

TRANSPORTATION CODE CHAPTER 521. DRIVER'S LICENSES AND CERTIFICATES

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE B. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS

CHAPTER 521. DRIVER'S LICENSES AND CERTIFICATES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 521.001. DEFINITIONS. (a) In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "Director" means the public safety director.

(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 instruction permit;

and

(B) an occupational license.

(4) "Gross combination weight rating" has the meaning assigned by Section 522.003.

(5) "Gross vehicle weight rating" has the meaning assigned by Section 522.003.

(6) "License" means an authorization to operate a motor vehicle that is issued under or granted by the laws of this state. The term includes:

(A) a driver's license;

(B) the privilege of a person to operate a motor vehicle regardless of whether the person holds a driver's license; and

(C) a nonresident's operating privilege.

(7) "Nonresident" means a person who is not a resident of this state.

(8) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(9) "Image comparison technology" means any technology that is used to compare facial images, thumbprints, or

fingerprints.

(b) A word or phrase that is not defined by this chapter but is defined by Subtitle C has the meaning in this chapter that is assigned by that subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1108, Sec. 3, eff. September 1, 2005.

Sec. 521.002. CONVENIENCE TO PUBLIC. The department shall implement its duties under this chapter in the manner that provides the greatest convenience to the public.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.003. ENROLLMENT AND ATTENDANCE VERIFICATION. The Texas Education Agency shall design a standard form for use by public and private schools to verify a student's enrollment and attendance for purposes of this chapter. The form must be approved by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 16.003, eff. Sept. 1, 2003.

Sec. 521.004. PENAL CODE REFERENCES. In this chapter:

(1) a reference to an offense under Section 49.04, Penal Code, includes an offense under Article 67011-1, Revised Statutes, as that law existed immediately before September 1, 1994;

(2) a reference to an offense under Section 49.07, Penal Code:

(A) means only an offense under that section involving the operation of a motor vehicle; and

(B) includes an offense under Section 67011-1, Revised Statutes, as that law existed immediately before September 1, 1994; and

(3) a reference to an offense under Section 49.08, Penal Code:

(A) means only an offense under that section involving the operation of a motor vehicle; and

(B) includes an offense under Section 19.05(a)(2), Penal Code, as that law existed immediately before September 1, 1994.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.005. RULEMAKING AUTHORITY. The department may adopt rules necessary to administer this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.72, eff. Sept. 1, 1997.

Sec. 521.006. ADVERTISING IN DRIVER'S HANDBOOK AND DRIVER'S LICENSE MAILINGS. (a) Except as provided by Subsection (c), the department may sell advertising for inclusion in:

(1) any driver's handbook that the department publishes; and

(2) any mailing the department makes in connection with a driver's license.

(b) The department shall deposit the proceeds from the advertising to the credit of the driver's license administration advertising account. The driver's license administration advertising account is an account in the general revenue fund that may be appropriated only for the purpose of administration of this chapter.

(c) The department may not include in the driver's handbook or a driver's license mailing advertising for an alcoholic beverage or a product promoting alcoholic beverages.

Added by Acts 1999, 76th Leg., ch. 1258, Sec. 1, eff. Aug. 30, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 154, Sec. 1, eff. May 21, 2007.

#### SUBCHAPTER B. GENERAL LICENSE REQUIREMENTS

Sec. 521.021. LICENSE REQUIRED. A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.022. RESTRICTIONS ON OPERATORS OF CERTAIN SCHOOL BUSES. (a) A person under 18 years of age may not operate a school bus for the transportation of students.

(b) A person who is 18 years of age or older may not operate a school bus unless the person holds an appropriate class of driver's license for the vehicle being operated.

(c) A person may not operate a school bus for the transportation of students unless the person meets the mental and physical capability requirements the department establishes by rule and has passed an examination approved by the department to determine the person's mental and physical capabilities to operate a school bus safely. A physician, advanced practice nurse, or physician assistant may conduct the examination. An ophthalmologist, optometrist, or therapeutic optometrist may conduct the part of the examination relating to the person's vision. Each school bus operator must pass the examination annually.

(d) A person may not operate a school bus for the transportation of students unless the person's driving record is acceptable according to minimum standards adopted by the department. A check of the person's driving record shall be made with the department annually. The minimum standards adopted by the department must provide that a person's driving record is not acceptable if the person has been convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, within the 10-year period preceding the date of the check of the person's driving record.

