

By: Burnam

H.B. No. 2077

Substitute the following for H.B. No. 2077:

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C.S.H.B. No. 2077

A BILL TO BE ENTITLED

AN ACT

relating to driver's licenses, commercial driver's licenses, and personal identification certificates; providing a penalty.

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

SECTION 1. Section 521.001(a), Transportation Code, is amended by adding Subdivision (7-a) to read as follows:

(7-a) "Resident" means a person who lives in this state and has maintained residency in this state for a period of at least 60 days at the time of application for a driver's license or personal identification certificate.

SECTION 2. Section 521.029, Transportation Code, is amended to read as follows:

Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE RESIDENTS. (a) A person who enters this state as a new resident may operate a motor vehicle in this state for no more than 90 ~~[30]~~ days after the date on which the person enters this state if the person:

(1) is 16 years of age or older; and

(2) has in the person's possession a driver's license issued to the person by the person's state or country of previous residence.

(b) If a person subject to this section is prosecuted for operating a motor vehicle without a driver's license, the prosecution alleges that the person has resided in this state for

1 more than 90 [~~30~~] days, and the person claims to have been covered
2 by Subsection (a), the person must prove by the preponderance of the
3 evidence that the person has not resided in this state for more than
4 90 [~~30~~] days.

5 SECTION 3. Section 521.054, Transportation Code, is amended
6 by adding Subsection (e) to read as follows:

7 (e) A person commits an offense if, with intent to defraud
8 or harm another, the person fails or refuses to comply with
9 Subsection (b) or (c). An offense under this subsection is a Class
10 A misdemeanor.

11 SECTION 4. Section 521.101, Transportation Code, is amended
12 by adding Subsection (j) to read as follows:

13 (j) Except as provided by this section, each personal
14 identification certificate issued by the department:

15 (1) must:

16 (A) be in the same format;

17 (B) have the same appearance and orientation; and

18 (C) contain the same type of information; and

19 (2) may not include any information that this chapter
20 does not reference or require.

21 SECTION 5. Section 521.121, Transportation Code, is amended
22 by adding Subsection (c) to read as follows:

23 (c) Except as provided by this subchapter, each driver's
24 license issued by the department:

25 (1) must:

26 (A) be in the same format;

27 (B) have the same appearance and orientation; and

1 (C) contain the same type of information; and
2 (2) may not include any information that this chapter
3 does not reference or require.

4 SECTION 6. Section 521.142, Transportation Code, is amended
5 by amending Subsections (a) and (e) and adding Subsection (i) to
6 read as follows:

7 (a) An application for an original license must state the
8 applicant's full name and place and date of birth. This information
9 must be verified by presentation of proof of identity satisfactory
10 to the department. The department must accept [~~as satisfactory~~
11 ~~proof of identity under this subsection~~] an offender identification
12 card or similar form of identification issued to an inmate by the
13 Texas Department of Criminal Justice.

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

17 (i) The department by rule may establish and implement a
18 process to verify that the applicant resides at the residence
19 address furnished by the applicant. The department may deny
20 issuance of a license to an applicant whose residence address
21 cannot be verified. This subsection does not apply to:

22 (1) a person described by Section 521.027; or
23 (2) a person who presents a certificate of
24 homelessness as approved by the federal government.

25 SECTION 7. Section 521.181, Transportation Code, is amended
26 to read as follows:

27 Sec. 521.181. ISSUANCE OF DRIVER'S LICENSE. (a) On

1 payment of the required fee, the department shall issue to each
2 qualifying applicant a driver's license of the class for which the
3 applicant has applied.

4 (b) The department may not deny the issuance of a driver's
5 license to an applicant who has otherwise established the
6 applicant's identity, residency, competency, and eligibility for
7 the driver's license in compliance with the express provisions of
8 this chapter.

9 (c) The Public Safety Commission or the department may not
10 adopt or enforce a rule that is inconsistent with this section.

11 SECTION 8. Section 522.021(c-1), Transportation Code, is
12 amended to read as follows:

13 (c-1) If the department requires proof of an applicant's
14 identity as part of an application under this section, the
15 department must accept [~~as satisfactory proof of identity~~] an
16 offender identification card or similar form of identification
17 issued to an inmate by the Texas Department of Criminal Justice.

18 SECTION 9. Section 522.030, Transportation Code, is amended
19 to read as follows:

20 Sec. 522.030. CONTENT OF LICENSE. (a) A commercial
21 driver's license must:

- 22 (1) be marked "Commercial Driver License" or "CDL";
23 (2) be, to the extent practicable, tamper-proof; and
24 (3) include:
25 (A) the name and mailing address of the person to
26 whom it is issued;
27 (B) the person's color photograph;

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

(D) the person's date of birth;

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

(F) the person's signature;

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

(H) the name of this state; and

(I) the dates between which the license is valid.

(b) Except as provided by this subchapter, each commercial driver's license issued by the department:

(1) must:

(A) be in the same format;

(B) have the same appearance and orientation; and

(C) contain the same type of information; and

(2) may not include any information that this chapter does not reference or require.

SECTION 10. The changes in law made by this Act apply only to a driver's license, commercial driver's license, or personal identification certificate issued on or after the effective date of this Act. A driver's license, commercial driver's license, or personal identification certificate issued before the effective date of this Act is subject to the law in effect on the date of issuance, and that law is continued in effect for that purpose.

SECTION 11. This Act takes effect September 1, 2009.