SENATE AMENDMENTS

2nd Printing

By: King of Parker

H.B. No. 3050

	A BILL TO BE ENTITLED
1	AN ACT
2	relating to driver's and learner licenses.
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4	SECTION 1. Section 521.001(a)(3), Transportation Code, is
5	amended to read as follows:
6	(3) "Driver's license" means an authorization issued
7	by the department for the operation of a motor vehicle. The term
8	includes:
9	(A) a temporary license or <u>learner license</u>
10	[instruction permit]; and
11	(B) an occupational license.
12	SECTION 2. Section 521.0475(a), Transportation Code, is
13	amended to read as follows:
14	(a) Except as provided by Subsection (b) [or (c)], the
15	department shall provide a certified abstract of a complete driving
16	record of a license holder, for a fee of \$20, to the license holder
17	or a person eligible to receive the information under Sections
18	730.007(a)(2)(A), (D), and (I).
19	SECTION 3. Sections 521.050(a) and (c), Transportation
20	Code, are amended to read as follows:
21	(a) In addition to the provisions of this subchapter
22	relating to the disclosure of driver's license information on an
23	individual, the department may provide a purchaser, in a format
24	prescribed by the department and acceptable to the purchaser, [with

a magnetic tape of] the names, addresses, and dates of birth of all license holders that are contained in the department's basic driver's license record file if the purchaser certifies in writing that the purchaser is eligible to receive the information under Chapter 730. (c) The department shall impose and collect a fee of: (1)\$2,000 for the initial driver's license information provided [each magnetic tape provided] under Subsection (a); and (2) if the department provides a weekly update of the information [on the tape], \$75 for each update. SECTION 4. Section 521.121(a), Transportation Code, is amended to read as follows: (a) The driver's license must include: (1) a distinguishing number assigned by the department to the license holder; (2) a [color] photograph of the entire face of the holder; the full name and date of birth of the holder; (3) a brief description of the holder; and (4) the license holder's residence address or, for a (5) license holder using the procedure under Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. SECTION 5. Sections 521.1211(a) and (b), Transportation Code, are amended to read as follows: In this section, "peace officer" has the (a) meaning

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1 assigned by Article 2.12, Code of Criminal Procedure, except that 2 the term includes a special investigator as defined by Article 3 2.122, Code of Criminal Procedure.

(b) Notwithstanding Section 521.121(a), the department by
rule shall adopt procedures for the issuance of a driver's license
to a peace officer that omits the license holder's actual residence
address and includes, as an alternative, an address that is [in the
municipality or county of the peace officer's residence and is]
acceptable to the department and is in the:

10 <u>(1) municipality or county of the peace officer's</u> 11 <u>residence; or</u>

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(2) county of the peace officer's place of employment.

13 SECTION 6. Section 521.204(b), Transportation Code, is 14 amended to read as follows:

(b) The department may not issue a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant has held <u>a learner license</u> [an instruction permit] or hardship license for at least six months preceding the date of the application.

20 SECTION 7. The heading to Section 521.222, Transportation 21 Code, is amended to read as follows:

22 Sec. 521.222. <u>LEARNER LICENSE</u> [INSTRUCTION PERMIT]. 23 SECTION 8. Sections 521.222(d), (f), and (g), 24 Transportation Code, are amended to read as follows:

(d) <u>A learner license</u> [An instruction permit] entitles the
 26 holder to operate a type of motor vehicle on a highway while:

27 (1) the <u>license</u> [permit] is in the holder's

1 possession; and

2 (2) the holder is accompanied by a person occupying3 the seat by the operator who:

4 (A) holds a license that qualifies the operator5 to operate that type of vehicle;

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(B) is 21 years of age or older; and

7 (C) has at least one year of driving experience. 8 (f) The department may issue <u>a learner license</u> [an instruction permit] under this section to a person who is subject to 9 10 the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the <u>license</u> [permit]. A 11 learner license [An instruction permit] issued under this 12 subsection must include a photograph of the person. 13

14 (g) A person who occupies the seat in a vehicle by a holder 15 of <u>a learner license</u> [an instruction permit] commits an offense if, 16 while the holder is operating the vehicle, the person:

17 (1)

18 (2) is intoxicated, as defined by Section 49.01, Penal19 Code; or

sleeps;

(3) is engaged in an activity that prevents the person21 from observing and responding to the actions of the operator.

