) [~~(3)~~] Section 521.047; and
- 21 (5) [~~(4)~~] Section 521.0475.

22 (c) The department may set a fee for accessing information
23 under Subsection (b)(1). The fee for a driving record under
24 Subsection (b)(2) [~~(b)(1)~~] is \$2.50. The fee for a driving record
25 under Subsection (b)(3) [~~(b)(2)~~] is \$4.50. The fee for a driving
26 record under Subsection (b)(4) [~~(b)(3)~~] is \$5.50. The fee for a
27 driving record under Subsection (b)(5) [~~(b)(4)~~] is \$20.

1 SECTION 4. Section 521.121(a), Transportation Code, is
2 amended to read as follows:

3 Sec. 521.121. GENERAL INFORMATION ON DRIVER'S LICENSE.

4 (a) The driver's license must include:

5 (1) a distinguishing number assigned by the department
6 to the license holder;

7 (2) a ~~color~~ photograph or image of the entire face of
8 the holder that complies with the personal identification standards
9 developed by the American Association of Motor Vehicle
10 Administrators;

11 (3) the ~~full~~ name and date of birth of the holder;

12 (4) a brief description of the holder; and

13 (5) the license holder's residence address or, for a
14 license holder using the procedure under Subsection (c), the street
15 address of the courthouse in which the license holder or license
16 holder's spouse serves as a federal judge or state judge.

17 SECTION 5. The heading to Section 521.1211, Transportation
18 Code, is amended as follows:

19 Sec. 521.1211. DRIVER'S LICENSE FOR PEACE OFFICERS AND
20 FIRST RESPONDERS ~~OFFICER~~.

21 SECTION 6. Section 521.1211, Transportation Code, is
22 amended to read as follows:

23 (a) In this section:

24 (1) "Peace [~~,"peace~~] officer" has the meaning
25 assigned by Article 2.12, Code of Criminal Procedure.

26 (2) "First responder" has the meaning assigned by
27 Section 421.095, Government Code.

1 (b) Notwithstanding Section 521.121(a), the department by
2 rule shall adopt procedures for the issuance of a driver's license
3 to a peace officer that omits the license holder's actual residence
4 address and includes, as an alternative, an address that is in the
5 municipality or county of the peace officer's residence and is
6 acceptable to the department.

7 (c) To be issued a driver's license under this section, a
8 peace officer must apply to the department and provide sufficient
9 evidence acceptable to the department to establish the applicant's
10 status as a peace officer. On issuance of the license, the license
11 holder shall surrender any other driver's license issued to the
12 holder by the department.

13 (d) If the holder of a driver's license that includes an
14 alternative address moves to a new residence or if the name of the
15 person is changed by marriage or otherwise, the license holder
16 shall, not later than the 30th day after the date of the address or
17 name change, notify the department and provide the department with
18 the number of the person's driver's license and, as applicable, the
19 person's:

- 20 (1) former and new addresses; or
21 (2) former and new names.

22 (e) If the holder of a driver's license that includes an
23 alternative address ceases to be a peace officer, the license
24 holder shall, not later than the 30th day after the date of the
25 status change, apply to the department for issuance of a duplicate
26 license. The duplicate license must include the person's actual
27 current residence address.

1 (f) The department shall issue a drivers license under this
2 Section consistent with the provisions of Sec. 521.033,
3 Transportation Code.

4 SECTION 7. Section 521.126(d), Transportation Code, is
5 amended to read as follows:

6 (d) The prohibition provided by Subsection (b) does not
7 apply to a person who accesses, uses, complies, or maintains a
8 database of the information for a law enforcement or governmental
9 purpose, including:

10 (1) an officer or employee of the department carrying
11 out law enforcement or government purposes;

12 (2) a peace officer, as defined by Article 2.12, Code
13 of Criminal Procedure, acting in the officer's official capacity;

14 (3) a license deputy, as defined by Section 12.702,
15 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or
16 other similar items through use of a point-of-sale system under
17 Section 12.703, Parks and Wildlife Code;

18 (4) a person acting as authorized by Section 109.61,
19 Alcoholic Beverage Code;

20 (5) a person establishing the identity of a voter
21 under Chapter 63, Election Code;

22 (6) a person acting as authorized by Section 161.0825,
23 Health and Safety Code; [~~or~~]

24 (7) a person screening an individual who will work
25 with or have access to children if the person is an employee or an
26 agent of an employee of a public school district or an organization
27 exempt from federal income tax under Section 501(c)(3), Internal

1 Revenue Code of 1986, [~~as amended,~~] that sponsors a program for
2 youth; or

3 (8) a person verifying information on a secure
4 driver's license or personal identification certificate as
5 described by Section 521.033.

6 SECTION 8. This Act takes effect September 1, 2013.