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H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a program for the issuance of
digital identification.

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

SECTION 1. Subtitle B, Title 7, Transportation Code, is
amended by adding Chapter 526 to read as follows:

CHAPTER 526. DIGITAL IDENTIFICATION PROGRAM

Sec. 526.0101. DEFINITIONS. In this chapter:

(1) "Department" and "driver's license" have the
meanings assigned by Section 521.001.

(2) "Digital identification" includes a digital
driver's license, a digital personal identification certificate, a
digital handgun license, a digital hunting or fishing license, and
a digital license issued by the Department of Public Safety under
Chapter 1702, Occupations Code.

(3) "Handgun license" means a license to carry a
handgun issued under Subchapter H, Chapter 411, Government Code.

(4) "Hunting or fishing license" means a noncommercial
hunting or fishing license of any type issued by the Parks and
Wildlife Department, including:

(A) a hunting license issued under Chapter 42,
Parks and Wildlife Code;

(B) a fishing license issued under Chapter 46,
Parks and Wildlife Code; or

1 (C) a combination hunting and fishing license
2 issued under Chapter 50, Parks and Wildlife Code.

3 Sec. 526.0102. DIGITAL IDENTIFICATION PROGRAM. (a) The
4 department, in consultation with the Parks and Wildlife Department,
5 by rule shall establish a program for the issuance of digital
6 identification.

7 (b) In establishing the digital identification program, the
8 department shall:

9 (1) assess existing department infrastructure and
10 upgrade department infrastructure according to the department's
11 findings;

12 (2) provide a digital identification solution that:

13 (A) is capable of presenting digital
14 identification on a wireless communication device that:

15 (i) must include the information included
16 on a driver's license, as described by Section 521.121(a); and

17 (ii) may include, as applicable:

18 (a) the information included on a
19 handgun license, as required by Subchapter H, Chapter 411,
20 Government Code;

21 (b) the information included on a
22 hunting or fishing license, as required by the Parks and Wildlife
23 Code, including a stamp or other authorization issued by the Parks
24 and Wildlife Department in connection with the hunting or fishing
25 license; and

26 (c) the information included on a
27 license issued by the Department of Public Safety under Chapter

1 1702, Occupations Code;

2 (B) includes an authentication and verification
3 process for a wireless communication device; and

4 (C) may be used in any location regardless of the
5 location's level of wireless connectivity or cellular telephone
6 service;

7 (3) deploy the digital identification solution; and

8 (4) implement any procedures necessary to allow law
9 enforcement officials to accept digital identification.

10 (c) The department may not charge a fee for the issuance of
11 digital identification under this section.

12 (d) If an applicant is eligible for a form of identification
13 described by Subsection (b), the department or the Parks and
14 Wildlife Department, as applicable, shall:

15 (1) issue the applicant a physical version of the
16 identification; and

17 (2) on request, issue the applicant digital
18 identification under this section.

19 (e) Digital identification issued under this section may
20 not be used for voting purposes.

21 SECTION 2. (a) The Department of Public Safety by rule
22 shall establish the digital identification program under Chapter
23 526, Transportation Code, as added by this Act, not later than
24 February 1, 2025.

25 (b) If before implementing any provision of this Act the
26 Department of Public Safety determines that a waiver or
27 authorization from a federal agency is necessary for the

1 implementation of that provision, the Department of Public Safety
2 shall request the waiver or authorization and may delay
3 implementing that provision until the waiver or authorization is
4 granted.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.