

By: Jackson

H.B. No. 1061

A BILL TO BE ENTITLED

AN ACT

relating to the requirement of citizenship or lawful presence in the United States for issuance or renewal of certain occupational licenses, driver's licenses, and identification certificates.

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

ARTICLE 1. BUSINESS, OCCUPATIONAL, AND PROFESSIONAL LICENSES

SECTION 1.01. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. EMPLOYMENT ELIGIBILITY IN UNITED STATES REQUIRED FOR BUSINESS, OCCUPATIONAL, OR PROFESSIONAL LICENSE

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "Employment eligibility" means eligibility for employment in the United States.

(2) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) an individual must obtain to engage in a particular business, occupation, or profession.

(3) "Licensing authority" means a department, commission, board, office, or other agency of this state or a political subdivision of this state that issues a license.

Sec. 60.002. EMPLOYMENT ELIGIBILITY REQUIRED. (a) An applicant for a license must establish employment eligibility if the applicant is:

1 (1) applying for an original license; or

2 (2) renewing a license and the applicant has not
3 previously established employment eligibility.

4 (b) The licensing authority may not issue a license to an
5 applicant or renew an applicant's license unless the applicant
6 establishes employment eligibility as required by Subsection (a).

7 Sec. 60.003. DOCUMENTS THAT ESTABLISH EMPLOYMENT
8 ELIGIBILITY. (a) To establish employment eligibility, an
9 applicant shall provide to the licensing authority for inspection
10 an original or a copy of:

11 (1) one of the following documents:

12 (A) a United States passport, unexpired or
13 expired;

14 (B) a Certificate of United States Citizenship;

15 (C) a Certificate of Naturalization;

16 (D) an unexpired foreign passport, with I-551
17 stamp or attached Form I-94 indicating unexpired employment
18 authorization;

19 (E) a Permanent Resident Card or Alien
20 Registration Receipt Card with photograph;

21 (F) an unexpired Temporary Resident Card;

22 (G) an unexpired Employment Authorization Card;

23 (H) an unexpired reentry permit;

24 (I) an unexpired Refugee Travel Document; or

25 (J) an unexpired Employment Authorization
26 Document issued by the United States Department of Homeland
27 Security that contains a photograph; or

1 (2) two documents as follows:

2 (A) one document listed in this paragraph:

3 (i) a driver's license or identification
4 card that is issued by a state or outlying possession of the United
5 States and that contains the applicant's photograph or information,
6 including the applicant's name, date of birth, sex, height, eye
7 color, and address;

8 (ii) an identification card that is issued
9 by a federal, state, or local government agency and that contains
10 the applicant's photograph or information, including the
11 applicant's name, date of birth, sex, height, eye color, and
12 address;

13 (iii) a voter registration certificate;

14 (iv) a United States military card or draft
15 record;

16 (v) a military dependent's identification
17 card;

18 (vi) a United States Coast Guard Merchant
19 Mariner Card;

20 (vii) a Native American tribal document; or

21 (viii) a driver's license issued by a
22 Canadian government authority; and

23 (B) one document listed in this paragraph:

24 (i) a social security card issued by the
25 Social Security Administration, other than a card stating it is not
26 valid for employment;

27 (ii) a Certification of Birth Abroad issued

1 by the United States Department of State;
2 (iii) an original or certified copy of a
3 birth certificate issued by a state, county, municipality, or
4 outlying possession of the United States bearing an official seal;
5 (iv) a Native American tribal document;
6 (v) a United States Citizen Identification
7 Card;
8 (vi) an Identification Card for Use of
9 Resident Citizen in the United States; or
10 (vii) an unexpired Employment
11 Authorization Document issued by the United States Department of
12 Homeland Security.

13 (b) In addition to the documents required by Subsection (a),
14 an applicant may establish employment eligibility by submitting to
15 the licensing authority a document verifying that the applicant
16 provided to their current or most recent employer a true and correct
17 Form I-9 along with authentic supporting documents.

18 (c) Except as provided by this subsection, the documents
19 required by Subsection (a) or (b) must be submitted with the license
20 application. An applicant who submits an application through the
21 TexasOnline system or another electronic means shall submit the
22 documents required under Subsection (a) or (b) not later than 30
23 days after the date the application is submitted electronically.

24 Sec. 60.004. TEMPORARY LICENSE. (a) After an applicant has
25 submitted all documents that will be required for a licensing
26 authority to verify the applicant's employment eligibility and
27 before the licensing authority verifies the applicant's employment

1 eligibility, the licensing authority may issue a temporary license
2 to the applicant.

3 (b) A temporary license under this section expires on the
4 21st day after the date the temporary license is issued.

