

1-1 By: Ogden S.B. No. 944
1-2 (In the Senate - Filed March 6, 2003; March 11, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; April 9, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 2, 1
1-6 present not voting; April 9, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 944 By: Ogden

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the expiration, appearance, and funding for the
1-11 issuance of a driver's license, identification certificate, or
1-12 commercial driver's license or permit issued to a person who is not
1-13 a citizen of the United States.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter A, Chapter 521, Transportation Code,
1-16 is amended by adding Section 521.007 to read as follows:

1-17 Sec. 521.007. USE OF STATE HIGHWAY FUND. The costs of
1-18 additional requirements imposed by this chapter for the issuance of
1-19 a driver's license or personal identification certificate to a
1-20 person who is not a citizen of the United States may be paid only
1-21 from funds appropriated from the state highway fund.

1-22 SECTION 2. Section 521.101, Transportation Code, is amended
1-23 by amending Subsection (f) and adding Subsection (j) to read as
1-24 follows:

1-25 (f) A certificate expires on a date specified by the
1-26 department, except that:

1-27 (1) a certificate issued to a person 60 years of age or
1-28 older, other than a person described by Subdivision (2), does not
1-29 expire; and

1-30 (2) a certificate issued to a person who is not a
1-31 citizen of the United States expires on the earlier of:

1-32 (A) six years from the date of issuance;

1-33 (B) a date corresponding to the end of the period
1-34 of legal stay as indicated by documentation issued by the federal
1-35 agency responsible for citizenship and immigration; or

1-36 (C) one year from the date of issuance if there is
1-37 no definite end to the period of legal stay.

1-38 (j) The department shall indicate "TEMPORARY ISSUANCE" on
1-39 the face of a personal identification certificate valid for less
1-40 than six years that is issued to a person who is not a citizen of the
1-41 United States.

1-42 SECTION 3. Subchapter F, Chapter 521, Transportation Code,
1-43 is amended by adding Section 521.127 to read as follows:

1-44 Sec. 521.127. DESIGNATOR ON LICENSE ISSUED TO A NONCITIZEN.
1-45 The department shall indicate "TEMPORARY ISSUANCE" on the face of a
1-46 license valid for less than six years that is held by a person who is
1-47 not a citizen of the United States.

1-48 SECTION 4. Section 521.142, Transportation Code, is amended
1-49 by adding Subsection (h) to read as follows:

1-50 (h) An applicant who is not a citizen of the United States
1-51 must present to the department documentation issued by the federal
1-52 agency responsible for citizenship and immigration authorizing the
1-53 applicant to be in the United States.

1-54 SECTION 5. Subsection (b), Section 521.1425,
1-55 Transportation Code, is amended to read as follows:

1-56 (b) The department shall require each applicant for an
1-57 original, renewal, or duplicate driver's license to furnish to the
1-58 department the information required by Sections 521.142(c)(7) and
1-59 (8) and (h).

1-60 SECTION 6. Subsection (a), Section 521.271, Transportation
1-61 Code, is amended to read as follows:

1-62 (a) Except as provided by Section 521.2715, each [Each]
1-63 original driver's license and provisional license expires as

2-1 follows:

2-2 (1) a driver's license expires on the first birthday of
2-3 the license holder occurring after the sixth anniversary of the
2-4 date of the application;

2-5 (2) a provisional license expires on the earlier of:
2-6 (A) the 18th birthday of the license holder; or
2-7 (B) the first birthday of the license holder
2-8 occurring after the date of the application;

2-9 (3) an instruction permit expires on the first
2-10 birthday of the license holder occurring after the date of the
2-11 application; and

2-12 (4) an occupational license expires on the first
2-13 anniversary of the court order granting the license.

2-14 SECTION 7. Subchapter M, Chapter 521, Transportation Code,
2-15 is amended by adding Section 521.2715 to read as follows:

2-16 Sec. 521.2715. LICENSE EXPIRATION: NONCITIZENS. A
2-17 driver's license held by a person who is not a citizen of the United
2-18 States, including a renewal, duplicate, or corrected license,
2-19 expires on the earlier of:

2-20 (1) the date specified in Section 521.271;

2-21 (2) the date corresponding to the end of the period of
2-22 legal stay as indicated by documentation issued by the federal
2-23 agency responsible for citizenship and immigration; or

2-24 (3) one year from the date of issuance if there is no
2-25 definite end to the period of legal stay.

2-26 SECTION 8. Section 521.421, Transportation Code, is amended
2-27 by adding Subsection (k) to read as follows:

2-28 (k) If a driver's license issued to a person who is not a
2-29 citizen of the United States expires before the date specified in
2-30 Section 521.271, the department shall prorate the fee according to
2-31 the number of years the license is to be in effect.

2-32 SECTION 9. Subsection (a), Section 521.422, Transportation
2-33 Code, is amended to read as follows:

2-34 (a) The fee for a personal identification certificate is:

2-35 (1) \$15 for a person under 60 years of age;

2-36 (2) \$5 for a person 60 years of age or older; ~~and~~

2-37 (3) \$20 for a person subject to the registration
2-38 requirements under Chapter 62, Code of Criminal Procedure; and

2-39 (4) for a certificate issued to a person under Section
2-40 521.101(f)(2), the lesser of:

2-41 (A) \$3 for each year the certificate is valid; or

2-42 (B) \$15.

