

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1784  
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Transportation & Homeland Security  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Driver's licenses are an important means of identification in Texas. Though people primarily obtain driver's licenses as a requirement for driving, the license is relied on in many situations as an identifying document. For example, a driver's license may be used to board an intra-U.S. flight, to apply for any number of financial services, to prove a person's identity for the purchase of a weapon, and for many other purposes.

Many states require that an applicant for a driver's license or other state identification document or prove his or her federal immigration status. Such proof ensures that the applicant's visa has not expired. However, Texas does not require proof of federal immigration status to obtain a Texas driver's license, which has the effect of allowing some persons to take advantage of the Texas licensing process.

Some individuals living in other states, who cannot obtain a driver's license in that state because of an expired visa or other federal immigration issue, come to Texas to obtain a driver's license. This was brought to light in connection with one such incident where it was learned that hundreds of individuals living in New York who had expired travel visas came to Texas to obtain driver's licenses. A Texas driver's license is valid for six years; therefore, these people obtained identification documents valid for six years.

As proposed, S.B. 1784 requires that any applicant for a Texas driver's license, commercial driver's license, license renewal, or personal identification certificate prove his or her federal immigration status. The bill requires that a license provided to a person who is not a citizen of the United States expires on the earlier of the date of the expiration of his or her legal status in the United States or the first anniversary of the date of issuance.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 9 (Section 521.428, Transportation Code) and SECTION 11 (Section 522.029, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 521.041(b), Transportation Code, to require the Department of Public Safety (DPS) to maintain suitable indexes, in alphabetical or numerical order, that contain the citizenship status of each holder of a license or personal identification certificate. Makes a nonsubstantive change.

SECTION 2. Amends Section 521.101, Transportation Code, by amending Subsection (f) and adding Subsections (d-1), (f-1), (f-2), (f-3), and (f-4), as follows:

(d-1) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to DPS proof of the applicant's United States citizenship or documentation described by Subsection (f-1).

(f) Provides that a certificate issued to an applicant who is a citizen of the United States expires on a date specified by DPS, except that a certificate issued to a person 60 years of age or older does not expire.

(f-1) Requires a person who is not a citizen of the United States to present to DPS documentation issued by the United States agency responsible for citizenship and immigration that authorizes the applicant to be in the United States.

(f-2) Prohibits DPS from issuing an identification certificate to an applicant who fails or refuses to comply with Subsection (f-1), or whose lawful admission period in the United States expires before the 180th day after the application date.

(f-3) Provides that an identification certificate issued to an applicant who is not a citizen of the United States expires on the earlier of the date that the applicant's lawful admission period in the United States expires, or the first anniversary of the date of issuance.

(f-4) Provides that in addition to a certificate issued under this section, Subsections (f-1), (f-2), and (f-3) apply to a personal identification certificate for which application is made under Section 521.103 (Expiration and Renewal Requirements for Certain Sex Offenders).

SECTION 3. Amends Section 521.121(a), Transportation Code, to require that a driver's license include, among other information, a statement as to whether the holder is a citizen of the United States. Makes nonsubstantive changes.

SECTION 4. Amends Section 521.142, Transportation Code, by amending Subsection (e) and adding Subsections (e-1) and (e-2), as follows:

(e) Requires that the application include any other information DPS requires to determine the applicant's identity, residency, competency, and eligibility.

(e-1) Requires a person who is not a citizen of the United States to present to DPS documentation issued by the United States agency responsible for citizenship and immigration that authorizes the applicant to be in the United States.

(e-2) Prohibits DPS from issuing a license to an applicant who fails or refuses to comply with Subsection (e-1), or whose lawful admission period in the United States expires before the 180th day after the date of the application.

SECTION 5. Amends Section 521.1425, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes DPS, except as provided by Subsections (b) and (c), rather than by Subsection (b), to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS the information required by Section 521.142 (Application for Original License).

(c) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS proof of the applicant's United States citizenship, or documentation described by Section 521.142(e-1).

SECTION 6. Amends Section 521.271, Transportation Code, as follows:

Sec. 521.271. LICENSE EXPIRATION. (a) Provides that each original driver's license, provisional license, or occupational license issued to an application who is a citizen of the United States expires on certain dates as set forth in this subsection.