22 SECTION 9. Sections 521.271(a) and (a-3), Transportation 23 Code, are amended to read as follows:

(a) Each original driver's license, provisional license,
<u>learner license</u> [instruction permit], or occupational driver's
license issued to an applicant who is a citizen, national, or legal
permanent resident of the United States or a refugee or asylee

1 lawfully admitted into the United States expires as follows:

2 (1) except as provided by Section 521.2711, a driver's
3 license expires on the first birthday of the license holder
4 occurring after the sixth anniversary of the date of the
5 application;

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

8 (3) <u>a learner license</u> [an instruction permit] expires
9 on the 18th birthday of the license holder;

10 (4) an occupational driver's license expires on the11 first anniversary of the court order granting the license; and

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

17 (a-3) Each original provisional license or <u>learner license</u> 18 [<u>instruction permit</u>] issued to an applicant who is not a citizen, 19 national, or legal permanent resident of the United States or a 20 refugee or asylee lawfully admitted into the United States expires 21 on the earliest of:

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(1) the 18th birthday of the license holder;

(2) the first birthday of the license holder occurringafter the date of the application; or

(3) the expiration of the license holder's lawful
presence in the United States as determined by the United States
agency responsible for citizenship and immigration in compliance

1 with federal law.

(d)

2 SECTION 10. Section 521.272(d), Transportation Code, is
3 amended to read as follows:

Subsection (c) does not apply to a:

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(1) [a] provisional license;

6 (2) <u>learner license</u> [an instruction permit] issued 7 under Section 521.222; or

8 (3) [a] hardship license issued under Section 521.223.
 9 SECTION 11. Section 521.3451, Transportation Code, is
 10 amended to read as follows:

Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR 11 MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. 12 (a) The department shall suspend or deny the issuance of a driver's license 13 14 or learner license [instruction permit] on receipt of an order to 15 suspend or deny the issuance of <u>either</u> [the] license [or permit] from a justice or municipal court under Article 45.050, Code of 16 17 Criminal Procedure.

(b) The department shall reinstate a license [or permit] suspended or reconsider a license [or permit] denied under Subsection (a) on receiving notice from the justice or municipal court that ordered the suspension or denial that the contemnor has fully complied with the court's order.

23 SECTION 12. Sections 521.421(c) and (h), Transportation 24 Code, are amended to read as follows:

(c) The fee for issuance of a provisional license or <u>learner</u>
<u>license</u> [instruction permit] is \$15.

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(h) The fee for issuance or renewal of a driver's license, a

1 provisional license, <u>a learner license</u> [an instruction permit], or 2 a hardship license issued to a person subject to the registration 3 requirements under Chapter 62, Code of Criminal Procedure, is \$20.

4 SECTION 13. Section 545.424(c), Transportation Code, is 5 amended to read as follows:

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(c) This section does not apply to:

7 (1) a person operating a motor vehicle while
8 accompanied in the manner required by Section 521.222(d)(2) for the
9 holder of <u>a learner license</u> [an instruction permit]; or

10 (2) a person licensed by the Federal Communications 11 Commission to operate a wireless communication device or a radio 12 frequency device.

13 SECTION 14. Sections 521.0475(c) and 521.222(b), (c), and 14 (e), Transportation Code, are repealed.

15 SECTION 15. The changes in law made by this Act to Sections 16 521.121 and 521.1211, Transportation Code, apply only to a driver's 17 license issued or renewed on or after the effective date of this 18 Act. A driver's license issued or renewed before the effective date 19 of this Act is governed by the law in effect when the license was 20 issued, and the former law is continued in effect for that purpose. 21 SECTION 16. This Act takes effect September 1, 2017.

ADOPTED MAY 2 4 2017 By: <u>King/Nichols</u> Substitute the following for <u>H</u>.B. No. <u>3050</u> C.S. <u>H</u>.B. No. <u>3050</u>: A BILL TO BE ENTITLED AN ACT relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates;

4 authorizing a fee.