(e) A person may not operate a school bus for the transportation of students unless the person is certified in school bus safety education or has enrolled in a school bus safety education class under provisions adopted by the department. Effective on the date and under provisions determined by the department, a school bus operator must hold a card that states that the operator is enrolled in or has completed a driver training course approved by the department in school bus safety education. The card is valid for three years.

(f) Before a person is employed to operate a school bus to transport students, the employer must obtain a criminal history record check. A school district, school, service center, or shared services arrangement, or a commercial transportation company under contract with a school district, that obtains information that a person has been convicted of a felony or misdemeanor involving moral turpitude may not employ the person to drive a school bus on which students are transported unless the employment is approved by the board of trustees of the school district or the board's designee.

(g) This section does not affect the right of an otherwise qualified person with a hearing disability to be licensed, certified, and employed as a bus operator for vehicles used to transport hearing-impaired students.

(h) This section does not apply to the operation of a vehicle owned by a public institution of higher education to transport students of a school district that operates within that institution if:

(1) the person operating the vehicle is approved by the institution to operate the vehicle; and

(2) the transportation is for a special event, including a field trip.

(i) For purposes of this section, "school bus" includes a school activity bus as defined by Section 541.201.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.73(a), (b), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1438, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 663, Sec. 3, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 786, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 923, Sec. 1, eff. September 1, 2007.

Sec. 521.023. JUNIOR COLLEGE BUSES. (a) A person who is 18 years of age or older and who is licensed by the department to operate a motor vehicle as a school bus may operate the motor vehicle for the transportation of junior college students and

employees to and from school or official school activities.

(b) A school bus operated by a junior college may also be used to transport public school students if it is convenient. If students of a local public school district are transported to and from school on a bus operated by a junior college and the operator is under 21 years of age, the selection of the operator must be approved by the principal of the public school whose students are transported on that bus.

(c) This section does not apply to the operator of a vehicle operated under a registration certificate issued under Chapter 643. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.74, eff. Sept. 1, 1997.

Sec. 521.024. RESTRICTIONS ON CERTAIN COMMON CARRIERS.

(a) A person under 18 years of age may not operate a motor vehicle while that vehicle is in use as a public or common carrier of persons unless the person is licensed to operate the vehicle.

(b) A person may not operate a taxicab unless the person is at least 18 years of age.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.025. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND; CRIMINAL PENALTY. (a) A person required to hold a license under Section 521.021 shall:

(1) have in the person's possession while operating a motor vehicle the class of driver's license appropriate for the type of vehicle operated; and

(2) display the license on the demand of a magistrate, court officer, or peace officer.

(b) A peace officer may stop and detain a person operating a motor vehicle to determine if the person has a driver's license as required by this section.

(c) A person who violates this section commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$200, except that:

(1) for a second conviction within one year after the date of the first conviction, the offense is a misdemeanor

punishable by a fine of not less than \$25 or more than \$200; and

(2) for a third or subsequent conviction within one year after the date of the second conviction the offense is a misdemeanor punishable by:

(A) a fine of not less than \$25 or more than \$500;

(B) confinement in the county jail for not less than 72 hours or more than six months; or

(C) both the fine and confinement.

(d) It is a defense to prosecution under this section if the person charged produces in court a driver's license:

(1) issued to that person;

(2) appropriate for the type of vehicle operated; and

(3) valid at the time of the arrest for the offense.

(e) The judge of each court shall report promptly to the department each conviction obtained in the court under this section.

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (d).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1027, Sec. 4, eff. September 1, 2007.

Sec. 521.026. DISMISSAL OF EXPIRED LICENSE CHARGE. (a) A judge may dismiss a charge of driving with an expired license if the defendant remedies this defect within 20 working days or before the defendant's first court appearance date, whichever is later.

(b) The judge may assess the defendant an administrative fee not to exceed \$20 when the charge of driving with an expired driver's license is dismissed under Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1027, Sec. 5, eff. September 1, 2007.

Sec. 521.027. PERSONS EXEMPT FROM LICENSE REQUIREMENT. The

following persons are exempt from the license requirement imposed under this chapter:

(1) a person in the service of the state military forces or the United States while the person is operating an official motor vehicle in the scope of that service;

(2) a person while the person is operating a road machine, farm tractor, or implement of husbandry on a highway, unless the vehicle is a commercial motor vehicle under Section 522.003;

(3) a nonresident on active duty in the armed forces of the United States who holds a license issued by the person's state or Canadian province of residence; and

(4) a person who is the spouse or dependent child of a nonresident exempt under Subdivision (3) and who holds a license issued by the person's state or Canadian province of residence.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.028. EFFECT OF MILITARY SERVICE ON LICENSE REQUIREMENT. (a) Unless the license is suspended, canceled, or revoked as provided by law, a driver's license issued by this state that is held by a person who is on active duty in the armed forces of the United States and is absent from this state, notwithstanding the expiration date of the license, remains valid while the person is absent from this state. If the person is honorably discharged from active duty, the license remains valid until the earlier of:

(1) the 91st day after the date of the discharge; or

(2) the date on which the person returns to this state.