5 (c) The licensing authority shall determine the applicant's
6 employment eligibility not later than the day the temporary license
7 expires.

8 Sec. 60.005. AUDIT. A licensing authority may audit some or
9 all of the applications submitted to the licensing authority for
10 compliance with this chapter, including documents used to establish
11 employment eligibility.

12 Sec. 60.006. CONFIDENTIALITY. Information provided by an
13 applicant under this chapter that is not subject to disclosure
14 under other law is confidential and not subject to disclosure under
15 Chapter 552, Government Code.

16 Sec. 60.007. NONDISCRIMINATION. A licensing authority
17 shall implement this chapter without regard to an applicant's race,
18 religion, sex, ethnicity, or national origin.

19 SECTION 1.02. The purpose of this article is to assist in
20 the enforcement of 8 U.S.C. Chapter 12.

21 SECTION 1.03. (a) In this section:

22 (1) "License" means a license, certificate,
23 registration, permit, or other authorization that:

24 (A) is issued by a licensing authority; and

25 (B) an individual must obtain to engage in a
26 particular business, occupation, or profession.

27 (2) "Licensing authority" means a department,

1 commission, board, office, or other agency of this state or a
2 political subdivision of this state that issues a license.

3 (b) Each licensing authority shall adopt rules under
4 Chapter 60, Occupations Code, as added by this article, not later
5 than January 1, 2010.

6 (c) The change in law made by this article applies only to an
7 application for the issuance or renewal of a license that is filed
8 with a licensing authority on or after March 1, 2010. An
9 application for the issuance or renewal of a license that is filed
10 before March 1, 2010, is governed by the law in effect on the date
11 the application was filed, and the former law is continued in effect
12 for that purpose.

13 ARTICLE 2. DRIVER'S LICENSES, COMMERCIAL DRIVER'S LICENSES, AND
14 PERSONAL IDENTIFICATION CERTIFICATES

15 SECTION 2.01. Section 521.041(b), Transportation Code, is
16 amended to read as follows:

17 (b) The department shall maintain suitable indexes, in
18 alphabetical or numerical order, that contain:

19 (1) each denied application and the reasons for the
20 denial;

21 (2) each application that is granted; ~~and~~

22 (3) the name of each license holder whose license has
23 been suspended, canceled, or revoked and the reasons for that
24 action; and

25 (4) the citizenship status of each holder of a license
26 or personal identification certificate.

27 SECTION 2.02. Section 521.101, Transportation Code, is

1 amended by adding Subsections (d-1), (f-1), (f-2), and (f-3) to
2 read as follows:

3 (d-1) Unless the information has been previously provided
4 to the department, the department shall require each applicant for
5 an original, renewal, or duplicate personal identification
6 certificate to furnish to the department:

7 (1) proof of the applicant's United States
8 citizenship; or

9 (2) documentation described by Subsection (f-1).

10 (f-1) A person who is not a citizen of the United States must
11 present to the department documentation issued by the United States
12 agency responsible for citizenship and immigration that authorizes
13 the applicant to be in the United States.

14 (f-2) The department may not issue an identification
15 certificate to an applicant:

16 (1) who fails or refuses to comply with Subsection
17 (f-1); or

18 (2) whose lawful admission period in the United States
19 expires before the 180th day after the application date.

20 (f-3) In addition to a certificate issued under this
21 section, Subsections (f-1) and (f-2) apply to a personal
22 identification certificate for which application is made under
23 Section 521.103.

24 SECTION 2.03. Section 521.121(a), Transportation Code, is
25 amended to read as follows:

26 (a) The driver's license must include:

27 (1) a distinguishing number assigned by the department

1 to the license holder;

2 (2) a color photograph of the entire face of the
3 holder;

4 (3) the full name, date of birth, and residence
5 address of the holder; ~~and~~

6 (4) a brief description of the holder; and

7 (5) a statement as to whether the holder is a citizen
8 of the United States.

9 SECTION 2.04. Section 521.142, Transportation Code, is
10 amended by amending Subsection (e) and adding Subsections (e-1) and
11 (e-2) to read as follows:

12 (e) The application must include any other information the
13 department requires to determine the applicant's identity,
14 residency, competency, and eligibility.

15 (e-1) A person who is not a citizen of the United States must
16 present to the department documentation issued by the United States
17 agency responsible for citizenship and immigration that authorizes
18 the applicant to be in the United States.

19 (e-2) The department may not issue a license to an
20 applicant:

21 (1) who fails or refuses to comply with Subsection
22 (e-1); or

23 (2) whose lawful admission period in the United States
24 expires before the 180th day after the date of the application.

