

1-1 By: Carona S.B. No. 1784
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 22, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 3;
1-6 April 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1784 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the requirement of citizenship or lawful presence in
1-11 the United States for issuance of a driver's license, personal
1-12 identification certificate, commercial driver's license, or
1-13 commercial driver learner's permit.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subsection (b), Section 521.041, Transportation
1-16 Code, is amended to read as follows:

1-17 (b) The department shall maintain suitable indexes, in
1-18 alphabetical or numerical order, that contain:

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

1-21 (2) each application that is granted; ~~and~~

1-22 (3) the name of each license holder whose license has
1-23 been suspended, canceled, or revoked and the reasons for that
1-24 action; and

1-25 (4) the citizenship status of each holder of a license
1-26 or personal identification certificate.

1-27 SECTION 2. Section 521.101, Transportation Code, is amended
1-28 by amending Subsection (f) and adding Subsections (d-1), (f-1),
1-29 (f-2), and (f-3) to read as follows:

1-30 (d-1) Unless the information has been previously provided
1-31 to the department, the department shall require each applicant for
1-32 an original, renewal, or duplicate personal identification
1-33 certificate to furnish to the department:

1-34 (1) proof of the applicant's United States
1-35 citizenship; or

1-36 (2) documentation described by Subsection (f-1).

1-37 (f) A certificate expires:

1-38 (1) on a date specified by the department, if the
1-39 applicant is a citizen or lawful permanent resident of the United
1-40 States or a refugee or asylee lawfully admitted into the United
1-41 States; or

1-42 (2) for an applicant not described by Subdivision (1),
1-43 on:

1-44 (A) the expiration of the applicant's authorized
1-45 stay in the United States; or

1-46 (B) the first anniversary of the date of
1-47 issuance, if there is no definite expiration date for the
1-48 applicant's authorized stay in the United States [except that a
1-49 certificate issued to a person 60 years of age or older does not
1-50 expire].

1-51 (f-1) A person who is not a citizen of the United States must
1-52 present to the department documentation issued by the United States
1-53 agency responsible for citizenship and immigration that authorizes
1-54 the applicant to be in the United States.

1-55 (f-2) The department may not issue an identification
1-56 certificate to an applicant who fails or refuses to comply with
1-57 Subsection (f-1).

1-58 (f-3) In addition to a certificate issued under this
1-59 section, Subsections (f-1) and (f-2) apply to a personal
1-60 identification certificate for which application is made under
1-61 Section 521.103.

1-62 SECTION 3. Subsections (a) and (e), Section 521.142,
1-63 Transportation Code, are amended to read as follows:

2-1 (a) An application for an original license must state the
 2-2 applicant's full name and place and date of birth. This
 2-3 information must be verified by presentation of proof of identity
 2-4 satisfactory to the department. An applicant who is not a citizen
 2-5 of the United States must present to the department documentation
 2-6 issued by the United States agency responsible for citizenship and
 2-7 immigration that authorizes the applicant to be in the United
 2-8 States before the applicant may be issued a driver's license or
 2-9 personal identification certificate. The department must accept as
 2-10 satisfactory proof of identity under this subsection an offender
 2-11 identification card or similar form of identification issued to an
 2-12 inmate by the Texas Department of Criminal Justice.

2-13 (e) The application must include any other information the
 2-14 department requires to determine the applicant's identity,
 2-15 residency, competency, and eligibility as required by the
 2-16 department or by state law.

2-17 SECTION 4. Section 521.1425, Transportation Code, is
 2-18 amended by amending Subsection (a) and adding Subsection (c) to
 2-19 read as follows:

2-20 (a) Except as provided by Subsections [Subsection] (b) and
 2-21 (c), the department may require each applicant for an original,
 2-22 renewal, or duplicate driver's license to furnish to the department
 2-23 the information required by Section 521.142.

2-24 (c) Unless the information has been previously provided to
 2-25 the department, the department shall require each applicant for an
 2-26 original, renewal, or duplicate driver's license to furnish to the
 2-27 department:

2-28 (1) proof of the applicant's United States
 2-29 citizenship; or

2-30 (2) documentation described by Section 521.142(a).

2-31 SECTION 5. Section 521.271, Transportation Code, is amended
 2-32 to read as follows:

2-33 Sec. 521.271. LICENSE EXPIRATION. (a) Each original
 2-34 driver's license, ~~and~~ provisional license, or occupational
 2-35 license issued to an applicant who is a citizen or legal permanent
 2-36 resident of the United States or a refugee or asylee lawfully
 2-37 admitted into the United States expires as follows:

2-38 (1) except as provided by Section 521.2711, a driver's
 2-39 license expires on the first birthday of the license holder
 2-40 occurring after the sixth anniversary of the date of the
 2-41 application;

2-42 (2) a provisional license expires on the earlier of:
 2-43 (A) the 18th birthday of the license holder; or
 2-44 (B) the first birthday of the license holder
 2-45 occurring after the date of the application;

2-46 (3) an instruction permit expires on the second
 2-47 birthday of the license holder occurring after the date of the
 2-48 application; and

2-49 (4) an occupational license expires on the first
 2-50 anniversary of the court order granting the license.

