

By: Alonzo

H.B. No. 3206

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the public safety by ensuring all drivers in the state
3 of Texas are licensed pursuant to state law and to encourage all
4 drivers to stop and render aid at the scene of an accident, to
5 prevent the abandonment of the scene of an accident, and to prevent
6 uninsured use of a motor vehicle; relating further to the security
7 of the state that all inhabitants are identifiable.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 SECTION 1. Subsection (b), Section 521.041, Transportation
10 Code, is amended to read as follows:

11 (b) The department shall maintain suitable indexes, in
12 alphabetical or numerical order, that contain:

13 (1) each denied application and the reasons for the
14 denial;

15 (2) each application that is granted; ~~and~~

16 (3) the name of each license holder whose license has
17 been suspended, canceled, or revoked and the reasons for that
18 action. ~~, and~~

19 ~~(4) the citizenship status of each holder of a license~~
20 ~~or personal identification certificate.~~

21 SECTION 2. Section 521.101, Transportation Code, is amended
22 by removing Subsections (d-1), (f-2), and (f-3) and amending
23 Subsection (f) to read as follows:

24 ~~(d-1) Unless the information has been previously provided to~~

1 ~~the department, the department shall require each applicant for an~~
2 ~~original, renewal, or duplicate personal identification~~
3 ~~certificate to furnish to the department:~~

4 ~~(1) proof of the applicant's United States~~
5 ~~citizenship; or~~

6 ~~(2) documentation described by Subsection (f 2).~~

7 (f) A personal identification certificate expires on a date
8 specified by the department, except that a certificate to a person
9 60 years or older does not expire.

10 ~~(1) for an applicant who is a citizen, national, or~~
11 ~~legal permanent resident of the United States or a refugee or~~
12 ~~asylee lawfully admitted into the United States:~~

13 ~~(A) expires on a date specified by the department~~
14 ~~if the applicant is younger than 60 years of age; or~~

15 ~~(B) does not expire if the applicant is 60 years~~
16 ~~of age or older; or~~

17 ~~(2) for an applicant not described by Subdivision (1),~~
18 ~~expires on:~~

19 ~~(A) the earlier of:~~

20 ~~(i) a date specified by the department; or~~

21 ~~(ii) the expiration date of the applicant's~~
22 ~~authorized stay in the United States; or~~

23 ~~(B) the first anniversary of the date of~~
24 ~~issuance, if there is no definite expiration date for the~~
25 ~~applicant's authorized stay in the United States[, except that a~~
26 ~~certificate issued to a person 60 years of age or older does not~~
27 ~~expire].~~

1 ~~(f 2) An applicant who is not a citizen of the United States~~
2 ~~must present to the department documentation issued by the~~
3 ~~appropriate United States agency that authorizes the applicant to~~
4 ~~be in the United States.~~

5 ~~(f 3) The department may not issue a personal identification~~
6 ~~certificate to an applicant who fails or refuses to comply with~~
7 ~~Subsection (f 2).~~

8 SECTION 3. Section 521.103, Transportation Code, is amended
9 by removing Subsection (c):

10 ~~(c) Sections 521.101(f 2) and (f 3) apply to a personal~~
11 ~~identification certificate for which application is made under this~~
12 ~~section.~~

13 SECTION 4. Section 521.142, Transportation Code, is amended
14 by adding Subsections (f) and (g) and amending Subsections (a),
15 (c), and (e) to read as follows:

16 (a) An application for an original license must state the
17 applicant's full name and place and date of birth. This information
18 must be verified by presentation of proof of identity satisfactory
19 to the department. ~~An applicant who is not a citizen of the United~~
20 ~~States must present to the department documentation issued by the~~
21 ~~appropriate United States agency that authorizes the applicant to~~
22 ~~be in the United States before the applicant may be issued a~~
23 ~~driver's license.~~ The department must accept as satisfactory proof
24 of identity under this subsection an offender identification card
25 or similar form of identification issued to an inmate by the Texas
26 Department of Criminal Justice if the applicant also provides
27 supplemental verifiable records or documents that aid in

1 establishing identity.

2 (c) The application must state:

3 (1) the sex of the applicant;

4 (2) the residence address of the applicant, or if the
5 applicant is a federal judge, a state judge, or the spouse of a
6 federal or state judge using the procedure developed under Section
7 521.121(c), the street address of the courthouse in which the
8 applicant or the applicant's spouse serves as a federal judge or a
9 state judge;

10 (3) whether the applicant has been licensed to drive a
11 motor vehicle before;

12 (4) if previously licensed, when and by what state or
13 country;

14 (5) whether that license has been suspended or revoked
15 or a license application denied;

16 (6) the date and reason for the suspension,
17 revocation, or denial; and

18 ~~(7) whether the applicant is a citizen of the United~~
19 ~~States, and~~

20 ~~(8)~~ (7) the county of residence of the applicant.

21 (e) The application must include any other information the
22 department requires to determine the applicant's identity,
23 residency, and competency. ~~, and eligibility as required by the~~
24 ~~department or state law.~~

25 (f) No other citizenship evidentiary requirement should be
26 imposed.

