By:  Thompson of Brazoria H.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to transfer of the driver licensing program from the Department of Public Safety of the State of Texas to the Texas Department of Motor Vehicles

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

ARTICLE 1. TRANSFER OF DRIVER'S LICENSE PROGRAMS FROM DEPARTMENT OF PUBLIC SAFETY TO DEPARTMENT OF MOTOR VEHICLES

SECTION 1.001.  Sections 521.001(a)(1-a) and (2), Transportation Code, are amended to read as follows:

(1-a) "Department" means the Texas Department of Motor Vehicles [~~Public Safety~~].

(2)  "Director" means the executive [~~public safety~~] director of the department.

SECTION 1.002.  Section 521.001(c), Transportation Code, is amended to read as follows:

(c)  The department by rule may define types of vehicles that are "motorcycles" for the purposes of this chapter, in addition to those defined under Subsection (a)(6-a), and [~~. The Texas Department of Motor Vehicles by rule may define the types of vehicles that are "motorcycles"~~] for the purposes of Chapters 501, 502, and 503. This subsection applies only to vehicles manufactured by a manufacturer licensed under Chapter 2301, Occupations Code.

SECTION 1.003.  Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.0015 to read as follows:

Sec. 521.0015.  STATUTORY REFERENCES. A statutory reference to the Department of Public Safety means the Texas Department of Motor Vehicles if the statutory reference concerns:

(1)  the administration of the programs established by this chapter, Chapter 522, and other law that license a person to operate a motor vehicle, as defined by Section 501.002, or a commercial motor vehicle, as defined by Section 522.003, in this state; or

(2)  the administration of Chapter 521A.

SECTION 1.004.  (a)  In this section:

(1)  "Former administrator" means the Department of Public Safety.

(2)  "Licensing program" means:

(A)  the programs established by Chapters 521 and 522, Transportation Code, and other law, that license a person to operate in this state a motor vehicle, as defined by Section 501.002, Transportation Code, or a commercial motor vehicle, as defined by Section 522.003, Transportation Code;

(B)  the program to issue election identification certificates under Chapter 521A, Transportation Code; and

(C)  the voter registration processes under the Election Code that relate to the original issuance or renewal of a driver's license or personal identification card.

(3)  "New administrator" means the Texas Department of Motor Vehicles.

(4)  "Work group" means the work group established under Subsection (b) of this section.

(b)  As soon as practicable after the effective date of this Act, the former administrator and the new administrator shall establish a work group to plan the transfer of the licensing program from the former administrator to the new administrator.

(c)  The work group shall:

(1)  adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities related to the licensing program, that includes:

(A)  a plan that ensures the transfer of the licensing program will be completed on or before August 31, 2020; and

(B)  completion dates for substantial phases of the licensing program's transfer;

(2)  implement the transition plan described by Subdivision (1) of this subsection; and

(3)  provide a quarterly report of the work group's progress in developing and implementing the transition plan described by Subdivision (1) of this subsection to:

(A)  the presiding officer of each house of the legislature;

(B)  the governor;

(C)  the Sunset Advisory Commission; and

(D)  a trade association in this state with the primary role of representing counties

(d)  To prepare for the transfer, the former administrator shall provide the new administrator with access to any systems, information, property, records, or personnel necessary for the new administrator to administer the licensing program transferred under this Act.

(e)  As soon as practicable after the effective date of this Act, with the assistance of the former administrator, as requested by the new administrator, the new administrator shall study the most effective use of available state and county resources, including personnel, property, and technology resources potentially available through the adoption of intergovernmental agreements, to administer the licensing program, prioritizing:

(1)  the customer service experience, including reducing the amount of time required for a customer to interact with the licensing program;

(2)  accessibility of the licensing program for the citizens of this state, including citizens residing in rural areas of this state; and

(3)  administrative efficiency and cost savings.

(f)  On September 1, 2020:

(1)  all licensing program functions and activities performed by the former administrator immediately before that date are transferred to the new administrator;

(2)  all licensing program rules, fees, policies, procedures, decisions, and forms adopted by the former administrator are continued in effect as rules, fees, policies, procedures, decisions, and forms of the new administrator and remain in effect until amended or replaced by the new administrator;

(3)  a licensing program complaint, investigation, contested case, or other proceeding before the former administrator that is pending on September 1, 2020, is transferred without change in status to the new administrator;

(4)  all licensing program money, contracts, leases, property, and obligations of the former administrator are transferred to the new administrator;

(5)  all licensing program property in the custody of the former administrator is transferred to the new administrator; and

(6)  the unexpended and unobligated balance of any money appropriated by the legislature to the former administrator for the purpose of administering the licensing program is transferred to the new administrator.

(g)  On September 1, 2020, a license, certificate, endorsement, or other form of authorization issued by the former administrator and related to the licensing program is continued in effect as a license, certificate, endorsement, or other form of authorization of the new administrator.

(h)  On September 1, 2020, all full-time equivalent employee positions at the former administrator that primarily concern the administration or enforcement of the licensing program become positions at the new administrator.

(i)  The former administrator and the new administrator shall enter into a Memorandum of Understanding Agreement to fulfill any duties relating to the transfer, administration, and continuity of the licensing program not otherwise enumerated by this Act.