(b) A person on active duty in the armed forces of the United States who has in the person's possession a license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this state for a period of not more than 90 days after the date on which the person returns to the United States.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE RESIDENTS. (a) A person who enters this state as a new resident may operate a motor vehicle in this state for no more than 30 days



after the date on which the person enters this state if the person:

(1) is 16 years of age or older; and

(2) has in the person's possession a driver's license issued to the person by the person's state or country of previous residence.

(b) If a person subject to this section is prosecuted for operating a motor vehicle without a driver's license, the prosecution alleges that the person has resided in this state for more than 30 days, and the person claims to have been covered by Subsection (a), the person must prove by the preponderance of the evidence that the person has not resided in this state for more than 30 days.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.030. RECIPROCAL LICENSE. (a) A nonresident who is 18 years of age or older and who has in the person's possession a license issued to the person by the person's state or country of residence that is similar to a Class A or Class B driver's license issued under this chapter is not required to hold a Class A or Class B driver's license issued under this chapter if that state or country of residence recognizes such a license issued by this state and exempts the holder from securing a license issued by the state or foreign country.

(b) A nonresident who is 16 years of age or older and who has in the person's possession a driver's license issued to the person by the person's state or Canadian province of residence may operate a type of motor vehicle that is permitted to be operated with a Class C or Class M driver's license in this state if the license held by the nonresident permits operation of that type of vehicle in the person's state or province of residence.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.0305. AGREEMENTS WITH FOREIGN COUNTRIES. (a) The department may enter into an agreement with a foreign country under which:

(1) a person who is 18 years of age or older and who has in the person's possession a license issued to the person by that

country that is similar to a Class C driver's license issued under this chapter may receive a Class C driver's license issued in a priority manner under this chapter; and

(2) a person who is 18 years of age or older and who has in the person's possession a Class C driver's license issued under this chapter may receive a license similar to a Class C driver's license issued in a priority manner from the foreign country.

(b) The department may only enter into an agreement with a country under Subsection (a) if:

(1) the foreign country and this state are both parties to a reciprocity agreement in driver licensing; and

(2) the foreign country's motor vehicle laws, ordinances, and administrative rules and regulations are similar to those of this state, as determined by the department.

(c) A person who is not a citizen of the United States must 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 before the person may be issued a driver's license under an agreement under this section.

Added by Acts 2005, 79th Leg., Ch. 1228, Sec. 1, eff. June 18, 2005.

Sec. 521.031. LICENSE FROM OTHER AUTHORITY. A person holding a driver's license under this chapter is not required to obtain a license for the operation of a motor vehicle from another state authority or department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) The department may issue an enhanced driver's license or personal identification certificate for the purposes of crossing the border between this state and Mexico to an applicant who provides the department with proof of United States citizenship, identity, and state residency. If the department issues an enhanced driver's license or personal identification certificate, the department shall continue to issue a standard driver's license and personal identification certificate and offer each applicant the option of receiving the

standard or enhanced driver's license or personal identification certificate.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or personal identification certificate. An applicant for an enhanced driver's license or personal identification certificate must submit a biometric identifier as designated by the department, which, notwithstanding any other law, may be used only to verify the identity of the applicant for purposes relating to implementation of the border crossing initiative established by this section. An applicant must sign a declaration acknowledging the applicant's understanding of the one-to-many biometric match.

(c) The enhanced driver's license or personal identification certificate must include reasonable security measures to protect the privacy of the license or certificate holders, including reasonable safeguards to protect against the unauthorized disclosure of information about the holders. If the enhanced driver's license or personal identification certificate includes a radio frequency identification chip or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized information access.

(d) The requirements of this section are in addition to any other requirements imposed on applicants for a driver's license or personal identification certificate. The department shall adopt rules necessary to implement this section. The department shall periodically review technological innovations related to the security of driver's licenses and personal identification certificates and amend the rules as appropriate, consistent with this section, to protect the privacy of driver's license and personal identification certificate holders.

