

BILL ANALYSIS

Senate Research Center
77R9486 JAT-D

C.S.S.B. 1325
Armbrister
Criminal Justice
3/23/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Under current Texas law, registered sex offenders are required to renew their driver's license or photo identification card annually at a \$20 charge. There is some confusion regarding the application of this requirement due to certain provisions pertaining to commercial, hardship, learner, and provisional licenses. C.S.S.B. 1325 sets forth provisions for the application of the annual renewal requirement to sex offenders under the age of 18 and other provisions to clarify the effect of the renewal requirement on various other licensing applications.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 4 (Section 521.274, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 62.065(a), Code of Criminal Procedure, to require a person subject to registration under this chapter to apply to the Department of Public Safety (department) in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272 (Renewal of License Issued to Certain Sex Offenders), Transportation Code, an original or renewal, rather than or for a, personal identification certificate under Section 521.103 (Expiration and Renewal Requirements for Certain Sex Offenders), Transportation Code, or an original or renewal commercial driver's license or commercial driver learner's permit under Section 522.033, Transportation Code, not later than the 30th day after certain relative dates.

SECTION 2. Amends Section 521.222, Transportation Code, by amending Subsection (e) and adding Subsection (f), to provide that, except as provided by Subsection (f), an instruction permit is not required to include a photograph. Authorizes the department to issue an instruction permit under this section to a person who is subject to registration requirements under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and is otherwise eligible for the permit. Requires that an instruction permit issued under this subsection must include a photograph of the person.

SECTION 3. Amends Section 521.223, Transportation Code, by adding Subsection (g), to authorize the department to issue a hardship license to a person who is subject to the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the license. Requires that a hardship license issued under this section must include a photograph of the person.

SECTION 4. Amends Sections 521.272(a) and (c), Transportation Code, to authorize the department to issue an original or renewal driver's license to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person applies in person for the issuance of a license under this section, and pays the fee required by Section 521.421(h), rather than a fee of \$20. Provides that Subsection (c) does not apply to a provisional license, an instruction permit issued under Section 521.222, or a hardship license issued under Section 521.223.

SECTION 5. Amends Section 521.274, Transportation Code, as amended by Chapters 1189 and 1401, Acts of the 76th Legislature, Regular Session, 1999, as follows:

Sec. 521.274. New heading: RENEWAL BY MAIL OR ELECTRONIC MEANS.

Authorizes the department by rule to provide that the holder of a driver's license may renew the license by mail, by telephone, over the Internet, or by other electronic means. Authorizes a rule adopted under this section to prescribe eligibility standards for renewal under this section.

Prohibits a rule adopted under this section from permitting a person subject to registration requirements under Chapter 62, Code of Criminal Procedure, to register by mail or electronic means. Deletes existing text of Subsection (b) regarding rules adopted under this subsection.

SECTION 6. Amends Section 521.421, Transportation Code, by adding Subsection (h), to provide that the fee for issuance or renewal of a driver's license, a provisional license, an instruction permit, or a hardship license issued to a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure, is \$20.

SECTION 7. Amends Section 521.422(a), Transportation Code, to provide that the fee for a personal identification certificate is \$15 for a person under 60 years of age, \$5 for a person 60 years of age or older, and \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

SECTION 8. Amends Section 521.426, Transportation Code, by amending Subsection (a) and adding Subsection (c), to add an exception as provided by Subsection (c). Provides that Subsection (a) does not apply to a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure

SECTION 9. Amends Section 522.029, Transportation Code, by amending Subsection (a) and adding Subsection (h), to provide that the fee from a commercial driver's license or commercial driver learner's permit issued by the department is \$60, except as provided by Subsection (f) and (h). Provides that the fee for a commercial driver's license or commercial driver learner's permit issued under Section 522.033 is \$20.

SECTION 10. Amends Chapter 522C, Transportation Code, by adding Section 522.033, as follows:

Section 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN SEX OFFENDERS. Authorizes the department to issue an original or renewal commercial driver's license or commercial driver learner's permit to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person is otherwise eligible for the commercial driver's license or commercial driver learner's permit and meets certain conditions. Provides that a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, notwithstanding Section 522.051, expires 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.

SECTION 11. Amends Section 522.051(a), Transportation Code, to add an exception as provided by Section 522.033.

SECTION 12. Amends Section 522.052, Transportation Code, by amending Subsection (a) and adding Subsection (g), to add an exception as provided by Subsection (g). Prohibits a commercial driver's license issued under Section 522.033 from being renewed before the 60th day preceding the expiration date.

SECTION 12. Effective date: September 1, 2001.

Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Redesignates previously proposed SECTIONS 1 - 12 as SECTIONS 2 - 13, and adds a new SECTION 1 to amend Article 62.065(a), Code of Criminal Procedure.

SECTION 2. Differs from the original by adding an exception to Subsection (a) and amending previously proposed text pertaining to the issuance of an instruction permit to certain persons.

SECTION 3. Differs from the original by amending previously proposed text pertaining to the issuance of a hardship license to certain persons. Deletes previously proposed language pertaining to fees and to the requirements and restrictions under this section.

SECTION 4. Differs from the original by amending provisions regarding the fee for the issuance of an original or renewal driver's license for certain persons. Deletes previously proposed addition of Subsection (d) regarding the application of Subsection (c) to certain persons under the age of 18.

SECTION 5. Differs from the original by amending provisions regarding the renewal of a driver's license by mail or electronic means by certain persons.

SECTION 6. Differs from the original by amending previously proposed text regarding the fee for the issuance of certain licenses to certain persons.

SECTION 7. Differs from the original by amending provisions regarding the fee for the issuance of personal identification certificates to certain persons.

SECTION 8. Differs from the original by amending provisions regarding the application of certain sex offender registration requirements to certain exemptions for disabled veterans.

SECTION 9. Differs from the original by amending provisions regarding the fee for the issuance of commercial driver's license or commercial driver learner's permit to certain persons.

SECTION 10. Differs from the original by amending previously proposed text regarding the issuance of commercial driver's license or commercial driver learner's permit to certain persons. Adds provisions regarding the expiration of such licenses.

SECTION 11. Differs from the original by amending provisions regarding the expiration of certain licenses. Deletes previously proposed Subsection (f) regarding the expiration of certain licenses.

SECTION 12. Differs from the original by amending provisions regarding an exception to the requirements for a driver's license renewal. Adds provisions regarding the renewal of a commercial driver's license.

SECTION 13. Differs from the original by making application of this Act prospective.