25 SECTION 2.05. Section 521.1425, Transportation Code, is
26 amended by amending Subsection (a) and adding Subsection (c) to
27 read as follows:

1 (a) Except as provided by Subsections [~~Subsection~~] (b) and
2 (c), the department may require each applicant for an original,
3 renewal, or duplicate driver's license to furnish to the department
4 the information required by Section 521.142.

5 (c) Unless the information has been previously provided to
6 the department, the department shall require each applicant for an
7 original, renewal, or duplicate driver's license to furnish to the
8 department:

9 (1) proof of the applicant's United States
10 citizenship; or

11 (2) documentation described by Section 521.142(e-1).

12 SECTION 2.06. Subchapter R, Chapter 521, Transportation
13 Code, is amended by adding Section 521.428 to read as follows:

14 Sec. 521.428. FEES FOR LICENSE OR PERSONAL IDENTIFICATION
15 CERTIFICATE ISSUED TO PERSON NOT CITIZEN OF UNITED STATES. (a)
16 Notwithstanding Sections 521.421 and 521.422, the department by
17 rule shall establish the amount of the fee for issuance of a license
18 or personal identification certificate issued to an applicant who
19 is not a citizen of the United States.

20 (b) The amount of the fee may not exceed the amount of the
21 fee otherwise imposed by this subchapter or the amount that is
22 sufficient, when added to other fees collected under this chapter,
23 to recover the actual costs to the department of issuing the license
24 or certificate.

25 SECTION 2.07. Section 522.021(c), Transportation Code, is
26 amended to read as follows:

27 (c) The application must meet the requirements of an

1 application under Sections [~~Section~~] 521.141, 521.142, and
2 521.1425 and [~~must~~] be accompanied by the fee required under
3 Section 522.029. The department may require documentary evidence
4 to verify the information required by this section [~~Subsection~~
5 ~~(a)~~].

6 SECTION 2.08. Section 522.029, Transportation Code, is
7 amended by amending Subsection (a) and adding Subsection (l) to
8 read as follows:

9 (a) The fee for a commercial driver's license or commercial
10 driver learner's permit issued by the department is \$60, except as
11 provided by Subsections (f), (h), [~~and~~] (j), and (l).

12 (l) Notwithstanding any other provision of this section,
13 the department by rule shall establish the amount of the fee for
14 issuance of a commercial driver's license or commercial driver
15 learner's permit issued to an applicant who is not a citizen of the
16 United States. The amount of the fee may not exceed the amount of
17 the fee otherwise imposed by this subchapter or the amount that is
18 sufficient, when added to other fees collected under this chapter,
19 to recover the actual costs to the department of issuing the license
20 or certificate.

21 SECTION 2.09. Section 522.030, Transportation Code, is
22 amended to read as follows:

23 Sec. 522.030. CONTENT OF LICENSE. A commercial driver's
24 license must:

- 25 (1) be marked "Commercial Driver License" or "CDL";
26 (2) be, to the extent practicable, tamper-proof; and
27 (3) include:

1 (A) the name and mailing address of the person to
2 whom it is issued;

3 (B) the person's color photograph;

4 (C) a physical description of the person,
5 including sex, height, and eye color;

6 (D) the person's date of birth;

7 (E) a number or identifier the department
8 considers appropriate;

9 (F) the person's signature;

10 (G) each class of commercial motor vehicle that
11 the person is authorized to drive, with any endorsements or
12 restrictions;

13 (H) the name of this state; ~~and~~

14 (I) the dates between which the license is valid;
15 and

16 (J) a statement as to whether the person is a
17 citizen of the United States.

18 SECTION 2.10. Section 522.052, Transportation Code, is
19 amended by adding Subsection (h) to read as follows:

20 (h) Unless the information has been previously provided to
21 the department, the department shall require each applicant for a
22 renewal or duplicate commercial driver's license to furnish to the
23 department:

24 (1) proof of the applicant's United States
25 citizenship; or

26 (2) documentation described by Section 521.142(e-1).

27 SECTION 2.11. The changes in law made by this article apply

1 only to a driver's license, personal identification certificate,
2 commercial driver's license, or commercial driver learner's permit
3 issued or renewed on or after the effective date of this article. A
4 driver's license, personal identification certificate, commercial
5 driver's license, or commercial driver learner's permit issued or
6 renewed before the effective date of this article is governed by the
7 law in effect when the license, certificate, or permit was issued,
8 and the former law is continued in effect for that purpose.

9 ARTICLE 3. EFFECTIVE DATE

10 SECTION 3.01. This Act takes effect September 1, 2009.