

By: Howard of Fort Bend

H.B. No. 1186

A BILL TO BE ENTITLED

AN ACT

relating to documentary evidence of citizenship or other status as a requirement for issuance of certain identification documents.

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

SECTION 1. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.063 to read as follows:

Sec. 7.063. IDENTIFICATION DOCUMENT REQUIREMENTS. (a) The commissioner by rule shall establish procedures that comply with the requirements of this section for school districts and open-enrollment charter schools to abide by in the issuance of identification documents to individuals.

(b) The procedures must provide that a school district or open-enrollment charter school may not issue an identification document identifying an individual as an administrator, faculty member, student, or employee of the school district or school unless the individual:

(1) provides evidence that the person is a United States citizen, a United States national, or a legal permanent resident alien; or

(2) presents, in person, documentary evidence of:

(A) unexpired immigrant or nonimmigrant visa status for admission into the United States;

(B) a pending or approved application for asylum in the United States;

1           (C) admission into the United States in refugee  
2 status;

3           (D) a pending or approved application for  
4 temporary protected status in the United States;

5           (E) approved deferred action status; or

6           (F) a pending application for adjustment of  
7 status to legal permanent resident or conditional resident status.

8           (c) A school district or open-enrollment charter school may  
9 not issue an identification document to an individual under  
10 Subsection (b)(2) unless the document:

11           (1) complies with this section and the rules adopted  
12 under this section; and

13           (2) is valid only:

14           (A) for the period the individual is authorized  
15 to stay in the United States; or

16           (B) if there is not a definite end to the  
17 authorized stay, for the lesser of one year or the period the  
18 identification document is normally valid.

19           (d) An identification document issued to an individual  
20 under Subsection (b)(2) must include:

21           (1) a clear and conspicuous statement on the face of  
22 the document indicating the document is temporary and valid only  
23 for use on the school's campus; and

24           (2) the document's expiration date.

25           (e) An individual may renew an identification document  
26 issued under Subsection (b)(2) only by presenting, in person,  
27 documentary evidence described by Subsection (b)(2).

1 SECTION 2. Subchapter Z, Chapter 51, Education Code, is  
2 amended by adding Section 51.977 to read as follows:

3 Sec. 51.977. IDENTIFICATION DOCUMENT REQUIREMENTS. (a)  
4 The Texas Higher Education Coordinating Board by rule shall  
5 establish procedures for an institution of higher education, as  
6 defined by Section 61.003, to abide by in the issuance of an  
7 identification document to an individual.

8 (b) The procedures must provide that an institution of  
9 higher education may not issue an identification document  
10 identifying an individual as an administrator, faculty member,  
11 student, or employee of the institution unless the individual:

12 (1) provides evidence that the person is a United  
13 States citizen, a United States national, or a legal permanent  
14 resident alien; or

15 (2) presents, in person, documentary evidence of:

16 (A) unexpired immigrant or nonimmigrant visa  
17 status for admission into the United States;

18 (B) a pending or approved application for asylum  
19 in the United States;

20 (C) admission into the United States in refugee  
21 status;

22 (D) a pending or approved application for  
23 temporary protected status in the United States;

24 (E) approved deferred action status; or

25 (F) a pending application for adjustment of  
26 status to legal permanent resident or conditional resident status.

27 (c) An institution of higher education may not issue an

1 identification document to an individual under Subsection (b)(2)  
2 unless the document:

3 (1) complies with this section and the rules adopted  
4 under this section; and

5 (2) is valid only:

6 (A) for the period the individual is authorized  
7 to stay in the United States; or

8 (B) if there is not a definite end to the  
9 authorized stay, for the lesser of one year or the period the  
10 identification document is normally valid.

11 (d) An identification document issued to an individual  
12 under Subsection (b)(2) must include:

13 (1) a clear and conspicuous statement on the face of  
14 the document indicating the document is temporary and valid only  
15 for use on the institution's campus; and

16 (2) the document's expiration date.

17 (e) An individual may renew an identification document  
18 issued under Subsection (b)(2) only by presenting, in person,  
19 documentary evidence described by Subsection (b)(2).

