

By: Ramos

H.B. No. 1188

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Texas conditional driver's permit,
provisional Texas conditional driver's permit, and Texas
conditional learner permit; authorizing a fee.

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

SECTION 1. Chapter 521, Transportation Code, is amended by
adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. TEXAS CONDITIONAL DRIVER'S PERMIT

Sec. 521.231. ELIGIBILITY. (a) The department may issue a
Texas conditional driver's permit, a provisional Texas conditional
driver's permit, or a Texas conditional learner permit to a person
who:

(1) as of the date the permit is issued, has resided in
this state for at least one year;

(2) is unable to present to the department
documentation issued by the United States agency responsible for
citizenship and immigration authorizing the person to be in the
United States;

(3) is not ineligible for a driver's license under
Section 521.202; and

(4) regardless of the person's age, has completed a
driver education course required by Section 521.1601 and an
examination required by Section 521.161, except as provided by
Subsection (b).

1 (b) A person may be issued a Texas conditional learner
2 permit without having passed the driving test under Section
3 521.161.

4 Sec. 521.232. PERMIT REQUIREMENTS. (a) A permit issued
5 under this subchapter is valid as proof of the permit holder's
6 identity for driving purposes only. The permit is not valid as
7 proof of the permit holder's identity for any federal purpose,
8 including voting.

9 (b) The department shall:

10 (1) designate and clearly mark each permit issued
11 under this subchapter;

12 (2) designate and clearly mark each provisional Texas
13 conditional driver's permit or Texas conditional learner permit, as
14 applicable, issued to a person who is younger than 18 years of age;

15 (3) include on a permit issued under this subchapter
16 an indication that the permit is valid proof of identity for driving
17 purposes only and is not valid as proof of identity for any federal
18 purpose, including voting; and

19 (4) design the permit to appear substantially similar
20 to the design of a driver's license.

21 (c) Except as otherwise provided by this chapter:

22 (1) a holder of a Texas conditional driver's permit is
23 subject to the laws of this state applicable to the holder of an
24 original or duplicate driver's license;

25 (2) a holder of a provisional Texas conditional
26 driver's permit is subject to the laws of this state applicable to
27 the holder of a provisional driver's license; and

1 (3) a holder of a Texas conditional learner permit is
2 subject to the laws of this state applicable to the holder of a
3 learner license.

4 (d) The department shall adopt rules:

5 (1) regarding the design and content of permits issued
6 under this subchapter;

7 (2) establishing criteria for proof of identification
8 and residency of an applicant;

9 (3) designating acceptable evidence that an applicant
10 is not eligible for a social security number;

11 (4) requiring a check of state and national criminal
12 history record information to determine whether an applicant is
13 eligible for a permit under Section 521.231(a)(3); and

14 (5) regarding qualifications for the issuance of
15 provisional Texas conditional driver's permits and Texas
16 conditional learner permits.

17 Sec. 521.233. APPLICATION. (a) An application for a permit
18 under this subchapter must state the applicant's full name and
19 place and date of birth. This information must be verified by
20 presentation of one document establishing the applicant's identity
21 and age, including:

22 (1) a current passport or consular document issued to
23 the applicant by the country of which the applicant is a citizen;

24 (2) a current border crossing card;

25 (3) a current Mexican voter registration card
26 (Instituto Nacional Electoral credencial para votar);

27 (4) an individual taxpayer identification number

1 issued by the Internal Revenue Service; or
2 (5) another identification document the department
3 determines by rule is acceptable as proof of the information.

4 (b) The application must include:

5 (1) the applicant's thumbprints or, if thumbprints
6 cannot be taken, the index fingerprints of the applicant;

7 (2) a photograph of the applicant;

8 (3) the signature of the applicant;

9 (4) a brief description of the applicant;

10 (5) any information necessary to perform a criminal
11 history background check on the applicant; and

12 (6) evidence that the applicant has resided in this
13 state for at least one year.

14 (c) The application must state:

15 (1) the sex of the applicant;

16 (2) the residence address of the applicant;

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

19 (4) if previously licensed:

20 (A) when and by what state or country;

21 (B) whether that license has been suspended or
22 revoked or a license application denied; and

23 (C) if applicable, the date and reason for the
24 suspension, revocation, or denial; and

25 (5) the county of residence of the applicant.

26 (d) Regardless of the applicant's age, the application must
27 state whether the applicant has completed a driver education course

1 required by Section 521.1601 and each applicable examination
2 required by Section 521.161.

3 (e) The application must be accompanied by evidence of
4 financial responsibility that complies with the requirements of
5 Section 521.143.

6 (f) The application must include any other information the
7 department requires to determine the applicant's eligibility as
8 required by state law.

9 (g) Information supplied to the department relating to an
10 applicant's medical history is for the confidential use of the
11 department and may not be disclosed to any person or used as
12 evidence in a legal proceeding other than a proceeding under
13 Subchapter N. This subsection does not apply to information
14 provided by an applicant under Subsection (h).

15 (h) The application must provide space for the applicant to
16 voluntarily list any health condition that may impede communication
17 with a peace officer as evidenced by a written statement from a
18 licensed physician.

19 (i) Information supplied to the department relating to the
20 applicant's criminal history is for the confidential use of the
21 department and may not be disclosed to any person or used as
22 evidence in a legal proceeding, including an immigration
23 proceeding.

24 Sec. 521.234. FEES. (a) In this section, "consumer price
25 index" means the Consumer Price Index for All Urban Consumers
26 (CPI-U), as published by the United States Bureau of Labor
27 Statistics or its successor in function.

1 (b) The initial fee for the issuance or renewal of a Texas
2 conditional driver's permit or the issuance of a provisional Texas
3 conditional driver's permit or a Texas conditional learner permit
4 is \$50. The department may, on January 1 of each year, increase the
5 fee established under this subsection as necessary to adjust for
6 inflation as determined by the consumer price index if the
7 department posts the planned fee increase on the department's
8 Internet website not later than November 1 of the previous year.

9 (c) Each fee collected under this subchapter shall be
10 deposited to the credit of the Texas mobility fund.

11 Sec. 521.235. EXPIRATION. (a) Each Texas conditional
12 driver's permit issued or renewed under this subchapter expires two
13 years after the date of issuance.

14 (b) Each provisional Texas conditional driver's permit and
15 Texas conditional learner permit issued under this subchapter
16 expires on the 18th birthday of the permit holder.

17 Sec. 521.236. RENEWAL. The department shall allow an
18 eligible applicant to renew a Texas conditional driver's permit in
19 the same manner and locations as an applicant for the renewal of a
20 driver's license under Subchapter M.

21 SECTION 2. Not later than January 1, 2024, the Department of
22 Public Safety of the State of Texas shall:

23 (1) adopt the rules necessary to implement Subchapter
24 K-1, Chapter 521, Transportation Code, as added by this Act; and

25 (2) create the application form required by Section
26 521.233, Transportation Code, as added by this Act.

27 SECTION 3. The Department of Public Safety of the State of

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1 Texas may not increase a fee as authorized by Section 521.234,
2 Transportation Code, as added by this Act, before January 1, 2025.

3 SECTION 4. This Act takes effect September 1, 2023.