

AN ACT

relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.001(a)(3), Transportation Code, is amended to read as follows:

(3) "Driver's license" means an authorization issued by the department for the operation of a motor vehicle. The term includes:

(A) a temporary license or learner license [~~instruction permit~~]; and

(B) an occupational license.

SECTION 2. Sections 521.009(a), (a-1), and (c), Transportation Code, are amended to read as follows:

(a) The department may establish a program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in counties and municipalities that enter into an agreement with the department under Subsection (a-1).

(a-1) Under the program, the department may enter into an agreement with the commissioners court of a county or the governing body of a municipality to permit county or municipal employees to provide services at a county or municipal office relating to the

1 issuance of renewal and duplicate driver's licenses, election
2 identification certificates, and personal identification
3 certificates, including:

4 (1) taking photographs;

5 (2) administering vision tests;

6 (3) updating a driver's license, election
7 identification certificate, or personal identification certificate
8 to change a name, address, or photograph;

9 (4) distributing and collecting information relating
10 to donations under Section 521.401;

11 (5) collecting fees; and

12 (6) performing other basic ministerial functions and
13 tasks necessary to issue renewal and duplicate driver's licenses,
14 election identification certificates, and personal identification
15 certificates.

16 (c) A participating county or municipality must remit to the
17 department for deposit as required by this chapter fees collected
18 for the issuance of a renewal or duplicate driver's license or
19 personal identification certificate.

20 SECTION 3. Section 521.0475(a), Transportation Code, is
21 amended to read as follows:

22 (a) Except as provided by Subsection (b) [~~or (c)~~], the
23 department shall provide a certified abstract of a complete driving
24 record of a license holder, for a fee of \$20, to the license holder
25 or a person eligible to receive the information under Sections
26 730.007(a)(2)(A), (D), and (I).

27 SECTION 4. Sections 521.050(a) and (c), Transportation

1 Code, are amended to read as follows:

2 (a) In addition to the provisions of this subchapter
3 relating to the disclosure of driver's license information on an
4 individual, the department may provide a purchaser, in a format
5 prescribed by the department and acceptable to the purchaser, [~~with~~
6 ~~a magnetic tape of~~] the names, addresses, and dates of birth of all
7 license holders that are contained in the department's basic
8 driver's license record file if the purchaser certifies in writing
9 that the purchaser is eligible to receive the information under
10 Chapter 730.

11 (c) The department shall impose and collect a fee of:

12 (1) \$2,000 for the initial driver's license
13 information provided [~~each magnetic tape provided~~] under
14 Subsection (a); and

15 (2) if the department provides a weekly update of the
16 information [~~on the tape~~], \$75 for each update.

17 SECTION 5. Section 521.121(a), Transportation Code, is
18 amended to read as follows:

19 (a) The driver's license must include:

20 (1) a distinguishing number assigned by the department
21 to the license holder;

22 (2) a [~~color~~] photograph of the entire face of the
23 holder;

24 (3) the full name and date of birth of the holder;

25 (4) a brief description of the holder; and

26 (5) the license holder's residence address or, for a
27 license holder using the procedure under Subsection (c), the street

1 address of the courthouse in which the license holder or license
2 holder's spouse serves as a federal judge or state judge.

3 SECTION 6. Sections [521.1211](#)(a) and (b), Transportation
4 Code, are amended to read as follows:

5 (a) In this section, "peace officer" has the meaning
6 assigned by Article [2.12](#), Code of Criminal Procedure, except that
7 the term includes a special investigator as defined by Article
8 [2.122](#), Code of Criminal Procedure.

9 (b) Notwithstanding Section [521.121](#)(a), the department by
10 rule shall adopt procedures for the issuance of a driver's license
11 to a peace officer that omits the license holder's actual residence
12 address and includes, as an alternative, an address that is [~~in the~~
13 ~~municipality or county of the peace officer's residence and is~~]
14 acceptable to the department and is in the:

15 (1) municipality or county of the peace officer's
16 residence; or

17 (2) county of the peace officer's place of employment.

18 SECTION 7. Section [521.204](#)(b), Transportation Code, is
19 amended to read as follows:

20 (b) The department may not issue a Class A, B, or C driver's
21 license other than a hardship license to an applicant under 18 years
22 of age unless the applicant has held a learner license [~~an~~
23 ~~instruction permit~~] or hardship license for at least six months
24 preceding the date of the application.

25 SECTION 8. The heading to Section [521.222](#), Transportation
26 Code, is amended to read as follows:

27 Sec. [521.222](#). LEARNER LICENSE [~~INSTRUCTION PERMIT~~].

1 SECTION 9. Sections 521.222(d), (f), and (g),
2 Transportation Code, are amended to read as follows:

3 (d) A learner license [~~An instruction permit~~] entitles the
4 holder to operate a type of motor vehicle on a highway while:

5 (1) the license [~~permit~~] is in the holder's
6 possession; and

7 (2) the holder is accompanied by a person occupying
8 the seat by the operator who:

9 (A) holds a license that qualifies the operator
10 to operate that type of vehicle;

11 (B) is 21 years of age or older; and

12 (C) has at least one year of driving experience.