27 (g) The use of allocated funding to determine applicant

1 citizenship status is prohibited.

2 SECTION 5. Section 521.1425, Transportation Code, is
3 amended by removing Subsection (c) and by amending Subsections (a)
4 and (b) to read as follows:

5 (a) Except as provided by [~~Subsections~~] Subsection (b), and
6 ~~(c)~~, the department may require each applicant for an original,
7 renewal, or duplicate driver's license to furnish to the department
8 the information required by Section 521.142.

9 (b) The department shall require each applicant for an
10 original, renewal, or duplicate driver's license to furnish to the
11 department the information required by Section 521.142(c)(7). and
12 ~~(8)~~

13 ~~(c) Unless the information has been previously provided to~~
14 ~~the department, the department shall require each applicant for an~~
15 ~~original, renewal, or duplicate driver's license to furnish to the~~
16 ~~department.~~

17 ~~(1) proof of the applicant's United States~~
18 ~~citizenship, or~~

19 ~~(2) documentation described by Section 521.142(a).~~

20 SECTION 6. Section 521.271, Transportation Code, is amended
21 by removing Subsections (a-2), (a-3), and (a-4) and amending
22 Subsections (a) and (b) to read as follows:

23 (a) Each original driver's license, and provisional
24 license, instruction permit, or occupational driver's license
25 ~~issued to an applicant who is a citizen, national, or legal~~
26 ~~permanent resident of the United States or a refugee or asylee~~
27 ~~lawfully admitted into the United States~~ expires as follows:

1 (1) except as provided by Section 521.2711, a driver's
2 license expires on the first birthday of the license holder
3 occurring after the sixth anniversary of the date of the
4 application;

5 (2) a provisional license expires on the 18th birthday
6 of the license holder;

7 (3) an instruction permit expires on the 18th birthday
8 of the license holder;

9 (4) an occupational driver's license expires on the
10 first anniversary of the court order granting the license; and

11 (5) unless an earlier date is otherwise provided, a
12 driver's license issued to a person whose residence or domicile is a
13 correctional facility or a parole facility expires on the first
14 birthday of the license holder occurring after the first
15 anniversary of the date of issuance.

16 ~~(a 2) Each original driver's license issued to an applicant~~
17 ~~who is not a citizen, national, or legal permanent resident of the~~
18 ~~United States or a refugee or asylee lawfully admitted into the~~
19 ~~United States expires on:~~

20 ~~(1) the earlier of:~~

21 ~~(A) the first birthday of the licence holder~~
22 ~~occurring after the sixth anniversary of the date of the~~
23 ~~application; or~~

24 ~~(B) the expiration date of the licence holder's~~
25 ~~lawful presence in the United States as determined by the~~
26 ~~appropriate United States agency in compliance with federal law; or~~

27 ~~(2) the first anniversary of the date of issuance, if~~

1 ~~there is no definite expiration date for the applicant's authorized~~
2 ~~stay in the United States.~~

3 ~~(a 3) Each original provisional license or instruction~~
4 ~~permit issued to an applicant who is not a citizen, national, or~~
5 ~~legal permanent resident of the United States or a refugee or~~
6 ~~asylee lawfully admitted into the United States expires on the~~
7 ~~earliest of:~~

8 ~~(1) the 18th birthday of the license holder;~~

9 ~~(2) the first birthday of the license holder occurring~~
10 ~~after the date of the application; or~~

11 ~~(3) the expiration of the license holder's lawful~~
12 ~~presence in the United States as determined by the United States~~
13 ~~agency responsible for citizenship and immigration in compliance~~
14 ~~with federal law.~~

15 ~~(a 4) Each original occupational driver's license issued to~~
16 ~~an applicant who is not a citizen, national, or legal permanent~~
17 ~~resident of the United States or a refugee or asylee lawfully~~
18 ~~admitted into the United States expires on the earlier of:~~

19 ~~(1) the first anniversary of the date of issuance; or~~

20 ~~(2) the expiration of the license holder's lawful~~
21 ~~presence in the United States as determined by the appropriate~~
22 ~~United States agency in compliance with federal law.~~

23 (b) Except as provided by Section 521.2711, a driver's
24 license that is renewed expires on the earlier of:

25 (1) the sixth anniversary of the expiration date
26 before renewal; ~~or if the applicant is a citizen, national, or legal~~
27 ~~permanent resident of the United States or a refugee or asylee~~

1 ~~lawfully admitted into the United States;~~

2 ~~(1-a) for an applicant not described by Subdivision~~

3 ~~(1):~~

4 ~~(A) the earlier of:~~

5 ~~(i) the sixth anniversary of the expiration~~
6 ~~date before renewal; or~~

7 ~~(ii) the expiration date of the applicant's~~
8 ~~authorized stay in the United States; or~~

9 ~~(B) the first anniversary of the date of~~
10 ~~issuance, if there is no definite expiration date for the~~
11 ~~applicant's authorized stay in the United States; or~~

12 (2) for a renewal driver's license issued to a person
13 whose residence or domicile is a correctional facility or a parole
14 facility, the first birthday of the license holder occurring after
15 the first anniversary of the date of issuance unless an earlier date
16 is otherwise provided.

