

BILL ANALYSIS

Senate Research Center
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S.B. 441
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Veteran Affairs & Border Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 441 enables surviving spouses of disabled veterans to qualify for a Surviving Spouse of a Veteran License Plate, even if their veteran spouse chose not to apply for his or her own separate Disabled Veteran License Plate prior to death.

Section 504.317, Transportation Code, provides that a surviving spouse may apply for a Surviving Spouse of a Veteran License Plate. In this section, "surviving spouse" means the individual married to a disabled veteran at the time of the veteran's death. However, the law does not allow a surviving spouse to apply for the plate if their deceased veteran spouse chose not to apply for his or her own Disabled Veteran License Plate prior to death. Accordingly, the Texas Department of Motor Vehicles (TxDMV) requires proof that Disabled Veteran License Plates were first issued to the veteran prior to death. If proof is not given, a surviving spouse cannot receive his or her own Surviving Spouse of a Disabled Veteran License Plate.

To qualify for a Disabled Veteran License Plate, the veteran must have suffered, as a result of military service: at least a 50 percent service-connected disability; or a 40 percent service-connected disability because of the amputation of a lower extremity; and have received compensation from the United States because of the disability. A rule of TxDMV, consistent with federal law, also requires that the veteran have been honorably discharged, or received a general discharge under honorable conditions to receive any sort of benefits for service-related disabilities.

S.B. 441 requires TxDMV to issue Surviving Spouse of a Veteran License Plate to spouses even if their deceased spouse did not choose to receive a Disabled Veteran License Plate. Importantly, the bill does not change the legal definition of what the state recognizes as a disabled veteran or surviving spouse. The bill simply allows surviving spouses to receive their own license plate if they can prove their deceased disabled veteran would have met the eligibility requirements for a Disabled Veteran License Plate. The surviving spouse must go through the same thorough application process as the disabled veteran would have had to go through.

As proposed, S.B. 441 amends current law relating to eligibility for surviving spouses of disabled veterans specialty license plates.

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 504.317, Transportation Code, by adding Subsection (b-1), as follows:

(b-1) Provides that a person is entitled to specialty license plates under this section (relating to specialty license plates for surviving spouses of disabled veterans) if the person is the surviving spouse of a person who had been entitled to specialty plates for veterans with disabilities under Section 504.202 (Veterans With Disabilities), regardless of whether the deceased spouse was issued plates under that section.

SECTION 2. Effective date: September 1, 2017.