

By: Carona

S.B. No. 1784

A BILL TO BE ENTITLED

AN ACT

relating to the requirement of citizenship or lawful presence in the United States for issuance of a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit.

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

SECTION 1. Section 521.041(b), Transportation Code, is amended to read as follows:

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

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

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

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

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

SECTION 2. Section 521.101, Transportation Code, is amended by amending Subsection (f) and adding Subsections (d-1), (f-1), (f-2), (f-3), and (f-4) to read as follows:

(d-1) Unless the information has been previously provided to the department, the department shall require each applicant for an original, renewal, or duplicate personal identification

certificate to furnish to the department:

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

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

(f) A certificate issued to an applicant who is a citizen of the United States expires on a date specified by the department, except that a certificate issued to a person 60 years of age or older does not expire.

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

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

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

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

(f-3) An identification certificate issued to an applicant who is not a citizen of the United States expires on the earlier of:

(1) the date that the applicant's lawful admission period in the United States expires; or

(2) the first anniversary of the date of issuance.

(f-4) In addition to a certificate issued under this section, Subsections (f-1), (f-2), and (f-3) apply to a personal identification certificate for which application is made under Section 521.103.

SECTION 3. Section 521.121(a), Transportation Code, is amended to read as follows:

(a) The driver's license must include:

(1) a distinguishing number assigned by the department to the license holder;

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

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

(4) a brief description of the holder; and

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

SECTION 4. Section 521.142, Transportation Code, is amended by amending Subsection (e) and adding Subsections (e-1) and (e-2) to read as follows:

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

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

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

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

(2) whose lawful admission period in the United States

expires before the 180th day after the date of the application.

SECTION 5. Section 521.1425, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

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

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

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

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

SECTION 6. Section 521.271, Transportation Code, is amended to read as follows:

Sec. 521.271. LICENSE EXPIRATION. (a) Each original driver's license, ~~[and]~~ provisional license, or occupational license issued to an applicant who is a citizen of the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the earlier of:

(A) the 18th birthday of the license holder; or

(B) the first birthday of the license holder occurring after the date of the application;

(3) an instruction permit expires on the second birthday of the license holder occurring after the date of the application; and

(4) an occupational license expires on the first anniversary of the court order granting the license.

(b) Except as provided by Subsection (c) and Section 521.2711, a driver's license that is renewed expires on the sixth anniversary of the expiration date before renewal.

(c) A driver's license, provisional license, or occupational license issued to an applicant who is not a citizen of the United States expires on the earlier of:

(1) the date that the applicant's lawful admission period in the United States expires; or

(2) the first anniversary of the date of issuance.

SECTION 7. Section 521.2711, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen of the United States expires on the earlier of:

(1) the date that the applicant's lawful admission period in the United States expires; or

(2) the first anniversary of the date of issuance.

SECTION 8. Section 521.272, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as

1 follows:

2 (c) Notwithstanding Section 521.271, a driver's license
3 issued under this section to an applicant who is a citizen of the
4 United States, including a renewal, duplicate, or corrected
5 license, expires on the first birthday of the license holder
6 occurring after the date of application, except that the initial
7 license issued under this section expires on the second birthday of
8 the license holder occurring after the date of application. This
9 subsection does not apply to:

10 (1) a provisional license;

11 (2) an instruction permit issued under Section
12 521.222; or

13 (3) a hardship license issued under Section 521.223.

14 (d) A driver's license issued under this section to an
15 applicant who is not a citizen of the United States expires on the
16 earlier of:

17 (1) the date that the applicant's lawful admission
18 period in the United States expires; or

19 (2) the first anniversary of the date of issuance.

20 SECTION 9. Subchapter R, Chapter 521, Transportation Code,
21 is amended by adding Section 521.428 to read as follows:

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

1 (b) The amount of the fee may not exceed the amount of the
2 fee otherwise imposed by this subchapter or the amount that is
3 sufficient, when added to other fees collected under this chapter,
4 to recover the actual costs to the department of issuing the license
5 or certificate.

6 SECTION 10. Section 522.021(c), Transportation Code, is
7 amended to read as follows:

8 (c) The application must meet the requirements of an
9 application under Sections [~~Section~~] 521.141, 521.142, and
10 521.1425 and [~~must~~] be accompanied by the fee required under
11 Section 522.029. The department may require documentary evidence
12 to verify the information required by this section [~~Subsection~~
13 ~~(a)~~].

14 SECTION 11. Section 522.029, Transportation Code, is
15 amended by amending Subsection (a) and adding Subsection (l) to
16 read as follows:

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

20 (l) Notwithstanding any other provision of this section,
21 the department by rule shall establish the amount of the fee for
22 issuance of a commercial driver's license or commercial driver
23 learner's permit issued to an applicant who is not a citizen of the
24 United States. The amount of the fee may not exceed the amount of
25 the fee otherwise imposed by this subchapter or the amount that is
26 sufficient, when added to other fees collected under this chapter,
27 to recover the actual costs to the department of issuing the license

1 or certificate.

2 SECTION 12. Section 522.030, Transportation Code, is
3 amended to read as follows:

4 Sec. 522.030. CONTENT OF LICENSE. A commercial driver's
5 license must:

6 (1) be marked "Commercial Driver License" or "CDL";

7 (2) be, to the extent practicable, tamper-proof; and

8 (3) include:

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

11 (B) the person's color photograph;

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

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

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

17 (F) the person's signature;

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

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

22 (I) the dates between which the license is valid;
23 and

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

26 SECTION 13. Section 522.033, Transportation Code, is
27 amended by amending Subsection (b) and adding Subsection (c) to

read as follows:

(b) Notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section to an applicant who is a citizen of the United States, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

(c) A commercial driver's license or commercial driver learner's permit issued under this section to an applicant who is not a citizen of the United States expires on the earlier of:

(1) the date that the applicant's lawful admission period in the United States expires; or

(2) the first anniversary of the date of issuance.

SECTION 14. Section 522.052, Transportation Code, is amended by adding Subsection (h) to read as follows:

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

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

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

SECTION 15. The changes in law made by this Act apply only to a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit

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

7 SECTION 16. This Act takes effect September 1, 2009.