

BILL ANALYSIS

C.S.H.B. 582
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised over the similar treatment of personal identification certificates and driver's licenses issued by the Department of Public Safety to United States citizens and those issued to legal permanent residents of the United States and refugees or asylees lawfully admitted into the United States and residing in Texas. C.S.H.B. 582 seeks to provide for changes in the treatment of such documents.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 582 amends the Transportation Code to require the Department of Public Safety (DPS) to include on a personal identification certificate or driver's license issued to a person who is a legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States an indication that the certificate or license, as applicable, is not valid proof of identity for voting purposes. The bill requires the application of such a person for an original authorization to operate a motor vehicle that is issued under or granted by state law to include a complete set of the applicant's fingerprints.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 582 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 521.101(f), Transportation Code, is amended to read as follows:	No equivalent provision.

- (f) A personal identification certificate:
- (1) for an applicant who is a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~], expires on a date specified by the department; or
 - (2) for an applicant not described by Subdivision (1), expires on:
 - (A) the earlier of:
 - (i) a date specified by the department; or
 - (ii) the expiration date of the applicant's authorized stay in the United States; or
 - (B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

No equivalent provision.

SECTION 1. Section 521.101, Transportation Code, is amended by adding Subsection (k-1) to read as follows:

(k-1) The department shall include on a personal identification certificate issued to a person who is a legal permanent resident of the United States or refugee or asylee lawfully admitted into the United States an indication that the certificate is not valid proof of identity for voting purposes.

No equivalent provision.

SECTION 2. Section 521.121, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) The department shall include on a driver's license issued to a person who is a legal permanent resident of the United States or refugee or asylee lawfully admitted into the United States an indication that the license is not valid proof of identity for voting purposes.

SECTION 2. Section 521.142, Transportation Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

- (b) The application must include:
- (1) except as provided by Subsection (j), the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant;
 - (2) a photograph of the applicant;
 - (3) the signature of the applicant; and
 - (4) a brief description of the applicant.
- (j) An application of a person who is a

SECTION 3. Section 521.142, Transportation Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

- (b) The application must include:
- (1) except as provided by Subsection (j), the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant;
 - (2) a photograph of the applicant;
 - (3) the signature of the applicant; and
 - (4) a brief description of the applicant.
- (j) An application of a person who is a

refugee or asylee lawfully admitted into the United States must include a complete set of the applicant's fingerprints.

legal permanent resident of the United States or refugee or asylee lawfully admitted into the United States must include a complete set of the applicant's fingerprints.

SECTION 3. Section 521.271, Transportation Code, is amended to read as follows:

No equivalent provision.

Sec. 521.271. LICENSE EXPIRATION. (a) Each original driver's license, provisional license, instruction permit, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~] expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) an instruction permit expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-2) Each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~] expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

(a-3) Each original provisional license or instruction permit issued to an applicant who

is not a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~] expires on the earliest of:

- (1) the 18th birthday of the license holder;
- (2) the first birthday of the license holder occurring after the date of the application; or
- (3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

(a-4) Each original occupational driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~] expires on the earlier of:

- (1) the first anniversary of the date of issuance; or
- (2) the expiration of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:

- (1) the sixth anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~];

(1-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

- (i) the sixth anniversary of the expiration date before renewal; or
- (ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

(2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

SECTION 4. Section 521.2711(c), Transportation Code, is amended to read as follows:

No equivalent provision.

(c) Notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~] expires on:

(1) the earlier of:

(A) the second anniversary of the expiration date before renewal; or

(B) the expiration date of the applicant's authorized stay in the United States; or

(2) the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States.

SECTION 5. Section 521.272(c), Transportation Code, is amended to read as follows:

No equivalent provision.

(c) Notwithstanding Sections 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully admitted into the United States~~], on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION 6. Section 521.421(a-3), Transportation Code, is amended to read as follows:

No equivalent provision.

(a-3) Except as provided by Subsections (a-1) and (a-2), the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen, national, or legal permanent resident of the United States [~~or a refugee or asylee lawfully~~

~~admitted into the United States]~~ and that is valid for not more than one year is \$24.

SECTION 7. The changes in law made by this Act to Sections 521.101, 521.271, 521.2711, 521.272, and 521.421, Transportation Code, apply only to a driver's license or personal identification certificate issued or renewed on or after the effective date of this Act. A driver's license or personal identification certificate issued or renewed before the effective date of this Act is governed by the law in effect when the license or certificate was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2017.

SECTION 4. The changes in law made by this Act to Sections 521.101 and 521.121, Transportation Code, apply only to a driver's license or personal identification certificate issued or renewed on or after the effective date of this Act. A driver's license or personal identification certificate issued or renewed before the effective date of this Act is governed by the law in effect when the license or certificate was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.