

By: Thompson of Brazoria

H.B. No. 11

A BILL TO BE ENTITLED

1 AN ACT
2 relating to transfer of the driver licensing program from the
3 Department of Public Safety of the State of Texas to the Texas
4 Department of Motor Vehicles

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

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

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

10 (1-a) "Department" means the Texas Department of Motor
11 Vehicles [~~Public Safety~~].

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

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

16 (c) The department by rule may define types of vehicles that
17 are "motorcycles" for the purposes of this chapter, in addition to
18 those defined under Subsection (a)(6-a), and [~~The Texas~~
19 ~~Department of Motor Vehicles by rule may define the types of~~
20 ~~vehicles that are "motorcycles"~~] for the purposes of Chapters 501,
21 502, and 503. This subsection applies only to vehicles
22 manufactured by a manufacturer licensed under Chapter 2301,
23 Occupations Code.

24 SECTION 1.003. Subchapter A, Chapter 521, Transportation

1 Code, is amended by adding Section 521.0015 to read as follows:

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

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

10 (2) the administration of Chapter 521A.

11 SECTION 1.004. (a) In this section:

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

14 (2) "Licensing program" means:

15 (A) the programs established by Chapters 521 and
16 522, Transportation Code, and other law, that license a person to
17 operate in this state a motor vehicle, as defined by Section
18 501.002, Transportation Code, or a commercial motor vehicle, as
19 defined by Section 522.003, Transportation Code;

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

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

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

27 (4) "Work group" means the work group established

1 under Subsection (b) of this section.

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

6 (c) The work group shall:

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

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

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

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

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

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

22 (B) the governor;

23 (C) the Sunset Advisory Commission; and

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

26 (d) To prepare for the transfer, the former administrator
27 shall provide the new administrator with access to any systems,

1 information, property, records, or personnel necessary for the new
2 administrator to administer the licensing program transferred
3 under this Act.

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

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

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

17 (3) administrative efficiency and cost savings.

18 (f) On September 1, 2020:

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

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

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

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

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

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

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

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

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

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

3 (1) the programs established by Chapters 521 and 522,
4 Transportation Code, and other law, that license a person to
5 operate in this state a motor vehicle, as defined by Section
6 501.002, Transportation Code, or a commercial motor vehicle, as
7 defined by Section 522.003, Transportation Code;

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

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

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

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

19 (2) prepare a report containing:

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

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

26 (c) Not later than December 31, 2019, the contractor shall
27 submit the report prepared under Subsection (b) of this section to

1 the legislature, the governor, the Sunset Advisory Commission, the
2 Department of Public Safety, and the Texas Department of Motor
3 Vehicles.

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

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

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

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

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

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

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

23 (6) notice from the early voting clerk under Section
24 101.053 that a federal postcard application submitted by an
25 applicant states a voting residence address located outside the
26 registrar's county; or

27 (7) notice from the secretary of state that the voter

1 has registered to vote in another county, as determined by the
2 voter's driver's license number or personal identification card
3 number issued by the [~~Department of Public Safety~~] Texas Department
4 of Motor Vehicles or social security number.

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

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

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

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

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

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

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

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

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

27 (a) The [~~Department of Public Safety~~] Texas Department of

1 Motor Vehicles shall provide to each person who applies in person at
2 the department's offices for an original or renewal of a driver's
3 license, a personal identification card, or a duplicate or
4 corrected license or card an opportunity to complete a voter
5 registration application form.

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

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

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

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

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

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

26 (2) inform the applicant that the applicant's
27 electronic signature provided to the department will be used for

1 submitting the applicant's voter registration application.

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

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

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

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

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

25 SECTION 1.017. (a) Subject to subsection (b) of this
26 section, this Act takes effect immediately if it receives a vote of
27 two-thirds of all the members elected to each house, as provided by

1 Section 39, Article III, Texas Constitution. If this Act does not
2 receive the vote necessary for immediate effect, this Act takes
3 effect September 1, 2019.

4 (b) The changes in law by this Act under Sections 1.006,
5 1.007, 1.008, 1.009, 1.010, 1.011, 1.012, 1.013, 1.014, 1.015, and
6 1.016 apply only to a driver's license, election identification
7 certificate, or personal identification card issued or renewed by
8 the Texas Department of Motor Vehicles on or after September 1,
9 2020.

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