SECTION 1.005.  (a)  In this section, "licensing program" means:

(1)  the programs established by Chapters 521 and 522, Transportation Code, and other law, that license a person to operate in this state a motor vehicle, as defined by Section 501.002, Transportation Code, or a commercial motor vehicle, as defined by Section 522.003, Transportation Code;

(2)  the program to issue election identification certificates under Chapter 521A, Transportation Code; and

(3)  the voter registration processes under the Election Code that relate to the original issuance or renewal of a driver's license or personal identification card.

(b)  The Department of Public Safety shall enter into an agreement with an independent, third-party contractor to:

(1)  conduct a study that examines the opportunities and challenges of transferring the licensing program from the Department of Public Safety to the Texas Department of Motor Vehicles; and

(2)  prepare a report containing:

(A)  the results of the study conducted under this subsection; and

(B)  recommendations on the remaining opportunities and challenges of transferring the program from the Department of Public Safety to the Texas Department of Motor Vehicles.

(c)  Not later than December 31, 2019, the contractor shall submit the report prepared under Subsection (b) of this section to the legislature, the governor, the Sunset Advisory Commission, the Department of Public Safety, and the Texas Department of Motor Vehicles.

SECTION 1.006.  Section 16.031(a), Election Code, is amended to read as follows:

(a)  The registrar shall cancel a voter's registration immediately on receipt of:

(1)  notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2)  an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3)  an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4)  notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5)  notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6)  notice from the early voting clerk under Section 101.053 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7)  notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the [~~Department of Public Safety~~] Texas Department of Motor Vehicles or social security number.

SECTION 1.007.  The heading to Subchapter C, Chapter 20, Election Code, is amended to read as follows:

SUBCHAPTER C. [~~Department of Public Safety~~] Texas Department of Motor Vehicles

SECTION 1.008.  Section 20.001(b), Election Code, is amended to read as follows:

(b)  The [~~Department of Public Safety~~] Texas Department of Motor Vehicles is designated as a voter registration agency.

SECTION 1.009.  Section 20.061, Election Code, is amended to read as follows:

APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter apply to the [~~Department of Public Safety~~] Texas Department of Motor Vehicles except provisions that conflict with this subchapter.

SECTION 1.010.  Section 20.062(a), Election Code, is amended to read as follows:

(a)  The [~~Department of Public Safety~~] Texas Department of Motor Vehicles shall prescribe and use a form and procedure that combines the department's application form for a license or card with an officially prescribed voter registration application form.

SECTION 1.011.  Section 20.063(a), Election Code, is amended to read as follows:

(a)  The [~~Department of Public Safety~~] Texas Department of Motor Vehicles shall provide to each person who applies in person at the department's offices for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card an opportunity to complete a voter registration application form.

SECTION 1.012.  Section 20.064, Election Code, is amended to read as follows:

DECLINATION FORM NOT REQUIRED. The [~~Department of Public Safety~~] Texas Department of Motor Vehicles is not required to comply with the procedures prescribed by this chapter relating to the form for a declination of voter registration.

SECTION 1.013.  Section 20.065(a), Election Code, is amended to read as follows:

(a)  At the end of each day a [~~Department of Public Safety~~] Texas Department of Motor Vehicles office is regularly open for business, the manager of the office shall deliver by mail or in person to the voter registrar of the county in which the office is located each completed voter registration application and applicable change of address submitted to a department employee.

SECTION 1.014.  Section 20.066(a), Election Code, is amended to read as follows: (a) If a person completes a voter registration application as provided by Section 20.063, the [~~Department of Public Safety~~] Texas Department of Motor Vehicles shall:

(1)  input the information provided on the application into the department's electronic data system; and

(2)  inform the applicant that the applicant's electronic signature provided to the department will be used for submitting the applicant's voter registration application.

SECTION 1.015.  Section 63.0101(a), Election Code, is amended to read as follows:

(a)  The following documentation is an acceptable form of photo identification under this chapter:

(1)  a driver's license, election identification certificate, or personal identification card issued to the person by the [~~Department of Public Safety~~] Texas Department of Motor Vehicles that has not expired or that expired no earlier than four years before the date of presentation;

SECTION 1.016.  Section 65.060, Election Code, is amended to read as follows:

DISCLOSURE OF SOCIAL SECURITY, DRIVER'S LICENSE, OR PERSONAL IDENTIFICATION NUMBER ON PROVISIONAL BALLOT AFFIDAVIT. A social security number, Texas driver's license number, or number of a personal identification card issued by the [~~Department of Public Safety~~] Texas Department of Motor Vehicles furnished on a provisional ballot affidavit is confidential and does not constitute public information for purposes of Chapter 552, Government Code. The general custodian of election records shall ensure that a social security number, Texas driver's license number, or number of a personal identification card issued by the [~~Department of Public Safety~~] Texas Department of Motor Vehicles is excluded from disclosure.

SECTION 1.017.  (a)  Subject to subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

(b)  The changes in law by this Act under Sections 1.006, 1.007, 1.008, 1.009, 1.010, 1.011, 1.012, 1.013, 1.014, 1.015, and 1.016 apply only to a driver's license, election identification certificate, or personal identification card issued or renewed by the Texas Department of Motor Vehicles on or after September 1, 2020.

(c)  An unexpired driver's license, election identification certificate, or personal identification card issued or renewed by the Texas Department of Public Safety prior to September 1, 2020 remains a valid form of identification as governed by the law prior to September 1, 2020.