

1-1 By: Williams, et al. S.B. No. 9  
1-2 (In the Senate - Filed March 3, 2011; March 7, 2011, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 26, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 April 26, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 9 By: Williams

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to homeland security; providing penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
1-13 amended by adding Article 2.252 to read as follows:

1-14 Art. 2.252. VERIFICATION OF IMMIGRATION STATUS OF PERSON  
1-15 CHARGED WITH COMMITTING OFFENSE. (a) A law enforcement agency  
1-16 that has custody of a person shall verify the immigration status of  
1-17 the person by use of the federal Secure Communities program  
1-18 operated by United States Immigration and Customs Enforcement or a  
1-19 successor program.

1-20 (b) A law enforcement agency conducting an immigration  
1-21 status verification under Subsection (a) shall notify United States  
1-22 Immigration and Customs Enforcement if the agency is unable to  
1-23 verify a person's immigration status.

1-24 SECTION 2. Subsection (a), Section 4, Article 37.07, Code  
1-25 of Criminal Procedure, is amended to read as follows:

1-26 (a) In the penalty phase of the trial of a felony case in  
1-27 which the punishment is to be assessed by the jury rather than the  
1-28 court, if the offense of which the jury has found the defendant  
1-29 guilty is an offense under Section 71.02 or 71.023, Penal Code, or  
1-30 an offense listed in Section 3g(a)(1), Article 42.12, [of this  
1-31 code] or if the judgment contains an affirmative finding under  
1-32 Section 3g(a)(2), Article 42.12, [of this code], unless the  
1-33 defendant has been convicted of an offense under Section 21.02,  
1-34 Penal Code, an offense under Section 22.021, Penal Code, that is  
1-35 punishable under Subsection (f) of that section, or a capital  
1-36 felony, the court shall charge the jury in writing as follows:

1-37 "Under the law applicable in this case, the defendant, if  
1-38 sentenced to a term of imprisonment, may earn time off the period of  
1-39 incarceration imposed through the award of good conduct time.  
1-40 Prison authorities may award good conduct time to a prisoner who  
1-41 exhibits good behavior, diligence in carrying out prison work  
1-42 assignments, and attempts at rehabilitation. If a prisoner engages  
1-43 in misconduct, prison authorities may also take away all or part of  
1-44 any good conduct time earned by the prisoner.

1-45 "It is also possible that the length of time for which the  
1-46 defendant will be imprisoned might be reduced by the award of  
1-47 parole.

1-48 "Under the law applicable in this case, if the defendant is  
1-49 sentenced to a term of imprisonment, the defendant [he] will not  
1-50 become eligible for parole until the actual time served equals  
1-51 one-half of the sentence imposed or 30 years, whichever is less,  
1-52 without consideration of any good conduct time the defendant [he]  
1-53 may earn. If the defendant is sentenced to a term of less than four  
1-54 years, the defendant [he] must serve at least two years before the  
1-55 defendant [he] is eligible for parole. Eligibility for parole does  
1-56 not guarantee that parole will be granted.

1-57 "It cannot accurately be predicted how the parole law and  
1-58 good conduct time might be applied to this defendant if [he is]  
1-59 sentenced to a term of imprisonment, because the application of  
1-60 these laws will depend on decisions made by prison and parole  
1-61 authorities.

1-62 "You may consider the existence of the parole law and good  
1-63 conduct time. However, you are not to consider the extent to which

good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant."

SECTION 3. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0094 to read as follows:

Sec. 411.0094. AUTOMATIC LICENSE PLATE READER PILOT PROGRAM. (a) In this section, "automatic license plate reader" means a system that reads and records license plate numbers taken from digital photographs.

(b) The department shall establish a pilot program in which automatic license plate readers may be installed in law enforcement motor vehicles used by the department for law enforcement.

(c) The program must include a request for proposal process to select a contractor for the installation of automatic license plate readers.

(d) The department shall adopt rules as necessary to implement the program.