2-51 (a-1) Each original driver's license issued to a person who
 2-52 is not a citizen or legal permanent resident of the United States or
 2-53 a refugee or asylee lawfully admitted into the United States
 2-54 expires on the first anniversary of the date of issuance if there is
 2-55 no definite expiration date for the applicant's authorized stay in
 2-56 the United States or the expiration of the license holder's lawful
 2-57 presence in the United States as determined by the United States
 2-58 agency responsible for citizenship and immigration in compliance
 2-59 with federal law.

2-60 (a-2) Each provisional license issued to a person who is not
 2-61 a citizen or legal permanent resident of the United States or a
 2-62 refugee or asylee lawfully admitted into the United States expires
 2-63 on the earlier of:

2-64 (1) the 18th birthday of the license holder;

2-65 (2) the first birthday of the license holder occurring
 2-66 after the date of the application; or

2-67 (3) the expiration of the license holder's lawful
 2-68 presence in the United States as determined by the United States
 2-69 agency responsible for citizenship and immigration in compliance

3-1 with federal law.
3-2 (b) Except as provided by Section 521.2711, a driver's
3-3 license that is renewed expires on:
3-4 (1) the sixth anniversary of the expiration date
3-5 before renewal if the applicant is a citizen or lawful permanent
3-6 resident of the United States or a refugee or asylee lawfully
3-7 admitted into the United States; or
3-8 (2) for an applicant not described by Subdivision (1):
3-9 (A) the expiration of the applicant's authorized
3-10 stay in the United States; or
3-11 (B) the first anniversary of the date of
3-12 issuance, if there is no definite expiration date for the
3-13 applicant's authorized stay in the United States.
3-14 SECTION 6. Section 521.2711, Transportation Code, is
3-15 amended by adding Subsection (c) to read as follows:
3-16 (c) Notwithstanding Subsections (a) and (b), an original or
3-17 renewal driver's license issued to an applicant who is 85 years of
3-18 age or older and not a citizen or legal permanent resident of the
3-19 United States or a refugee or asylee lawfully admitted into the
3-20 United States expires on:
3-21 (1) the expiration of the applicant's authorized stay
3-22 in the United States; or
3-23 (2) the first anniversary of the date of issuance if
3-24 there is no definite expiration date for the authorized stay in the
3-25 United States.
3-26 SECTION 7. Section 521.272, Transportation Code, is amended
3-27 by amending Subsection (c) and adding Subsection (d) to read as
3-28 follows:
3-29 (c) Notwithstanding Section 521.271, a driver's license
3-30 issued under this section, including a renewal, duplicate, or
3-31 corrected license, expires on:
3-32 (1) if the license holder is a citizen or legal
3-33 permanent resident of the United States or a refugee or asylee
3-34 lawfully admitted into the United States, the first birthday of the
3-35 license holder occurring after the date of application, except that
3-36 the initial license issued under this section expires on the second
3-37 birthday of the license holder occurring after the date of
3-38 application; or
3-39 (2) if the applicant is not described by Subdivision
3-40 (1), on the earlier of:
3-41 (A) the expiration of the applicant's authorized
3-42 stay in the United States; or
3-43 (B) the first birthday of the license holder
3-44 occurring after the date of application, except that the initial
3-45 license issued under this section expires on the second birthday of
3-46 the license holder occurring after the date of application.
3-47 (d) Subsection (c) [~~This subsection~~] does not apply to:
3-48 (1) a provisional license;
3-49 (2) an instruction permit issued under Section
3-50 521.222; or
3-51 (3) a hardship license issued under Section 521.223.
3-52 SECTION 8. Section 521.421, Transportation Code, is amended
3-53 by adding Subsections (a-1) and (a-2) and amending Subsection (c)
3-54 to read as follows:
3-55 (a-1) The fee for a driver's license or personal
3-56 identification certificate that is issued to a person who is not a
3-57 citizen or legal permanent resident of the United States or a
3-58 refugee or asylee lawfully admitted into the United States and that
3-59 is not valid for more than one year is \$15.
3-60 (a-2) The fee for a temporary driver's license or temporary
3-61 personal identification certificate that is valid for more than one
3-62 year is \$15 for the first year and \$10 for each additional year or
3-63 portion of a year.
3-64 (c) The fee for issuance or renewal of a provisional license
3-65 or instruction permit is \$10 [~~\$5~~].
3-66 SECTION 9. Subsection (c), Section 522.021, Transportation
3-67 Code, is amended to read as follows:
3-68 (c) The application must meet the requirements of an
3-69 application under Sections [~~Section~~] 521.141, 521.142, and

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

4-5 SECTION 10. Section 522.029, Transportation Code, is
4-6 amended by amending Subsection (a) and adding Subsections (k), (l),
4-7 and (m) to read as follows:

4-8 (a) The fee for a commercial driver's license or commercial
4-9 driver learner's permit issued by the department is \$60, except as
4-10 provided by Subsections (f), (h), [~~and~~] (j), (k), (l), and (m).

