

By: Phillips

H.B. No. 2805

Substitute the following for H.B. No. 2805:

By: Driver

C.S.H.B. No. 2805

A BILL TO BE ENTITLED

AN ACT

relating to the requirement 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.

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

SECTION 1. Section 521.041(b), Transportation Code, is amended to read as follows:

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

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

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

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

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

SECTION 2. Section 521.101, Transportation Code, is amended by adding Subsections (d-1), (f-2), and (f-3) and amending Subsection (f) to read as follows:

(d-1) Unless the information has been previously provided to the department, the department shall require each applicant for an original, renewal, or duplicate personal identification

certificate to furnish to the department:

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

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

(f) A personal identification certificate expires:

(1) on a date specified by the department, if the applicant is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States; or

(2) for an applicant not described by Subdivision (1), on:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) 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 ~~[except that a certificate issued to a person 60 years of age or older does not expire]~~.

(f-2) An applicant who is not a citizen of the United States must 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.

(f-3) The department may not issue a personal identification certificate to an applicant who fails or refuses to comply with Subsection (f-2).

SECTION 3. Section 521.103, Transportation Code, is amended by adding Subsection (c) to read as follows:

1        (c) Sections 521.101(f-2) and (f-3) apply to a personal  
2 identification certificate for which application is made under this  
3 section.

4        SECTION 4. Sections 521.142(a) and (e), Transportation  
5 Code, are amended to read as follows:

6        (a) An application for an original license must state the  
7 applicant's full name and place and date of birth. This information  
8 must be verified by presentation of proof of identity satisfactory  
9 to the department. An applicant who is not a citizen of the United  
10 States must present to the department documentation issued by the  
11 United States agency responsible for citizenship and immigration  
12 that authorizes the applicant to be in the United States before the  
13 applicant may be issued a driver's license. The department must  
14 accept as satisfactory proof of identity under this subsection an  
15 offender identification card or similar form of identification  
16 issued to an inmate by the Texas Department of Criminal Justice if  
17 the applicant also provides supplemental verifiable records or  
18 documents that aid in establishing identity.

19        (e) The application must include any other information the  
20 department requires to determine the applicant's identity,  
21 residency, competency, and eligibility as required by the  
22 department or state law.

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

26        (a) Except as provided by Subsections [~~Subsection~~] (b) and  
27 (c), the department may require each applicant for an original,

renewal, or duplicate driver's license to furnish to the department the information required by Section 521.142.

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

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

(2) documentation described by Section 521.142(a).

SECTION 6. Section 521.271, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-2), (a-3), and (a-4) to read as follows:

(a) Each original driver's license, ~~and~~ provisional license, instruction permit, or occupational license issued to an applicant who is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

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

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

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

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

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

(a-2) Each original driver's license 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 expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or

(B) 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

(2) 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.

(a-3) Each original provisional license or instruction permit 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 expires on the earliest of:

(1) the 18th birthday of the license holder;

(2) the first birthday of the license holder occurring

1 after the date of the application; or

2 (3) the expiration of the license holder's lawful  
3 presence in the United States as determined by the United States  
4 agency responsible for citizenship and immigration in compliance  
5 with federal law.

6 (a-4) Each original occupational license issued to an  
7 applicant who is not a citizen or legal permanent resident of the  
8 United States or a refugee or asylee lawfully admitted into the  
9 United States expires on the earlier of:

10 (1) the first anniversary of the date of issuance; or

11 (2) the expiration of the license holder's lawful  
12 presence in the United States as determined by the United States  
13 agency responsible for citizenship and immigration in compliance  
14 with federal law.