(e) An automatic license plate reader installed under this section:

(1) may be used only to record information necessary to identify a motor vehicle; and

(2) may not be used to record an image of a person in a motor vehicle.

(f) The images and any related data produced from an automatic license plate identification camera system may be queried or disseminated only for a law enforcement purpose.

(g) All data produced from an automatic license plate reader shall be destroyed within one year of collection unless the data is evidence in a criminal investigation or prosecution.

(h) Any agreement or memorandum of understanding concerning data-sharing related to an automatic license plate identification camera system between law enforcement entities collecting, sharing, or gaining access to data under this section is subject to the provisions of Chapter 552, Government Code.

(i) Not later than December 1, 2012, the department shall file a report with the committee in each house of the legislature having primary jurisdiction over homeland security matters. The report must include:

(1) information regarding the use of automatic license plate readers by the department; and

(2) any other information that would assist the legislature in evaluating the effectiveness of the use of automatic license plate readers by the department.

(j) This section expires September 1, 2013.

SECTION 4. Section 411.023, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) A special ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law ~~[except one designed to protect life and property and may not enforce a law]~~ regulating the use of a state highway by a motor vehicle. A special ranger is not connected with a ranger company or uniformed unit of the department.

(g) The director may call special rangers into service to:

(1) preserve the peace and protect life and property;

(2) conduct background investigations;

(3) monitor sex offenders;

(4) serve as part of two-officer units on patrol in high threat areas; and

(5) provide assistance to the department during disasters.

SECTION 5. Section 411.024, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) A special Texas Ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except

that a special Texas Ranger may not enforce a law ~~[except one designed to protect life and property and may not enforce a law]~~ regulating the use of a state highway by a motor vehicle. A special Texas Ranger is not connected with a ranger company or uniformed unit of the department.

(g) The director may call special Texas Rangers into service to:

- (1) preserve the peace and protect life and property;
- (2) conduct background investigations;
- (3) monitor sex offenders;
- (4) serve as part of two-officer units on patrol in high threat areas; and
- (5) provide assistance to the department during disasters.

SECTION 6. Subsection (d), Section 508.145, Government Code, is amended to read as follows:

(d) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), or (K), Article 42.12, Code of Criminal Procedure, ~~[or for]~~ an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or an offense under Section 71.02 or 71.023, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 7. Subsection (a), Section 508.149, Government Code, is amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

- (1) an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;
- (2) a first degree felony or a second degree felony under Section 19.02, Penal Code;
- (3) a capital felony under Section 19.03, Penal Code;
- (4) a first degree felony or a second degree felony under Section 20.04, Penal Code;
- (5) an offense under Section 21.11, Penal Code;
- (6) a felony under Section 22.011, Penal Code;
- (7) a first degree felony or a second degree felony under Section 22.02, Penal Code;
- (8) a first degree felony under Section 22.021, Penal Code;
- (9) a first degree felony under Section 22.04, Penal Code;
- (10) a first degree felony under Section 28.02, Penal Code;
- (11) a second degree felony under Section 29.02, Penal Code;
- (12) a first degree felony under Section 29.03, Penal Code;
- (13) a first degree felony under Section 30.02, Penal Code;
- (14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;
- (15) an offense under Section 43.25, Penal Code;
- (16) an offense under Section 21.02, Penal Code; ~~[or]~~
- (17) a first degree felony under Section 15.03, Penal Code; or
- (18) a first degree felony under Section 71.02 or 71.023, Penal Code.

