

By: Alonzo

H.B. No. 21

A BILL TO BE ENTITLED

1 AN ACT
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 unable to present to the department
15 documentation issued by the United States agency responsible for
16 citizenship and immigration authorizing the person to be in the
17 United States; and

18 (3) has not been finally convicted of a Class B
19 misdemeanor, a Class A misdemeanor, or any felony offense.

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

21 (a) A Texas resident driver's permit issued under this subchapter
22 is not valid as proof of the permit holder's identity or immigration
23 status for any federal purposes.

24 (b) The department shall:

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

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

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

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

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

18 (e) The department shall adopt rules:

19 (1) after consideration of public comment, regarding
20 the design and content of the Texas resident driver's permit;

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

23 (3) regarding the issuance of Texas resident driver's
24 instruction permits.

25 Sec. 521.233. APPLICATION. (a) An application for a Texas
26 resident driver's permit must state the applicant's full name and
27 place and date of birth. This information must be verified by

1 presentation of a current passport or consular document issued to
2 the applicant by the country of which the applicant is a citizen.

3 (b) The application must include:

4 (1) a complete electronic set of the applicant's
5 fingerprints;

6 (2) a photograph of the applicant;

7 (3) the signature of the applicant;

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

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

11 (c) The application must state:

12 (1) the sex of the applicant;

13 (2) the residence address of the applicant;

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

16 (4) if previously licensed:

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

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

20 (C) the date and reason for the suspension,
21 revocation, or denial; and

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

23 (d) If the applicant is younger than 21 years of age, the
24 application must state whether the applicant has completed a driver
25 education course required by Section 521.1601.

26 (e) The application must include any other information the
27 department requires to determine the applicant's identity,

1 residency, competency, and eligibility as required by the
2 department or state law.

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

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

13 (h) Unless otherwise authorized by Subsection (f),
14 information supplied to the department under this section is for
15 the confidential use of the department and may not be disclosed to
16 any person, except as required as part of a criminal investigation
17 or criminal proceeding.

18 (i) Except as provided by Subsection (h), information
19 supplied to the department relating to an applicant's criminal
20 history is for the confidential use of the department and may not be
21 disclosed to any person for the purpose of being used as evidence in
22 a proceeding to enforce federal immigration laws.

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

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

27 (c) The fee for issuance of a provisional Texas resident

1 driver's permit or Texas resident driver's instruction permit is
2 \$15.

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

6 (b) Each provisional Texas resident driver's permit and
7 Texas resident driver's instruction permit issued under this
8 subchapter expires on the 18th birthday of the permit holder.

9 Sec. 521.236. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) A
10 Texas resident driver's permit is invalid if, on request of a peace
11 officer, the permit holder is unable to provide evidence of
12 financial responsibility for a motor vehicle the permit holder is
13 operating.

14 (b) A holder of a Texas resident driver's permit who cannot
15 produce proof of financial responsibility commits an offense
16 punishable under Section 521.457.

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

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

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

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

26 (3) while the person's driver's license is expired if
27 the license expired during a period of suspension; [~~or~~]

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

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

8 SECTION 3. Not later than January 1, 2014, the Department of
9 Public Safety of the State of Texas shall:

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

12 (2) create the application form required by Section
13 521.233, Transportation Code, as added by this Act.

14 SECTION 4. This Act takes effect on the 91st day after the
15 last day of the legislative session.