

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 6, 2015**

**TO:** Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB871** by Tinderholt (Relating to fingerprints collected by the Texas Department of Public Safety from an applicant for a driver's license or personal identification certificate and used for the department's image verification system.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to clarify that the Department of Public Safety (DPS) may only require individuals to provide either thumbprints or index fingerprints for identification purposes when applying for a driver license or state identification card. The bill would also require the agency to delete or redact from its records any fingerprint collected from an applicant for a driver's license or personal identification certificate in a manner inconsistent with current and proposed statutory requirements.

Currently, Transportation Code Sec. 521.142(b)(1) specifies the following relating to fingerprints is required for identification purposes for a driver license or identification card: "...the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant."

Also, Sec. 521.059(a)(2) of the Transportation Code authorizes DPS to require "...an applicant's thumbprints or finger prints" in driver license and identification card applications.

Both the above sections of the Transportation Code authorize DPS to require driver license and identification card applicants to submit either their thumbprints or fingerprints, but not both.

The bill would amend Transportation Code Sec. 521.059(a)(2) to clarify DPS may require driver license and identification card applicants to submit either their thumbprints or index fingerprints.

In the Eighty-second Legislature 2011, House Bill 9 sought to revise statute to allow the printing of all ten fingers. A contingency rider was provided in Article IX, Section 18.07, which would have provided funding for the implementation of a ten-fingerprint system. However, the bill failed and the portion of the contingency rider providing funding for this purpose was voided. Since the agency moved to fingerprinting all ten fingers without statutory authority or funding, it is assumed any costs associated with reverting the fingerprint system back to what is required by statute, and by implementing the provisions of this bill, could be absorbed within existing resources.

The bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, ESi, AI, JAW, AG, SD