SECTION 8. Subsection (a), Section 511.0101, Government Code, as amended by Chapters 977 (H.B. 3654) and 1215 (S.B. 1009), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) Each county shall submit to the commission on or before the fifth day of each month a report containing the following

4-1 information:

4-2 (1) the number of prisoners confined in the county  
4-3 jail on the first day of the month, classified on the basis of the  
4-4 following categories:

4-5 (A) total prisoners;

4-6 (B) pretrial Class C misdemeanor offenders;

4-7 (C) pretrial Class A and B misdemeanor offenders;

4-8 (D) convicted misdemeanor offenders;

4-9 (E) felony offenders whose penalty has been  
4-10 reduced to a misdemeanor;

4-11 (F) pretrial felony offenders;

4-12 (G) convicted felony offenders;

4-13 (H) prisoners detained on bench warrants;

4-14 (I) prisoners detained for parole violations;

4-15 (J) prisoners detained for federal officers;

4-16 (K) prisoners awaiting transfer to the  
4-17 institutional division of the Texas Department of Criminal Justice  
4-18 following conviction of a felony or revocation of probation,  
4-19 parole, or release on mandatory supervision and for whom paperwork  
4-20 and processing required for transfer have been completed;

4-21 (L) prisoners detained after having been  
4-22 transferred from another jail and for whom the commission has made a  
4-23 payment under Subchapter F, Chapter 499, Government Code;

4-24 (M) prisoners for whom an immigration detainer  
4-25 has been issued by United States Immigration and Customs  
4-26 Enforcement ~~[who are known to be pregnant]~~; and

4-27 (N) other prisoners;

4-28 (2) the total capacity of the county jail on the first  
4-29 day of the month;

4-30 (3) the total number of prisoners who were confined in  
4-31 the county jail during the preceding month, based on a count  
4-32 conducted on each day of that month, who were known or had been  
4-33 determined to be pregnant; ~~and~~

4-34 (4) the total cost to the county during the preceding  
4-35 month of housing prisoners described by Subdivision (1)(M),  
4-36 calculated based on the average daily cost of housing a prisoner in  
4-37 the county jail; and

4-38 (5) certification by the reporting official that the  
4-39 information in the report is accurate.

4-40 SECTION 9. Subsection (b), Section 71.02, Penal Code, as  
4-41 amended by Chapters 761 (H.B. 354) and 900 (S.B. 1067), Acts of the  
4-42 73rd Legislature, Regular Session, 1993, is reenacted and amended  
4-43 to read as follows:

4-44 (b) Except as provided in Subsections (c) and (d), an  
4-45 offense under this section is one category higher than the most  
4-46 serious offense listed in Subsection (a) that was committed, and if  
4-47 the most serious offense is a Class A misdemeanor, the offense is a  
4-48 state jail felony, except that if the most serious offense is a  
4-49 felony of the first degree, the offense is a felony of the first  
4-50 degree punishable by imprisonment in the Texas Department of  
4-51 Criminal Justice for life or for any term of not more than 99 years  
4-52 or less than 15 years.

4-53 SECTION 10. Subsection (c), Section 71.02, Penal Code, as  
4-54 amended by Chapters 761 (H.B. 354) and 900 (S.B. 1067), Acts of the  
4-55 73rd Legislature, Regular Session, 1993, is reenacted to read as  
4-56 follows:

4-57 (c) Conspiring to commit an offense under this section is of  
4-58 the same degree as the most serious offense listed in Subsection (a)  
4-59 that the person conspired to commit.

4-60 SECTION 11. Section 71.023, Penal Code, is amended to read  
4-61 as follows:

4-62 Sec. 71.023. DIRECTING ACTIVITIES OF ~~[CERTAIN]~~ CRIMINAL  
4-63 STREET GANGS. (a) A person commits an offense if the person  
4-64 knowingly ~~[initiates, organizes, plans,]~~ finances, directs,  
4-65 ~~[manages,]~~ or supervises ~~[a criminal street gang or]~~ members of a  
4-66 criminal street gang that commit or conspire to commit a felony:

4-67 (1) that is listed in Section 3g(a)(1), Article 42.12,  
4-68 Code of Criminal Procedure;

4-69 (2) for which it is shown that a deadly weapon, as

defined by Section 1.07, Penal Code, was used or exhibited during the commission of the offense or during immediate flight from the commission of the offense; or

(3) that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code ~~[with the intent to benefit, promote, or further the interests of the criminal street gang or to increase the person's standing, position, or status in the criminal street gang]~~.

