

By: Carona, et al.

S.B. No. 1785

Substitute the following for S.B. No. 1785:

By: Merritt

C.S.S.B. No. 1785

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of driver's licenses and personal identification certificates by the Department of Public Safety of the State of Texas, including enforcement measures against fictitious or fraudulently obtained licenses or certificates; providing a criminal penalty.

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

SECTION 1. Section 521.001(a), Transportation Code, is amended by adding Subsection (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 90 60 days at the time of application for a driver's license or personal identification certificate.

SECTION 2. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.007 to read as follows:

Section 521.007. REVIEW REQUIRED. (a) The Department shall create a section to review and reconcile issues related to an applicant's eligibility to meet identity and residency requirements for a driver's license or identification certificate.

(b) The Department of Public Safety shall develop customer service training requirements that at a minimum must be completed by the staff of the driver license division that interact with the public. Each new employee of the division that is required to complete this training, as a condition of employment, must do so by

1 the end of the third month of employment. Thereafter, each employee
2 that the training applies to shall participate annually in this
3 training.

4 (c) The Department of Public Safety shall develop cultural
5 diversity training requirements to be completed by the staff of the
6 drivers license division that interact with the public. Each new
7 employee of the division, as a condition of employment, must
8 complete the training by the end of the third month of employment.
9 Thereafter, each employee in the division shall participate
10 annually in the diversity training.

11 (d) The Department of Public Safety shall develop training
12 requirements regarding proof of citizenship documents. At a
13 minimum, this training must be completed by the staff in the drivers
14 license division that interact with the public. Each new employee
15 of this division, as a condition of employment, must complete the
16 training by the end of the third month of employment. Thereafter,
17 each employee of the division shall participate annually in this
18 training.

19 SECTION 3. Section 521.029, Transportation Code, is amended
20 by adding Subdivision (7-a) to read as follows:

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

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

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

1 residence.

2 (b) If a person subject to this section is prosecuted for
3 operating a motor vehicle without a driver's license, the
4 prosecution alleges that the person has resided in this state for
5 more than 90 [~~30~~] days, and the person claims to have been covered
6 by Subsection (a), the person must prove by the preponderance of the
7 evidence that the person has not resided in this state for more than
8 90 [~~30~~] days.

9 SECTION 4. Section 521.054, Transportation Code, is amended
10 by adding Subsection (e) to read as follows:

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

15 SECTION 5. Subchapter C, Chapter 521, Transportation Code,
16 is amended by adding Section 521.060 to read as follows:

17 Sec. 521.060. INTERNAL VERIFICATION SYSTEM. (a) The
18 department by rule shall establish a system for identifying unique
19 addresses that are submitted in license or certificate applications
20 under this chapter or Chapter 522 in a frequency or number that, in
21 the department's determination, casts doubt on whether the
22 addresses are the actual addresses where the applicants reside. The
23 internal verification may not be based on a driver's license or
24 identification certificate holder's race or ethnicity.

25 (b) The department may contract with a third-party personal
26 data verification service to assist the department in implementing
27 this section. Any contract under this section must provide for the

1 protection of personal data and information held by the department.
2 All information given to a third-party personal data verification
3 service shall only be used for verification of addresses under
4 Subsection (a). A third-party contractor under this section may not
5 copy, use, or retain the information provided by the department
6 other than for the purposes of this section. Failure by a
7 third-party personal data verification service to comply with this
8 subsection shall result in cancellation of any contract entered
9 into under this section.

10 (c) The department shall investigate the validity of
11 addresses identified under Subsection (a).

12 (d) The department may deny issuance of a license or
13 certificate to an applicant whose residence address cannot be
14 verified. This subsection does not apply to:

15 (1) a person described by Sections 521.027; or

16 (2) a person who provides reasonable documentation of
17 homelessness as defined by Section 725 of the McKinney Vento
18 Homeless Assistance Act.

19 SECTION 6. Section 521.101, Transportation Code, is amended
20 by amending Subsections (d) and adding Subsections (d-1), (j), and
21 (k) to read as follows:

22 (d) The department may require each applicant for an
23 original, renewal, or duplicate personal identification
24 certificate to furnish to the department the information required
25 by Section 521.142.

