

SUBJECT: Identification necessary for driver's licenses

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 7 ayes — B. Turner, Berman, Gutierrez, Hupp, Isett, King, Villarreal
0 nays
2 absent — Keel, Driver

WITNESSES: For — Luis Plascencia, Austin Commission on Immigrant Affairs; Dan Wright, El Buen Samaritano Episcopal Mission; Stacy Crawford, Mothers Against Drunk Driving; Joseph P. Berra, Mexican American Legal Defense and Educational Fund; Maria D. Jimenez, American Friends Service Committee; Rudy Landeros, Austin Police Department; Maria Guadalupe Medina, Cristo Rey Catholic Church; Felicia Escobar, National Council of La Raza; Jose Esparza, Center for Human Rights Coalition for Dignity and Amnesty; Fidel Acevedo, Mexican American Democrats of Texas; Armando L. Villareal, Texas Immigrant and Refugee Coalition; Paul Parsons; Leonel J. Castillo; Lourdes Zamarron

Against — Bill Toney

On — Frank Elder, Rebecca Blewett, and Greg J. Gloria, Texas Department of Public Safety; Howard Baldwin, Office of the Attorney General

BACKGROUND: Transportation Code, sec. 521.142 requires applicants for driver's licenses to state their full name and place and date of birth. This information must be verified by presentation of proof of identity to the Department of Public Safety (DPS).

The Texas Administrative Code, Title 37, Part 1, chapter 15, subchapter B, rule 15.24 lists the documents that may be presented to DPS to establish identity. The categories of documents are stand-alone identification, documented identification, and supporting identification.

Family Code, sec. 231.302 requires applicants for driver's licences to provide their social security numbers. This information is required by federal law so that the Attorney General's Office can use it to locate people who owe child support and to enforce child-support orders. In 1999, the federal government issued a policy interpretation of its requirements, stating that the federal mandate does not require a person to have a social security number to obtain a drivers' license. The memo advised requiring that a person without a social security number submit a sworn affidavit to that effect.

In response to this, a DPS administrative rule requires a license applicant without a social security number to obtain a letter from the Social Security Administration (SSA L-696) indicating that the person is not eligible for a social security number.

DIGEST:

HB 396 would define proof of identity necessary to receive a driver's license as:

- ! a driver's license or personal identification certificate issued by DPS, regardless of whether it has expired;
- ! a valid driver's license or valid identification document from another state that includes a photograph of the person;
- ! a passport or identity card with a photograph of the applicant and issued by another country or governmental agency of another country, regardless of whether it has expired;
- ! a duplicate original birth certificate or a certified copy of a birth certificate issued by Texas or another state or country if accompanied by supporting documents required by DPS rule, and, if the birth certificate is in a language other than English, by a translation that is notarized by a notary public of Texas or another state; or
- ! any other proof of identity satisfactory to DPS.

HB 396 would create an exception to the current requirement in the Family Code that applicants for driver's licenses provide their social security numbers. Instead, applications could be accompanied by:

- ! social security numbers;
- ! an SSA L-696 letter stating that the applicant was ineligible to obtain a social security number;

- ! a temporary identification number issued to the applicant by the U.S. Internal Revenue Service; or
- ! an affidavit sworn before a Texas notary public stating that the applicant had not been issued a social security number, SSA L-676 letter, or temporary identification number.

The bill would take effect September 1, 2001, and would apply only to applications for driver's licenses made on or after that date.

**SUPPORTERS
SAY:**

HB 396 would make it easier for all Texans to obtain driver's licenses. It would ensure that all people were treated fairly when they applied for a license, while ensuring that DPS could verify an applicant's identity.

The current requirement that a person show a social security number or letter from the Social Security Administration often prevents undocumented immigrants from all countries, not just Mexico, from applying for licenses. Immigrants often deal with this problem by driving illegally without licenses and without state-required liability insurance.

Driving often is a necessity in Texas because most areas do not have adequate mass transit systems. Driving is a lifeline to work, health care, education, and more. It is far better for all drivers — including undocumented workers — to be licensed and insured than for them to drive illegally.

HB 396 would specify in statute what DPS must accept as proof of identity. This would ensure that all DPS driver's license offices were consistent in the type of identification that they would accept. It is only fair that DPS be required to accept all foreign birth certificates as proof of identification, because the agency now accepts Canadian birth certificates.

While undocumented immigrants can obtain a letter saying they are not eligible for a social security number, few immigrants take this route because they fear deportation and because of the difficulty in dealing with the bureaucracy of the Social Security Administration.

HB 396 would not be a "reward" to illegal immigrants. A driver's license is not proof of citizenship, and granting one should not be contingent on a

person's immigration status. Immigration is a federal matter, and DPS should not be involved in enforcing immigration laws at driver's license bureaus.

Allowing more forms of identification would not lead to more fraudulent documents or jeopardize the integrity of driver's licenses for identification purposes. DPS could examine all documents to ensure their authenticity. Other countries – including Mexico – have databases that can be accessed, and Texas should not assume that other countries' documents cannot be verified. Immigrants are unlikely to falsify their identities to receive driver's licenses, because this could cause problems later if they try to gain legal status.

HB 396 would not violate federal regulations regarding social security numbers and child-support enforcement. The federal government has said it does not require applicants to have social security numbers as a condition of receiving a license and that states can accept other documents.

This bill would help ensure the safety of Texas roads by allowing more drivers to be tested. In addition, it would have positive ripple effects for immigrants, allowing them to open bank accounts instead of having to carry large amounts of cash, which can make them robbery targets, and to use their driver's licenses for identification.

OPPONENTS
SAY:

Texas should not make it easier for people who are here illegally to obtain driver's licenses. HB 396 simply would facilitate their living and working illegally in the United States, something that should be discouraged, not encouraged.

Some of the documents that DPS would have to accept as identification under HB 396 would make it difficult to verify the identity of an applicant and could increase the possibilities for fraudulent identification. For example, DPS would have no way of verifying birth certificates in languages other than English, and the agency could not verify the accuracy of translations of the certificates, even if notarized. Driver's licenses have become a primary source of identification and are used for banking, check writing, and more, HB 396 could jeopardize the integrity of driver's licenses as a source of identification.

DPS allows the use of Canadian birth certificates as a source of documented identification because Canada has a vital statistics system similar to the U.S. system. This is not the case for Mexico, adding to the difficulties in accepting all foreign birth certificates, as HB 396 would require.

People who do not have social security numbers would not be barred from receiving driver's licenses. They simply would have to obtain the required letter from the federal government.

Allowing undocumented immigrants to obtain drivers' licenses would not necessarily make Texas roads any safer. A driver's test examines minimum skills and does not ensure that a person drives in a safe manner.

NOTES:

The companion bill, SB 1252 by Gallegos, has been referred to the Senate Criminal Justice Committee.