(b) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years.

~~[(c) Notwithstanding Section 71.01, in this section, "criminal street gang" means:~~

~~[(1) an organization that:~~

~~[(A) has more than 10 members whose names are included in an intelligence database under Chapter 61, Code of Criminal Procedure;~~

~~[(B) has a hierarchical structure that has been documented in an intelligence database under Chapter 61, Code of Criminal Procedure;~~

~~[(C) engages in profit-sharing among two or more members of the organization; and~~

~~[(D) in one or more regions of this state served by different regional councils of government, continuously or regularly engages in conduct:~~

~~[(i) that constitutes an offense listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure;~~

~~[(ii) in which it is alleged that a deadly weapon is used or exhibited during the commission of or immediate flight from the commission of any felony offense; or~~

~~[(iii) that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code; or~~

~~[(2) an organization that, in collaboration with an organization described by Subdivision (1), engages in conduct or commits an offense or conspires to engage in conduct or commit an offense described by Subdivision (1)(D).]~~

SECTION 12. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.007 to read as follows:

Sec. 521.007. TEMPORARY VISITOR STATIONS. (a) The department shall designate as temporary visitor stations certain driver's license offices.

(b) A driver's license office designated as a temporary visitor station under this section must have at least two staff members who have completed specialized training on the temporary visitor issuance guide published by the department.

(c) A driver's license office designated as a temporary visitor station shall provide information and assistance to other driver's license offices in the state.

SECTION 13. Subsection (b), Section 521.041, 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 14. Section 521.059, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may use the image verification system established under this section to ensure that the applicant is not a fugitive from justice, as defined by Section 38.01, Penal Code.

SECTION 15. 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:

(1) for an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States:

(A) expires on a date specified by the department if the applicant is younger than 60 years of age; or

(B) does not expire if the applicant is 60 years of age or older; or

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

(A) the earlier of:

(i) a date specified by the department; or

(ii) 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 appropriate United States agency 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 16. Section 521.103, Transportation Code, is amended by adding Subsection (c) to read as follows:

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

SECTION 17. Subsections (a) and (e), Section 521.142, Transportation Code, are amended to read as follows:

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

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

SECTION 18. Section 521.1425, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [Subsection] (b) and (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

7-1 citizenship; or

7-2 (2) documentation described by Section 521.142(a).

7-3 SECTION 19. Section 521.271, Transportation Code, is  
7-4 amended by amending Subsections (a) and (b) and adding Subsections  
7-5 (a-2), (a-3), and (a-4) to read as follows:

7-6 (a) Each original driver's license, ~~[and]~~ provisional  
7-7 license, instruction permit, or occupational driver's license  
7-8 issued to an applicant who is a citizen, national, or legal  
7-9 permanent resident of the United States or a refugee or asylee  
7-10 lawfully admitted into the United States expires as follows:

7-11 (1) except as provided by Section 521.2711, a driver's  
7-12 license expires on the first birthday of the license holder  
7-13 occurring after the sixth anniversary of the date of the  
7-14 application;

7-15 (2) a provisional license expires on the 18th  
7-16 birthday of the license holder;

7-17 (3) an instruction permit expires on the 18th birthday  
7-18 of the license holder;

7-19 (4) an occupational driver's license expires on the  
7-20 first anniversary of the court order granting the license; and

7-21 (5) unless an earlier date is otherwise provided, a  
7-22 driver's license issued to a person whose residence or domicile is a  
7-23 correctional facility or a parole facility expires on the first  
7-24 birthday of the license holder occurring after the first  
7-25 anniversary of the date of issuance.

7-26 (a-2) Each original driver's license issued to an applicant  
7-27 who is not a citizen, national, or legal permanent resident of the  
7-28 United States or a refugee or asylee lawfully admitted into the  
7-29 United States expires on:

7-30 (1) the earlier of:

7-31 (A) the first birthday of the license holder  
7-32 occurring after the sixth anniversary of the date of the  
7-33 application; or

7-34 (B) the expiration date of the license holder's  
7-35 lawful presence in the United States as determined by the  
7-36 appropriate United States agency in compliance with federal law; or

7-37 (2) the first anniversary of the date of issuance, if  
7-38 there is no definite expiration date for the applicant's authorized  
7-39 stay in the United States.