26 (d-1) Unless the information has been previously provided
27 to the department, the department shall require each applicant for

1 an original personal identification certificate or applicants that
2 received an original personal identification certificate to
3 furnish to the department:

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

6 (2) documentation establishing lawful presence in the
7 United States.

8 (j) The department may deny issuance of a personal
9 identification certificate to a person who has not established a
10 domicile in this state. This subsection does not apply to:

11 (1) a person described by Sections 521.027; or

12 (2) a person who presents a certificate of
13 homelessness as approved by the federal government.

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

16 (1) must:

17 (A) be in the same format;

18 (B) have the same appearance and orientation;

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

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

22 SECTION 7. Subchapter E, Chapter 521, Transportation Code,
23 is amended by adding Section 521.102 to read as follows:

24 Sec. 521.102. TEMPORARY PERSONAL IDENTIFICATION
25 CERTIFICATES UPON APPLICATION FOR EXTENDED LAWFUL PRESENCE. (a) The
26 department shall issue a temporary personal identification
27 certificate to the holder of certificate which expired because the

1 holder's lawful presence in the United States has expired, provided
2 the holder of the certificate appears in person and presents to the
3 department proof of application for an extension of lawful presence
4 in the United States with the federal government.

5 (b) A temporary personal identification certificate issued
6 under this section expires 120 days after the expiration of the
7 expiring certificate.

8 (c) The department may issue a subsequent temporary
9 personal identification certificate if the holder of the
10 certificate again appears in person and presents to the department
11 updated information regarding the status of the application for an
12 extension of lawful presence in the United States with the federal
13 government. The department shall not issue a subsequent temporary
14 personal identification certificate for any period which extends
15 beyond one year from the date the holder's lawful presence in the
16 United States expired.

17 SECTION 8. Section 521.121, Transportation Code, is amended
18 by adding Subsection (c) to read as follows:

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

21 (1) must:

22 (A) be in the same format;

23 (B) have the same appearance and orientation;

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

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

27 SECTION 9. Section 521.1425, Transportation Code, is

1 amended by amending Subsection (a) and adding Subsection (c) to
2 read as follows:

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

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

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

13 (2) documentation establishing lawful presence in the
14 United States.

15 SECTION 10. Subchapter G, Chapter 521, Transportation Code,
16 is amended by adding Sections 521.1426 and 521.1427 to read as
17 follows:

18 Sec. 521.1426. POST OFFICE BOX NOT VALID AS ADDRESS. (a) In
19 this section, "post office box address" means a United States
20 Postal Service post office box address or a private mailbox
21 address.

22 (b) Unless an exception exists under state or federal law,
23 an applicant may receive delivery of a license or a personal
24 identification certificate at a post office box address only if the
25 applicant has provided the department the physical address where
26 the applicant resides.

27 (c) The department may require the applicant to provide

1 documentation that the department determines necessary to verify
2 the validity of the physical address provided under Subsection (b).

3 (d) The department may contract with a third-party personal
4 data verification service to assist the department in implementing
5 this section. Any contract under this section must provide for the
6 protection of personal data and information held by the department.
7 All information given to a third-party personal data verification
8 service shall only be used for verification of addresses under
9 Subsection (a). A third-party contractor under this section may not
10 copy, use, or retain the information provided by the department
11 other than for the purposes of this section. Failure by a
12 third-party personal data verification service to comply with this
13 subsection shall result in cancellation of any contract entered
14 into under this section.

15 SECTION 11. Subchapter G, Chapter 521, Transportation Code,
16 is amended by adding Section 521.149 to read as follows:

17 Sec. 521.149. TEMPORARY DRIVER'S LICENSE UPON APPLICATION
18 FOR EXTENDED LAWFUL PRESENCE. (a) The department shall issue a
19 temporary driver's license to the holder of license which expired
20 because the holder's lawful presence in the United States has
21 expired, provided the holder of the license appears in person and
22 presents to the department proof of application for an extension of
23 lawful presence in the United States with the federal government.

