

By: Garcia, Rodríguez

S.B. No. 1311

A BILL TO BE ENTITLED

AN ACT

1
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 and the amount and allocation of state
5 traffic fine funds; creating an 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 felony
19 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 for a federal
23 purpose.

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 on proof of identity for
9 a federal purpose.

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) regarding the design and content of the Texas
20 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 (f) Except as otherwise provided by this chapter, the
26 department shall design the Texas resident driver's permit to
27 appear substantially similar to the design and orientation of a

1 driver's license.

2 Sec. 521.233. APPLICATION. (a) An application for a Texas
3 resident driver's permit must state the applicant's full name and
4 place and date of birth. This information must be verified by
5 presentation of:

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

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

10 (b) The application must include:

11 (1) a complete electronic set of the applicant's
12 fingerprints;

13 (2) a photograph of the applicant;

14 (3) the signature of the applicant;

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

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

18 (c) The application must state:

19 (1) the sex of the applicant;

20 (2) the residence address of the applicant;

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

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

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

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 \$100.

20 (c) The fee for issuance of a provisional Texas resident
21 driver's permit or Texas resident driver's instruction permit is
22 \$100.

23 (d) Fees collected under this section shall be remitted to
24 the comptroller. The comptroller shall deposit money received under
25 this section to the credit of the designated trauma facility and
26 emergency medical services account under Section 780.003, Health
27 and Safety Code.

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

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

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

12 (b) A holder of a Texas resident driver's permit who cannot
13 provide evidence of financial responsibility commits an offense
14 punishable under Section [521.457](#).

15 SECTION 2. Section [521.457](#)(a), Transportation Code, is
16 amended to read as follows:

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

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

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

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

26 (4) after renewal of the person's driver's license has
27 been denied under any law of this state, if the person does not have

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

6 SECTION 3. Sections 542.4031(g) and (h), Transportation
7 Code, are amended to read as follows:

8 (g) Of the money received by the comptroller under this
9 section, the comptroller shall deposit:

10 (1) 10 [~~67~~] percent to the credit of the undedicated
11 portion of the general revenue fund; and

12 (2) 90 [~~33~~] percent to the credit of the designated
13 trauma facility and emergency medical services account under
14 Section 780.003, Health and Safety Code.

15 (h) Notwithstanding Subsection (g)(1), in any state fiscal
16 year the comptroller shall deposit 10 [~~67~~] percent of the money
17 received under Subsection (e)(2) to the credit of the general
18 revenue fund only until the total amount of the money deposited to
19 the credit of the general revenue fund under Subsection (g)(1) and
20 Section 780.002(b), Health and Safety Code, equals \$250 million for
21 that year. If in any state fiscal year the amount received by the
22 comptroller under those laws for deposit to the credit of the
23 general revenue fund exceeds \$250 million, the comptroller shall
24 deposit the additional amount to the credit of the Texas mobility
25 fund.

26 SECTION 4. Section 780.003(b), Health and Safety Code, is
27 amended to read as follows:

1 (b) The account is composed of money deposited to the credit
2 of the account under Sections 521.234, 542.406, and 707.008,
3 Transportation Code, and under Section 780.002 of this code.

4 SECTION 5. Sections 542.4031(g) and (h), Transportation
5 Code, as amended by this Act, apply only to money collected on or
6 after the effective date of this Act. Money collected before the
7 effective date of this Act is governed by the law in effect when the
8 money was collected, and the former law is continued in effect for
9 that purpose.

10 SECTION 6. Not later than January 1, 2018, the Department of
11 Public Safety of the State of Texas shall:

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

14 (2) create the application form required by Section
15 521.233, Transportation Code, as added by this Act.

16 SECTION 7. This Act takes effect September 1, 2017.