

BILL ANALYSIS

C.S.S.B. 1785
By: Carona
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.S.B. 1785 strengthens the requirements for obtaining Texas driver's licenses and identification certificates. It amends current statutes to address criminal activities that have been exploited to perpetrate fraud in obtaining and using state issued driver's licenses and identification certificates.

The committee substitute authorizes the Department of Public Safety to strengthen residency, eligibility, and expiration requirements to reduce fraud and increase the safety and security of law abiding citizens and visitors in Texas. The bill requires that driver's licenses and identification certificates issued to individuals who are not citizens or permanent residents of the United States expire concurrent with the holder's period of lawful presence in the United States.

The committee substitute requires additional training for drivers license personnel who deal directly with the public and requires the establishment of a review office to ensure an avenue of appeal to individuals who are denied a driver's license or identification certificate due to residency or identity issues.

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

All SECTIONS of C.S.S.B. 1785 that amend statute amend the Transportation Code.

SECTION 1. This section amends the definition of "resident" for driver licensing purposes. A new state resident must have an established residency in this state for 60 days to make application for a Texas driver's license or identification certificate.

SECTION 2. This section creates a review office and training requirements for Driver License employees. The review office will be responsible to review and reconcile cases of individuals who have been denied a driver's license or identification certificate due to identity or residency requirements.

The bill additionally adds training requirements for driver license employees who interact directly with the public. The section requires customer service, cultural diversity, and proof of citizenship training for new employees within three month of employment and annual retraining.

SECTION 3. This section increases the time requirement to obtain a Texas driver's license or identification certificate from 30 to 90 days. This change requires a new resident to Texas to establish a residence and provide proof of residency to be eligible for a driver's license or identification certificate.

SECTION 4. This section creates a Class A Misdemeanor violation for a person who fails to update their residence address on a driver's license or identification certificate if their intent is to harm or defraud another person.

SECTION 5. This section requires the Department of Public Safety (DPS) to verify the validity of residence addresses in the existing driver history database to detect potential fraud. DPS may not base the verification on the race or ethnicity of individuals.

DPS may contract with a third-party vendor to conduct the verification but the vendor is limited to address verification and may not copy, use, or retain the information for other than the verification required under this section.

DPS is prohibited from denying the issuance of a driver's license or identification certificate to a person who presents reasonable documentation of homelessness as defined by the McKinney Vento Homeless Assistance Act.

SECTION 6. This section requires applicants for an identification certificate to provide proof of citizenship or lawful presence in the United States. The Department may deny the issuance of an identification certificate to a person who has not established a domicile in Texas unless the person presents a certificate of homelessness.

This section requires that identification certificates be in the same format, have the same orientation, contain the same information, and not include information that is not referenced or required in Chapter 521 of the Transportation Code.

SECTION 7. This section creates a temporary identification certificate that is valid for 120 days and is issued to persons who are otherwise ineligible for an identification certificate due to the expiration of their lawful presence in the United States. Individuals who have applied for an adjustment or extension to their lawful status but have not received a final determination for the United States Department of Homeland Security may obtain a temporary identification certificate that may be renewed for up to one year.

SECTION 8. This section requires that driver's licenses be in the same format, have the same orientation, contain the same information, and not include information that is not referenced or required in Chapter 521 of the Transportation Code.

SECTION 9. This section requires applicants for a driver's license to provide proof of citizenship or lawful presence in the United States unless the information has been previously provided.

SECTION 10. This section prohibits the use of a Post Office Box as a residential address for a driver's license or identification certificate holder unless there an exception by state or federal law. Allows DPS to require applicants to provide proof of their residential address.

DPS may contract with a third-party vendor to conduct the verification but the vendor is limited to address verification and may not copy, use, or retain the information for other than the verification required under this section.

SECTION 11. This section creates a temporary driver's license that is valid for 120 days and is issued to persons who are otherwise ineligible for a driver's license due to the expiration of their lawful presence in the United States. Individuals who have applied for an adjustment or extension to their lawful status but have not received a final determination for the United States Department of Homeland Security may obtain a temporary driver's license that may be renewed for up to one year.

SECTION 12. This section creates the expiration for driver's licenses and identification cards issued to individuals who are not United States citizens, lawful permanent residents, or lawfully admitted refugees or asylees. Driver's licenses or identification certificates issued to other individuals who provide documentation of their lawful presence will expire on the date their lawful presence expires or one year from the date of issuance if there is no fixed expiration of the lawful status.

SECTION 13. This section creates a fee for driver's licenses and identification certificates issued to individuals with temporary lawful status. The fee will be \$15 for the first year and \$10

for each year or portion of a year thereafter, or \$15 for cards that are not valid for more than 1 year. This section increases the fee for a provisional driver's license from \$5 to \$10.