24 (b) A temporary driver's license issued under this section
25 expires 120 days after the expiration of the expiring license.

26 (c) The department may issue a subsequent temporary
27 driver's license if the holder of the certificate again appears in

1 person and presents to the department updated information regarding
2 the status of the application for an extension of lawful presence in
3 the United States with the federal government. The department shall
4 not issue a subsequent temporary driver's license for any period
5 which extends beyond one year from the date which the holder's
6 lawful presence in the United States expired.

7 SECTION 12. Section 521.271, Transportation Code, is
8 amended to read as follows:

9 Sec. 521.271. LICENSE EXPIRATION. (a) Each original
10 driver's license, ~~and~~ provisional license, or occupational
11 license issued to an applicant who is a citizen or legal permanent
12 resident of the United States or a refugee or asylee lawfully
13 admitted into the United States expires as follows:

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

18 (2) a provisional license expires on the earlier of:
19 (A) the 18th birthday of the license holder; or
20 (B) the first birthday of the license holder
21 occurring after the date of the application;

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

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

27 (a-1) Any driver's license or identification certificate

1 issued pursuant to Subchapter A through Subchapter S of this
2 Chapter to a person other than those listed in Section 521.271(a)
3 expires:

4 (1) upon the expiration of the person's temporary
5 lawful presence in the United States but not to exceed the maximum
6 term for the type of driver's license or identification
7 certificate; or

8 (2) two years from the date of issuance if there is no
9 fixed expiration of the temporary lawful presence.

10 SECTION 13. Section 521.421, Transportation Code, is
11 amended by adding Subsections (a-1) and (a-2) and amending
12 Subsection (c) to read as follows:

13 (a-1) The fee for a driver's license or identification
14 certificate issued to a person subject to the provision of 521.271
15 (a-1)(1) that is valid for more than one year is \$15 for the first
16 year and \$10 for each additional year or portion of a year.

17 (a-2) The fee for a driver's license or personal
18 identification certificate that is issued to a person subject to
19 the provision of 521.271 (a-1)(2) and that is not valid for more
20 than one year is \$15.

21 (c) The fee for issuance or renewal of a provisional license
22 or instruction permit is \$10 [~~\$5~~].

23 SECTION 14. Sections 522.021(c) and (c-1), Transportation
24 Code, are amended to read as follows:

25 (c) The application must meet the requirements of an
26 application under Sections [~~Section~~] 521.141, 521.142, and
27 521.1425 and [~~must~~] be accompanied by the fee required under

1 Section 522.029. The department may require documentary evidence to
2 verify the information required by this section [~~Subsection (a)~~].

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

8 SECTION 15. Subchapter C, Chapter 522, Transportation Code,
9 is amended by adding Sections 522.0225 and 522.0226 to read as
10 follows:

11 Sec. 522.0225. POST OFFICE BOX NOT VALID AS ADDRESS. (a) In
12 this section, "post office box address" means a United States
13 Postal Service post office box address or a private mailbox
14 address.

15 (b) Unless an exception exists under state or federal law,
16 an applicant may receive delivery of a license or a personal
17 identification certificate at a post office box address only if the
18 applicant has provided the department the physical address where
19 the applicant resides.

20 (c) The department may require the applicant to provide
21 documentation that the department determines necessary to verify
22 the validity of the physical address provided under Subsection (b).

23 (d) The department may contract with a third-party personal
24 data verification service to assist the department in implementing
25 this section. Any contract under this section must provide for the
26 protection of personal data and information held by the department.
27 All information given to a third-party personal data verification

1 service shall only be used for verification of addresses under
2 Subsection (a). A third-party contractor under this section may not
3 copy, use, or retain the information provided by the department
4 other than for the purposes of this section. Failure by a
5 third-party personal data verification service to comply with this
6 subsection shall result in cancellation of any contract entered
7 into under this section.