7-40 (a-3) Each original provisional license or instruction  
7-41 permit issued to an applicant who is not a citizen, national, or  
7-42 legal permanent resident of the United States or a refugee or asylee  
7-43 lawfully admitted into the United States expires on the earliest  
7-44 of:

7-45 (1) the 18th birthday of the license holder;

7-46 (2) the first birthday of the license holder occurring  
7-47 after the date of the application; or

7-48 (3) the expiration of the license holder's lawful  
7-49 presence in the United States as determined by the United States  
7-50 agency responsible for citizenship and immigration in compliance  
7-51 with federal law.

7-52 (a-4) Each original occupational driver's license issued to  
7-53 an applicant who is not a citizen, national, or legal permanent  
7-54 resident of the United States or a refugee or asylee lawfully  
7-55 admitted into the United States expires on the earlier of:

7-56 (1) the first anniversary of the date of issuance; or

7-57 (2) the expiration of the license holder's lawful  
7-58 presence in the United States as determined by the appropriate  
7-59 United States agency in compliance with federal law.

7-60 (b) Except as provided by Section 521.2711, a driver's  
7-61 license that is renewed expires on the earlier of:

7-62 (1) the sixth anniversary of the expiration date  
7-63 before renewal if the applicant is a citizen, national, or legal  
7-64 permanent resident of the United States or a refugee or asylee  
7-65 lawfully admitted into the United States;

7-66 (1-a) for an applicant not described by Subdivision  
7-67 (1):

7-68 (A) the earlier of:

7-69 (i) the sixth anniversary of the expiration

date before renewal; or

(ii) 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; or

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

SECTION 20. Section 521.2711, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen, national, 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 second anniversary of the expiration date before renewal; or

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

SECTION 21. Section 521.272, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(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, national, 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 22. Section 521.421, Transportation Code, is amended by adding Subsection (a-3) 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, national, 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 is \$24.

SECTION 23. (a) Chapter 521, Transportation Code, is amended by adding Subchapter T to read as follows:

#### SUBCHAPTER T. DRIVER'S LICENSE SYSTEM IMPROVEMENT; ACCOUNT AND FEES

##### Sec. 521.481. DRIVER'S LICENSE SYSTEM IMPROVEMENT ACCOUNT.

(a) The driver's license system improvement account is an account in the general revenue fund that may be appropriated only for the purposes of improving the driver's license system.

(b) The account consists of money deposited to the account



under this subchapter.

(c) The account is exempt from the application of:

(1) Section 403.095, Government Code, as effective on September 1, 2011; and

(2) any successor to that section.

Sec. 521.482. DRIVER'S LICENSE SYSTEM IMPROVEMENT FEES. (a) The department shall collect a fee of:

(1) \$8 for the issuance or renewal of a driver's license or personal identification certificate described by Section 521.421(a) or (a-3);

(2) \$20 for the issuance of a commercial driver's license or a commercial driver learner's permit issued to a resident of this state who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States; and

(3) \$40 for the issuance of a nonresident commercial driver's license that is issued to a person who is not a resident of this state and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States.

(b) A fee collected under this section may be used only for the improvement of the driver's license system and shall be deposited to the credit of the driver's license system improvement account.

Sec. 521.483. RECORD REQUEST STANDARDIZATION FEE. (a) The department shall charge a standardization fee for records requested under Subchapter C.

(b) Subject to Section 521.046(b), the amount of the standardization fee for a record request under Subchapter C is:

(1) \$2.50 if the fee otherwise imposed is \$2.50;

(2) \$6 if the fee otherwise imposed is \$4;

(3) \$5.50 if the fee otherwise imposed is \$4.50;

(4) \$5 if the fee otherwise imposed is \$5;

(5) \$4.50 if the fee otherwise imposed is \$5.50;

(6) \$4 if the fee otherwise imposed is \$6; and

(7) \$3 if the fee otherwise imposed is \$7.