(e) The department may set a fee for issuance of an enhanced driver's license or personal identification certificate in a reasonable amount necessary to implement and administer this section.

(f) The department may enter into a memorandum of understanding with any federal agency for the purposes of

facilitating the crossing of the border between this state and Mexico. The department may enter into an agreement with Mexico, to the extent permitted by federal law, to implement a border crossing initiative authorized by this section. The department shall implement a statewide education campaign to educate residents of this state about the border crossing initiative. The campaign must include information on:

(1) the forms of travel for which the existing and enhanced driver's license and personal identification certificate can be used; and

(2) relevant dates for implementation of laws that affect identification requirements at the border with Mexico.

(g) A person may not sell or otherwise disclose biometric information accessed from an enhanced driver's license or any information from an enhanced driver's license radio frequency identification chip or similar technology to another person or an affiliate of the person. This subsection does not apply to a financial institution described by Section 521.126(e).

Added by Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 21.01, eff. September 1, 2007.

#### SUBCHAPTER C. DEPARTMENT LICENSE RECORDS

Sec. 521.041. APPLICATION RECORDS; RECORDS OF DENIAL, SUSPENSION, CANCELLATION, OR REVOCATION. (a) The department shall record each driver's license application received by the department.

(b) The department shall maintain suitable indexes, in alphabetical or numerical order, that contain:

(1) each denied application and the reasons for the denial;

(2) each application that is granted; and

(3) the name of each license holder whose license has been suspended, canceled, or revoked and the reasons for that action.

(c) The department shall maintain the application records for personal identification certificates in the manner required for license applications under this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.042. ACCIDENT AND CONVICTION REPORTS; INDIVIDUAL RECORDS. (a) Except as provided by this section, the department shall record each accident report and abstract of the court record of a conviction received by the department under a law of this state.

(b) The records must enable the department to consider, on receipt of a renewal application and at other suitable times, the record of each license holder that shows any:

(1) conviction of that license holder; and

(2) traffic accident in which the license holder has been involved.

(c) The record of a license holder who is employed as a peace officer, fire fighter, or emergency medical services employee of this state, a political subdivision of this state, or a special purpose district may not include information relating to a traffic accident that occurs during an emergency while the peace officer, fire fighter, or emergency medical services employee is driving an official vehicle in the course and scope of the license holder's official duties.

(d) Before issuing or renewing a license, the department shall examine the record of the applicant for information relating to a conviction of a traffic violation or involvement in a traffic accident. The department may not issue or renew a license if the department determines that the issuance or renewal of the license would be inimical to the public safety.

(e) The director may maintain records required under this subchapter on microfilm or computer.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.043. ELIMINATION OF CERTAIN UNNECESSARY RECORDS. The department is not required to maintain records relating to a person if the director decides that the records are no longer necessary, except that the department shall maintain a record of a conviction as long as the record may be used:

(1) as grounds for a license cancellation, suspension,

revocation, or denial; or

(2) in conjunction with other records of convictions, to establish that a person is a frequent violator of traffic laws. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.044. USE OF SOCIAL SECURITY NUMBER INFORMATION FOR CHILD SUPPORT COLLECTION. (a) Information provided on a driver's license application that relates to the applicant's social security number may be used only by the department or disclosed only to:

(1) the child support enforcement division of the attorney general's office;

(2) another state entity responsible for enforcing the payment of child support; or

(3) the United States Selective Service System as provided by Section 521.147.

(b) The department shall enter an applicant's social security number in the department's electronic database but may not print the number on the applicant's driver's license.

(c) On the request of a state entity responsible for investigating or enforcing the payment of child support, the department shall disclose information regarding an applicant's social security number.

(d) Information disclosed under this section may be used by a state entity responsible for enforcing the payment of child support only to implement the duties of the state entity.

(e) The department shall include in the department's legislative appropriations requests and budgets, in quarterly performance reports, and in audits of the department's local offices performance measures on the percentage of complete and correct social security numbers on driver's licenses.

(f) This section does not prohibit the department from requiring an applicant for a driver's license to provide the applicant's social security number.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 420, Sec. 28, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 556, Sec. 77, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 973, Sec. 1, eff. Sept. 1, 2001.

Sec. 521.0445. NOTICE REGARDING SUSPENSION OF LICENSE FOR NONPAYMENT OF CHILD SUPPORT. The department shall include in each notice sent to a driver's license holder a statement advising a holder who is delinquent in the payment of child support to make satisfactory arrangements with the office of the attorney general to correct the delinquency and that failure to contact the attorney general or to make satisfactory arrangements may result in the commencement by the attorney general of procedures to suspend the holder's driver's license.

