

By: Bonnen

H.B. No. 623

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the detection and reporting of unauthorized
3 immigration, the collection and dissemination of information
4 concerning unauthorized immigration, the legal treatment or
5 classification of unauthorized immigrants for certain purposes,
6 the enforcement of certain laws governing immigration, and the
7 establishment of English as the official language of this state.

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

9 ARTICLE 1. PROVISIONS RELATED TO ENFORCEMENT OF IMMIGRATION LAW BY
10 LAW ENFORCEMENT AGENCIES

11 SECTION 1.01. Chapter 2, Code of Criminal Procedure, is
12 amended by adding Article 2.252 to read as follows:

13 Art. 2.252. VERIFICATION OF ARRESTED PERSON'S IMMIGRATION
14 STATUS. (a) Not later than 48 hours after a person is arrested and
15 before the person is released on bond, the law enforcement agency
16 that arrested the person or that has custody of the person shall:

17 (1) have the person's immigration status verified by:

18 (A) a peace officer or other law enforcement
19 officer of this state who is authorized under federal law to verify
20 a person's immigration status; or

21 (B) a federal law enforcement officer, in
22 accordance with 8 U.S.C. Section 1373(c); and

23 (2) if United States Immigration and Customs
24 Enforcement does not have the results of the immigration status

1 verification under Subdivision (1), notify United States
2 Immigration and Customs Enforcement of the results of the
3 immigration status verification if the verification reveals that
4 the person:

5 (A) is not a citizen or national of the United
6 States; and

7 (B) is unlawfully present in the United States
8 according to the terms of the Immigration Reform and Control Act of
9 1986 (8 U.S.C. Section 1101 et seq.).

10 (b) A law enforcement agency that under Subsection (a)(2)
11 notifies United States Immigration and Customs Enforcement of the
12 results of an immigration status verification shall provide to the
13 Department of Public Safety of the State of Texas the following
14 information concerning the person arrested:

15 (1) the results of the immigration status
16 verification; and

17 (2) the information described by Article 61A.02(b).

18 SECTION 1.02. Title 1, Code of Criminal Procedure, is
19 amended by adding Chapter 61A to read as follows:

20 CHAPTER 61A. IMMIGRATION DATABASE

21 Art. 61A.01. DEFINITION. In this chapter, "department"
22 means the Department of Public Safety of the State of Texas.

23 Art. 61A.02. CENTRAL DATABASE; PUBLIC INFORMATION. (a)
24 The department shall maintain a computerized central database
25 containing information regarding each person:

26 (1) who has been arrested in the state; and

27 (2) with reference to whom an immigration status

1 verification under Article 2.252 has revealed that the person:

2 (A) is not a citizen or national of the United
3 States; and

4 (B) is unlawfully present in the United States
5 according to the terms of the Immigration Reform and Control Act of
6 1986 (8 U.S.C. Section 1101 et seq.).

7 (b) The department may include in the database any
8 information that the department determines to be relevant and that
9 is not confidential or protected from disclosure under other law.

10 The information contained in the database must include:

11 (1) the person's name;

12 (2) the offense for which the person was arrested;

13 (3) the results of each immigration status
14 verification concerning the person;

15 (4) the law enforcement agency by which the person is
16 or was being detained; and

17 (5) if applicable, whether the person has been
18 released or discharged from the custody of a law enforcement agency
19 in this state, including whether the person has been transferred to
20 the custody of United States Immigration and Customs Enforcement
21 for the initiation or completion of deportation proceedings and
22 information regarding the disposition of those proceedings.

23 (c) The department shall make the information contained in
24 the database available to any peace officer or law enforcement
25 agency in the state.

26 (d) The information contained in the database is public
27 information, with the exception of information regarding any social

1 security number, driver's license or personal identification
2 certificate number, or telephone number used by the person,
3 regardless of whether the number belongs or has been assigned to the
4 person.

