

BILL ANALYSIS

C.S.H.B. 4063
By: Cook
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that Texans are required to show proof of lawful presence in the United States when applying for a driver's license and that this requirement has had the unintended consequence of preventing many individuals, some who held a Texas driver's license for many years, from obtaining or renewing their licenses. These parties suggest that Texas create a conditional driver's permit to address this situation and point to a similar program in another state that has produced promising increases in auto insurance participation. C.S.H.B. 4063 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4063 amends the Transportation Code to authorize the Department of Public Safety (DPS) to issue a Texas conditional driver's permit to a person who has resided in this state for at least one year as of the date the permit is issued, is ineligible to obtain a social security number, is unable to present to DPS documentation issued by the United States agency responsible for citizenship and immigration authorizing the person to be in the United States, has not been finally convicted of a felony offense, and has completed a driver education course and driver's license examination as required under state law, regardless of the person's age. The bill establishes that a conditional driver's permit is valid as proof of the permit holder's identity for driving purposes only but not valid proof of the holder's identity for any other state or federal purpose.

C.S.H.B. 4063 requires DPS to designate and clearly mark as a conditional driver's permit each permit issued, designate and clearly mark as a provisional conditional driver's permit each permit issued to a person who is at least 16 years of age but younger than 18 years of age, include on a permit an indication that the permit is valid proof of identity for driving purposes only, and design the Texas conditional driver's permit to appear substantially different from the design of a driver's license. The bill establishes that a person who holds a conditional driver's permit is subject to the laws of this state as applicable to the holder of an original or duplicate driver's license and establishes that an applicant for a conditional driver's permit who is at least 16 years of age but younger than 18 years of age is subject to the laws of this state applicable to a holder of a provisional license. The bill requires DPS to adopt rules not later than January 1, 2016,

regarding the design and content of the Texas conditional driver's permit, establishing criteria for proof of identification and residency of an applicant, designating acceptable evidence that an applicant is not eligible for a social security number, requiring a check of state and national criminal history record information to determine whether an applicant is eligible for a permit, and regarding the issuance of Texas conditional instruction permits.

C.S.H.B. 4063 sets out the contents of and information that must be stated in an application for a conditional driver's permit. The bill requires that the applicant's full name and place and date of birth be verified by the presentation of a current passport or consular document issued to the applicant by the country of which the applicant is a citizen or by another identification document DPS determines by rule is acceptable as proof of the information. The bill requires the application to be accompanied by evidence of financial responsibility that complies with state law and is prepaid and valid for at least a six-month period or by a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required and authorizes DPS to require an application for a renewal of the license to be accompanied by either item, as applicable. The bill requires the application to include any other information DPS requires to determine the applicant's identity, residency, competency, and eligibility as required by DPS or state law.

C.S.H.B. 4063 establishes that information supplied to DPS relating to an applicant's medical history is for the confidential use of DPS and may not be disclosed to any person or used as evidence in a legal proceeding other than a proceeding regarding license denial, suspension, or revocation. The bill exempts from that confidentiality provision any health condition an applicant voluntarily lists on an application that may impede communication with a peace officer and requires the application to provide space for the applicant to voluntarily list such a health condition as evidenced by a written statement from a licensed physician. The bill prohibits information supplied to DPS relating to the applicant's criminal history from being disclosed to any person or used as evidence in a legal proceeding, including an immigration proceeding, and establishes that the information is for the confidential use of DPS. The bill requires DPS to create the application form not later than January 1, 2016.

C.S.H.B. 4063 requires DPS to set the amount of the fee for issuance or renewal of a Texas conditional driver's permit and issuance of a provisional Texas conditional driver's permit and Texas conditional instruction permit. The bill establishes that each conditional driver's permit expires one year after the date of issuance and that each provisional conditional driver's permit and conditional instruction permit expires on the 18th birthday of the permit holder. The bill establishes that a conditional driver's permit is invalid if, on request of a peace officer, the permit holder is unable to provide evidence of financial responsibility for a motor vehicle the permit holder is operating. The bill establishes that a holder of a conditional driver's permit who cannot produce such proof commits the offense of driving while license is invalid.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4063 differs from the original only by amending the caption.