SECTION 14. This section requires applicants for a commercial driver's license to provide proof of citizenship or lawful presence in the United States unless the information has been previously provided.

SECTION 15. This section prohibits the use of a Post Office Box as a residential address for a commercial driver's license identification certificate holder unless there an exception by state or federal law. Allows DPS to require applicants to provide proof of their residential address.

DPS may contract with a third-party vendor to conduct the verification but the vendor is limited to address verification and may not copy, use, or retain the information for other than the verification required under this section.

SECTION 16. This section creates a fee for commercial driver's licenses issued to individuals with temporary lawful status. The fee will be \$100 for the first year and \$25 for each year or portion of a year thereafter, or \$100 for cards that are not valid for more than 1 year. The fee for a temporary nonresident commercial driver's license is increased from \$20 to \$25.

SECTION 17. This section increases the fee for a motorcycle license in conjunction with a commercial driver's license from \$8 to \$10.

SECTION 18. This section requires that commercial driver's licenses be in the same format, have the same orientation, contain the same information, and not include information that is not referenced or required in Chapter 522 of the Transportation Code.

The section further establishes the precedence of the specific provisions related to nonresident and temporary nonresident commercial driver's license over the new provision of this amendment.

SECTION 19. This section creates a temporary commercial driver's license that is valid for 120 days and is issued to persons who are otherwise ineligible for a commercial driver's license due to the expiration of their lawful presence in the United States. Individuals who have applied for an adjustment or extension to their lawful status but have not received a final determination for the United States Department of Homeland Security may obtain a temporary commercial driver's license that may be renewed for up to one year.

SECTION 20. This section creates the expiration for commercial driver's licenses issued to individuals who are not United States citizens, lawful permanent residents, or lawfully admitted refugees or asylees.

Commercial driver's licenses issued to other individuals who provide documentation of their lawful presence will expire on the date their lawful presence expires or one year from the date of issuance if there is no fixed expiration of the lawful status.

SECTION 21. This section requires applicants for a commercial driver's license to provide proof of citizenship or lawful presence in the United States unless the information has been previously provided.

SECTION 22. This section repeals the previous fee for a temporary nonresident commercial driver's license.

SECTION 23. The section clarifies that changes in the issuance procedures for driver's licenses, identification certificates, and commercial driver's licenses are effective after the effective date of this bill.

SECTION 24. Effective date.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1785 adds provisions creating a definition of a “resident” for driver licensing purposes. It adds requirements for the Department of Public Safety (DPS) to create an office of review and to provide additional training for driver’s license employees who interact with the public. The substitute adds a penalty for a person failing to report a change of address on a DL/ID if there is intent to defraud or harm another person. Additionally, the substitute adds safeguards regarding racial profiling and the use of the information by a third-party provider. The substitute adds a requirement for DL/ID applicants to present proof of citizenship or lawful presence in the United States but prohibits the format of a DL/ID from differing in appearance for lawfully present non-citizens. The substitute creates a temporary DL/ID for a period of 120 days for individuals who apply for an extension to the period of lawful status or adjustment of lawful status with the federal government. The substitute prescribes that DL/ID’s issued to individuals who have a temporary lawful status in the United States will expire concurrent with the expiration of the person’s lawful status or in two years if there is no determined date of expiration of lawful states. The substitute creates fees for DL/ID’s issued to temporary lawful residents for less than the full term otherwise prescribed in Chapters 521 and 522 of the Transportation Code.

C.S.S.B. 1785 differs from the original version creating a definition of a “resident” for driver licensing purposes and requiring the Department of Public Safety (DPS) to create an office of review to provide additional training for driver’s license employees who interact with the public. The substitute adds a penalty for failing to report a change of address on a DL/ID with the intent to defraud or harm another person. The substitute provides safeguards regarding racial profiling and the use of the driver information by a third-party provider. It authorizes the denial of a DL/ID to a person whose residential address cannot be verified unless the person presents documentation of homelessness. The substitute requires DL/ID applicants to present proof of citizenship or lawful presence in the United States and for DL/ID’s to expire concurrent with the expiration of the lawful status or in two years if there is no determine date of expiration of lawful status. The format of a DL/ID may not differ in appearance for lawfully present non-citizens. The substitute creates a temporary DL/ID for a period of 120 days for individuals who apply for an extension to the period of lawful status or adjustment of lawful status with the federal government. The substitute creates fees for DL/ID’s issued to temporary lawful residents for less than the full term otherwise in Chapters 521 and 522 of the Transportation Code.

C.S.S.B. 1785 removes the provision authorizing disclosure of the results of the address verification to other criminal justice agencies. The substitute additionally removes the provisions for conspiring to manufacture a counterfeit DL/ID.