

## **BILL ANALYSIS**

Senate Research Center

H.B. 2663  
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Criminal Justice  
4/30/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current Texas law, registered sex offenders are required to renew their driver's license or photo identification card annually at a \$20 charge. There is some confusion regarding the application of this requirement due to certain provisions pertaining to hardship, learner, and provisional licenses. H.B. 2663 sets forth provisions for the issuance of these types of licenses and permits to sex offenders.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 5 (Section 521.274, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 62.065(a), Code of Criminal Procedure, to require a person subject to registration under this chapter to apply to the Department of Public Safety (department) in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272 (Renewal of License Issued to Certain Sex Offenders), Transportation Code, an original or renewal, personal identification certificate under Section 521.103 (Renewal by Mail or Electronic Means), Transportation Code, or an original or renewal commercial driver's license or commercial driver learner's permit under Section 522.033, Transportation Code, not later than a certain calculated date.

SECTION 2. Amends Section 521.222, Transportation Code, by amending Subsection (e) and adding Subsection (f), to provide an exception to Subsection (e). Authorizes the department to issue an instruction permit under this section to a person who is subject to the registration requirements under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and is otherwise eligible for the permit. Requires an instruction permit issued under this subsection to include a photograph of the person.

SECTION 3. Amends Section 521.223, Transportation Code, by adding Subsection (g), to authorize the department to issue a hardship license to a person who is subject to the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the license. Requires a hardship license issued under this section to include a photograph of the person.

SECTION 4. Amends Sections 521.272(a) and (c), Transportation Code, to authorize the department to issue an original or renewal driver's license to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only under certain conditions. Provides that Subsection (c) does not apply to a provisional license; an instruction permit issued under Section 521.222; or a hardship license issued under Section 521.223.

SECTION 5. Amends Section 521.274, Transportation Code, as amended by Chapters 1189 and 1401, Acts of the 76th Legislature, Regular Session, 1999, to prohibit a rule adopted under this section from permitting a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure, to register by mail or electronic means. Deletes existing text regarding certain prohibitions

of a rule adopted under Subsection (b).

SECTION 6. Amends Section 521.421, Transportation Code, by adding Subsection (h), to provide that the fee for issuance or renewal of a driver's license, a provisional license, an instruction permit, or a hardship license issued to a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure, is \$20.

SECTION 7. Amends Section 521.422(a), Transportation Code, to provide that the fee for a personal identification certificate is \$15 for a person under 60 years of age; \$5 for a person 60 years of age or older; and \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

SECTION 8. Amends Section 521.426, Transportation Code, by amending Subsection (a) and adding Subsection (c), to provide an exception to Subsection (a). Provides that Subsection (a) does not apply to a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

SECTION 9. Amends Section 522.029, Transportation Code, by amending Subsection (a) and adding Subsection (h), to provide that the fee for a commercial driver's license or commercial driver learner's permit issued by the department is \$60, except as provided by Subsections (f) and (h). Provides that the fee for a commercial driver's license or commercial driver learner's permit issued under Section 522.033 is \$20.

SECTION 10. Amends Chapter 522C, Transportation Code, by adding Section 522.033, as follows:

Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN SEX OFFENDERS. (a) Authorizes the department to issue an original or renewal commercial driver's license or commercial driver learner's permit to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person is otherwise eligible for the commercial driver's license or commercial driver learner's permit and applies in person for the issuance of a license or permit under this section; and pays a fee of \$20.

(b) Provides that notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION 11. Amends Section 522.051(a), Transportation Code, to provide a certain exception.

SECTION 12. Amends Section 522.052, Transportation Code, by amending Subsection (a) and adding Subsection (g), to provide an exception to Subsection (a). Prohibits a commercial driver's license issued under Section 522.033 from being renewed before the 60th day preceding the expiration date.

SECTION 13. Effective date: September 1, 2001.

Makes application of this Act prospective.