15 (b) Except as provided by Section 521.2711, a driver's  
16 license that is renewed expires on the earlier of:

17 (1) the sixth anniversary of the expiration date  
18 before renewal if the applicant is a citizen or legal permanent  
19 resident of the United States or a refugee or asylee lawfully  
20 admitted into the United States;

21 (1-a) for an applicant not described by Subdivision  
22 (1):

23 (A) the earlier of:

24 (i) the sixth anniversary of the expiration  
25 date before renewal; or

26 (ii) the expiration date of the applicant's  
27 authorized stay in the United States; or

1                   (B) the first anniversary of the date of  
2 issuance, if there is no definite expiration date for the  
3 applicant's authorized stay in the United States; or

4                   (2) for a renewal driver's license issued to a person  
5 whose residence or domicile is a correctional facility or a parole  
6 facility, the first birthday of the license holder occurring after  
7 the first anniversary of the date of issuance unless an earlier date  
8 is otherwise provided.

9           SECTION 7. Section 521.2711, Transportation Code, is  
10 amended by adding Subsection (c) to read as follows:

11           (c) Notwithstanding Subsections (a) and (b), an original or  
12 renewal driver's license issued to an applicant who is 85 years of  
13 age or older and not a citizen or legal permanent resident of the  
14 United States or a refugee or asylee lawfully admitted into the  
15 United States expires on:

16                   (1) the earlier of:

17                           (A) the second anniversary of the expiration date  
18 before renewal; or

19                           (B) the expiration date of the applicant's  
20 authorized stay in the United States; or

21                   (2) the first anniversary of the date of issuance if  
22 there is no definite expiration date for the applicant's authorized  
23 stay in the United States.

24           SECTION 8. Section 521.272, Transportation Code, is amended  
25 by amending Subsection (c) and adding Subsection (d) to read as  
26 follows:

27           (c) Notwithstanding Sections [~~Section~~] 521.271 and

521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

(d) Subsection (c) [This subsection] does not apply to:

(1) a provisional license;

(2) an instruction permit issued under Section 521.222; or

(3) a hardship license issued under Section 521.223.

SECTION 9. Section 521.421, Transportation Code, is amended by adding Subsections (a-3) and (a-4) to read as follows:

(a-3) Except as provided by Subsections (a-1) and (a-2), the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen or legal permanent



1 resident of the United States or a refugee or asylee lawfully  
2 admitted into the United States and that is valid for not more than  
3 one year is \$15.

4 (a-4) Except as provided by Subsection (a-2), the fee for a  
5 temporary driver's license or temporary personal identification  
6 certificate that is valid for more than one year is \$15 for the  
7 first year and \$10 for each additional year or portion of a year.

8 SECTION 10. Section 522.021(c), Transportation Code, is  
9 amended to read as follows:

10 (c) The application must meet the requirements of an  
11 application under Sections [~~Section~~] 521.141, 521.142, and  
12 521.1425 and [~~must~~] be accompanied by the fee required under  
13 Section 522.029. The department may require documentary evidence  
14 to verify the information required by this section [~~Subsection~~  
15 ~~(a)~~].

16 SECTION 11. Section 522.030, Transportation Code, is  
17 amended to read as follows:

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

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

(D) the person's date of birth;

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

(F) the person's signature;

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

(H) the name of this state; and

(I) the dates between which the license is valid.

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

SECTION 12. Section 522.033(b), Transportation Code, is amended to read as follows:

(b) Notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license or permit holder is a citizen or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

1                   (A) the expiration date of the applicant's  
2 authorized stay in the United States; or

3                   (B) the first birthday of the license holder  
4 occurring after the date of application, except that the initial  
5 license issued under this section expires on the second birthday of  
6 the license holder occurring after the date of application.

7           SECTION 13. Section 522.052, Transportation Code, is  
8 amended by adding Subsection (i) to read as follows:

9           (i) Unless the information has been previously provided to  
10 the department, the department shall require each applicant for a  
11 renewal or duplicate commercial 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(a).

16           SECTION 14. The changes in law made by this Act apply only  
17 to a driver's license, personal identification certificate,  
18 commercial driver's license, or commercial driver learner's permit  
19 issued or renewed on or after the effective date of this Act. A  
20 driver's license, personal identification certificate, commercial  
21 driver's license, or commercial driver learner's permit issued or  
22 renewed before the effective date of this Act is governed by the law  
23 in effect when the license, certificate, or permit was issued, and  
24 the former law is continued in effect for that purpose.

25           SECTION 15. This Act takes effect September 1, 2011.