5 (e) The department shall publish on its Internet website:

6 (1) all public information contained in the database;

7 and

8 (2) a list of all persons in the database who have been

9 released or discharged from the custody of a law enforcement agency

10 in this state, including whether the person has been transferred to

11 the custody of United States Immigration and Customs Enforcement

12 for the initiation or completion of deportation proceedings and

13 information regarding the disposition of those proceedings.

14 (f) The department shall design and implement a system for:

15 (1) receiving information from a law enforcement
16 agency under Article 2.252 and including that information in the
17 database;

18 (2) notifying a person whose information is included
19 in the database of that fact and of the procedure and requirements
20 for removing information from the database;

21 (3) removing from the database and the department's
22 Internet website information concerning a person who provides to
23 the department documentation issued by United States Citizenship
24 and Immigration Services that authorizes the person to be in the
25 United States; and

26 (4) notifying United States Immigration and Customs
27 Enforcement of the arrest of a person described by Subsection (a) on

1 each business day following the date of the arrest until the
2 earliest of:

3 (A) the date the person is released or discharged
4 from the custody of a law enforcement agency in this state,
5 including being transferred to the custody of United States
6 Immigration and Customs Enforcement;

7 (B) the date United States Immigration and
8 Customs Enforcement issues a detainer with respect to the person;
9 or

10 (C) the 10th business day after the date of the
11 arrest.

12 SECTION 1.03. Section 411.135(a), Government Code, is
13 amended to read as follows:

14 (a) Any person is entitled to obtain from the department:

15 (1) any information described as public information
16 under Chapter 61A or 62, Code of Criminal Procedure, [~~as added by~~
17 ~~Chapter 668, Acts of the 75th Legislature, Regular Session, 1997,~~]
18 including, to the extent available, a recent photograph of each
19 person subject to registration under Chapter 62 [~~that chapter~~]; and

20 (2) criminal history record information maintained by
21 the department that relates to the conviction of or a grant of
22 deferred adjudication to a person for any criminal offense,
23 including arrest information that relates to the conviction or
24 grant of deferred adjudication.

25 SECTION 1.04. Not later than March 1, 2012, the Department
26 of Public Safety of the State of Texas shall implement the
27 computerized central database required by Chapter 61A, Code of

1 Criminal Procedure, as added by this article.

2 ARTICLE 2. PROVISIONS RELATED TO HIGHER EDUCATION

3 SECTION 2.01. Section 54.052, Education Code, is amended to
4 read as follows:

5 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)
6 Subject to the other applicable provisions of this subchapter
7 governing the determination of resident status, the following
8 persons are considered residents of this state for purposes of this
9 title:

10 (1) a person who:

11 (A) established a domicile in this state not
12 later than one year before the census date of the academic term in
13 which the person is enrolled in an institution of higher education;
14 and

15 (B) maintained that domicile continuously for
16 the year preceding that census date; and

17 (2) a dependent whose parent:

18 (A) established a domicile in this state not
19 later than one year before the census date of the academic term in
20 which the dependent is enrolled in an institution of higher
21 education; and

22 (B) maintained that domicile continuously for
23 the year preceding that census date [~~, and~~

24 [~~(3) a person who:~~

25 [~~(A) graduated from a public or private high
26 school in this state or received the equivalent of a high school
27 diploma in this state; and~~

1 ~~[(B) maintained a residence continuously in this~~
2 ~~state for:~~

3 ~~[(i) the three years preceding the date of~~
4 ~~graduation or receipt of the diploma equivalent, as applicable, and~~

5 ~~[(ii) the year preceding the census date of~~
6 ~~the academic term in which the person is enrolled in an institution~~
7 ~~of higher education].~~

8 (b) For purposes of this section, the domicile of a
9 dependent's parent is presumed to be the domicile of the dependent
10 ~~[unless the person establishes eligibility for resident status~~
11 ~~under Subsection (a)(3)].~~

12 (c) A person who is not authorized by law to be present in
13 the United States may not be considered a resident of this state for
14 purposes of this title.