Added by Acts 1997, 75th Leg., ch. 420, Sec. 29, eff. Sept. 1, 1997.

Sec. 521.045. DISCLOSURE OF CERTAIN INFORMATION RELATING TO INDIVIDUAL OPERATOR. On receipt of a written request and payment of a \$4 fee, the department may disclose information relating to an individual's date of birth, current license status, and most recent address, as shown in the department's records, to a person who:

(1) is eligible to receive the information under Chapter 730; and

(2) submits to the department the individual's driver's license number or the individual's full name and date of birth.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1187, Sec. 7, eff. Sept. 1, 1997.

Sec. 521.046. DISCLOSURE OF ACCIDENT AND CONVICTION INFORMATION. (a) In addition to the information authorized to be released under Section 521.045, on receipt of a written request and payment of a \$6 fee, the department may disclose that information and information regarding each reported motor vehicle moving violation, as defined by department rule, resulting in a traffic law conviction and each motor vehicle accident in which the individual received a citation, by date and location, within the three years preceding the date of the request, to a person who:

(1) is eligible to receive the information under Chapter 730; and

(2) submits to the department the individual's

driver's license number or the individual's full name and date of birth.

(b) If the department receives requests for information under this section in quantities of 100 or more from a single person at one time and on data processing request forms acceptable to the department, the department may reduce the fee to \$5 for each individual request.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 356, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1187, Sec. 8, eff. Sept. 1, 1997.

Sec. 521.047. DISCLOSURE OF INFORMATION TO LICENSE HOLDER.

(a) The department may disclose information relating to a license holder to that license holder on receipt of a written request that includes the individual's driver's license number or the individual's full name and date of birth, and payment of a \$7 fee.

(b) The department may disclose information as recorded in department records that relates to:

- (1) the individual's date of birth;
- (2) the current license status of the individual;
- (3) the individual's most recent address;
- (4) the completion of an approved driver education course by the individual;
- (5) the fact of, but not the reason for, completion of a driver safety course by the individual; and
- (6) each of the individual's reported traffic law violations and motor vehicle accidents, by date and location.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.0475. DISCLOSURE OF ABSTRACT RECORD. (a) Except as provided by Subsection (b) or (c), the department shall provide a certified abstract of a complete driving record of a license holder, for a fee of \$20, to the license holder or a person eligible to receive the information under Sections 730.007(a)(2)(A), (D), and (I).

(b) If an abstract of a complete driving record does not exist for a license holder, the department shall provide a person



making a request under Subsection (a) a certified statement to that effect.

(c) If the department provides information under Subsection (a) or (b) through the system described by Section 521.055, the information may not be marked as certified.

Added by Acts 2003, 78th Leg., ch. 991, Sec. 2, eff. Sept. 1, 2003.

Sec. 521.048. CERTIFIED INFORMATION. The department may disclose information under Section 521.046 or 521.047 that is certified by the custodian of records on payment of a \$10 fee for each individual request.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.0485. REQUESTS FOR INFORMATION BY MAIL OR ELECTRONIC MEANS. (a) The department by rule may provide that the holder of a driver's license issued by the department may submit a request for information under Sections 521.045-521.048 by mail, by telephone, over the Internet, or by other electronic means.

(b) A rule adopted under Subsection (a):

(1) may prescribe eligibility standards for release of the requested information; and

(2) may not conflict with any provision of this chapter or another law that relates to the release of the information by the department.

Added by Acts 2001, 77th Leg., ch. 866, Sec. 1, eff. Sept. 1, 2001.

Sec. 521.049. INFORMATION SUPPLIED TO CERTAIN GOVERNMENTAL ENTITIES. (a) The department shall disclose information relating to the name, date of birth, and most recent address as shown in department records to the Texas Department of Health during an emergency or epidemic declared by the commissioner of health to notify individuals of the need to receive certain immunizations.

(b) The department may not charge a fee for information disclosed to a law enforcement agency or other governmental agency for an official purpose, except that the department may charge its regular fees for information provided to those governmental agencies in bulk for research projects.

(c) The department may make information from driver's license record files, including class-type listings, available to an official of the United States, the state, or a political subdivision of this state for government purposes only.