20 SECTION 3. Section 521.101, Transportation Code, is amended  
21 by adding Subsection (d-1) and amending Subsection (f) to read as  
22 follows:

23 (d-1) The department shall require each applicant for an  
24 original, renewal, or duplicate personal identification  
25 certificate to provide to the department the information required  
26 by Section 521.142(b)(5). This subsection does not apply to an  
27 applicant who previously provided information to the department

1 under Section 521.142(b)(5)(A).

2 (f) A certificate expires on a date specified by the  
3 department, except that:

4 (1) a certificate issued to a person 60 years of age or  
5 older, other than a person described by Subdivision (2), does not  
6 expire; and

7 (2) a certificate issued to a person who is not a  
8 citizen or national of the United States or a legal permanent  
9 resident alien expires on a date corresponding to the end of the  
10 period of legal stay as indicated by documentation issued by United  
11 States Citizenship and Immigration Services or another federal  
12 agency responsible for citizenship and immigration.

13 SECTION 4. Section 521.142, Transportation Code, is amended  
14 by amending Subsection (b) and adding Subsection (i) to read as  
15 follows:

16 (b) The application must include:

17 (1) the thumbprints of the applicant or, if  
18 thumbprints cannot be taken, the index fingerprints of the  
19 applicant;

20 (2) a photograph of the applicant;

21 (3) the signature of the applicant; ~~and~~

22 (4) a brief description of the applicant; and

23 (5) proof that the applicant:

24 (A) is a United States citizen, a United States  
25 national, or a legal permanent resident alien; or

26 (B) is authorized to be in the United States in  
27 accordance with Subsection (i).

1        (i) For an original, renewal, or duplicate license, an  
2 applicant who is required to provide proof under Subsection  
3 (b)(5)(B) must present to the department documentary evidence,  
4 issued by the United States Citizenship and Immigration Services or  
5 another federal agency responsible for citizenship and  
6 immigration, authorizing the applicant to be in the United States.  
7 The documentation must provide evidence of:

8            (1) unexpired immigrant or nonimmigrant visa status  
9 for admission into the United States;

10           (2) a pending or approved application for asylum in  
11 the United States;

12           (3) admission into the United States in refugee  
13 status;

14           (4) a pending or approved application for temporary  
15 protected status in the United States;

16           (5) approved deferred action status; or

17           (6) a pending application for adjustment of status to  
18 legal permanent resident or conditional resident status.

19        SECTION 5. Section 521.1425, Transportation Code, is  
20 amended by amending Subsection (a) and adding Subsection (c) to  
21 read as follows:

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

26        (c) The department shall require each applicant for a  
27 renewal or duplicate license to furnish to the department the

1 information required by Section 521.142(b)(5). This subsection  
2 does not apply to an applicant who previously furnished information  
3 to the department under Section 521.142(b)(5)(A).

4 SECTION 6. Section 521.271(a), Transportation Code, is  
5 amended to read as follows:

6 (a) Except as provided by Sections 521.2711 and 521.2715,  
7 each [~~Each~~] original driver's license and provisional license  
8 expires as follows:

9 (1) [~~except as provided by Section 521.2711,~~] a  
10 driver's license expires on the first birthday of the license  
11 holder occurring after the sixth anniversary of the date of the  
12 application;

13 (2) a provisional license expires on the 18th  
14 birthday of the license holder;

15 (3) an instruction permit expires on the 18th birthday  
16 of the license holder;

17 (4) an occupational license expires on the first  
18 anniversary of the court order granting the license; and

19 (5) unless an earlier date is otherwise provided, a  
20 driver's license issued to a person whose residence or domicile is a  
21 correctional facility or a parole facility expires on the first  
22 birthday of the license holder occurring after the first  
23 anniversary of the date of issuance.

24 SECTION 7. Subchapter M, Chapter 521, Transportation Code,  
25 is amended by adding Section 521.2715 to read as follows:

26 Sec. 521.2715. LICENSE EXPIRATION: NONCITIZENS AND  
27 TEMPORARY RESIDENTS. A driver's license held by a person who is not

1 a citizen or national of the United States or a legal permanent  
2 resident alien, including an original, renewal, or duplicate  
3 license, expires on the earlier of:

4 (1) the date specified in Section 521.271 or 521.2711,  
5 as applicable; or

6 (2) the date corresponding to the end of the period of  
7 legal stay as indicated by documentation issued by the United  
8 States Citizenship and Immigration Services or another federal  
9 agency responsible for citizenship and immigration.