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

6 SECTION 1. Section 521.001(a)(3), Transportation Code, is 7 amended to read as follows:

8 (3) "Driver's license" means an authorization issued 9 by the department for the operation of a motor vehicle. The term 10 includes:

11 (A) a temporary license or <u>learner license</u> 12 [instruction permit]; and

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(B) an occupational license.

SECTION 2. Sections 521.009(a), (a-1), and (c), Transportation Code, are amended to read as follows:

(a) The department may establish a program for the provision
of renewal and duplicate driver's license, election identification
certificate, and personal identification certificate services in
counties <u>and municipalities</u> that enter into an agreement with the
department under Subsection (a-1).

21 (a-1) Under the program, the department may enter into an 22 agreement with the commissioners court of a county <u>or the governing</u> 23 <u>body of a municipality</u> to permit county <u>or municipal</u> employees to 24 provide services at a county <u>or municipal</u> office relating to the

1 issuance of renewal and duplicate driver's licenses, election 2 identification certificates, and personal identification 3 certificates, including:

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taking photographs;

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(2) administering vision tests;

6 (3) updating a driver's license, election
7 identification certificate, or personal identification certificate
8 to change a name, address, or photograph;

9 (4) distributing and collecting information relating 10 to donations under Section 521.401;

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(5) collecting fees; and

12 (6) performing other basic ministerial functions and 13 tasks necessary to issue renewal and duplicate driver's licenses, 14 election identification certificates, and personal identification 15 certificates.

16 (c) A participating county <u>or municipality</u> must remit to the 17 department for deposit as required by this chapter fees collected 18 for the issuance of a renewal or duplicate driver's license or 19 personal identification certificate.

20 SECTION 3. Section 521.0475(a), Transportation Code, is 21 amended to read as follows:

(a) Except as provided by Subsection (b) [or (c)], the department shall provide a certified abstract of a complete driving record of a license holder, for a fee of \$20, to the license holder or a person eligible to receive the information under Sections 730.007(a)(2)(A), (D), and (I).

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SECTION 4. Sections 521.050(a) and (c), Transportation

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1 Code, are amended to read as follows:

(a) In addition to the provisions of this subchapter 2 relating to the disclosure of driver's license information on an 3 individual, the department may provide a purchaser, in a format 4 prescribed by the department and acceptable to the purchaser, [with 5 6 a magnetic tape of] the names, addresses, and dates of birth of all 7 license holders that are contained in the department's basic driver's license record file if the purchaser certifies in writing 8 9 that the purchaser is eligible to receive the information under Chapter 730. 10

11 (c) The department shall impose and collect a fee of: 12 (1) \$2,000 for the initial driver's license information provided [each magnetic tape provided] 13 under 14 Subsection (a); and 15 (2) if the department provides a weekly update of the 16 information [on the tape], \$75 for each update. 17 SECTION 5. Section 521.121(a), Transportation Code, is amended to read as follows: 18 (a) The driver's license must include: 19 20 (1) a distinguishing number assigned by the department 21 to the license holder; 22 (2) a [color] photograph of the entire face of the 23 holder; 24 (3) the full name and date of birth of the holder; 25 (4) a brief description of the holder; and

(5) the license holder's residence address or, for alicense holder using the procedure under Subsection (c), the street

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address of the courthouse in which the license holder or license
 holder's spouse serves as a federal judge or state judge.

3 SECTION 6. Sections 521.1211(a) and (b), Transportation 4 Code, are amended to read as follows:

5 (a) In this section, "peace officer" has the meaning 6 assigned by Article 2.12, Code of Criminal Procedure, except that 7 <u>the term includes a special investigator as defined by Article</u> 8 2.122, Code of Criminal Procedure.