Text of subsection as added by Acts 2007, 80th Leg., R.S., Ch. 766,  
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(d) To assist chief appraisers in determining the eligibility of individuals for residence homestead exemptions from ad valorem taxation under Section 11.13, Tax Code, the department shall provide, without charge, to the chief appraiser of each appraisal district in this state:

(1) a copy of each driver's license record or personal identification certificate record held by the department; or

(2) information relating to the name, date of birth, driver's license or personal identification certificate number, and most recent address as shown in the records of individuals included in the department's driver's license or personal identification certificate records.

Text of subsection as added by Acts 2007, 80th Leg., R.S., Ch. 424,  
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(d) The department shall respond to a request for a driving record check received from another state under 49 C.F.R. Section 384.206 within 30 days of the date of the request.

(e) A driver's license record or personal identification certificate record provided under Subsection (d)(1) may not include information relating to an individual's social security number or any accident or conviction information about an individual.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 424, Sec. 1, eff. January 1, 2008.

Acts 2007, 80th Leg., R.S., Ch. 766, Sec. 1, eff. June 15, 2007.

Sec. 521.050. SALE OF LICENSE INFORMATION. (a) In addition to the provisions of this subchapter relating to the disclosure of driver's license information on an individual, the department may provide a purchaser with a magnetic tape of the names, addresses, and dates of birth of all license holders that are contained in the department's basic driver's license record file if the purchaser certifies in writing that the purchaser is eligible to receive the information under Chapter 730.

(b) The department may also periodically provide to the purchaser of the information any addition to that file.

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

(1) \$2,000 for each magnetic tape provided under Subsection (a); and

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

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1187, Sec. 9, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1032, Sec. 2, eff. Sept. 1, 2001.

Sec. 521.051. DISCLOSURE OF CERTAIN INFORMATION PROHIBITED. The department may not disclose class-type listings from the basic driver's license record file to any person except as provided by Section 521.049(c), regardless of whether the requestor is eligible to receive the information under Chapter 730.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1187, Sec. 10, eff. Sept. 1, 1997.

Sec. 521.052. DISCLOSURE OF INDIVIDUAL INFORMATION PROHIBITED. Except as provided by Sections 521.045, 521.046, 521.0475, 521.049(c), and 521.050, and by Chapter 730, the department may not disclose information from the department's files that relates to personal information, as that term is defined by Section 730.003.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1187, Sec. 11, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1032, Sec. 3, eff. Sept. 1, 2001; Acts 2003,

78th Leg., ch. 991, Sec. 3, eff. Sept. 1, 2003.

Sec. 521.053. COMMERCIAL DRIVER'S LICENSE INFORMATION.

(a) The department may provide to any person the information specified by Section 521.045, 521.046, 521.0475, or 521.047, for the fee required by those sections, that relate to the holder of or applicant for a commercial driver's license under Chapter 522 if the person is eligible to receive the information under Chapter 730.

(b) If the information is provided through the commercial driver license information system, the fee for this service is the fee specified in the applicable section plus \$2.

(c) The department may provide information under Subsection (a) through the system described by Section 521.055.

(d) The department may provide information maintained under Section 644.252 that relates to a holder of a commercial driver's license under Chapter 522 to the holder, the holder's current employer, or a person acting on behalf of the employer if the department receives the holder's specific written consent to the release of information.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1187, Sec. 12, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 991, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 9, Sec. 1, eff. September 1, 2005.

Sec. 521.054. NOTICE OF CHANGE OF ADDRESS OR NAME.

(a) This section applies to a person who:

(1) after applying for the license or certificate moves from the address stated in the person's application for a license or certificate;

(2) moves from the address shown on the license or certificate held by the person; or

(3) changes the person's name by marriage or otherwise.

(b) A person subject to this section shall notify the department of the change not later than the 30th day after the date

on which the change takes effect and apply for a duplicate license or certificate as provided by Section 521.146.

(c) A person changing the person's address shall notify the department of the old and new addresses and the number of the license or certificate held by the person. A person changing the person's name shall notify the department of the former and new names and the number of the license or certificate held by the person.

(d) A court may dismiss a charge for a violation of this section if the defendant remedies the defect not later than the 20th working day after the date of the offense and pays an administrative fee not to exceed \$20. The court may waive the administrative fee if the waiver is in the interest of justice.

(e) Repealed by Acts 2005, 79th Leg., Ch. 1249, Sec. 3(1), eff. September 1, 2005.

(f) Repealed by Acts 2005, 79th Leg., Ch. 1249, Sec. 3(1), eff. September 1, 2005.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1249, Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1249, Sec. 3(1), eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1027, Sec. 6, eff. September 1, 2007.

Sec. 521.055. ESTABLISHMENT OF INTERACTIVE SYSTEM.