15 SECTION 2.02. Section 54.053, Education Code, is amended to
16 read as follows:

17 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT
18 STATUS. (a) A person shall submit the following information to an
19 institution of higher education to establish resident status under
20 this subchapter:

21 (1) if the person applies for resident status under
22 Section 54.052(a)(1):

23 (A) a statement of the dates and length of time
24 the person has resided in this state, as relevant to establish
25 resident status under this subchapter; and

26 (B) a statement by the person that the person's
27 presence in this state for that period was for a purpose of

1 establishing and maintaining a domicile; or

2 (2) if the person applies for resident status under
3 Section 54.052(a)(2):

4 (A) a statement of the dates and length of time
5 any parent of the person has resided in this state, as relevant to
6 establish resident status under this subchapter; and

7 (B) a statement by the parent or, if the parent is
8 unable or unwilling to provide the statement, a statement by the
9 person that the parent's presence in this state for that period was
10 for a purpose of establishing and maintaining a domicile [~~, or~~

11 ~~[(3) if the person applies for resident status under~~
12 ~~Section 54.052(a)(3):~~

13 ~~[(A) a statement of the dates and length of time~~
14 ~~the person has resided in this state, as relevant to establish~~
15 ~~resident status under this subchapter; and~~

16 ~~[(B) if the person is not a citizen or permanent~~
17 ~~resident of the United States, an affidavit stating that the person~~
18 ~~will apply to become a permanent resident of the United States as~~
19 ~~soon as the person becomes eligible to apply].~~

20 (b) In addition to the information required by Subsection
21 (a), an institution of higher education may establish a policy
22 requiring a person for whom a residency determination is being made
23 to submit specific documentation to verify to the satisfaction of
24 the institution that the person is authorized by law to be present
25 in the United States. A policy adopted under this subsection must
26 provide for treating each person in a consistent manner concerning:

27 (1) whether documentation is required; and

1 (2) to the extent practicable, the type of
2 documentation required.

3 SECTION 2.03. Notwithstanding Subchapter B, Chapter 54,
4 Education Code, a public institution of higher education in this
5 state may, for any semester or academic term, before the beginning
6 of that semester or academic term, reclassify as a nonresident a
7 student previously classified as a resident of this state by the
8 institution or another public institution of higher education in
9 this state:

10 (1) under Section 54.052(a)(3), Education Code, as
11 that section existed before amendment by this article, if the
12 student is not otherwise eligible to be classified as a resident of
13 this state under Subchapter B, Chapter 54, Education Code; or

14 (2) before the enactment of Section 54.052(c),
15 Education Code, as added by this article, if the student is not
16 authorized by law to be present in the United States.

17 ARTICLE 3. PROVISIONS RELATED TO OPERATION OF STATE AGENCIES

18 SECTION 3.01. Subchapter A, Chapter 2052, Government Code,
19 is amended by adding Section 2052.004 to read as follows:

20 Sec. 2052.004. LEGISLATIVE APPROPRIATIONS REQUEST
21 SUPPORTING SCHEDULE ON FINANCIAL EFFECT OF ILLEGAL IMMIGRATION.

22 (a) In this section, "state agency" has the meaning assigned by
23 Section 2103.001.

24 (b) Each state agency must include with the agency's
25 legislative appropriations request a supporting schedule that
26 provides an accounting of amounts spent by the agency during the
27 state fiscal biennium preceding the biennium for which the

1 legislative appropriations request is made to directly or
2 indirectly provide services to persons who were not lawfully
3 present in the United States.

4 (c) A state agency that distributes money to a local
5 governmental entity, including a school district, must include in
6 the agency's accounting required by Subsection (b) the amounts
7 distributed to a local governmental entity that the entity spent
8 during the period described by Subsection (b) to provide services
9 to persons who were not lawfully present in the United States.

10 (d) A state agency, through the agency's governing body or
11 chief administrative officer, as appropriate, may adopt rules
12 requiring local governmental entities to which the agency
13 distributes money to provide sufficiently detailed information to
14 the agency that will enable the agency to comply with the
15 requirements of Subsection (c).

