

By: Romero, Jr.

H.B. No. 1869

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 SUBCHAPTER K-1. TEXAS CONDITIONAL DRIVER'S PERMIT

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

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

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

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

21 (4) regardless of the person's age, has completed a
22 driver education course required by Section 521.1601 and an
23 examination required by Section 521.161, except as provided by
24 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) requiring a check of state and national criminal
10 history record information to determine whether an applicant is
11 eligible for a permit under Section 521.231(a)(3); and

12 (4) regarding qualifications for the issuance of
13 provisional Texas conditional driver's permits and Texas
14 conditional learner permits.

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

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

22 (2) a current border crossing card;

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

25 (4) an individual taxpayer identification number
26 issued by the Internal Revenue Service; or

27 (5) another identification document the department

1 determines by rule is acceptable as proof of the information.

2 (b) The application must include:

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

5 (2) a photograph of the applicant;

6 (3) the signature of the applicant;

7 (4) a brief description of the applicant;

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

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

12 (c) The application must state:

13 (1) the sex of the applicant;

14 (2) the residence address of the applicant;

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

17 (4) if previously licensed:

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

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

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

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

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

26 required by Section 521.1601 and each applicable examination
27 required by Section 521.161.

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

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

7 (g) Information collected by the department under this
8 section is confidential and not subject to disclosure under Chapter
9 552, Government Code.

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

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

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

25 Sec. 521.234. FEES. The fee for the issuance or renewal of
26 a Texas conditional driver's permit or the issuance of a
27 provisional Texas conditional driver's permit or a Texas

1 conditional learner permit is \$100 or an amount set by the
2 department, not to exceed \$100. The department may set the fee at
3 an amount that is less than \$100 if:

4 (1) the amount is sufficient to cover the department's
5 costs of administering this subchapter based on the department's
6 costs of administering this subchapter during the previous fiscal
7 year; and

8 (2) the department has fully recouped the cost of
9 initially implementing this subchapter from the total amount of
10 fees collected under this subchapter.

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. This Act takes effect September 1, 2023.