(a) The department may establish a system, separate from the department's mainframe computer, that will allow interactive access to certain driver's license record information.

(b) The system may provide for the release of driving records described in:

- (1) Section 521.045;
- (2) Section 521.046;
- (3) Section 521.047; and
- (4) Section 521.0475.

(c) The fee for a driving record under Subsection (b)(1) is

\$2.50. The fee for a driving record under Subsection (b)(2) is \$4.50. The fee for a driving record under Subsection (b)(3) is \$5.50. The fee for a driving record under Subsection (b)(4) is \$20.

(d) Repealed by Acts 2003, 78th Leg., ch. 1325, Sec. 11.10.

(e) The department may contract with private vendors as necessary to implement this section.

(f) The department may adopt rules as necessary to administer this section.

(g) For purposes of this section, a release of information to persons eligible to receive the information under Chapter 730 occurs each time a query is made of the system.

Added by Acts 1997, 75th Leg., ch. 1365, Sec. 1, eff. June 20, 1997.

Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 4, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 991, Sec. 5, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 11.10, eff. Sept. 1, 2003.

Sec. 521.056. NATIONAL DRIVER REGISTER. (a) The department may process file check requests under the National Driver Register on behalf of current or prospective employers of individuals employed or seeking employment as operators of motor vehicles or railway locomotive operators if the individual:

(1) has given written consent to the release of the information; and

(2) has a license in this state.

(b) The fee for a request under Subsection (a) is \$4.

(c) The department shall forward a request made under Subsection (a) directly to the current or prospective employer.

(d) The department shall assist and provide procedures for an individual to obtain information from the National Driver Register on the individual's own driving record. The department may by rule establish a reasonable fee for this service, in conformity with the policies of the National Driver Register.

(e) The department may adopt forms and rules as necessary to carry out the purposes of this section and comply with the policies of the National Driver Register.

Added by Acts 1997, 75th Leg., ch. 1365, Sec. 1, eff. June 20, 1997.

Sec. 521.057. INFORMATION REGARDING CERTAIN SEX OFFENDERS. (a) On receipt of a court order issued under Article 42.016, Code of Criminal Procedure, the department shall ensure that any driver's license record or personal identification certificate record maintained by the department for the person includes an indication that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997.

(b) The department shall include the indication required by Subsection (a) in any driver's license record or personal identification certificate record maintained by the department for the person until the expiration of the person's duty to register under Chapter 62, Code of Criminal Procedure, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997.

Added by Acts 1999, 76th Leg., ch. 1401, Sec. 4, eff. Sept. 1, 2000.

Sec. 521.058. DISPOSITION OF FEES. Each fee collected under this subchapter shall be deposited to the credit of the Texas mobility fund.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 11.01, eff. Sept. 1, 2003.

Sec. 521.059. IMAGE VERIFICATION SYSTEM. (a) The department shall establish an image verification system based on the following identifiers collected by the department:

- (1) an applicant's facial image; and
- (2) an applicant's thumbprints or fingerprints.

(b) The department shall authenticate the facial image and thumbprints or fingerprints provided by an applicant for a personal identification certificate, driver's license, or commercial driver's license or permit using image comparison technology to ensure that the applicant:

- (1) is issued only one original license, permit, or certificate;
- (2) does not fraudulently obtain a duplicate license, permit, or certificate; and

(3) does not commit other fraud in connection with the application for a license, permit, or certificate.

(c) The department shall use the image verification system established under this section only to the extent allowed by Chapter 730, Transportation Code, to aid other law enforcement agencies in:

(1) establishing the identity of a victim of a disaster or crime that a local law enforcement agency is unable to establish; or

(2) conducting an investigation of criminal conduct.

(d) The department shall provide a statistical report annually to the legislature describing the rate of error presented in the image verification system, including the rate of incorrect matching of facial images, categorized by race. This subsection expires September 1, 2010.

Added by Acts 2005, 79th Leg., Ch. 1108, Sec. 4, eff. September 1, 2005.

#### SUBCHAPTER D. CLASSIFICATION OF DRIVER'S LICENSES

Sec. 521.081. CLASS A LICENSE. A Class A driver's license authorizes the holder of the license to operate:

(1) a vehicle with a gross vehicle weight rating of 26,001 pounds or more; or

(2) a combination of vehicles that has a gross combination weight rating of 26,001 pounds or more, if the gross vehicle weight rating of any vehicle or vehicles in tow is more than 10,000 pounds.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.082. CLASS B LICENSE. (a) A Class B driver's license authorizes the holder of the license to operate:

(1) a vehicle with a gross vehicle weight rating that is more than 26,000 pounds;

(2) a vehicle with a gross vehicle weight rating of 26,000 pounds or more towing:

(A) a vehicle, other than a farm trailer, with a gross vehicle weight rating that is not more than 10,000 pounds; or



(B) a farm trailer with a gross vehicle weight rating that is not more than 20,000 pounds; and

(3) a bus with a seating capacity of 24 passengers or more.

