

By: Burnam

H.B. No. 2077

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for a driver's license, commercial driver's license, or personal identification certificate; 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

1 prosecution alleges that the person has resided in this state for  
2 more than 90 [~~30~~] days, and the person claims to have been covered  
3 by Subsection (a), the person must prove by the preponderance of the  
4 evidence that the person has not resided in this state for more than  
5 90 [~~30~~] days.

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

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

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

15 (a) An application for an original license must state the  
16 applicant's full name and place and date of birth. This information  
17 must be verified by presentation of proof of identity satisfactory  
18 to the department. The department must accept [~~as satisfactory~~  
19 ~~proof of identity under this subsection~~] an offender identification  
20 card or similar form of identification issued to an inmate by the  
21 Texas Department of Criminal Justice.

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

25 (i) The department by rule may establish and implement a  
26 process to verify that the applicant resides at the residence  
27 address furnished by the applicant. The department may deny

1 issuance of a license to an applicant whose residence address  
2 cannot be verified. This subsection does not apply to a person  
3 described by Section 521.027.

4 SECTION 5. Section 521.181, Transportation Code, is amended  
5 to read as follows:

6 Sec. 521.181. ISSUANCE OF DRIVER'S LICENSE. (a) On  
7 payment of the required fee, the department shall issue to each  
8 qualifying applicant a driver's license of the class for which the  
9 applicant has applied.

10 (b) The department may not deny the issuance of a driver's  
11 license to an applicant who has otherwise established the  
12 applicant's identity, residency, competency, and eligibility for  
13 the driver's license in compliance with the express provisions of  
14 this chapter.

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

17 SECTION 6. Section 522.021(c-1), Transportation Code, is  
18 amended to read as follows:

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

24 SECTION 7. The changes in law made by this Act apply only to  
25 an application for a driver's license, commercial driver's license,  
26 or personal identification certificate filed on or after the  
27 effective date of this Act. An application filed before the

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1 effective date of this Act is subject to the law in effect on the  
2 date of filing, and that law is continued in effect for that  
3 purpose.

4       SECTION 8. This Act takes effect September 1, 2009.