(c) A standardization fee collected under this section shall be deposited to the credit of the driver's license system improvement account.

Sec. 521.484. DRIVER'S LICENSE REINSTATEMENT OR REISSUANCE STANDARDIZATION FEE. (a) The department shall collect a standardization fee of \$25 for the reinstatement or reissuance of a license under Section 521.313, 521.3466(d), or 601.376 of this code, or Section 13, Article 42.12, Code of Criminal Procedure.

(b) A standardization fee collected under this section shall be deposited to the credit of the driver's license system improvement account.

(b) It is the intent of the legislature that:

(1) to the extent the differences are irreconcilable and regardless of relative dates of enactment and relative effective dates, the exemption of the driver's license system improvement account from the application of Section 403.095, Government Code, and any successor to that section, provided by Subsection (c), Section 521.481, Transportation Code, as added by this section, prevails over any other Act of the 82nd Legislature, Regular Session, that becomes law; and

(2) Section 403.095, Government Code, as effective on September 1, 2011, and any successor to that section, do not apply to the account.

SECTION 24. Subsection (c), Section 522.021, Transportation Code, is amended to read as follows:

(c) The application must meet the requirements of an application under Sections ~~[Section]~~ 521.141, 521.142, and 521.1425 and ~~[must]~~ be accompanied by the fees ~~[fee]~~ required under Sections 521.482 and ~~[Section]~~ 522.029. The department may require documentary evidence to verify the information required by this section ~~[Subsection (a)]~~.

SECTION 25. Section 522.029, Transportation Code, is amended by amending Subsections (a) and (k) and adding Subsection

10-1 (l) to read as follows:

10-2 (a) The fee for a commercial driver's license, including a  
 10-3 commercial driver's license issued to a resident of this state who  
 10-4 is not a citizen, national, or legal permanent resident of the  
 10-5 United States or a refugee or asylee lawfully admitted into the  
 10-6 United States, or commercial driver learner's permit issued by the  
 10-7 department is \$60, except as provided by Subsections (f), (h), (j),  
 10-8 and (k).

10-9 (k) The fee for a nonresident commercial driver's license,  
 10-10 including a nonresident commercial driver's license that is issued  
 10-11 to a person who is not a resident of this state and not a citizen,  
 10-12 national, or legal permanent resident of the United States or a  
 10-13 refugee or asylee lawfully admitted into the United States, is  
 10-14 \$120.

10-15 (1) The fee for a temporary nonresident commercial driver's  
 10-16 license is \$20.

10-17 SECTION 26. Subsection (f), Section 522.029,  
 10-18 Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of  
 10-19 the 75th Legislature, Regular Session, 1997, is redesignated as  
 10-20 Subsection (f-1) to read as follows:

10-21 (f-1) [~~(f)~~] If a commercial driver's license or commercial  
 10-22 driver learner's permit includes an authorization to operate a  
 10-23 motorcycle or moped, the fee for the driver's license or permit is  
 10-24 increased by \$8.

10-25 SECTION 27. Section 522.030, Transportation Code, is  
 10-26 amended to read as follows:

10-27 Sec. 522.030. CONTENT OF LICENSE. (a) A commercial  
 10-28 driver's license must:

- 10-29 (1) be marked "Commercial Driver License" or "CDL";
- 10-30 (2) be, to the extent practicable, tamper-proof; and
- 10-31 (3) include:
  - 10-32 (A) the name and mailing address of the person to
  - 10-33 whom it is issued;
  - 10-34 (B) the person's color photograph;
  - 10-35 (C) a physical description of the person,
  - 10-36 including sex, height, and eye color;
  - 10-37 (D) the person's date of birth;
  - 10-38 (E) a number or identifier the department
  - 10-39 considers appropriate;
  - 10-40 (F) the person's signature;
  - 10-41 (G) each class of commercial motor vehicle that
  - 10-42 the person is authorized to drive, with any endorsements or
  - 10-43 restrictions;
  - 10-44 (H) the name of this state; and
  - 10-45 (I) the dates between which the license is valid.

