

CHAPTER 271

H.B. No. 705

AN ACT

relating to the manufacture, sale, distribution, or possession of a document that is deceptively similar to a driver's license or personal identification certificate issued by the Department of Public Safety; providing criminal penalties.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsections (a) and (b), Section 24, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Except as provided by Subsection (g) of this Section, the license of any person shall be automatically suspended upon final conviction of any of the following offenses:

1. An offense under Section 19.07, Penal Code, committed as a result of the person's criminally negligent operation of a motor vehicle, or an offense under Subdivision (2), Subsection (a), Section 19.05, Penal Code;
2. An offense under Article 6701-1, Revised Statutes~~[, as amended]~~;
3. Any offense punishable as a felony under the motor vehicle laws of this State;
4. A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of failure to stop, render aid, and disclose his identity at the scene of said accident or collision;
5. *An offense under Section 32 or 32A of this Act.*

(b) Except as provided by Subsections (d), (e), (g), ~~and~~ (h), and (i) of this Section, the suspension above provided shall in the first instance be for a period of twelve (12) months. In event any license shall be suspended under the provision of this Section for a subsequent time, said subsequent suspension shall be for a period of eighteen (18) months, except as provided by Subsections (d), (e), (g), ~~and~~ (h), and (i) of this Section.

SECTION 2. Section 24, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

*(i) If a person is convicted of an offense under Section 32 or 32A of this Act, the suspension of the person's license shall be for a period determined by the court of not less than ninety (90) days or more than three hundred and sixty-five (365) days.*

SECTION 3. Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 32A to read as follows:

*Sec. 32A. SALE, DISTRIBUTION, OR POSSESSION OF PERSONAL IDENTIFICATION CERTIFICATES OR DRIVERS' LICENSES. (a)(1) Except as provided by Subsection (c) of this section, a person commits an offense if the person sells, manufactures, or distributes any document that is deceptively similar to a personal identification certificate or a driver's license, unless the document displays diagonally printed clearly and indelibly on both front and back "NOT A GOVERNMENT DOCUMENT" in solid red capital letters at least one-fourth of an inch in height.*

*(2) A person commits an offense if the person possesses any document that is deceptively similar to a personal identification certificate or a driver's license, unless the document displays diagonally printed clearly and indelibly on both front and back "NOT A GOVERNMENT DOCUMENT" in solid red capital letters at least one-fourth of an inch in height.*

*(b) A document is deceptively similar to a personal identification certificate or a driver's license issued by the Department if the document is not issued by the Department but a reasonable person would presume that it was issued by the Department.*

*(c) Subsection (a) of this section does not apply to a government agency, office, or political subdivision authorized to produce or sell personal identification certificates or employers who provide personal identification certificates to employees for business purposes.*

*(d) A peace officer listed in Article 2.12, Code of Criminal Procedure, may confiscate a document that is deceptively similar to a personal identification certificate or a driver's license and that does not display the information required by Subsection (a) of this section.*

*(e) Except as provided by Subsection (f)(1) of this section, an offense under Subsection (a)(1) of this section is a Class C misdemeanor.*

*(f)(1) If it is shown on the trial of an offense under Subsection (a)(1) of this section that the person has been previously convicted of an offense under this section, the offense is a Class B misdemeanor.*

*(2) If it is shown on the trial of an offense under Subsection (a)(2) of this section that the person has been previously convicted one time of such an offense, the offense is a Class C misdemeanor.*

*(g) The attorney general, the district attorney, or the prosecuting attorney performing the duties of the district attorney may bring suit to enjoin a violation or a threat of violation of this section. The suit shall be brought in a court of competent jurisdiction in the county in which the violation or threat of violation occurs.*

SECTION 4. This Act takes effect September 1, 1987, and applies to an offense under Section 32, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), that is committed on or after that date. An offense committed before the effective date of this Act is punishable by the law in existence at the time the offense was committed and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

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constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 705 on May 30, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 10, 1987.

Effective Sept. 1, 1987.