16 (e) The Legislative Budget Board shall:

17 (1) compile information reported by state agencies as
18 required by Subsection (b) into a single report;

19 (2) include in the report a summary of the financial
20 effect of state agencies' direct and indirect provision of services
21 to persons who were not lawfully present in the United States; and

22 (3) not later than December 1 of each even-numbered
23 year, submit the report to the presiding officer of each standing
24 committee of the senate and house of representatives having primary
25 jurisdiction over matters relating to state finance and
26 appropriations from the state treasury.

27 SECTION 3.02. The heading to Chapter 3101, Government Code,

1 is amended to read as follows:

2 CHAPTER 3101. STATE SYMBOLS AND LANGUAGE

3 SECTION 3.03. Chapter 3101, Government Code, is amended by
4 designating Sections 3101.001 through 3101.012 as Subchapter A and
5 adding a subchapter heading to read as follows:

6 SUBCHAPTER A. STATE SYMBOLS

7 SECTION 3.04. Chapter 3101, Government Code, is amended by
8 adding Subchapter B to read as follows:

9 SUBCHAPTER B. OFFICIAL LANGUAGE

10 Sec. 3101.051. OFFICIAL LANGUAGE. The English language is
11 designated as the official language of this state.

12 Sec. 3101.052. STATE DOCUMENTS AND MATERIALS. (a) In this
13 section, "state agency" has the meaning assigned by Section
14 2103.001. The term also includes a university system as defined by
15 Section 61.003, Education Code.

16 (b) Except as otherwise provided by law, including the
17 federal Voting Rights Act (42 U.S.C. Section 1973c et seq.), a state
18 agency is not required to provide documents, publish written
19 materials, or provide website content in any language other than
20 the official language of this state.

21 SECTION 3.05. Section 2054.116, Government Code, is
22 repealed.

23 ARTICLE 4. PROVISIONS RELATING TO LOCAL GOVERNMENT POLICIES
24 REGARDING ENFORCEMENT OF IMMIGRATION

25 SECTION 4.01. The heading to Chapter 370, Local Government
26 Code, is amended to read as follows:

1 CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL AND~~
2 ~~COUNTY~~] HEALTH AND PUBLIC SAFETY APPLICABLE TO MORE THAN ONE TYPE OF
3 LOCAL GOVERNMENT

4 SECTION 4.02. Section 370.003, Local Government Code, is
5 amended to read as follows:

6 Sec. 370.003. LOCAL GOVERNMENT [~~MUNICIPAL OR COUNTY~~] POLICY
7 REGARDING ENFORCEMENT OF STATE AND FEDERAL [~~DRUG~~] LAWS. (a) This
8 section applies to:

9 (1) the [~~The~~] governing body of a municipality, [~~the~~
10 ~~commissioners court of a~~] county, or other political subdivision;

11 (2) an officer, employee, or other body that is part of
12 a municipality, county, or other political subdivision, including a
13 sheriff, municipal police department, municipal attorney, or
14 county attorney; or

15 (3) a [~~7~~] district attorney [~~7~~] or criminal district
16 attorney.

17 (b) An entity described by Subsection (a) may not adopt a
18 rule, order, ordinance, or policy under which the entity will not
19 fully enforce laws relating to:

20 (1) drugs, including Chapters 481 and 483, Health and
21 Safety Code; and

22 (2) immigrants or immigration, including the federal
23 Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) [~~7~~
24 ~~and federal law~~].

25 (c) An entity described by Subsection (a) may not receive
26 state money or retain unexpended state money if the entity adopts a
27 rule, order, ordinance, or policy under which the entity will not

1 fully enforce laws described by Subsection (b)(2) or, by consistent
2 actions, fails to fully enforce those laws.

