

BILL ANALYSIS

Senate Research Center
88R7928 MZM-D

H.B. 3443
By: Canales et al. (Hinojosa)
Transportation
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texans with a handgun license and a driver's license are required to carry two separate cards, both issued by the Department of Public Safety of the State of Texas. This is unnecessarily burdensome. H.B. 3443 seeks to make it easier for Texans to show proof of having a handgun license by allowing Texans with a handgun license to opt-in to having their proof of licensure added to their driver's license or commercial driver's license (CDL).

H.B. 3443 amends the Transportation Code to require DPS to include on each driver's license or CDL issued to a handgun license holder who makes such an election a designation that shows the person is licensed to carry a handgun and that includes their handgun license number and a statement of the period for which the handgun license is effective. This requirement applies only with respect to a driver's license or CDL issued or renewed on or after January 1, 2024.

H.B. 3443 additionally revises the requirement for a handgun license holder who is carrying a handgun on or about their person when a magistrate or a peace officer demands that they display identification to display both their DPS-issued driver's license or identification certificate and their handgun license. With this change, a CDL is included among the forms of identification the license holder may provide along with their handgun license, and gives the license holder the option to display only their driver's license or CDL.

H.B. 3443 amends current law relating to adding a designation on a person's driver's license or commercial driver's license indicating that the person is licensed to carry a handgun.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 2 (Section 411.1795, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 507.001(b), Business and Commerce Code, as follows:

(b) Provides that Section 507.001 (Concealed Handgun License as Valid Proof of Identification), does not affect:

(1) the requirement to display a handgun license under Section 411.205 (Requirement to Display License), Government Code; or

(2) makes no changes to this subdivision.

Deletes existing text providing that this section does not affect the requirement under Section 411.205, Government Code, that a person subject to that section present a driver's license or identification certificate in addition to a concealed handgun license.

SECTION 2. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.1795, as follows:

Sec. 411.1795. DESIGNATION ON DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE. Requires the Department of Public Safety of the State of Texas (DPS) to adopt rules allowing an applicant for an original, duplicate, modified, or renewed license under this Subchapter H (License to Carry a Handgun), in addition to being issued an original, duplicate, modified, or renewed license, to elect to include on the person's driver's license or commercial driver's license a designation indicating that the person is licensed under this subchapter. Requires that the rules include procedures to ensure that a person who makes an election under this section:

- (1) receives a designation on the person's driver's license or commercial driver's license only if the person meets the requirements for issuance of the original, duplicate, modified, or renewed handgun license; and
- (2) maintains the designation only during the period for which the person is licensed to carry a handgun under this subchapter.

SECTION 3. Amends Section 411.205, Government Code, as follows:

Sec. 411.205. REQUIREMENT TO DISPLAY LICENSE. Requires a license holder, if the license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, to display either the license holder's driver's license or commercial driver's license that includes a handgun license designation under Section 521.128 or 522.030, Transportation Code, or both the license holder's driver's license, commercial driver's license, or personal identification certificate issued by DPS and the license holder's handgun license.

SECTION 4. Amends Subchapter F, Chapter 521, Transportation Code, by adding Section 521.128, as follows:

Sec. 521.128. HANDGUN LICENSE DESIGNATION. Requires DPS to include on each driver's license issued to a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, who makes an election under Section 411.1795, Government Code, a designation that shows the person is licensed under that subchapter. Requires that the designation include the person's handgun license number and a statement of the period for which the handgun license is effective.

SECTION 5. Amends Section 522.030, Transportation Code, by adding Subsection (e), as follows:

- (e) Requires DPS to include on each commercial driver's license issued to a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, who makes an election under Section 411.1795, Government Code, a designation that shows the person is licensed under that subchapter. Requires that the designation include the person's handgun license number and a statement of the period for which the handgun license is effective.

SECTION 6. Requires DPS to adopt the rules required by Section 411.1795, Government Code, as added by this Act, not later than December 1, 2023

SECTION 7. (a) Provides that Section 411.1795, Government Code, as added by this Act, applies only to an applicant for an original, duplicate, modified, or renewed license to carry a handgun under Subchapter H, Chapter 411, Government Code, as amended by this Act, who submits the application on or after January 1, 2024.

- (b) Provides that the changes in law made by this Act to Chapters 521 (Driver's Licenses and Certificates) and 522 (Commercial Driver's License), Transportation Code, apply only to a driver's license or commercial driver's license issued or renewed under Chapter 521 or 522, Transportation Code, on or after January 1, 2024.

SECTION 8. Effective date: September 1, 2023.