10-46 (b) To the extent of a conflict or inconsistency between  
 10-47 this section and Section 522.013 or 522.051, Section 522.013 or  
 10-48 522.051 controls.

10-49 SECTION 28. Subsection (b), Section 522.033,  
 10-50 Transportation Code, is amended to read as follows:

10-51 (b) Notwithstanding Section 522.051, a commercial driver's  
 10-52 license or commercial driver learner's permit issued under this  
 10-53 section, including a renewal, duplicate, or corrected license,  
 10-54 expires:

10-55 (1) if the license or permit holder is a citizen,  
 10-56 national, or legal permanent resident of the United States or a  
 10-57 refugee or asylee lawfully admitted into the United States, on the  
 10-58 first birthday of the license holder occurring after the date of  
 10-59 application, except that the initial license issued under this  
 10-60 section expires on the second birthday of the license holder  
 10-61 occurring after the date of application; or

10-62 (2) if the applicant is not described by Subdivision  
 10-63 (1), on the earlier of:

10-64 (A) the expiration date of the applicant's  
 10-65 authorized stay in the United States; or

10-66 (B) the first birthday of the license holder  
 10-67 occurring after the date of application, except that the initial  
 10-68 license issued under this section expires on the second birthday of  
 10-69 the license holder occurring after the date of application.

SECTION 29. Section 522.052, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) Unless the information has been previously provided to the department, the department shall require each applicant for a renewal or duplicate commercial 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 30. Section 10, Article 4413(37), Revised Statutes, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) An insurer shall pay to the authority a fee equal to \$2 [~~\$1~~] multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. The fee shall be paid not later than:

(1) March 1 of each year for a policy issued, delivered, or renewed from July 1 through December 31 of the previous calendar year; and

(2) August 1 of each year for a policy issued, delivered, or renewed from January 1 through June 30 of that year.

(e) Fifty percent of each fee collected under Subsection (b) shall be appropriated only to the authority for the purposes of this article.

SECTION 31. Not later than January 1, 2013, the Department of Public Safety of the State of Texas shall submit to the legislature a report evaluating the effectiveness of the temporary visitor stations established under Section 521.007, Transportation Code, as added by this Act.

SECTION 32. Subsection (a), Section 4, Article 37.07, Code of Criminal Procedure, Sections 508.145 and 508.149, Government Code, and Sections 71.02 and 71.023, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 33. A county shall submit the first report required by Section 511.0101, Government Code, as amended by this Act, not later than October 5, 2011.

SECTION 34. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act to Chapters 521 and 522, Transportation Code, apply only to a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed on or after the effective date of this Act. A driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed before the effective date of this Act is governed by the law in effect when the license, certificate, or permit was issued, reissued, reinstated, or renewed, and the former law is continued in effect for that purpose.

(b) Subsection (a) of this section does not apply to the change in law made by this Act to Section 521.059, Transportation Code.

SECTION 35. The fee imposed by Section 521.483, Transportation Code, as added by this Act, applies to a record request submitted on or after the effective date of this Act. A record request submitted before the effective date of this Act is governed by the law in effect on the date the request was submitted, and the former law is continued in effect for that purpose.

SECTION 36. Section 10, Article 4413(37), Revised Statutes, as amended by this Act, applies only to an insurance policy issued, delivered, or renewed on or after the effective date of this Act. An insurance policy issued, delivered, or renewed before the effective date of this Act is governed by the law in effect on the date the insurance policy was issued, delivered, or renewed, and

12-1 the former law is continued in effect for that purpose.

12-2 SECTION 37. This Act takes effect September 1, 2011.

12-3 \* \* \* \* \*