9 (b) Notwithstanding Section 521.121(a), the department by 10 rule shall adopt procedures for the issuance of a driver's license 11 to a peace officer that omits the license holder's actual residence 12 address and includes, as an alternative, an address that is [in the 13 municipality or county of the peace officer's residence and is] 14 acceptable to the department and is in the:

15 <u>(1) municipality or county of the peace officer's</u> 16 <u>residence; or</u>

17 (2) county of the peace officer's place of employment.
18 SECTION 7. Section 521.204(b), Transportation Code, is
19 amended to read as follows:

(b) The department may not issue a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant has held <u>a learner license</u> [an instruction permit] or hardship license for at least six months preceding the date of the application.

25 SECTION 8. The heading to Section 521.222, Transportation 26 Code, is amended to read as follows:

27 Sec. 521.222. <u>LEARNER LICENSE</u> [INSTRUCTION PERMIT].

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SECTION 9. Sections 521.222(d), (f), and 1 (q), 2 Transportation Code, are amended to read as follows: 3 (d) A learner license [An instruction permit] entitles the holder to operate a type of motor vehicle on a highway while: 4 [permit] is in the holder's 5 (1) the license possession; and 6 7 (2) the holder is accompanied by a person occupying the seat by the operator who: 8 9 (A) holds a license that qualifies the operator to operate that type of vehicle; 10 11 (B) is 21 years of age or older; and 12 has at least one year of driving experience. (C) (f) The department may issue a learner license [an 13 14 instruction permit] under this section to a person who is subject to 15 the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the license [permit]. A 16 learner license [An instruction permit] issued under this 17 subsection must include a photograph of the person. 18 (g) A person who occupies the seat in a vehicle by a holder 19 of a learner license [an instruction permit] commits an offense if, 20 while the holder is operating the vehicle, the person: 21 22 (1) sleeps; is intoxicated, as defined by Section 49.01, Penal 23 (2) Code; or 24 25 (3) is engaged in an activity that prevents the person from observing and responding to the actions of the operator. 26 27 SECTION 10. Sections 521.271(a) and (a-3), Transportation

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1 Code, are amended to read as follows:

(a) Each original driver's license, provisional license,
<u>learner license</u> [instruction permit], or occupational driver's
license issued to 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 expires as follows:

7 (1) except as provided by Section 521.2711, a driver's 8 license expires on the first birthday of the license holder 9 occurring after the sixth anniversary of the date of the 10 application;

11 (2) a provisional license expires on the 18th 12 birthday of the license holder;

13 (3) <u>a learner license</u> [an instruction permit] expires 14 on the 18th birthday of the license holder;

15 (4) an occupational driver's license expires on the 16 first anniversary of the court order granting the license; and

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

22 (a-3) Each original provisional license or <u>learner license</u> 23 [instruction permit] issued to an applicant who is not a citizen, 24 national, or legal permanent resident of the United States or a 25 refugee or asylee lawfully admitted into the United States expires 26 on the earliest of:

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(1) the 18th birthday of the license holder;

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(2) the first birthday of the license holder occurring
 after the date of the application; or

3 (3) the expiration of the license holder's lawful 4 presence in the United States as determined by the United States 5 agency responsible for citizenship and immigration in compliance 6 with federal law.

7 SECTION 11. Section 521.272(d), Transportation Code, is 8 amended to read as follows:

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(d) Subsection (c) does not apply to <u>a</u>:

10 (1) [a] provisional license;

11 (2) learner license [an instruction permit] issued
12 under Section 521.222; or

(3) [a] hardship license issued under Section 521.223.
SECTION 12. Section 521.3451, Transportation Code, is
amended to read as follows:

Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. (a) The department shall suspend or deny the issuance of a <u>driver's</u> license or <u>learner license</u> [instruction permit] on receipt of an order to suspend or deny the issuance of <u>either</u> [the] license [or permit] from a justice or municipal court under Article 45.050, Code of Criminal Procedure.

(b) The department shall reinstate a license [or permit] suspended or reconsider a license [or permit] denied under Subsection (a) on receiving notice from the justice or municipal court that ordered the suspension or denial that the contemnor has fully complied with the court's order.

SECTION 13. Sections 521.421(c) and (h), Transportation
Code, are amended to read as follows:

3 (c) The fee for issuance of a provisional license or <u>learner</u>
4 license [instruction permit] is \$15.