3 (d) If the attorney general determines that an entity
4 described by Subsection (a) is ineligible to retain state money as
5 provided by Subsection (c), the attorney general shall notify the
6 entity of that determination and the entity shall promptly forfeit
7 and repay to the state all unexpended state money held by the
8 entity. The attorney general shall stay the duty to repay pending
9 the outcome of an appeal under Subsection (e).

10 (e) Not later than the 21st day after the date of receiving
11 notice of a determination under Subsection (d), an entity may
12 appeal the determination to a Travis County district court.

13 (f) An entity described by Subsection (a) that is determined
14 ineligible to retain state money as provided by Subsections (d) and
15 (e) shall be denied state money for each fiscal year:

16 (1) following the year in which the rule, order,
17 ordinance, or policy is adopted or the determination is made that
18 the entity has intentionally failed to fully enforce laws described
19 by Subsection (b)(2); and

20 (2) during which the rule, order, ordinance, or policy
21 that resulted in the determination remains in effect or the failure
22 to enforce that resulted in the determination continues.

23 ARTICLE 5. PROVISIONS RELATED TO LICENSES ISSUED BY THIS STATE OR A
24 POLITICAL SUBDIVISION OF THIS STATE

25 SECTION 5.01. Title 2, Occupations Code, is amended by
26 adding Chapter 60 to read as follows:

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

3 Sec. 60.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

17 (1) applying for an original license; or

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

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

23 Sec. 60.003. DOCUMENTS THAT ESTABLISH EMPLOYMENT
24 ELIGIBILITY. (a) To establish employment eligibility, an
25 applicant shall provide to the licensing authority for inspection
26 an original or a copy of:

27 (1) the acceptable document or documents that

1 establish identity and employment authorization as provided by Form
2 I-9; or

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

6 (b) Except as provided by this subsection, the documents
7 required by Subsection (a) must be submitted with the license
8 application. An applicant who submits an application through the
9 TexasOnline system or another electronic means shall submit the
10 documents required under Subsection (a) not later than 30 days
11 after the date the application is submitted electronically.

12 Sec. 60.004. TEMPORARY LICENSE. (a) After an applicant has
13 submitted all documents that will be required for a licensing
14 authority to verify the applicant's employment eligibility and
15 before the licensing authority verifies the applicant's employment
16 eligibility, the licensing authority may issue a temporary license
17 to the applicant.

18 (b) A temporary license under this section expires on the
19 21st day after the date the temporary license is issued.

20 (c) The licensing authority shall determine the applicant's
21 employment eligibility not later than the day the temporary license
22 expires.

23 Sec. 60.005. AUDIT. A licensing authority may audit some or
24 all of the applications submitted to the licensing authority for
25 compliance with this chapter, including documents used to establish
26 employment eligibility.

27 Sec. 60.006. CONFIDENTIALITY. Information provided by an

1 applicant under this chapter that is not subject to disclosure
2 under other law is confidential and not subject to disclosure under
3 Chapter 552, Government Code.

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

7 SECTION 5.02. Section 521.041(b), Transportation Code, is
8 amended to read as follows:

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

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

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

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

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

19 SECTION 5.03. Section 521.101, Transportation Code, is
20 amended by adding Subsections (d-1), (f-2), (f-3), and (f-4) to
21 read as follows:

22 (d-1) Unless the information has been previously provided
23 to the department, the department shall require each applicant for
24 an original, renewal, or duplicate personal identification
25 certificate to furnish to the department:

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

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

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

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

8 (1) who fails or refuses to comply with Subsection
9 (f-2); or

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

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

16 SECTION 5.04. Section 521.121(a), Transportation Code, as
17 amended by Chapters 316 (H.B. 598) and 1146 (H.B. 2730), Acts of the
18 81st Legislature, Regular Session, 2009, is reenacted and amended
19 to read as follows:

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

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

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

25 (3) the full name and date of birth of the holder;

26 (4) a brief description of the holder; ~~and~~

27 (5) the license holder's residence address or, for a

1 license holder using the procedure under Subsection (c), the street
2 address of the courthouse in which the license holder or license
3 holder's spouse serves as a federal judge or state judge; and
4 (6) a statement as to whether the holder is a citizen
5 of the United States.

