

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1785
By: Carona, Wentworth
Transportation & Homeland Security
4/18/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Driver's licenses are an important means of identification in Texas. Though the immediate purpose of a person obtaining a driver's license is to show that the person has met the prerequisites to drive in the state, the license is relied on in many situations to correctly identify the person pictured on the license. For example, driver's licenses may be used to board an intra-U.S. flight, to apply for any number of financial services, to establish a person's identity for the purchase of a weapon, and a long list of other purposes. Improving the reliability of information on a Texas driver's license should be priority and there is evidence supporting such a need.

C.S.S.B. 1785 amends current law relating to the regulation of driver's licenses and personal identification certificates by the Department of Public Safety of the State of Texas, including enforcement measures against fictitious or fraudulently obtained licenses or certificates and provides a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 2 (Section 521.060, Transportation Code), SECTION 4 (Section 521.1426, Transportation Code), and SECTION 5 (Section 522.0225, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.029, Transportation Code, to authorize a person who enters this state as a new resident to operate a motor vehicle in this state for no more than 90, rather than 30, days after the date on which the person enters this state if the person meets certain qualifications. Makes a conforming change.

SECTION 2. Amends Subchapter C, Chapter 521, Transportation Code, by adding Section 521.060, as follows:

Sec. 521.060. INTERNAL VERIFICATION SYSTEM. (a) Requires the Department of Public Safety (DPS) by rule to establish a system for identifying unique addresses that are submitted in license or certificate applications under this chapter or Chapter 522 (Commercial Driver's Licenses), in a frequency or number that, in DPS's determination, casts doubt on whether the addresses are the actual addresses where the applicants reside.

(b) Authorizes DPS to contract with a third-party personal data verification service to assist DPS in implementing this section.

(c) Requires DPS to investigate the validity of addresses identified under Subsection (a).

(d) Authorizes DPS to disclose the results of an investigation under Subsection (c) to a criminal justice agency for the purposes of enforcing Section 521.4565 or other provisions of this chapter or Chapter 522.

(e) Defines "criminal justice agency."

SECTION 3. Amends Section 521.101, Transportation Code, by adding Subsection (j), to prohibit DPS from issuing a personal identification certificate to a person who has not established a domicile in this state.

SECTION 4. Amends Subchapter G, Chapter 521, Transportation Code, by adding Sections 521.1426 and 521.1427, as follows:

Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION. (a) Prohibits DPS from issuing a driver's license or a personal identification certificate to a person who has not established a domicile in this state.

(b) Requires DPS to adopt rules for determining whether a domicile has been established, including rules prescribing the types of documentation DPS is authorized to require from the applicant to verify the validity of the claimed domicile.

(c) Authorizes DPS to contract with a third-party personal data verification service to assist DPS in verifying a claim of domicile, including whether the physical address provided by the applicant is the applicant's actual residence.

Sec. 521.1427. POST OFFICE BOX NOT VALID AS ADDRESS. (a) Defines "post office box address."

(b) Authorizes an applicant, unless an exception exists under state or federal law, to receive delivery of a license or a personal identification certificate at a post office box address only if the applicant has provided DPS the physical address where the applicant resides.

(c) Authorizes DPS to require the applicant to provide documentation that DPS determines necessary to verify the validity of the physical address provided under Subsection (b).

(d) Authorizes DPS to contract with a third-party personal data verification service to assist DPS in verifying whether the physical address provided by the applicant is the applicant's actual residence.

SECTION 5. Amends Subchapter C, Chapter 522, Transportation Code, by adding Sections 522.0225 and 522.0226, as follows:

Sec. 522.0225. VERIFICATION OF DOMICILE. (a) Requires DPS to adopt rules for determining whether a domicile has been established under Section 522.022, including rules prescribing the types of documentation DPS is authorized to require from the applicant to determine the validity of the claimed domicile.

(b) Authorizes DPS to contract with a third-party personal data verification service to assist DPS in verifying a claim of domicile, including whether the physical address provided by the applicant is the applicant's actual residence.

Sec. 522.0226. POST OFFICE BOX NOT VALID AS ADDRESS. (a) Defines "post office box address."

(b) Authorizes an applicant, unless an exception exists under state or federal law, to receive delivery of a commercial driver's license at a post office box address only if the applicant has provided DPS the physical address where the applicant resides.

(c) Authorizes DPS to require the applicant to provide documentation that DPS determines necessary to verify the validity of the physical address provided under Subsection (b).

(d) Authorizes DPS to contract with a third-party personal data verification service to assist DPS in verifying whether the physical address provided by the applicant is the applicant's actual residence.

SECTION 6. Amends Subchapter S, Chapter 521, Transportation Code, by adding Section 521.4565, as follows:

Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT LICENSE OR CERTIFICATION. (a) Defines "combination," "conspires to commit," "profits," "criminal street gang," "conspires to manufacture or produce," "instrument," and "public servant."

(b) Provides that a person commits an offense if the person establishes, maintains, or participates in or conspires to establish, maintain, or participate in a combination or criminal street gang, or participates in the profits of a combination or criminal street gang, with the intent to manufacture or produce a forged or counterfeit instrument for the purpose of selling, distributing, or delivering such instrument. Authorizes an agreement constituting conspiring to manufacture or produce to be inferred from the acts of the parties.

(c) Provides that an offense under this section is a state jail felony, except that an offense committed by a public servant is a felony of the third degree.

SECTION 7. Requires DPS to adopt rules required by the amendments of this Act to Chapters 521 (Driver's Licenses and Certificates) and 522, Transportation Code, as soon as practicable after the effective date of this Act.

SECTION 8. Effective date: upon passage or September 1, 2009.