

## **BILL ANALYSIS**

C.S.H.B. 347  
By: Canales  
Government Transparency & Operation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that a digital identification program has the potential to offer greater convenience and security to issuers and holders of Texas driver's licenses and personal identification certificates. C.S.H.B. 347 seeks to create a pilot program for the issuance of digital identification.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 347 amends the Transportation Code to require the Department of Public Safety (DPS) by rule to establish a pilot program for the issuance of digital identification, including digital driver's licenses and digital personal identification certificates. The bill requires DPS in establishing the program to take the following actions: assess existing DPS infrastructure and identify changes required to implement the program; upgrade DPS infrastructure according to the findings of that assessment; acquire a mobile application that displays digital identification including the general information that appears on a driver's license on a wireless communication device, that includes an authentication and verification process for a wireless communication device, and that may be used in any location regardless of the location's level of wireless connectivity or cellular telephone service; deploy the application at no cost to focus groups for testing and evaluation; and implement a law enforcement version of the application for field testing. The bill prohibits such digital identification from being used or accepted as valid proof of identification. The bill authorizes DPS to contract with a third party to establish the pilot program if the contract is at no cost to DPS.

C.S.H.B. 347 requires DPS to prepare and submit a report containing the results of the pilot program and recommendations to the Public Safety Commission and the legislature not later than the 180th day after the date of the pilot program's completion. The bill requires DPS to adopt the initial rules for the digital identification pilot program not later than February 1, 2018. The bill expires September 1, 2019.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 347 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

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

#### CHAPTER 526. DIGITAL IDENTIFICATION PILOT PROGRAM

##### Sec. 526.001. DEFINITIONS.

##### Sec. 526.002. DIGITAL IDENTIFICATION PILOT PROGRAM.

(a) If funds are appropriated for the purposes of this chapter,

the department by rule shall establish a pilot program for the issuance of digital identification.

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

(1) assess existing department infrastructure and identify changes required to implement the program;

(2) upgrade department infrastructure according to the department's findings under Subdivision (1);

(3) create a mobile application that:

(A) displays digital identification

on a wireless communication device; and

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

(4) deploy the digital identification mobile application to department users

for testing and evaluation; and

(5) on department approval, expand the deployment of the digital identification mobile application to a small volunteer group consisting of members of the public and implement a law enforcement version of the application for field testing.

(c) The department may contract with another person to establish the pilot program

### HOUSE COMMITTEE SUBSTITUTE

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

#### CHAPTER 526. DIGITAL IDENTIFICATION PILOT PROGRAM

##### Sec. 526.001. DEFINITIONS.

##### Sec. 526.002. DIGITAL IDENTIFICATION PILOT PROGRAM.

(a)

The department by rule shall establish a pilot program for the issuance of digital identification.

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

(1) assess existing department infrastructure and identify changes required to implement the program;

(2) upgrade department infrastructure according to the department's findings under Subdivision (1);

(3) acquire a mobile application that:

(A) displays digital identification that includes the information described by Section 521.121(a)

on a wireless communication device;

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

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

(4) deploy the digital identification mobile application at no cost to focus groups

for testing and evaluation; and

(5) implement a law enforcement version of the application for field testing.

(c) Digital identification issued under this section may not be used or accepted as valid proof of identification.

(d) The department may contract with a third party to establish the pilot program

described by this section.

(d) The department shall prepare a report containing the results of the pilot program and the department's recommendations. The department shall submit the report to the Public Safety Commission and the legislature not later than January 1, 2019.

Sec. 526.003. EXPIRATION. This chapter expires September 1, 2019.

SECTION 2. The Department of Public Safety shall adopt the initial rules for the digital identification pilot program under Chapter 526, Transportation Code, as added by this Act, not later than December 1, 2017, if funds are appropriated for the purposes of this chapter by an Act of the 85th Legislature, Regular Session, 2017.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

described by this section if the contract is at no cost to the department.

(e) The department shall prepare a report containing the results of the pilot program and the department's recommendations. The department shall submit the report to the Public Safety Commission and the legislature not later than the 180th day after the date of completion of the pilot program.

Sec. 526.003. EXPIRATION. This chapter expires September 1, 2019.

SECTION 2. The Department of Public Safety shall adopt the initial rules for the digital identification pilot program under Chapter 526, Transportation Code, as added by this Act, not later than February 1, 2018.

SECTION 3. Same as introduced version.