13 (f) The department may issue a learner license [~~an~~
14 ~~instruction permit~~] under this section to a person who is subject to
15 the registration requirements under Chapter 62, Code of Criminal
16 Procedure, and is otherwise eligible for the license [~~permit~~]. A
17 learner license [~~An instruction permit~~] issued under this
18 subsection must include a photograph of the person.

19 (g) A person who occupies the seat in a vehicle by a holder
20 of a learner license [~~an instruction permit~~] commits an offense if,
21 while the holder is operating the vehicle, the person:

22 (1) sleeps;

23 (2) is intoxicated, as defined by Section 49.01, Penal
24 Code; or

25 (3) is engaged in an activity that prevents the person
26 from observing and responding to the actions of the operator.

27 SECTION 10. Sections 521.271(a) and (a-3), Transportation

1 Code, are amended to read as follows:

2 (a) Each original driver's license, provisional license,
3 learner license [~~instruction permit~~], or occupational driver's
4 license issued to an applicant who is a citizen, national, or legal
5 permanent resident of the United States or a refugee or asylee
6 lawfully admitted into the United States expires as follows:

7 (1) except as provided by Section 521.2711, a driver's
8 license expires on the first birthday of the license holder
9 occurring after the sixth anniversary of the date of the
10 application;

11 (2) a provisional license expires on the 18th
12 birthday of the license holder;

13 (3) a learner license [~~an instruction permit~~] expires
14 on the 18th birthday of the license holder;

15 (4) an occupational driver's license expires on the
16 first anniversary of the court order granting the license; and

17 (5) unless an earlier date is otherwise provided, a
18 driver's license issued to a person whose residence or domicile is a
19 correctional facility or a parole facility expires on the first
20 birthday of the license holder occurring after the first
21 anniversary of the date of issuance.

22 (a-3) Each original provisional license or learner license
23 [~~instruction permit~~] issued to an applicant who is not a citizen,
24 national, or legal permanent resident of the United States or a
25 refugee or asylee lawfully admitted into the United States expires
26 on the earliest of:

27 (1) the 18th birthday of the license holder;

1 (2) the first birthday of the license holder occurring
2 after the date of the application; or

3 (3) the expiration of the license holder's lawful
4 presence in the United States as determined by the United States
5 agency responsible for citizenship and immigration in compliance
6 with federal law.

7 SECTION 11. Section 521.272(d), Transportation Code, is
8 amended to read as follows:

9 (d) Subsection (c) does not apply to a:

10 (1) ~~[a]~~ provisional license;

11 (2) learner license ~~[an instruction permit]~~ issued
12 under Section 521.222; or

13 (3) ~~[a]~~ hardship license issued under Section 521.223.

14 SECTION 12. Section 521.3451, Transportation Code, is
15 amended to read as follows:

16 Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR
17 MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. (a) The
18 department shall suspend or deny the issuance of a driver's license
19 or learner license ~~[instruction permit]~~ on receipt of an order to
20 suspend or deny the issuance of either ~~[the]~~ license ~~[or permit]~~
21 from a justice or municipal court under Article 45.050, Code of
22 Criminal Procedure.

23 (b) The department shall reinstate a license ~~[or permit]~~
24 suspended or reconsider a license ~~[or permit]~~ denied under
25 Subsection (a) on receiving notice from the justice or municipal
26 court that ordered the suspension or denial that the contemnor has
27 fully complied with the court's order.

1 SECTION 13. Sections 521.421(c) and (h), Transportation
2 Code, are amended to read as follows:

3 (c) The fee for issuance of a provisional license or learner
4 license [~~instruction permit~~] is \$15.

5 (h) The fee for issuance or renewal of a driver's license, a
6 provisional license, a learner license [~~an instruction permit~~], or
7 a hardship license issued to a person subject to the registration
8 requirements under Chapter 62, Code of Criminal Procedure, is \$20.

9 SECTION 14. Section 521.428, Transportation Code, is
10 amended to read as follows:

11 Sec. 521.428. COUNTY OR MUNICIPAL FEE. A county or
12 municipality that provides services under an agreement described by
13 Section 521.009 may collect an additional fee of up to \$5 for each
14 transaction provided that relates to driver's license and personal
15 identification certificate services only.

16 SECTION 15. Section 545.424(c), Transportation Code, is
17 amended to read as follows:

18 (c) This section does not apply to:

19 (1) a person operating a motor vehicle while
20 accompanied in the manner required by Section 521.222(d)(2) for the
21 holder of a learner license [~~an instruction permit~~]; or

22 (2) a person licensed by the Federal Communications
23 Commission to operate a wireless communication device or a radio
24 frequency device.

25 SECTION 16. Sections 521.0475(c) and 521.222(b), (c), and
26 (e), Transportation Code, are repealed.

27 SECTION 17. The changes in law made by this Act to Sections

1 521.121 and 521.1211, Transportation Code, apply only to a driver's
2 license issued or renewed on or after the effective date of this
3 Act. A driver's license issued or renewed before the effective date
4 of this Act is governed by the law in effect when the license was
5 issued, and the former law is continued in effect for that purpose.

6 SECTION 18. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3050 was passed by the House on May 9, 2017, by the following vote: Yeas 141, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3050 on May 26, 2017, by the following vote: Yeas 99, Nays 43, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3050 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor