

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3050
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Transportation
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3050 seeks to address various issues currently experienced by the Texas Department of Public Safety (DPS). First, it allows federal investigators who live in Texas to utilize alternate approved address in the county in which they work, rather than their residence address, on a driver's license. This ensures the safety of federal investigators residing in Texas.

The bill also removes the requirement that DPS provide information on a magnetic tape. Statute does not reflect modern practice and needs to be updated.

H.B. 3050 would also clean up statute to reflect the newer term "learner license" rather than the older term "instructional permit." Previous sessions have changed the term and not all parts of the code were updated when the term was changed.

Lastly, this bill would allow for certified abstracts of complete driving records to be provided online. This would allow for interactive access to certain driver's license record information. You would not have access to this information unless DPS was already currently giving this information to you. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3050 amends current law relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Public Safety is modified in SECTION 6 (Section 521.1211, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.001(a)(3), Transportation Code, to redefine "driver's license."

SECTION 2. Amends Sections 521.009(a), (a-1), and (c), Transportation Code, as follows:

(a) Includes municipalities among entities that may enter into an agreement with the Texas Department of Public Safety (DPS) under Subsection (a-1).

(a-1) Authorizes DPS, under program for provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services, to enter into an agreement with the commissioners court of a county or the governing body of a municipality to permit county or municipal employees to provide services at a county or municipal office, rather than with the commissioners court of a county to permit county employees to provide services to a county office, relating to issuance of certain renewal and duplicate licenses and certificates.

(c) Makes a conforming change.

SECTION 3. Amends Section 521.0475(a), Transportation Code, to delete an exception under Subsection (c).

SECTION 4. Amends Sections 521.050(a) and (c), Transportation Code, as follows:

(a) Authorizes DPS, in addition to certain provisions, to provide a purchaser, in a format prescribed by DPS and acceptable to the purchaser, rather than with a magnetic tape of, the names, addresses, and dates of birth of all license holders that are contained in DPS's basic driver's license record file if the purchaser certifies in writing that the purchaser is eligible to receive the information under Chapter 730 (Motor Vehicle Records Disclosure Act).

(c) Requires DPS to impose and collect a fee of \$2,000 for the initial driver's license information provided, rather than each magnetic tape provided, under Subsection (a) and, if DPS provides a weekly update of the information, rather than information on the tape, \$75 for each update.

SECTION 5. Amends Section 521.121(a), Transportation Code, to require that a driver's license include a photograph, rather than a color photograph, of the entire face of the holder.

SECTION 6. Amends Sections 521.1211(a) and (b), Transportation Code, as follows:

(a) Redefines "peace officer."

(b) Requires DPS by rule, notwithstanding Section 521.121(a) (relating to information required on a driver's license) to adopt procedures for the issuance of a driver's license to a peace officer that omits the license holder's actual residence address and includes, as an alternative, an address that is acceptable to DPS, rather than an address that is in the municipality or county of the peace officer's residence, and is in the municipality or county of the peace officer's residence or county of the peace officer's place of employment.

SECTION 7. Amends Section 521.204(b), Transportation Code, to prohibit DPS from issuing a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant has held a learner license, rather than an instruction permit, or hardship license for at least six months preceding the date of the application.

SECTION 8. Amends the heading to Section 521.222, Transportation Code, to read as follows:

Sec. 521.222. LEARNER LICENSE.

SECTION 9. Amends Sections 521.222(d), (f), and (g), Transportation Code, as follows:

(d) Provides that a learner license, rather than an instruction permit, entitles the holder to operate a type of motor vehicle on a highway while:

(1) the license, rather than permit, is in the holder's possession; and

(2) the holder is accompanied by a person occupying the seat by the operator who holds a license that qualifies the operator to operate that type of vehicle, is 21 years of age or older, and has at least one year of driving experience.

(f) and (g) Makes conforming changes.

SECTION 10. Amends Sections 521.271(a) and (a-3), Transportation Code, as follows:

(a) Provides that certain original licenses, including each original learner license, rather than instruction permit, issued to certain applicants expire under certain circumstances. Makes a conforming change.

(a-3) Makes a conforming change.

SECTION 11. Amends Section 521.272(d), Transportation Code, to provide that Subsection (c) (relating to expiration of certain driver's licenses) does not apply to a learner license, rather than an instruction permit, issued under Section 521.222.

SECTION 12. Amends Section 521.3451, Transportation Code, as follows:

Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. (a) Requires DPS to suspend or deny the issuance of a driver's license or learner license, rather than a license or instruction permit, on receipt of a certain order. Makes conforming changes.

(b) Makes conforming changes.

SECTION 13. Amends Sections 521.421(c) and (h), Transportation Code, as follows:

(c) Provides that the fee for issuance of a provisional license or learner license, rather than instruction permit, is \$15.

(h) Makes a conforming change.

SECTION 14. Amends Section 521.428, Transportation Code, as follows:

Sec. 521.428. New heading: COUNTY OR MUNICIPAL FEE. Authorizes a certain county or municipality, rather than county, to collect a certain fee.

SECTION 15. Amends Section 545.424(c), Transportation Code, to provide that this section (Operation of Vehicle by Person under 18 Years of Age) does not apply to a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of a learner license, rather than an instruction permit.

SECTION 16. Repealers: Sections 521.0475(c) (relating to information provided by DPS not being marked as certified) and 521.222(b) (relating to issuance of an instruction permit to a certain person 18 years of age or older), (c) (relating to DPS issuing a learner license to a certain person who has successfully passed a certain education course and examination), and (e) (relating to an instruction permit not requiring a photograph), Transportation Code.

SECTION 17. Makes application of Sections 521.121 and 521.1211, Transportation Code, as amended by this Act, prospective.

SECTION 18. Effective date: September 1, 2017.