

By: Jackson

H.B. No. 177

A BILL TO BE ENTITLED

AN ACT

relating to the requirement of citizenship or lawful presence in the United States for issuance or renewal of certain occupational licenses, driver's licenses, and identification certificates.

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

ARTICLE 1. BUSINESS, OCCUPATIONAL, AND PROFESSIONAL LICENSES

SECTION 1.01. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. EMPLOYMENT ELIGIBILITY IN UNITED STATES REQUIRED FOR BUSINESS, OCCUPATIONAL, OR PROFESSIONAL LICENSE

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "Employment eligibility" means eligibility for employment in the United States.

(2) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) an individual must obtain to engage in a particular business, occupation, or profession.

(3) "Licensing authority" means a department, commission, board, office, or other agency of this state or a political subdivision of this state that issues a license.

Sec. 60.002. EMPLOYMENT ELIGIBILITY REQUIRED. (a) An applicant for a license must establish employment eligibility if the applicant is:

1           (1) applying for an original license; or

2           (2) renewing a license and the applicant has not  
3 previously established employment eligibility.

4           (b) The licensing authority may not issue a license to an  
5 applicant or renew an applicant's license unless the applicant  
6 establishes employment eligibility as required by Subsection (a).

7           Sec. 60.003. DOCUMENTS THAT ESTABLISH EMPLOYMENT  
8 ELIGIBILITY. (a) To establish employment eligibility, an  
9 applicant shall provide to the licensing authority for inspection  
10 an original or a copy of:

11           (1) the acceptable document or documents that  
12 establish identity and employment authorization as provided by Form  
13 I-9; or

14           (2) a document verifying that the applicant provided  
15 to their current or most recent employer a true and correct Form I-9  
16 along with authentic supporting documents.

17           (b) Except as provided by this subsection, the documents  
18 required by Subsection (a) must be submitted with the license  
19 application. An applicant who submits an application through the  
20 TexasOnline system or another electronic means shall submit the  
21 documents required under Subsection (a) not later than 30 days  
22 after the date the application is submitted electronically.

23           Sec. 60.004. TEMPORARY LICENSE. (a) After an applicant has  
24 submitted all documents that will be required for a licensing  
25 authority to verify the applicant's employment eligibility and  
26 before the licensing authority verifies the applicant's employment  
27 eligibility, the licensing authority may issue a temporary license

1 to the applicant.

2 (b) A temporary license under this section expires on the  
3 21st day after the date the temporary license is issued.

4 (c) The licensing authority shall determine the applicant's  
5 employment eligibility not later than the day the temporary license  
6 expires.

7 Sec. 60.005. AUDIT. A licensing authority may audit some or  
8 all of the applications submitted to the licensing authority for  
9 compliance with this chapter, including documents used to establish  
10 employment eligibility.

11 Sec. 60.006. CONFIDENTIALITY. Information provided by an  
12 applicant under this chapter that is not subject to disclosure  
13 under other law is confidential and not subject to disclosure under  
14 Chapter 552, Government Code.

15 Sec. 60.007. NONDISCRIMINATION. A licensing authority  
16 shall implement this chapter without regard to an applicant's race,  
17 religion, sex, ethnicity, or national origin.

18 SECTION 1.02. The purpose of this article is to assist in  
19 the enforcement of 8 U.S.C. Chapter 12.

20 SECTION 1.03. (a) In this section:

21 (1) "License" means a license, certificate,  
22 registration, permit, or other authorization that:

23 (A) is issued by a licensing authority; and

24 (B) an individual must obtain to engage in a  
25 particular business, occupation, or profession.

26 (2) "Licensing authority" means a department,  
27 commission, board, office, or other agency of this state or a

1 political subdivision of this state that issues a license.

2 (b) Each licensing authority shall adopt rules under  
3 Chapter 60, Occupations Code, as added by this article, not later  
4 than January 1, 2012.

5 (c) The change in law made by this article applies only to an  
6 application for the issuance or renewal of a license that is filed  
7 with a licensing authority on or after March 1, 2012. An  
8 application for the issuance or renewal of a license that is filed  
9 before March 1, 2012, is governed by the law in effect on the date  
10 the application was filed, and the former law is continued in effect  
11 for that purpose.

