

By: Burnam

H.B. No. 3737

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of a temporary visitor's driver's license,  
3 provisional temporary visitor's driver's license, and temporary  
4 visitor's instruction permit; authorizing a fee; creating an  
5 offense.

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

7 SECTION 1. Chapter 521, Transportation Code, is amended by  
8 adding Subchapter K-1 to read as follows:

9 SUBCHAPTER K-1. TEMPORARY VISITOR'S DRIVER'S LICENSE

10 Sec. 521.231. ELIGIBILITY. The department may issue a  
11 temporary visitor's driver's license to a person who:

12 (1) as of the date the license is issued, has resided  
13 in this state for at least one year;

14 (2) is ineligible to obtain a social security number;  
15 and

16 (3) is unable to present to the department  
17 documentation issued by the United States agency responsible for  
18 citizenship and immigration authorizing the person to be in the  
19 United States.

20 Sec. 521.232. TEMPORARY VISITOR'S DRIVER'S LICENSE  
21 REQUIREMENTS. (a) A temporary visitor's driver's license issued  
22 under this subchapter is not valid as proof of the license holder's  
23 identity.

24 (b) The department shall:

1           (1) designate and clearly mark as a temporary  
2 visitor's driver's license each license issued under this  
3 subchapter;

4           (2) designate and clearly mark as a provisional  
5 temporary visitor's driver's license each license issued under this  
6 subchapter to a person who is at least 16 years of age but younger  
7 than 18 years of age; and

8           (3) include on a license issued under this subchapter  
9 an indication that the license is not valid proof of identity.

10          (c) Except as otherwise provided by this chapter, a person  
11 who holds a temporary visitor's driver's license is subject to the  
12 laws of this state applicable to the holder of an original or  
13 duplicate driver's license.

14          (d) Except as otherwise provided by this chapter, an  
15 applicant for a temporary visitor's driver's license who is at least  
16 16 years of age but younger than 18 years of age is subject to the  
17 laws of this state applicable to a holder of a provisional license.

18          (e) The department shall adopt rules:

19           (1) regarding the design and content of the temporary  
20 visitor's driver's license;

21           (2) establishing criteria for proof of identification  
22 and residency of an applicant;

23           (3) designating acceptable evidence that an applicant  
24 is not eligible for a social security number; and

25           (4) regarding the issuance of temporary visitor's  
26 instruction permits.

27          Sec. 521.233. APPLICATION. (a) An application for a

1 temporary visitor's driver's license must state the applicant's  
2 full name and place and date of birth. This information must be  
3 verified by presentation of a current passport or consular document  
4 issued to the applicant by the country of which the applicant is a  
5 citizen.

6 (b) The application must include:

7 (1) the thumbprints of the applicant or, if  
8 thumbprints cannot be taken, the index fingerprints of the  
9 applicant;

10 (2) a photograph of the applicant;

11 (3) the signature of the applicant; and

12 (4) a brief description of the applicant.

13 (c) The application must state:

14 (1) the sex of the applicant;

15 (2) the residence address of the applicant;

16 (3) whether the applicant has been licensed to drive a  
17 motor vehicle before;

18 (4) if previously licensed:

19 (A) when and by what state or country;

20 (B) whether that license has been suspended or  
21 revoked or a license application denied; and

22 (C) the date and reason for the suspension,  
23 revocation, or denial; and

24 (5) the county of residence of the applicant.

25 (d) If the applicant is younger than 21 years of age, the  
26 application must state whether the applicant has completed a driver  
27 education course required by Section 521.1601.

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

5       (f) Information supplied to the department relating to an  
6 applicant's medical history is for the confidential use of the  
7 department and may not be disclosed to any person or used as  
8 evidence in a legal proceeding other than a proceeding under  
9 Subchapter N. This subsection does not apply to information  
10 provided by an applicant under Subsection (g).

11       (g) The application must provide space for the applicant to  
12 voluntarily list any health condition that may impede communication  
13 with a peace officer as evidenced by a written statement from a  
14 licensed physician.

15       Sec. 521.234. FEES. (a) The fee for issuance or renewal of  
16 a temporary visitor's driver's license is \$24.

17       (b) The fee for issuance of a provisional temporary  
18 visitor's driver's license or temporary visitor's instruction  
19 permit is \$15.

20       Sec. 521.235. EXPIRATION. (a) Each temporary visitor's  
21 driver's license issued under this subchapter expires three years  
22 after the date of issuance.

23       (b) Each provisional temporary visitor's driver's license  
24 and temporary visitor's instruction permit issued under this  
25 subchapter expires on the 18th birthday of the license holder.

26       Sec. 521.236. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) A  
27 temporary visitor's driver's license is invalid if, on request of a

1 peace officer, the license holder is unable to provide evidence of  
2 financial responsibility for a motor vehicle the license holder is  
3 operating.

4 (b) A holder of a temporary visitor's driver's license who  
5 cannot produce proof of financial responsibility commits an offense  
6 punishable under Section 521.457.

7 SECTION 2. Section 521.457(a), Transportation Code, is  
8 amended to read as follows:

9 (a) A person commits an offense if the person operates a  
10 motor vehicle on a highway:

11 (1) after the person's driver's license has been  
12 canceled under this chapter if the person does not have a license  
13 that was subsequently issued under this chapter;

14 (2) during a period that the person's driver's license  
15 or privilege is suspended or revoked under any law of this state;

16 (3) while the person's driver's license is expired if  
17 the license expired during a period of suspension; ~~or~~

18 (4) after renewal of the person's driver's license has  
19 been denied under any law of this state, if the person does not have  
20 a driver's license subsequently issued under this chapter; or

21 (5) if the person holds a temporary visitor's driver's  
22 license issued under Subchapter K-1 and is unable to provide  
23 evidence of financial responsibility for a vehicle the license  
24 holder is operating, as required under Section 521.236.

25 SECTION 3. Not later than January 1, 2014, the Department of  
26 Public Safety of the State of Texas shall:

27 (1) adopt the rules necessary to implement Subchapter

1 K-1, Chapter 521, Transportation Code, as added by this Act; and  
2 (2) create the application form required by Section  
3 521.233, Transportation Code, as added by this Act.

4 SECTION 4. This Act takes effect September 1, 2013.