

BILL ANALYSIS

C.S.H.B. 2805
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A driver's license is an important means of identification in addition to being a requirement for driving. Among the purposes for which it is an identifying document are boarding a flight, applying for financial services, and purchasing a weapon. Many states require an applicant for a driver's license or other state identification document to prove the applicant's federal immigration status, ensuring that the applicant's visa has not expired. C.S.H.B. 2805 attempts to build on these efforts by requiring proof 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 in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2805 amends the Transportation Code to require the Department of Public Safety to require each applicant for an original, renewal, or duplicate personal identification certificate to furnish, unless the information has been previously provided, proof of the applicant's United States citizenship or, for an applicant who is not a citizen of the United States, documentation issued by the United States agency responsible for citizenship and immigration that authorizes the applicant to be in the United States. The bill provides that a personal identification certificate, if the applicant is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, expires on the expiration date of the applicant's authorized stay in the United States, or the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States and makes conforming changes. The bill removes language providing that a certificate issued to a person 60 years of age or older does not expire.

C.S.H.B. 2805 requires an applicant for a certificate who is not a citizen of the United States to 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 and prohibits the department from issuing a personal identification certificate to an applicant who fails or refuses to comply with this provision. The bill makes a conforming change in provisions of law relating to an applicant for a personal identification certificate issued to a person subject to sex offender registration.

C.S.H.B. 2805 requires an applicant for an original driver's license, commercial driver's license, or commercial driver learner's permit who is not a citizen of the United States to 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 before the applicant may be issued a license or permit and requires the department to require each applicant for an original, renewal, or duplicate license or permit to furnish to the department proof of the applicant's

United States citizenship or documentation authorizing the applicant to be in the United States.

C.S.H.B. 2805 sets out alternate expiration dates for certain licenses and permits issued to an applicant who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States as follows and makes conforming changes:

- an original driver's license issued to such an applicant expires on the earlier of the first birthday of the license holder occurring after the sixth anniversary of the date of the application or the expiration date of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law, or the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States;
- an original provisional license or instruction permit issued to such an applicant expires on the earliest of the 18th birthday of the license holder, the first birthday of the license holder occurring after the date of the application, or the expiration of the license holder's lawful presence in the United States as determined by the applicable federal agency;
- an original occupational license issued to such an applicant expires on the earlier of the first anniversary of the date of issuance or the expiration of the license holder's lawful presence in the United States as determined by the applicable federal agency;
- a driver's license issued to such an applicant that is renewed expires on the earlier of the sixth anniversary of the expiration date before renewal, or the expiration date of the applicant's authorized stay in the United States, or the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States;
- an original or renewal driver's license issued to such an applicant who is 85 years of age or older expires on the earlier of the second anniversary of the expiration date before renewal or the expiration date of the applicant's authorized stay in the United States or the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States; or
- a driver's license, commercial driver's license, or commercial driver learner's permit issued to such an applicant who is subject to sex offender registration, including a renewal, duplicate, or corrected license, expires on the earlier of the expiration date of the applicant's authorized stay in the United States or the first birthday of the license holder occurring after the date of application, except that the initial license expires on the second birthday of the license holder occurring after the date of application.

C.S.H.B. 2805 requires the department to include the citizenship status of each holder of a license or personal identification certificate in required indexes of application records. The bill sets the fee, with certain exceptions, at \$15 for a driver's license or personal identification certificate that is issued to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is valid for not more than one year. The bill sets the fee, with a certain exception, for a temporary driver's license or temporary personal identification certificate that is valid for more than one year at \$15 for the first year and \$10 for each additional year or portion of a year.

C.S.H.B. 2805 requires the application for a commercial driver's license to meet the requirements of the bill's provisions relating to an application for an original driver's license and information that is required to be furnished to the department and to be accompanied by the required fee. The bill establishes that to the extent of a conflict or inconsistency between provisions of law governing the content of a commercial driver's license and provisions of law

governing a nonresident commercial driver's license or the expiration of a commercial driver's license or learner's permit, the provisions of law governing a nonresident commercial driver's license or the expiration of a commercial driver's license or learner's permit control.

C.S.H.B. 2805 makes nonsubstantive and conforming changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2805 omits a provision included in the original setting at \$20 the fee for a commercial driver's license or a nonresident commercial driver's license that is issued to a person who is not a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is valid for not more than one year.

C.S.H.B. 2805 omits a provision included in the original setting the fee for a temporary commercial driver's license or a nonresident commercial driver's license that is issued in compliance with federal law to such a person that is valid for more than one year at \$20 for the first year and \$15 for each additional year or portion of a year.

C.S.H.B. 2805 differs from the original by retaining a provision of law removed in the original setting the fee for a nonresident commercial driver's license at \$120 and the fee for a temporary nonresident commercial driver's license at \$20. The substitute differs from the original in nonsubstantive ways.