17 SECTION 7. Section 521.2711, Transportation Code, is
18 amended by removing Subsection (c):

19 ~~(c) Notwithstanding Subsections (a) and (b), an original or~~
20 ~~renewal driver's license issued to an applicant who is 85 years of~~
21 ~~age or older and not a citizen, national, or legal permanent~~
22 ~~resident of the United States or a refugee or asylee lawfully~~
23 ~~admitted into the United States expires on:~~

24 ~~(1) the earlier of:~~

25 ~~(A) the second anniversary of the expiration date~~
26 ~~before renewal; or~~

27 ~~(B) the expiration date of the applicant's~~

1 ~~authorized stay in the United States; or~~

2 ~~(2) the first anniversary of the date of issuance if~~
3 ~~there is no definite expiration date for the applicant's authorized~~
4 ~~stay in the United States.~~

5 SECTION 8. Subsections (c) and (d), Section 521.272,
6 Transportation Code, is amended to read as follows:

7 (c) Notwithstanding Sections ~~[Section]~~ 521.271 and
8 521.2711, a driver's license issued under this section, including a
9 renewal, duplicate, or corrected license, expires+

10 ~~(1) if the license holder is a citizen, national, or~~
11 ~~legal permanent resident of the United States or a refugee or~~
12 ~~asylee lawfully admitted into the United States,~~ on the first
13 birthday of the license holder occurring after the date of
14 application, except that the initial license issued under this
15 section expires on the second birthday of the license holder
16 occurring after the date of application. ~~+ or~~

17 ~~(2) if the applicant is not described by Subdivision~~
18 ~~(1), on the earlier of:~~

19 ~~(A) the expiration date of the applicant's~~
20 ~~authorized stay in the United States; or~~

21 ~~(B) the first birthday of the license holder~~
22 ~~occurring after the date of application, except that the initial~~
23 ~~license issued under this section expires on the second birthday of~~
24 ~~the license holder occurring after the date of application.~~

25 (d) Subsection (c) does not apply to:

26 (1) a provisional license;

27 (2) an instruction permit issued under Section

1 521.222; or

2 (3) a hardship license issued under Section 521.223.

3 SECTION 9. Section 521.421, Transportation Code, is amended
4 by removing Subsection (a-3):

5 ~~(a 3) Except as provided by Subsections (a 1) and (a 2), the~~
6 ~~fee for a driver's license or personal identification certificate~~
7 ~~that is issued to a person who is not a citizen, national, or legal~~
8 ~~permanent resident of the United States or a refugee or asylee~~
9 ~~lawfully admitted into the United States and that is valid for not~~
10 ~~more than one year is \$24.~~

11 SECTION 10. Subsection (b), Section 522.033,
12 Transportation Code, is amended to read as follows:

13 (b) Notwithstanding Section 522.051, a commercial driver's
14 license or commercial driver learner's permit issued under this
15 section, including a renewal, duplicate, or corrected license,
16 expires on the first birthday of the license holder occurring after
17 the date of application, except that the initial license issued
18 under this section expires on the second birthday of the license
19 holder occurring after the date of application. ~~or~~

20 ~~(2) if the applicant is not described by Subdivision~~
21 ~~(1), on the earlier of:~~

22 ~~(A) the expiration date of the applicant's~~
23 ~~authorized stay in the United States; or~~

24 ~~(B) the first birthday of the license holder~~
25 ~~occurring after the date of application, except that the initial~~
26 ~~license issued under this section expires on the second birthday of~~
27 ~~the license holder occurring after the date of application.~~

1 SECTION 11. Subsection (i), Section 522.052,
2 Transportation Code, is amended to read as follows:

3 (i) Unless the information has been previously
4 provided to the department, the department shall require each
5 applicant for a renewal or duplicate commercial driver's license to
6 furnish to the department documentation described by Section
7 521.142(a).

8 SECTION 12. Not later than January 1, 2015, the Department
9 of Public Safety of the State of Texas shall submit to the
10 legislature a report evaluating the effectiveness of the temporary
11 visitor stations established under Section 521.007, Transportation
12 Code, as added by this Act.

13 SECTION 13. The changes in law made by this Act to Chapters
14 521 and 522, Transportation Code, apply only to a driver's license,
15 personal identification certificate, commercial driver's license,
16 or commercial driver learner's permit issued, reissued,
17 reinstated, or renewed on or after the effective date of this Act. A
18 driver's license, personal identification certificate, commercial
19 driver's license, or commercial driver learner's permit issued,
20 reissued, reinstated, or renewed before the effective date of this
21 Act is governed by the law in effect when the license, certificate,
22 or permit was issued, reissued, reinstated, or renewed, and the
23 former law is continued in effect for that purpose.

24 SECTION 14. This Act takes effect immediately if it
25 receives a vote of two-thirds of all the members elected to each
26 house, as provided by Section 39, Article III, Texas Constitution.
27 If this Act does not receive the vote necessary for immediate

H.B. No. 3206

1 effect, this Act takes effect on the 91st day after the last day of
2 the legislative session.