

By: Alonzo

H.B. No. 406

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a Texas resident driver's permit,
3 provisional Texas resident driver's permit, and Texas resident
4 driver's instruction permit; authorizing fees; 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. TEXAS RESIDENT DRIVER'S PERMIT

10 Sec. 521.231. ELIGIBILITY. The department may issue a
11 Texas resident 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; and

19 (4) has not been finally convicted of a Class B
20 misdemeanor, a Class A misdemeanor, or a felony offense.

21 Sec. 521.232. TEXAS RESIDENT DRIVER'S PERMIT REQUIREMENTS.

22 (a) A Texas resident driver's permit issued under this subchapter
23 is not valid as proof of the permit holder's identity for a federal
24 purpose.

1 (b) The department shall:

2 (1) designate and clearly mark as a Texas resident
3 driver's permit each permit issued under this subchapter;

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

8 (3) include on a permit issued under this subchapter
9 an indication that the permit is not valid proof of identity for a
10 federal purpose.

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

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

19 (e) The department shall adopt rules:

20 (1) regarding the design and content of the Texas
21 resident driver's permit;

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

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

26 (4) regarding the issuance of Texas resident driver's
27 instruction permits.

1 Sec. 521.233. APPLICATION. (a) An application for a Texas
2 resident driver's permit must state the applicant's full name and
3 place and date of birth. This information must be verified by
4 presentation of a current passport or consular document issued to
5 the applicant by the country of which the applicant is a citizen.

6 (b) The application must include:

7 (1) a complete electronic set of the applicant's
8 fingerprints;

9 (2) a photograph of the applicant;

10 (3) the signature of the applicant;

11 (4) a brief description of the applicant; and

12 (5) any information necessary for performing a
13 criminal history background check on the applicant.

14 (c) The application must state:

15 (1) the sex of the applicant;

16 (2) the residence address of the applicant;

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

19 (4) if previously licensed:

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

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

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

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

26 (d) If the applicant is younger than 21 years of age, the
27 application must state whether the applicant has completed a driver

1 education course required by Section 521.1601.

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

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

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

16 Sec. 521.234. FEES. (a) The fee for applying for an
17 original Texas resident driver's permit is \$150.

18 (b) The fee for issuance or renewal of a Texas resident
19 driver's permit is \$24.

20 (c) The fee for issuance of a provisional Texas resident
21 driver's permit or Texas resident driver's instruction permit is
22 \$15.

23 Sec. 521.235. EXPIRATION. (a) Each Texas resident
24 driver's permit issued under this subchapter expires two years
25 after the date of issuance.

26 (b) Each provisional Texas resident driver's permit and
27 Texas resident driver's instruction permit issued under this

1 subchapter expires on the 18th birthday of the permit holder.

2 Sec. 521.236. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) A
3 Texas resident driver's permit is invalid if, on request of a peace
4 officer, the permit holder is unable to provide evidence of
5 financial responsibility for a motor vehicle the permit holder is
6 operating.

7 (b) A holder of a Texas resident driver's permit who cannot
8 provide evidence of financial responsibility commits an offense
9 punishable under Section 521.457.

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

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

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

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

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

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

24 (5) if the person holds a Texas resident driver's
25 permit issued under Subchapter K-1 and is unable to provide
26 evidence of financial responsibility for a vehicle the permit
27 holder is operating, as required under Section 521.236.

1 SECTION 3. Not later than January 1, 2018, the Department of
2 Public Safety of the State of Texas shall:

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

5 (2) create the application form required by Section
6 521.233, Transportation Code, as added by this Act.

7 SECTION 4. This Act takes effect September 1, 2017.