8 SECTION 16. Section 522.029, Transportation Code, is
9 amended by amending Subsection (a) and adding Subsections (k), (l)
10 and (m) to read as follows:

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

14 (k) The fee for a commercial driver's license issued to a
15 person subject to the provision of 522.051(g)(1) that is valid for
16 more than one year is \$100 for the first year and \$25 for each
17 additional year or portion of a year.

18 (l) The fee for a driver's license or personal
19 identification certificate that is issued to a person subject to
20 the provision of 522.051(g)(2) and that is not valid for more than
21 one year is \$100.

22 (m) The fee for a temporary nonresident commercial driver's
23 license is \$25.

24 SECTION 17. Section 522.029(f), Transportation Code, as
25 added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature,
26 Regular Session, 1997, is relettered as Subsection (f-1) to read as
27 follows:

1 (f-1) [~~(f)~~] If a commercial driver's license or commercial
2 driver learner's permit includes an authorization to operate a
3 motorcycle or moped, the fee for the driver's license or permit is
4 increased by \$10 [~~\$8~~].

5 SECTION 18. Section 522.030, Transportation Code, is
6 amended to read as follows:

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

- 9 (1) be marked "Commercial Driver License" or "CDL";
- 10 (2) be, to the extent practicable, tamper-proof; and
- 11 (3) include:
 - 12 (A) the name and mailing address of the person to
 - 13 whom it is issued;
 - 14 (B) the person's color photograph;
 - 15 (C) a physical description of the person,
 - 16 including sex, height, and eye color;
 - 17 (D) the person's date of birth;
 - 18 (E) a number or identifier the department
 - 19 considers appropriate;
 - 20 (F) the person's signature;
 - 21 (G) each class of commercial motor vehicle that
 - 22 the person is authorized to drive, with any endorsements or
 - 23 restrictions;
 - 24 (H) the name of this state; and
 - 25 (I) the dates between which the license is valid.

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

1 (1) must:

2 (A) be in the same format;

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

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

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

7 (c) To the extent of a conflict or inconsistency between
8 this section and Section 522.013 or 522.051, Section 522.013 or
9 522.051 controls.

10 SECTION 19. Subchapter C, Chapter 522, Transportation Code,
11 is amended by adding Section 522.035 to read as follows:

12 Sec. 522.035. TEMPORARY COMMERCIAL DRIVER'S LICENSE. (a)
13 This section applies only to an applicant for a renewal commercial
14 driver's license whose commercial driver's license expired because
15 the person's authorization to lawfully be in the United States
16 expired.

17 (b) If the applicant provides evidence satisfactory to the
18 department that the person has applied to the federal agency
19 responsible for citizenship and immigration for a renewal of the
20 person's authorization to be in the United States and otherwise
21 qualifies for the driver's license, the department shall issue the
22 applicant a temporary commercial driver's license.

23 (c) A temporary commercial driver's license issued under
24 Subsection (b) expires on the 120th day after the date the most
25 recent commercial driver's license issued to the person expired.
26 The department shall not issue a subsequent temporary commercial
27 driver's license for any period which extends beyond one year from

1 the date which the holder's original certificate expired because
2 the holder's lawful presence in the United States expired.

3 SECTION 20. Section 522.051, Transportation Code, is
4 amended by Subsection (g) to read as follows:

5 (g) Any commercial driver's license issued pursuant to
6 Subchapter A through Subchapter I of this Chapter issued to a person
7 other than those listed in Section 521.271(a) expires:

8 (1) upon the expiration of the person's temporary
9 lawful presence in the United States but not to exceed the maximum
10 term for the type of driver's license or identification
11 certificate; or

12 (2) two years from the date of issuance if there is no
13 fixed expiration of the temporary lawful presence.

14 SECTION 21. Section 522.052, Transportation Code, is
15 amended by adding Subsection (h) to read as follows:

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

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

22 (2) documentation establishing lawful presence in the
23 United States.

24 SECTION 22. Section 522.029(j), Transportation Code, as
25 added by Chapter 1319 (S.B. 1260), Acts of the 80th Legislature,
26 Regular Session, 2007, is repealed.

27 SECTION 23. 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 SECTION 24. This article takes effect September 1, 2009.