

CHAPTER 141

S.B. No. 440

AN ACT

relating to illegally or fraudulently obtained driver's licenses or certificates issued by the Department of Public Safety; providing criminal penalties.

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

SECTION 1. Subsection (a), Section 32, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Except as provided in Subsection (b) of this section, it is unlawful for any person to commit any of the following acts:

(1) to display or cause or permit to be displayed or to have in possession any driver's license or certificate knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered;

(2) to lend or knowingly permit the use of, by one not entitled thereto, any driver's license or certificate issued to the person so lending or permitting the use thereof;

(3) to display or to represent as one's own, any driver's license or certificate not issued to the person so displaying same;

(4) to fail or refuse to surrender to the Department on demand any driver's license or certificate which has been suspended, cancelled, or revoked as provided by law;

(5) to have in one's possession more than one currently valid driver's license or more than one currently valid certificate; or

(6) to use a false or fictitious name or give a false or fictitious address or use a fictitious or counterfeit document in any application for a ~~driver's license or a certificate, or any~~ renewal or duplicate *driver's license or certificate* ~~[thereof]~~, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

SECTION 2. Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 33 to read as follows:

*Sec. 33. FALSELY SWEARING TO OR AFFIRMING AN APPLICATION. (a) A person commits an offense if the person knowingly swears to or affirms falsely before a person authorized to take statements under oath any matter, information, or statement required by the Department in an original application for a driver's license or certificate issued under this Act.*

*(b) An information or indictment of a violation of Subsection (a) of this section alleging that the declarant has made inconsistent statements under oath, both of which cannot be true, need not allege which statement is false. At the trial, the prosecution is not required to prove which statement is false.*

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

*(d) An offense under this section is a Class B misdemeanor if the matter, information, or statement falsely sworn to or affirmed pertains to the suspension, revocation, cancellation, or denial of the declarant's driver's license or driving privilege.*

SECTION 3. Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 33A to read as follows:

*Sec. 33A. USE OF ILLEGALLY OBTAINED LICENSE OR CERTIFICATE. (a) A person commits an offense if a person intentionally or knowingly uses a driver's license or certificate obtained in violation of Subdivision (6) of Subsection (a) of Section 32 or of Section 33 of this Act to harm or defraud another.*

*(b) An offense under this section is a Class A misdemeanor.*

SECTION 4. This Act takes effect September 1, 1987, and applies to an offense under Subsection (a) of Section 32, Section 33, or Section 33A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), as amended or as added by this Act, 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 constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 14, 1987, by a viva-voce vote; and that the Senate concurred in House amendment on May 14, 1987, by a viva-voce vote. Passed the House, with amendment, on May 13, 1987, by a non-record vote.

Approved May 21, 1987.

Effective Sept. 1, 1987.