5 (h) The fee for issuance or renewal of a driver's license, a 6 provisional license, <u>a learner license</u> [an instruction permit], or 7 a hardship license issued to a person subject to the registration 8 requirements under Chapter 62, Code of Criminal Procedure, is \$20.

9 SECTION 14. Section 521.428, Transportation Code, is 10 amended to read as follows:

Sec. 521.428. COUNTY <u>OR MUNICIPAL</u> FEE. A county <u>or</u> <u>municipality</u> that provides services under an agreement described by Section 521.009 may collect an additional fee of up to \$5 for each transaction provided that relates to driver's license and personal identification certificate services only.

16 SECTION 15. Section 545.424(c), Transportation Code, is 17 amended to read as follows:

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(c) This section does not apply to:

(1) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of <u>a learner license</u> [an instruction permit]; or

(2) a person licensed by the Federal Communications
Commission to operate a wireless communication device or a radio
frequency device.

25 SECTION 16. Sections 521.0475(c) and 521.222(b), (c), and 26 (e), Transportation Code, are repealed.

27 SECTION 17. The changes in law made by this Act to Sections

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521.121 and 521.1211, Transportation Code, apply only to a driver's
license issued or renewed on or after the effective date of this
Act. A driver's license issued or renewed before the effective date
of this Act is governed by the law in effect when the license was
issued, and the former law is continued in effect for that purpose.
SECTION 18. This Act takes effect September 1, 2017.

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3050 by King, Phil (Relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates; authorizing a fee.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to replace certain references to "instruction permit" with "learner license." The bill would also authorize the Department of Public Safety (DPS) to determine the format of a request for driver license information, so long as the purchaser of the information agrees with the format. The bill would add a "municipality" to the type of entities with whom DPS may establish a program for the provision of driver's licenses, election identification certificates, and personal identification certificates, and would authorize certain municipalities to collect a \$5 fee per driver's license and personal identification certificate transaction. The bill would also remove the requirement that DPS provide the driver license information in the form of a magnetic tape. The bill would require that DPS either use a peace officer's municipality or county of residence, or the peace officer's county of employment, for peace officers who opt to use an alternative address in their driver license. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety **LBB Staff:** UP, SD, JAW, AG, FR, AI

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3050 by King, Phil (Relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates; authorizing a fee.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to replace certain references to "instruction permit" with "learner license." The bill would also authorize the Department of Public Safety (DPS) to determine the format of a request for driver license information, so long as the purchaser of the information agrees with the format. The bill would add a "municipality" to the type of entities with whom DPS may establish a program for the provision of driver's licenses, election identification certificates, and personal identification certificates, and would authorize certain municipalities to collect a \$5 fee per driver's license and personal identification certificate transaction. The bill would also remove the requirement that DPS provide the driver license information in the form of a magnetic tape. The bill would require that DPS either use a peace officer's municipality or county of residence, or the peace officer's county of employment, for peace officers who opt to use an alternative address in their driver license. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety **LBB Staff:** UP, JAW, AG, FR, AI

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3050 by King, Phil (Relating to driver's and learner licenses.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to replace certain references to "instruction permit" with "learner license." The bill would also authorize the Department of Public Safety (DPS) to determine the format of a request for driver license information, so long as the purchaser of the information agrees with the format. The bill would also remove the requirement that DPS provide the driver license information in the form of a magnetic tape. The bill would require that DPS either use a peace officer's municipality or county of residence, or the peace officer's county of employment, for peace officers who opt to use an alternative address in their driver license. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety **LBB Staff:** UP, AG, FR, AI, JAW

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 3, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3050 by King, Phil (Relating to driver's and learner licenses.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to replace certain references to "instruction permit" with "learner license." The bill would also authorize the Department of Public Safety (DPS) to determine the format of a request for driver license information, so long as the purchaser of the information agrees with the format. The bill would also remove the requirement that DPS provide the driver license information in the form of a magnetic tape. The bill would require that DPS either use a peace officer's municipality or county of residence, or the peace officer's county of employment, for peace officers who opt to use an alternative address in their driver license. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety **LBB Staff:** UP, FR, AI, JAW