12 ARTICLE 2. DRIVER'S LICENSES, COMMERCIAL DRIVER'S LICENSES, AND  
13 PERSONAL IDENTIFICATION CERTIFICATES

14 SECTION 2.01. Section 521.041(b), Transportation Code, is  
15 amended to read as follows:

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

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

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

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

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

26 SECTION 2.02. Section 521.101, Transportation Code, is  
27 amended by adding Subsections (d-1), (f-2), (f-3), and (f-4) to

1 read as follows:

2 (d-1) Unless the information has been previously provided  
3 to the department, the department shall require each applicant for  
4 an original, renewal, or duplicate personal identification  
5 certificate to furnish to the department:

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

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

9 (f-2) A person who is not a citizen of the United States must  
10 present to the department documentation issued by the United States  
11 agency responsible for citizenship and immigration that authorizes  
12 the applicant to be in the United States.

13 (f-3) The department may not issue an identification  
14 certificate to an applicant:

15 (1) who fails or refuses to comply with Subsection  
16 (f-2); or

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

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

23 SECTION 2.03. Section 521.121(a), Transportation Code, as  
24 amended by Chapters 316 (H.B. 598) and 1146 (H.B. 2730), Acts of the  
25 81st Legislature, Regular Session, 2009, is reenacted and amended  
26 to read as follows:

27 (a) The driver's license must include:

- 1           (1) a distinguishing number assigned by the department  
2 to the license holder;
- 3           (2) a color photograph of the entire face of the  
4 holder;
- 5           (3) the full name and date of birth of the holder;
- 6           (4) a brief description of the holder; ~~and~~
- 7           (5) the license holder's residence address or, for a  
8 license holder using the procedure under Subsection (c), the street  
9 address of the courthouse in which the license holder or license  
10 holder's spouse serves as a federal judge or state judge; and
- 11           (6) a statement as to whether the holder is a citizen  
12 of the United States.

13           SECTION 2.04. Section 521.142, Transportation Code, is  
14 amended by amending Subsection (e) and adding Subsections (e-1) and  
15 (e-2) to read as follows:

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

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

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

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

27           (2) whose lawful admission period in the United States

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

2 SECTION 2.05. Section 521.1425, Transportation Code, is  
3 amended by amending Subsection (a) and adding Subsection (c) to  
4 read as follows:

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

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

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

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

16 SECTION 2.06. Subchapter R, Chapter 521, Transportation  
17 Code, is amended by adding Section 521.428 to read as follows:

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

24 (b) The amount of the fee may not exceed the amount of the  
25 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 2.07. Section 522.021(c), Transportation Code, is  
3 amended to read as follows:

4 (c) The application must meet the requirements of an  
5 application under Sections [~~Section~~] 521.141, 521.142, and  
6 521.1425 and [~~must~~] be accompanied by the fee required under  
7 Section 522.029. The department may require documentary evidence  
8 to verify the information required by this section [~~Subsection~~  
9 ~~(a)~~].

10 SECTION 2.08. Section 522.029, Transportation Code, is  
11 amended by amending Subsection (a) and adding Subsection (l) to  
12 read as follows:

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

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

25 SECTION 2.09. Section 522.030, Transportation Code, is  
26 amended to read as follows:

27 Sec. 522.030. CONTENT OF LICENSE. A commercial driver's



1 license must:

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

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

4 (3) include:

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

7 (B) the person's color photograph;

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

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

11 (E) a number or identifier the department  
12 considers appropriate;

13 (F) the person's signature;

14 (G) each class of commercial motor vehicle that  
15 the person is authorized to drive, with any endorsements or  
16 restrictions;

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

18 (I) the dates between which the license is valid;

19 and

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

22 SECTION 2.10. Section 522.052, Transportation Code, is  
23 amended by adding Subsection (i) to read as follows:

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

- 1           (1) proof of the applicant's United States  
2 citizenship; or
- 3           (2) documentation described by Section 521.142(e-1).

4           SECTION 2.11. The changes in law made by this article apply  
5 only to a driver's license, personal identification certificate,  
6 commercial driver's license, or commercial driver learner's permit  
7 issued or renewed on or after the effective date of this article. A  
8 driver's license, personal identification certificate, commercial  
9 driver's license, or commercial driver learner's permit issued or  
10 renewed before the effective date of this article is governed by the  
11 law in effect when the license, certificate, or permit was issued,  
12 and the former law is continued in effect for that purpose.

13                                   ARTICLE 3. EFFECTIVE DATE

14           SECTION 3.01. To the extent of any conflict, this Act  
15 prevails over another Act of the 82nd Legislature, Regular Session,  
16 2011, relating to nonsubstantive additions to and corrections in  
17 enacted codes.

18           SECTION 3.02. This Act takes effect September 1, 2011.