4-11 (k) The fee for a commercial driver's license or a
4-12 nonresident commercial driver's license that is issued to a person
4-13 who is not a citizen or legal permanent resident of the United
4-14 States or a refugee or asylee lawfully admitted into the United
4-15 States and that is not valid for more than one year is \$20.

4-16 (l) The fee for a temporary commercial driver's license or a
4-17 nonresident commercial driver's license that is issued in
4-18 compliance with federal law to a person who is not a citizen or
4-19 legal permanent resident of the United States or a refugee or asylee
4-20 lawfully admitted into the United States and that is valid for more
4-21 than one year is \$20 for the first year and \$15 for each additional
4-22 year or portion of a year.

4-23 (m) The fee for a temporary nonresident commercial driver's
4-24 license is \$20.

4-25 SECTION 11. Subsection (f), Section 522.029,
4-26 Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of
4-27 the 75th Legislature, Regular Session, 1997, is relettered as
4-28 Subsection (f-1) to read as follows:

4-29 (f-1) [~~(f)~~] If a commercial driver's license or commercial
4-30 driver learner's permit includes an authorization to operate a
4-31 motorcycle or moped, the fee for the driver's license or permit is
4-32 increased by \$8.

4-33 SECTION 12. Section 522.030, Transportation Code, is
4-34 amended to read as follows:

4-35 Sec. 522.030. CONTENT OF LICENSE. (a) A commercial
4-36 driver's license must:

- 4-37 (1) be marked "Commercial Driver License" or "CDL";
- 4-38 (2) be, to the extent practicable, tamper-proof; and
- 4-39 (3) include:
 - 4-40 (A) the name and mailing address of the person to
 - 4-41 whom it is issued;
 - 4-42 (B) the person's color photograph;
 - 4-43 (C) a physical description of the person,
 - 4-44 including sex, height, and eye color;
 - 4-45 (D) the person's date of birth;
 - 4-46 (E) a number or identifier the department
 - 4-47 considers appropriate;
 - 4-48 (F) the person's signature;
 - 4-49 (G) each class of commercial motor vehicle that
 - 4-50 the person is authorized to drive, with any endorsements or
 - 4-51 restrictions;
 - 4-52 (H) the name of this state; and
 - 4-53 (I) the dates between which the license is valid.

4-54 (b) To the extent of a conflict or inconsistency between
4-55 this section and Section 522.013 or 522.051, Section 522.013 or
4-56 522.051 controls.

4-57 SECTION 13. Subsection (b), Section 522.033,
4-58 Transportation Code, is amended to read as follows:

4-59 (b) Notwithstanding Section 522.051, a commercial driver's
4-60 license or commercial driver learner's permit issued under this
4-61 section, including a renewal, duplicate, or corrected license,
4-62 expires:

- 4-63 (1) if the license or permit holder is a citizen or
4-64 legal permanent resident of the United States or a refugee or asylee
4-65 lawfully admitted into the United States, on the first birthday of
4-66 the license holder occurring after the date of application, except
4-67 that the initial license issued under this section expires on the
4-68 second birthday of the license holder occurring after the date of
4-69 application; or

5-1 (2) if the applicant is not described by Subdivision
5-2 (1), on the earlier of:

5-3 (A) the expiration of the applicant's authorized
5-4 stay in the United States; or

5-5 (B) on the first birthday of the license holder
5-6 occurring after the date of application, except that the initial
5-7 license used under this section expires on the second birthday of
5-8 the license holder occurring after the date of application.

5-9 SECTION 14. Section 522.052, Transportation Code, is
5-10 amended by adding Subsection (h) to read as follows:

5-11 (h) Unless the information has been previously provided to
5-12 the department, the department shall require each applicant for a
5-13 renewal or duplicate commercial driver's license to furnish to the
5-14 department:

5-15 (1) proof of the applicant's United States
5-16 citizenship; or

5-17 (2) documentation described by Section 521.142(a).

5-18 SECTION 15. Subsection (j), Section 522.029,
5-19 Transportation Code, as added by Chapter 1319 (S.B. 1260), Acts of
5-20 the 80th Legislature, Regular Session, 2007, is repealed.

5-21 SECTION 16. The changes in law made by this Act apply only
5-22 to a driver's license, personal identification certificate,
5-23 commercial driver's license, or commercial driver learner's permit
5-24 issued or renewed on or after the effective date of this Act. A
5-25 driver's license, personal identification certificate, commercial
5-26 driver's license, or commercial driver learner's permit issued or
5-27 renewed before the effective date of this Act is governed by the law
5-28 in effect when the license, certificate, or permit was issued, and
5-29 the former law is continued in effect for that purpose.

5-30 SECTION 17. This Act takes effect September 1, 2009.

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