

By: Cook, Guerra, Alonzo, et al.

H.B. No. 4063

Substitute the following for H.B. No. 4063:

By: Harless

C.S.H.B. No. 4063

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a Texas conditional driver's permit,
3 provisional Texas conditional driver's permit, and Texas
4 conditional instruction permit; authorizing a fee; creating a
5 criminal 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. TEXAS CONDITIONAL DRIVER'S PERMIT

10 Sec. 521.231. ELIGIBILITY. The department may issue a
11 Texas conditional driver's permit to a person who:

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

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

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

19 (4) has not been finally convicted of a felony
20 offense; and

21 (5) regardless of the person's age, has completed a
22 driver education course required by Section 521.1601 and an
23 examination required by Section 521.161.

24 Sec. 521.232. TEXAS CONDITIONAL DRIVER'S PERMIT

1 REQUIREMENTS. (a) A Texas conditional driver's permit issued
2 under this subchapter is valid as proof of the permit holder's
3 identity for driving purposes only. The permit is not valid as
4 proof of the permit holder's identity for any other state purpose or
5 for any federal purpose.

6 (b) The department shall:

7 (1) designate and clearly mark as a Texas conditional
8 driver's permit each permit issued under this subchapter;

9 (2) designate and clearly mark as a provisional Texas
10 conditional driver's permit each permit issued under this
11 subchapter to a person who is at least 16 years of age but younger
12 than 18 years of age;

13 (3) include on a permit issued under this subchapter
14 an indication that the permit is valid proof of identity for driving
15 purposes only, and is not valid as proof of identity for any other
16 state purpose or for any federal purpose; and

17 (4) design the Texas conditional driver's permit to
18 appear substantially different from the design of a driver's
19 license.

20 (c) Except as otherwise provided by this chapter, a person
21 who holds a Texas conditional driver's permit is subject to the laws
22 of this state applicable to the holder of an original or duplicate
23 driver's license.

24 (d) Except as otherwise provided by this chapter, an
25 applicant for a Texas conditional driver's permit who is at least 16
26 years of age but younger than 18 years of age is subject to the laws
27 of this state applicable to a holder of a provisional license.

1 (e) The department shall adopt rules:

2 (1) regarding the design and content of the Texas
3 conditional driver's permit;

4 (2) establishing criteria for proof of identification
5 and residency of an applicant;

6 (3) designating acceptable evidence that an applicant
7 is not eligible for a social security number;

8 (4) requiring a check of state and national criminal
9 history record information to determine whether an applicant is
10 eligible for a permit under Section 521.231(4); and

11 (5) regarding the issuance of Texas conditional
12 instruction permits.

13 Sec. 521.233. APPLICATION. (a) An application for a Texas
14 conditional driver's permit must state the applicant's full name
15 and place and date of birth. This information must be verified by
16 presentation of:

17 (1) a current passport or consular document issued to
18 the applicant by the country of which the applicant is a citizen; or

19 (2) another identification document the department
20 determines by rule is acceptable as proof of the information.

21 (b) The application must include:

22 (1) a complete electronic set of the applicant's
23 fingerprints;

24 (2) a photograph of the applicant;

25 (3) the signature of the applicant;

26 (4) a brief description of the applicant;

27 (5) any information necessary to perform a criminal

1 history background check on the applicant; and

2 (6) evidence that the applicant has resided in this
3 state for at least one year.

4 (c) The application must state:

5 (1) the sex of the applicant;

6 (2) the residence address of the applicant;

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

9 (4) if previously licensed:

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

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

13 (C) the date and reason for the suspension,
14 revocation, or denial; and

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

16 (d) Regardless of the applicant's age, the application must
17 state whether the applicant has completed a driver education course
18 required by Section 521.1601 and an examination required by Section
19 521.161.

20 (e) The application must be accompanied by evidence of
21 financial responsibility that complies with Subchapter D, Chapter
22 601, and is prepaid and valid for at least a six-month period, or by
23 a statement that the applicant does not own a motor vehicle for
24 which evidence of financial responsibility is required under
25 Chapter 601. The department may require an application for a
26 renewal of a conditional driver's permit to be accompanied by
27 evidence of financial responsibility or a statement that the

1 applicant does not own a motor vehicle for which evidence of
2 financial responsibility is required under Chapter 601.

3 (f) Evidence of financial responsibility presented under
4 this section must comply with the requirements of Section 521.143.

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

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

15 (i) The application must provide space for the applicant to
16 voluntarily list any health condition that may impede communication
17 with a peace officer as evidenced by a written statement from a
18 licensed physician.

19 (j) Information supplied to the department relating to the
20 applicant's criminal history is for the confidential use of the
21 department and may not be disclosed to any person or used as
22 evidence in a legal proceeding, including an immigration
23 proceeding.

24 Sec. 521.234. FEES. The department shall set the amount of
25 the fee for:

26 (1) issuance or renewal of a Texas conditional
27 driver's permit; and

1 (2) issuance of a provisional Texas conditional
2 driver's permit and Texas conditional instruction permit.

3 Sec. 521.235. EXPIRATION. (a) Each Texas conditional
4 driver's permit issued under this subchapter expires one year after
5 the date of issuance.

6 (b) Each provisional Texas conditional driver's permit and
7 Texas conditional instruction permit issued under this subchapter
8 expires on the 18th birthday of the permit holder.

9 Sec. 521.236. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) A
10 Texas conditional driver's permit is invalid if, on request of a
11 peace officer, the permit holder is unable to provide evidence of
12 financial responsibility for a motor vehicle the permit holder is
13 operating that complies with Subchapter D, Chapter 601.

14 (b) A holder of a Texas conditional driver's permit who
15 cannot produce proof of financial responsibility as required by
16 this section commits an offense punishable under Section [521.457](#).

17 SECTION 2. Section [521.457](#), Transportation Code, is amended
18 by adding Subsection (a-1) to read as follows:

19 (a-1) A person who holds a Texas conditional driver's permit
20 issued under Subchapter K-1 commits an offense if the person
21 operates a motor vehicle on a highway and is unable to provide
22 evidence of financial responsibility for a vehicle the permit
23 holder is operating, as required under Section 521.236.

24 SECTION 3. Not later than January 1, 2016, the Department of
25 Public Safety of the State of Texas shall:

26 (1) adopt the rules necessary to implement Subchapter
27 K-1, Chapter 521, Transportation Code, as added by this Act; and

1 (2) create the application form required by Section
2 521.233, Transportation Code, as added by this Act.

3 SECTION 4. This Act takes effect September 1, 2015.