

BILL ANALYSIS

S.B. 1260
By: Seliger
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes the Texas Department of Public Safety (DPS) to issue nonresident commercial driver's licenses to residents of foreign jurisdictions. However, DPS, which considers this to be a homeland security issue, has stated that the provision of such licenses is discretionary, and has refused to issue them without the provision of additional authority to do so from the legislature. This is a problem for workers driving trucks primarily in the agriculture industry, as several Texas-based custom harvester businesses are using temporary nonresident workers who have certain federally-issued visas.

S.B. 1260 authorizes DPS to issue a nonresident commercial driver's license with the word "nonresident" printed on it to a resident of a foreign jurisdiction, valid for a length of time determined by the earlier of the expiration dates of the person's visa and I-94 forms, provided that the nonresident presents a valid Social Security card to DPS. The bill also authorizes DPS to issue a temporary license with the word "nonresident" printed on it to a nonresident who cannot present a valid Social Security card but can present a those identifying documents. This temporary license would be valid for either 60 days or until the expiration dates of the person's visa or I-94 forms, whichever comes sooner.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 522.013, Transportation Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Requires the word "nonresident" to appear on the face of any license issued under this section (Nonresident License), rather than just a nonresident commercial driver's license.

(e) Authorizes the Department of Public Safety (DPS) to issue a temporary nonresident commercial driver's license (license) to a person who applies for a nonresident license but does not present a Social Security card as required by Section 522.021(a-1)(1) but who otherwise meets the requirements for a license, including the requirement that the commercial motor vehicle testing and licensing standards of the country of which the applicant is a resident not meet the testing and licensing standards established by 49 C.F.R. Part 383 (Commercial Driver's License Standards; Requirements and Penalties). Provides that such a license expires on a certain date and is prohibited from being renewed.

(f) Prohibits DPS from issuing more than one provisional license to a person.

SECTION 2. Amends Section 522.021, Transportation Code, by adding Subsection (a-1), to require an applicant for a nonresident license and who is a resident of a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383 to present a Social Security card and a passport issued from the applicant's country of residence, a Temporary Worker visa, and a Form I-94 Arrival/Departure record or successor document.

SECTION 3. Amends Section 522.029, Transportation Code, by amending Subsection (a) and adding Subsection (j), as follows:

(a) Makes a conforming change.

(j) Provides that the fee for a nonresident license is \$120, or \$20 for a provisional license.

SECTION 4. Amends Section 522.051, Transportation Code, by amending Subsection (a) and adding Subsection (f), as follows:

(a) Provides that a license or permit expires five years after the applicant's next birthday, except as provided by Subsection (f) and Section 522.013(e), in addition to another exception provided for in this subsection.

(f) Provides that a nonresident license other than a temporary nonresident license under Section 522.013(e) expires on the earlier of the expiration date of certain documents.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.