(b) Provides that, except as provided by Subsection (c) and Section 521.2711 (License Expiration: Person at Least 85 Years of Age), a driver's license that is renewed expires on the sixth anniversary of the expiration date before renewal.

(c) Provides that a driver's license, provisional license, or occupational license issued to an applicant who is not a citizen of the United States expires on the

earlier of the date that the applicant's lawful admission period in the United States expires, or the first anniversary of the date of issuance.

SECTION 7. Amends Section 521.2711, Transportation Code, by adding Subsection (c), as follows:

(c) Provides that notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen of the United States expires on the earlier of the date that the applicant's lawful admission period in the United States expires or the first anniversary of the date of issuance.

SECTION 8. Amends Section 521.272, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that, notwithstanding Section 521.271 (License Expiration), a driver's license issued under this section to an applicant who is a citizen of the United States, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of the application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of the application.

(d) Provides that a driver's license issued under this section to an applicant who is not a citizen of the United States expires on the earlier of the date that the applicant's lawful admission period in the United States expires or the first anniversary of the date of issuance.

SECTION 9. Amends Subchapter R, Chapter 521, Transportation Code, by adding Section 521.428, as follows:

Sec. 521.428. FEES FOR LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE ISSUED TO PERSON NOT CITIZEN OF UNITED STATES. (a) Requires DPS, notwithstanding Sections 521.421 (License Fees; Examination Fees) and 521.422 (Personal Identification Certificate Fee), by rule to establish the amount of the fee for issuance of a license or personal identification certificate issued to an applicant who is not a citizen of the United States.

(b) Prohibits the amount of the fee from exceeding the amount of the fee otherwise imposed by this subchapter or the amount that is sufficient, when added to other fees collected under this chapter, to recover the actual costs to DPS of issuing the license or certificate.

SECTION 10. Amends Section 522.021(c), Transportation Code, as follows:

(c) Requires that the application meet the requirements of an application under Sections 521.141 (General Application Requirements), 521.142 (Application for Original License), and 521.1425 (Information Required to be Furnished to Department), and be accompanied by the fee required under Section 522.029 (Fees), rather than requiring that the application meet the requirements of an application under Section 521.141 and be accompanied by the fee required under Section 522.029. Authorizes DPS to require documentary evidence to verify the information required by this section, rather than Subsection (a) (relating to information required to be on an application for certain driver's permits).

SECTION 11. Amends Section 522.029, Transportation Code, by amending Subsection (a) and adding Subsection (1), as follows:

(a) Provides that the fee for a commercial driver's license or commercial driver learner's permit issued by DPS is \$60, except as provided by Subsections (f) (relating to the fee for renewal of certain types of licenses or permits), (h) (relating to the fee for a commercial driver's license or commercial learner's permit issued under Section 522.033), (j) (relating

to the fee for issuance or renewal of a commercial driver's license or commercial driver learner's permit), and (l). Makes a nonsubstantive change.

(l) Requires DPS, notwithstanding any other provision of this section, by rule to establish the amount of the fee for issuance of a commercial driver's license or commercial driver learner's permit issued to an applicant who is not a citizen of the United States. Prohibits the amount of the fee from exceeding the amount of the fee otherwise imposed by this subchapter or the amount that is sufficient, when added to other fees collected under this chapter, to recover the actual costs to DPS of issuing the license or certificate.

SECTION 12. Amends Section 522.030, Transportation Code, as follows:

Sec. 522.030. CONTENT OF LICENSE. Requires that a commercial's driver's license include certain information, including a statement as to whether the person is a citizen of the United States. Makes a nonsubstantive change.

SECTION 13. Amends Section 522.033, Transportation Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that, notwithstanding Section 522.051, a commercial driver's license number or commercial driver learner's permit issued under this section to an applicant who is a citizen of the United States, 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 applicaiton.

(c) Provides that a commercial's driver's license or commercial driver learner's permit issued under this section to an applicant who is not a citizen of the United States expires on the earlier of the date that the applicant's lawful admission period in the United States expires, or the first anniversary of the date of issuance.

SECTION 14. Amends Section 522.052, Transportation Code, by adding Subsection (h), as follows:

(h) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for a renewal or duplicate commercial driver's license to furnish to DPS proof of the applicant's United States citizenship, or documentation described by Section 521.142(e-1).

SECTION 15. Makes application of this Act prospective.

SECTION 16. Effective date: September 1, 2009.