

BILL ANALYSIS

Senate Research Center
80R9696 JTS-F

S.B. 1260
By: Seliger
Transportation & Homeland Security
4/2/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes the Texas Department of Public Safety (DPS) to issue nonresident commercial driver's licenses to residents of foreign jurisdictions. However, DPS, which considers this to be a homeland security issue, has stated that the provision of such licenses is discretionary, and has refused to issue them without the provision of additional authority to do so from the legislature. This is a problem for workers driving trucks primarily in the agriculture industry, as several Texas-based custom harvester businesses are using temporary nonresident workers who have certain federally-issued visas.

As proposed, S.B. 1260 authorizes DPS to issue a commercial driver's license with the word "nonresident" printed on it to a resident of a foreign jurisdiction for the length of the nonresident's visa, provided that the nonresident provide a valid Social Security card. The bill also authorizes DPS to issue a provisional license with the word "nonresident" printed on it, valid for 60 days, to a nonresident who cannot present a valid Social Security card but can present a valid passport and visa.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 522.013, Transportation Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Requires the word "nonresident" to appear on the face of any license issued under this section (Nonresident License), rather than just a nonresident commercial driver's license.

(e) Authorizes the Department of Public Safety (DPS) to issue a provisional nonresident commercial driver's license (license) to a person who applies for a nonresident license but does not present a Social Security card as required by Section 522.021(a)(1). Provides that such a license expires on a certain date and is prohibited from being renewed.

(f) Prohibits DPS from issuing more than one provisional license to a person.

SECTION 2. Amends Section 522.021, Transportation Code, by adding Subsection (a-1), to require an applicant for a nonresident license and who is a resident of a foreign jurisdiction to present either a Social Security card or a passport issued from the applicant's country of residence and a visa, each containing an identification number and expiration date, with the application.

SECTION 3. Amends Section 522.029, Transportation Code, by amending Subsection (a) and adding Subsection (j), as follows:

(a) Makes a conforming change.

(j) Provides that the fee for a nonresident license is \$100, or \$20 for a provisional license.

SECTION 4. Amends Section 522.051, Transportation Code, by amending Subsection (a) and adding Subsection (f), as follows:

(a) Provides that a license or permit expires five years after the applicant's next birthday, except as provided by Subsection (f) and Section 522.013, in addition to another exception provided for in this subsection.

(f) Provides that a nonresident license issued to an applicant described in Section 522.021(a-1) expires on the date of expiration of the visa presented under that subsection.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2007.