

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1784
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Driver's licenses are an important means of identification in Texas. Though people primarily obtain driver's licenses as a requirement for driving, the license is relied on in many situations as an identifying document. For example, a driver's license may be used to board an intra-U.S. flight, to apply for any number of financial services, to prove a person's identity for the purchase of a weapon, and for many other purposes.

Many states require that an applicant for a driver's license or other state identification document or prove his or her federal immigration status. Such proof ensures that the applicant's visa has not expired. However, Texas does not require proof of federal immigration status to obtain a Texas driver's license, which has the effect of allowing some persons to take advantage of the Texas licensing process.

Some individuals living in other states, who cannot obtain a driver's license in that state because of an expired visa or other federal immigration issue, come to Texas to obtain a driver's license. This was brought to light in connection with one such incident where it was learned that hundreds of individuals living in New York who had expired travel visas came to Texas to obtain driver's licenses. A Texas driver's license is valid for six years; therefore, these people obtained identification documents valid for six years.

C.S.S.B. 1784 amends current law relating to the requirement of citizenship or lawful presence in the United States for issuance of a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.041(b), Transportation Code, to require the Department of Public Safety (DPS) to maintain suitable indexes, in alphabetical or numerical order, that contain the citizenship status of each holder of a license or personal identification certificate. Makes a nonsubstantive change.

SECTION 2. Amends Section 521.101, Transportation Code, by amending Subsection (f) and adding Subsections (d-1), (f-1), (f-2), and (f-3), as follows:

(d-1) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to DPS proof of the applicant's United States citizenship or documentation described by Subsection (f-1).

(f) Provides that a certificate expires on a date specified by DPS, if the applicant is a citizen or lawful permanent resident of the United States or a refugee or asylee lawfully admitted into the United States or, for an applicant not described by Subdivision (1) (relating to a date specified by DPS), on the expiration of the applicant's authorized stay in the United States or 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. Deletes existing

text providing that a certificate expires on a date specified by DPS, except that a certificate issued to a person 60 years of age or older does not expire.

(f-1) Requires a person who is not a citizen of the United States to present to DPS documentation issued by the United States agency responsible for citizenship and immigration that authorizes the applicant to be in the United States.

(f-2) Prohibits DPS from issuing an identification certificate to an applicant who fails or refuses to comply with Subsection (f-1).

(f-3) Provides that in addition to a certificate issued under this section, Subsections (f-1) and (f-2) apply to a personal identification certificate for which application is made under Section 521.103 (Expiration and Renewal Requirements for Certain Sex Offenders).

SECTION 3. Amends Sections 521.142(a) and (e), Transportation Code, as follows:

(a) Requires an applicant who is not a citizen of the United States to present to DPS documentation issued by the United States agency responsible for citizenship and immigration that authorizes the applicant to be in the United States before the applicant is authorized to be issued a driver's license or personal identification certificate.

(e) Requires that the application include any other information DPS requires to determine the applicant's identity, residency, competency, and eligibility as required by DPS or by state law.

SECTION 4. Amends Section 521.1425, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes DPS, except as provided by Subsections (b) and (c), rather than by Subsection (b), to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS the information required by Section 521.142 (Application for Original License).

(c) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS proof of the applicant's United States citizenship, or documentation described by Section 521.142(a).

SECTION 5. Amends Section 521.271, Transportation Code, as follows:

Sec. 521.271. LICENSE EXPIRATION. (a) Provides that each original driver's license, provisional license, or occupational license issued to an application who is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on certain dates as set forth in this subsection.

(a-1) Provides that each original driver's license issued to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the first anniversary of the date of issuance if there is no definite expiration of the applicant's authorized stay in the United States or 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-2) Provides that each provisional license issued to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of certain dates as set forth in this subsection.

(b) Provides that, except as provided by Section 521.2711 (License Expiration: Person at Least 85 Years of Age), a driver's license that is renewed expires on the sixth anniversary of the expiration date before renewal if the applicant is a citizen

or lawful permanent resident of the United States or a refugee or asylee lawfully admitted into the United States or for an applicant not described by Subdivision (1) (relating to the sixth anniversary of the expiration date before renewal), the expiration of the applicant's authorized stay in the United States or 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 6. Amends Section 521.2711, Transportation Code, by adding Subsection (c), as follows:

(c) Provides that 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 or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the expiration of the applicant's authorized stay in the United States or the first anniversary of the date of issuance if there is no definite expiration date for the authorized stay in the United States.

