

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 22, 2011

TO: Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2805 by Phillips (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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2805, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2013.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from Texas Mobility Fund 365
2012	\$84,685
2013	(\$259,820)
2014	\$2,840,725
2015	\$2,840,725
2016	\$2,840,725

Fiscal Analysis

The bill would amend Transportation Code, Chapters 521 and 522 which would require the Department of Public Safety (DPS) to maintain suitable indexes, in alphabetical or numerical order that contain the citizenship status of each holder of a license or identification certificate. The bill states DPS shall require applicants for an identification certificate to provide proof of United States citizenship or proof of lawful presence. The bill requires a person who is not a citizen of the United States to present documentation issued by the United States agency responsible for citizenship and immigration authorizing the person to be in the United States before the applicant may be issued a driver’s license or identification card. The bill establishes expiration dates for driver licenses issued to people who are not citizens or legal permanent residents of the United States or a refugee or asylee lawfully admitted into the United States. The bill also establishes fee amounts for various issuances of the license or personal identification certificate issued to applicants who are not citizens of the United States. The bill would take effect on September 1, 2011.

Methodology

The provisions of the bill related to expiration dates and fee amounts for driver's licenses or personal identification certificates issued to applicants who are not citizens of the United States would result in a revenue gain to the Texas Mobility Fund. The Comptroller of Public Accounts indicates the impact on revenue cannot be determined, but DPS estimates a gain of \$84,685 in fiscal year 2012, a loss of \$259,820 in fiscal year 2013, and an ongoing gain of \$2,840,725 in all subsequent fiscal years. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

DPS indicates the bill creates ambiguity in Chapter 522 of the Texas Transportation Code, particularly sections 11 and 12, regarding the issuance of commercial driver licenses to individuals who are not citizens, lawful permanent residents, refugees, and asylees. These individuals are already issued nonresident commercial driver licenses under existing federal regulations and Texas statutes. Furthermore, DPS indicates it would not interpret any ambiguous language in HB 2805 in a way that would place Texas out of compliance with federal commercial driver license regulations.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ESi, GG