

# REVISED HB 3206

## Texas Resident Driver Permit

- Currently, immigrants who cannot prove lawful presence in the US are not eligible for a Texas driver's license or state ID. These documents are secure forms of identification recognized by the Federal Government.
  
- Due to this requirement and Texas' large undocumented immigrant population, many drivers are on our roads without licenses or motor vehicle insurance.
  
- The following proposal would create a new form of driver permit that does not require an individual to prove lawful presence.
  
- The permit would:
  - Require a person to pass a driving test
  - Provide proof that they are a Texas resident
  - Provide a 10 digit electronic fingerprint and full criminal history background check
  - Require an application with a fee of about \$150
  - Appear substantially different from a Texas Driver's License and ID
  - Not be a Federally recognized form of identification
  - Allow permit holders to obtain motor vehicle insurance and proper vehicle registration

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for .B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S. .B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of a Texas resident driver's permit,  
provisional Texas resident driver's permit, and Texas resident  
driver's instruction permit; authorizing fees; creating an  
offense.

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 RESIDENT DRIVER'S PERMIT

Sec. 521.231. ELIGIBILITY. The department may issue a  
Texas resident driver's 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 ineligible to obtain a social security number;
- (3) 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; and
- (4) has not been finally convicted of a Class B  
misdemeanor, a Class A misdemeanor, or any felony offense.

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

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

1           (b) The department shall:  
2                   (1) designate and clearly mark as a Texas resident  
3 driver's permit each permit issued under this subchapter;  
4                   (2) designate and clearly mark as a provisional Texas  
5 resident driver's permit each permit issued under this subchapter  
6 to a person who is at least 16 years of age but younger than 18 years  
7 of age; and  
8                   (3) include on a permit issued under this subchapter  
9 an indication that the permit is not valid proof of identity for any  
10 federal purposes.  
11           (c) Except as otherwise provided by this chapter, a person  
12 who holds a Texas resident driver's permit is subject to the laws of  
13 this state applicable to the holder of an original or duplicate  
14 driver's license.  
15           (d) Except as otherwise provided by this chapter, an  
16 applicant for a Texas resident driver's permit who is at least 16  
17 years of age but younger than 18 years of age is subject to the laws  
18 of this state applicable to a holder of a provisional license.  
19           (e) The department shall adopt rules:  
20                   (1) regarding the design and content of the Texas  
21 resident driver's permit;  
22                   (2) establishing criteria for proof of identification  
23 and residency of an applicant;  
24                   (3) designating acceptable evidence that an applicant  
25 is not eligible for a social security number; and  
26                   (4) regarding the issuance of Texas resident driver's  
27 instruction permits.

1           Sec. 521.233. APPLICATION. (a) An application for a Texas  
2 resident driver's permit must state the applicant's full name and  
3 place and date of birth. This information must be verified by  
4 presentation of a current passport or consular document issued to  
5 the applicant by the country of which the applicant is a citizen.  
6           (b) The application must include:  
7               (1) a complete electronic set of the applicant's  
8 fingerprints;  
9               (2) a photograph of the applicant;  
10              (3) the signature of the applicant;  
11              (4) a brief description of the applicant; and  
12              (5) any information necessary for performing a  
13 criminal history background check on the applicant.  
14           (c) The application must state:  
15               (1) the sex of the applicant;  
16               (2) the residence address of the applicant;  
17               (3) whether the applicant has been licensed to drive a  
18 motor vehicle before;  
19               (4) if previously licensed:  
20                    (A) when and by what state or country;  
21                    (B) whether that license has been suspended or  
22 revoked or a license application denied; and  
23                    (C) the date and reason for the suspension,  
24 revocation, or denial; and  
25               (5) the county of residence of the applicant.  
26           (d) If the applicant is younger than 21 years of age, the  
27 application must state whether the applicant has completed a driver

1 education course required by Section 521.1601.

2 (e) The application must include any other information the  
3 department requires to determine the applicant's identity,  
4 residency, competency, and eligibility as required by the  
5 department or state law.

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

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

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

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

20 (c) The fee for issuance of a provisional Texas resident  
21 driver's permit or Texas resident driver's instruction permit is  
22 \$15.

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

26 (b) Each provisional Texas resident driver's permit and  
27 Texas resident driver's instruction permit issued under this

1 subchapter expires on the 18th birthday of the permit holder.

2 Sec. 521.236. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) A  
3 Texas resident driver's permit is invalid if, on request of a peace  
4 officer, the permit holder is unable to provide evidence of  
5 financial responsibility for a motor vehicle the permit holder is  
6 operating.

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

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

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

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

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

19 (3) while the person's driver's license is expired if  
20 the license expired during a period of suspension; ~~or~~

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

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

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

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

5                   (2) create the application form required by Section  
6 521.233, Transportation Code, as added by this Act.

7           SECTION 4. This Act takes effect September 1, 2013.