SECTION 7. Amends Section 521.272, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that, notwithstanding Section 521.271 (License Expiration), a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of the application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of the application if the license holder is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States; or if the applicant is not described by Subdivision (1) (relating to a license holder is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States), on the earlier of the expiration of the applicant's authorized stay in the United States or the first birthday of the license holder occurring after the date of the application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of the application.

(d) Provides that Subsection (c), rather than this subsection, does not apply to a provisional license, an instruction permit issued under Section 521.222, or a hardship license issued under Section 521.223. Makes a nonsubstantive change.

SECTION 8. Amends Section 521.421, Transportation Code, by adding Subsections (a-1) and (a-2) and amending Subsection (c), as follows:

(a-1) Provides that the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is not valid for more than one year is \$15.

(a-2) Provides that the fee for a temporary driver's license or temporary personal identification certificate that is valid for more than one year is \$15 for the first year and \$10 for each additional year or portion of a year.

(c) Provides that the fee for issuance or renewal of a provisional license or instruction permit is \$10, rather than \$5.

SECTION 9. Amends Section 522.021(c), Transportation Code, as follows:

(c) Requires that the application meet the requirements of an application under Sections 521.141 (General Application Requirements), 521.142 (Application for Original License), and 521.1425 (Information Required to be Furnished to Department), and be accompanied by the fee required under Section 522.029 (Fees), rather than requiring that the application meet the requirements of an application under Section 521.141 and be accompanied by the fee required under Section 522.029. Authorizes DPS to require

documentary evidence to verify the information required by this section, rather than Subsection (a) (relating to information required to be on an application for certain driver's permits).

SECTION 10. Amends Section 522.029, Transportation Code, by amending Subsection (a) and adding Subsections (k), (l), and (m), as follows:

(a) Provides that the fee for a commercial driver's license or commercial driver learner's permit issued by DPS is \$60, except as provided by Subsections (f) (relating to the fee for renewal of certain types of licenses or permits), (h) (relating to the fee for a commercial driver's license or commercial learner's permit issued under Section 522.033), (j) (relating to the fee for issuance or renewal of a commercial driver's license or commercial driver learner's permit), and (k), (l), and (m). Makes a nonsubstantive change.

(k) Provides that the fee for a commercial driver's license or a nonresident commercial driver's license that is issued to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is not valid for more than one year is \$20.

(l) Provides that the fee for a commercial driver's license or a nonresident commercial driver's license that is issued in compliance with federal law to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States that is valid for more than one year is \$20 for the first year and \$15 for each additional year or portion of a year.

(m) Provides that the fee for a temporary nonresident commercial driver's license is \$20.

SECTION 11. Amends Section 522.029(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, to redesignate Subsection (f) as Subsection (f-1).

SECTION 12. Amends Section 522.030, Transportation Code, as follows:

Sec. 522.030. CONTENT OF LICENSE. (a) Creates this subsection from existing text. Requires that a commercial's driver's license include certain information, including a statement as to whether the person is a citizen of the United States.

(b) Provides that to the extent of a conflict or inconsistency between this section and Section 522.013 (Nonresident License) or 522.051 (Expiration of License or Permit), Section 522.013 or 522.051 controls.

SECTION 13. Amends Section 522.033(b), Transportation Code, as follows:

(b) Provides that, notwithstanding Section 522.051, a commercial driver's license number or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, 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, if the license or permit holder is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, or if the applicant is not described by Subdivision (1) (relating to the first birthday of the license holder occurring after the date of the application), on the earlier of the expiration of the applicant's authorized stay in the United States or the first birthday of the license holder occurring after the date of the application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of the application.

SECTION 14. Amends Section 522.052, Transportation Code, by adding Subsection (h), as follows:

(h) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for a renewal or duplicate commercial driver's license to furnish to DPS proof of the applicant's United States citizenship or documentation described by Section 521.142(a).

SECTION 15. Repealer: Section 522.029(j) (relating to fees for issuance or renewal of a commercial driver's license or permit and nonresident commercial driver's license), Transportation Code, as added by Chapter 1319 (S.B. 1260), Acts of the 80th Legislature, Regular Session, 2007.

SECTION 16. Makes application of this Act prospective.

SECTION 17. Effective date: September 1, 2009.