6 SECTION 5.05. Section 521.142, Transportation Code, is
7 amended by amending Subsection (e) and adding Subsections (e-1) and
8 (e-2) to read as follows:

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

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

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

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

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

22 SECTION 5.06. Section 521.1425, Transportation Code, is
23 amended by amending Subsection (a) and adding Subsection (c) to
24 read as follows:

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

1 the information required by Section 521.142.

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

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

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

9 SECTION 5.07. Subchapter R, Chapter 521, Transportation
10 Code, is amended by adding Section 521.428 to read as follows:

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

17 (b) The amount of the fee may not exceed the amount of the
18 fee otherwise imposed by this subchapter or the amount that is
19 sufficient, when added to other fees collected under this chapter,
20 to recover the actual costs to the department of issuing the license
21 or certificate.

22 SECTION 5.08. Section 522.021(c), Transportation Code, is
23 amended to read as follows:

24 (c) The application must meet the requirements of an
25 application under Sections [~~Section~~] 521.141, 521.142, and
26 521.1425 and [~~must~~] be accompanied by the fee required under
27 Section 522.029. The department may require documentary evidence

1 to verify the information required by this section [~~Subsection~~
2 ~~(a)~~].

3 SECTION 5.09. Section 522.029, Transportation Code, is
4 amended by amending Subsection (a) and adding Subsection (l) to
5 read as follows:

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

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

18 SECTION 5.10. Section 522.030, Transportation Code, is
19 amended to read as follows:

20 Sec. 522.030. CONTENT OF LICENSE. A commercial driver's
21 license must:

- 22 (1) be marked "Commercial Driver License" or "CDL";
23 (2) be, to the extent practicable, tamper-proof; and
24 (3) include:
25 (A) the name and mailing address of the person to
26 whom it is issued;
27 (B) the person's color photograph;

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

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

4 (E) a number or identifier the department
5 considers appropriate;

6 (F) the person's signature;

7 (G) each class of commercial motor vehicle that
8 the person is authorized to drive, with any endorsements or
9 restrictions;

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

11 (I) the dates between which the license is valid;
12 and

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

15 SECTION 5.11. Section 522.052, Transportation Code, is
16 amended by adding Subsection (i) to read as follows:

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

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

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

24 SECTION 5.12. The purpose of Chapter 60, Occupations Code,
25 as added by this article, is to assist in the enforcement of 8
26 U.S.C. Chapter 12.

27 SECTION 5.13. (a) In this section:

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

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

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

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

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

12 (c) The change in law made by Chapter 60, Occupations Code,
13 as added by this article, applies only to an application for the
14 issuance or renewal of a license that is filed with a licensing
15 authority on or after March 1, 2012. An application for the
16 issuance or renewal of a license that is filed before March 1, 2012,
17 is governed by the law in effect on the date the application was
18 filed, and the former law is continued in effect for that purpose.

19 SECTION 5.14. The changes in law made by Sections 521.041,
20 521.101, 521.121, 521.142, 521.1425, 522.021, 522.029, 522.030,
21 and 522.052, Transportation Code, as amended by this article, and
22 Section 521.428, Transportation Code, as added by this article,
23 apply only to a driver's license, personal identification
24 certificate, commercial driver's license, or commercial driver
25 learner's permit issued or renewed on or after the effective date of
26 this Act. A driver's license, personal identification certificate,
27 commercial driver's license, or commercial driver learner's permit

1 issued or renewed before the effective date of this Act is governed
2 by the law in effect when the license, certificate, or permit was
3 issued, and the former law is continued in effect for that purpose.

4 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

5 SECTION 6.01. To the extent of any conflict, this Act
6 prevails over another Act of the 82nd Legislature, Regular Session,
7 2011, relating to nonsubstantive additions to and corrections in
8 enacted codes.

9 SECTION 6.02. This Act takes effect September 1, 2011.