2-43 SECTION 10. Subchapter A, Chapter 522, Transportation Code,
2-44 is amended by adding Section 522.008 to read as follows:

2-45 Sec. 522.008. USE OF STATE HIGHWAY FUND. The cost of
2-46 additional requirements imposed by this chapter for the issuance of
2-47 a commercial driver's license or permit to a person who is not a
2-48 citizen of the United States may be paid only from funds
2-49 appropriated from the state highway fund.

2-50 SECTION 11. Section 522.021, Transportation Code, is
2-51 amended by amending Subsection (a) and adding Subsection (e) to
2-52 read as follows:

2-53 (a) An application for a commercial driver's license or
2-54 commercial driver learner's permit must include:

2-55 (1) the full name and current residence and mailing
2-56 address of the applicant;

2-57 (2) a physical description of the applicant, including
2-58 sex, height, and eye color;

2-59 (3) the applicant's date of birth;

2-60 (4) the applicant's social security number, unless the
2-61 application is for a nonresident commercial driver's license and
2-62 the applicant is a resident of a foreign jurisdiction;

2-63 (5) certifications, including those required by 49
2-64 C.F.R. Section 383.71(a); ~~and~~

2-65 (6) a statement as to whether the applicant is a
2-66 citizen of the United States; and

2-67 (7) any other information required by the department.

2-68 (e) An applicant who is not a citizen of the United States
2-69 must present to the department documentation issued by the federal

3-1 agency responsible for citizenship and immigration authorizing the
3-2 applicant to be in the United States.

3-3 SECTION 12. Section 522.029, Transportation Code, is
3-4 amended by amending Subsection (a) and adding Subsection (i) to
3-5 read as follows:

3-6 (a) The fee for a commercial driver's license or commercial
3-7 driver learner's permit issued by the department is \$60, except as
3-8 provided by Subsections (f), (h), and (i) [~~(h)~~].

3-9 (i) If a commercial driver's license or commercial driver
3-10 learner's permit issued to a person who is not a citizen of the
3-11 United States expires before the date specified in Section 522.051,
3-12 the department shall prorate the fee according to the number of
3-13 years the license or permit is to be in effect.

3-14 SECTION 13. Section 522.030, Transportation Code, is
3-15 amended to read as follows:

3-16 Sec. 522.030. CONTENT OF LICENSE. A commercial driver's
3-17 license must:

3-18 (1) be marked "Commercial Driver License" or "CDL";

3-19 (2) be, to the extent practicable, tamper-proof; [~~and~~]

3-20 (3) include:

3-21 (A) the name and mailing address of the person to
3-22 whom it is issued;

3-23 (B) the person's color photograph;

3-24 (C) a physical description of the person,
3-25 including sex, height, and eye color;

3-26 (D) the person's date of birth;

3-27 (E) a number or identifier the department
3-28 considers appropriate;

3-29 (F) the person's signature;

3-30 (G) each class of commercial motor vehicle that
3-31 the person is authorized to drive, with any endorsements or
3-32 restrictions;

3-33 (H) the name of this state; and

3-34 (I) the dates between which the license is valid;

3-35 and

3-36 (4) if the person is not a citizen of the United States
3-37 and is issued a license that is valid for less than six years, be
3-38 marked "TEMPORARY ISSUANCE" on the face of the license.

3-39 SECTION 14. Subsection (a), Section 522.051,
3-40 Transportation Code, is amended to read as follows:

3-41 (a) Except as provided by Sections [~~Section~~] 522.033 and
3-42 522.0515, an original commercial driver's license or commercial
3-43 driver learner's permit expires six years after the applicant's
3-44 next birthday.

3-45 SECTION 15. Subchapter E, Chapter 522, Transportation Code,
3-46 is amended by adding Section 522.0515 to read as follows:

3-47 Sec. 522.0515. EXPIRATION OF LICENSE OR PERMIT:
3-48 NONCITIZENS. A commercial driver's license or commercial driver
3-49 learner's permit held by a person who is not a citizen of the United
3-50 States, including a renewal, duplicate, or corrected license,
3-51 expires on the earlier of:

3-52 (1) the date specified in Section 522.051 or 522.052;

3-53 (2) the date corresponding to the end of the period of
3-54 legal stay as indicated by documentation issued by the federal
3-55 agency responsible for citizenship and immigration; or

3-56 (3) one year from the date of issuance if there is no
3-57 definite end to the period of legal stay.

3-58 SECTION 16. Section 522.052, Transportation Code, is
3-59 amended by adding Subsection (h) to read as follows:

3-60 (h) The department shall require each applicant to furnish
3-61 to the department the information required by Sections
3-62 522.021(a)(6) and (e) for a:

3-63 (1) renewal, duplicate, or corrected commercial
3-64 driver's license; or

3-65 (2) duplicate or corrected commercial driver learner's
3-66 permit.

3-67 SECTION 17. The change in law made by this Act applies only
3-68 to an original or renewal application for a driver's license,
3-69 personal identification certificate, commercial driver's license,

4-1 or commercial driver learner's permit submitted on or after the
4-2 effective date of this Act.

4-3 SECTION 18. This Act takes effect September 1, 2003.

4-4

* * * * *