10 SECTION 8. Section 521.421, Transportation Code, is amended  
11 by adding Subsection (k) to read as follows:

12 (k) If a driver's license issued to a person who is not a  
13 citizen or national of the United States or a legal permanent  
14 resident alien expires before the date specified in Section  
15 521.271, the department shall prorate the fee according to the  
16 number of years the license is to be in effect.

17 SECTION 9. Section 521.422(a), Transportation Code, is  
18 amended to read as follows:

19 (a) The fee for a personal identification certificate is:

20 (1) \$15 for a person under 60 years of age;

21 (2) \$5 for a person 60 years of age or older; ~~and~~

22 (3) \$20 for a person subject to the registration  
23 requirements under Chapter 62, Code of Criminal Procedure; and

24 (4) for a certificate issued to a person under Section  
25 521.101(f)(2), the lesser of:

26 (A) \$3 for each year the certificate is valid; or

27 (B) \$15.

1 SECTION 10. Section 522.021(a), Transportation Code, is  
2 amended to read as follows:

3 (a) An application for a commercial driver's license or  
4 commercial driver learner's permit must include:

5 (1) the full name and current residence and mailing  
6 address of the applicant;

7 (2) a physical description of the applicant, including  
8 sex, height, and eye color;

9 (3) the applicant's date of birth;

10 (4) the applicant's social security number, unless the  
11 application is for a nonresident commercial driver's license and  
12 the applicant is a resident of a foreign jurisdiction;

13 (5) certifications, including those required by 49  
14 C.F.R. Section 383.71(a); ~~and~~

15 (6) the information required by Section  
16 521.142(b)(5); and

17 (7) any other information required by the department.

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

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

24 (l) If a commercial driver's license or commercial driver  
25 learner's permit issued to a person who is not a citizen or national  
26 of the United States or a legal permanent resident alien expires  
27 before the date specified in Section 522.051, the department shall

1 prorate the fee according to the number of years the license or  
2 permit is to be in effect.

3 SECTION 12. Section 522.051(a), Transportation Code, is  
4 amended to read as follows:

5 (a) Except as provided by Subsection (f) and Sections  
6 522.013(e), 522.033, 522.0515, and 522.054, an original commercial  
7 driver's license or commercial driver learner's permit expires five  
8 years after the applicant's next birthday.

9 SECTION 13. Subchapter E, Chapter 522, Transportation Code,  
10 is amended by adding Section 522.0515 to read as follows:

11 Sec. 522.0515. EXPIRATION OF LICENSE OR PERMIT:  
12 NONCITIZENS AND TEMPORARY RESIDENTS. A commercial driver's license  
13 or commercial driver learner's permit held by a person who is not a  
14 citizen or national of the United States or a legal permanent  
15 resident alien, including an original, renewal, or duplicate  
16 license, expires on the earlier of:

17 (1) the date specified in Section 522.051 or 522.052;

18 or

19 (2) the date corresponding to the end of the period of  
20 legal stay as indicated by documentation issued by United States  
21 Citizenship and Immigration Services or another federal agency  
22 responsible for citizenship and immigration.

23 SECTION 14. Section 522.052, Transportation Code, is  
24 amended by adding Subsection (i) to read as follows:

25 (i) The department shall require each applicant for a  
26 renewal or duplicate commercial driver's license to provide to the  
27 department the information required by Section 521.142(b)(5). This

1 subsection does not apply to an applicant who previously provided  
2 information to the department under Section 521.142(b)(5)(A).

3 SECTION 15. The changes in law made by this Act to Chapters  
4 521 and 522, Transportation Code, apply only to an original,  
5 renewal, or duplicate application for a driver's license, personal  
6 identification certificate, commercial driver's license, or  
7 commercial driver learner's permit submitted on or after the  
8 effective date of this Act.

9 SECTION 16. (a) The commissioner of education shall adopt  
10 rules necessary to administer Section 7.063, Education Code, as  
11 added by this Act.

12 (b) The Texas Higher Education Coordinating Board shall  
13 adopt rules necessary to administer Section 51.977, Education Code,  
14 as added by this Act.

15 SECTION 17. Sections 7.063 and 51.977, Education Code, as  
16 added by this Act, apply beginning with the 2011-2012 school year.

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