88R1516 AJZ-D

By:  Ramos H.B. No. 1188

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Texas conditional driver's permit, provisional Texas conditional driver's permit, and Texas conditional learner permit; authorizing a fee.

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

SECTION 1.  Chapter 521, Transportation Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. TEXAS CONDITIONAL DRIVER'S PERMIT

Sec. 521.231.  ELIGIBILITY. (a) The department may issue a Texas conditional driver's permit, a provisional Texas conditional driver's permit, or a Texas conditional learner permit to a person who:

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

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

(3)  is not ineligible for a driver's license under Section 521.202; and

(4)  regardless of the person's age, has completed a driver education course required by Section 521.1601 and an examination required by Section 521.161, except as provided by Subsection (b).

(b)  A person may be issued a Texas conditional learner permit without having passed the driving test under Section 521.161.

Sec. 521.232.  PERMIT REQUIREMENTS. (a) A permit issued under this subchapter is valid as proof of the permit holder's identity for driving purposes only. The permit is not valid as proof of the permit holder's identity for any federal purpose, including voting.

(b)  The department shall:

(1)  designate and clearly mark each permit issued under this subchapter;

(2)  designate and clearly mark each provisional Texas conditional driver's permit or Texas conditional learner permit, as applicable, issued to a person who is younger than 18 years of age;

(3)  include on a permit issued under this subchapter an indication that the permit is valid proof of identity for driving purposes only and is not valid as proof of identity for any federal purpose, including voting; and

(4)  design the permit to appear substantially similar to the design of a driver's license.

(c)  Except as otherwise provided by this chapter:

(1)  a holder of a Texas conditional driver's permit is subject to the laws of this state applicable to the holder of an original or duplicate driver's license;

(2)  a holder of a provisional Texas conditional driver's permit is subject to the laws of this state applicable to the holder of a provisional driver's license; and

(3)  a holder of a Texas conditional learner permit is subject to the laws of this state applicable to the holder of a learner license.

(d)  The department shall adopt rules:

(1)  regarding the design and content of permits issued under this subchapter;

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

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

(4)  requiring a check of state and national criminal history record information to determine whether an applicant is eligible for a permit under Section 521.231(a)(3); and

(5)  regarding qualifications for the issuance of provisional Texas conditional driver's permits and Texas conditional learner permits.

Sec. 521.233.  APPLICATION. (a) An application for a permit under this subchapter must state the applicant's full name and place and date of birth. This information must be verified by presentation of one document establishing the applicant's identity and age, including:

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

(2)  a current border crossing card;

(3)  a current Mexican voter registration card (Instituto Nacional Electoral credencial para votar);

(4)  an individual taxpayer identification number issued by the Internal Revenue Service; or

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

(b)  The application must include:

(1)  the applicant's thumbprints or, if thumbprints cannot be taken, the index fingerprints of the applicant;

(2)  a photograph of the applicant;

(3)  the signature of the applicant;

(4)  a brief description of the applicant;

(5)  any information necessary to perform a criminal history background check on the applicant; and

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

(c)  The application must state:

(1)  the sex of the applicant;

(2)  the residence address of the applicant;

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

(4)  if previously licensed:

(A)  when and by what state or country;

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

(C)  if applicable, the date and reason for the suspension, revocation, or denial; and

(5)  the county of residence of the applicant.

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

(e)  The application must be accompanied by evidence of financial responsibility that complies with the requirements of Section 521.143.

(f)  The application must include any other information the department requires to determine the applicant's eligibility as required by state law.

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

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

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

Sec. 521.234.  FEES. (a) In this section, "consumer price index" means the Consumer Price Index for All Urban Consumers (CPI-U), as published by the United States Bureau of Labor Statistics or its successor in function.

(b)  The initial fee for the issuance or renewal of a Texas conditional driver's permit or the issuance of a provisional Texas conditional driver's permit or a Texas conditional learner permit is $50. The department may, on January 1 of each year, increase the fee established under this subsection as necessary to adjust for inflation as determined by the consumer price index if the department posts the planned fee increase on the department's Internet website not later than November 1 of the previous year.

(c)  Each fee collected under this subchapter shall be deposited to the credit of the Texas mobility fund.

Sec. 521.235.  EXPIRATION. (a) Each Texas conditional driver's permit issued or renewed under this subchapter expires two years after the date of issuance.

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

Sec. 521.236.  RENEWAL. The department shall allow an eligible applicant to renew a Texas conditional driver's permit in the same manner and locations as an applicant for the renewal of a driver's license under Subchapter M.

SECTION 2.  Not later than January 1, 2024, the Department of Public Safety of the State of Texas shall:

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

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

SECTION 3.  The Department of Public Safety of the State of Texas may not increase a fee as authorized by Section 521.234, Transportation Code, as added by this Act, before January 1, 2025.

SECTION 4.  This Act takes effect September 1, 2023.