(b) For the purposes of Subsection (a)(3), seating capacity is computed in accordance with Section 502.162, except that the operator's seat is included in the computation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.083. CLASS C LICENSE. A Class C driver's license authorizes the holder of the license to operate:

(1) a vehicle or combination of vehicles not described by Section 521.081 or 521.082; and

(2) a vehicle with a gross vehicle weight rating of less than 26,001 pounds towing a farm trailer with a gross vehicle weight rating that is not more than 20,000 pounds.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.084. CLASS M LICENSE. A Class M driver's license authorizes the holder of the license to operate a motorcycle or moped.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.085. TYPE OF VEHICLE AUTHORIZED. Unless prohibited by Chapter 522, the license holder may operate any vehicle of the type for which that class of license is issued and any lesser type of vehicle other than a motorcycle or moped.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER E. CLASSIFICATION OF CERTIFICATES

Sec. 521.101. PERSONAL IDENTIFICATION CERTIFICATE.

(a) The department shall issue personal identification certificates.

(b) A personal identification certificate must be similar in form to, but distinguishable in color from, a driver's license.

(c) The department shall indicate "UNDER 21" on the face of a personal identification certificate issued to a person under 21

years of age.

(d) The department may require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to the department the information required by Section 521.142.

(e) The department may cancel and require surrender of a personal identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(f) A certificate expires on a date specified by the department, except that a certificate issued to a person 60 years of age or older does not expire.

(g) An individual, corporation, or association may not deny the holder of a personal identification certificate access to goods, services, or facilities, except as provided by Section 521.460 or in regard to the operation of a motor vehicle, because the holder has a personal identification certificate rather than a driver's license.

(h) The department shall automatically revoke each personal identification certificate issued by the department to a person who:

(1) is subject to the registration requirements of Chapter 62, Code of Criminal Procedure; and

(2) fails to apply to the department for renewal of the personal identification certificate as required by Article 62.060, Code of Criminal Procedure.

(i) The department may issue a personal identification certificate to a person whose certificate is revoked under Subsection (h) only if the person applies for an original or renewal certificate under Section 521.103.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.75(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1372, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1401, Sec. 5, eff. Sept. 1, 2000.

Amended by:

Acts 2005, 79th Leg., Ch. 1008, Sec. 2.12, eff. September 1, 2005.

Sec. 521.103. EXPIRATION AND RENEWAL REQUIREMENTS FOR CERTAIN SEX OFFENDERS. (a) The department may issue an original or renewal personal identification certificate to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person:

(1) applies in person for the issuance of a certificate under this section; and

(2) pays a fee of \$20.

(b) A personal identification certificate issued under this section, including a renewal, duplicate, or corrected certificate, expires on the first birthday of the certificate holder occurring after the date of application, except that the initial certificate issued under this section expires on the second birthday of the certificate holder occurring after the date of application.

Added by Acts 1999, 76th Leg., ch. 1401, Sec. 6, eff. Sept. 1, 2000.

Amended by:

Acts 2005, 79th Leg., Ch. 1008, Sec. 2.13, eff. September 1, 2005.

Sec. 521.104. RENEWAL BY MAIL OR ELECTRONIC MEANS. The department by rule may provide that the holder of a personal identification certificate may renew the certificate by mail, by telephone, over the Internet, or by other electronic means. A rule adopted under this section may prescribe eligibility standards for renewal under this section.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 19, eff. Sept. 1, 1999. Renumbered from Sec. 521.103 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(109), eff. Sept. 1, 2001.

#### SUBCHAPTER F. APPEARANCE OF DRIVER'S LICENSE

Sec. 521.121. GENERAL INFORMATION ON DRIVER'S LICENSE.

(a) The driver's license must include:

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

(2) a color photograph of the entire face of the holder;

(3) the full name, date of birth, and residence address of the holder; and

(4) a brief description of the holder.

(b) The driver's license must include a facsimile of the license holder's signature or a space on which the holder shall write the holder's usual signature in ink immediately on receipt of the license. A license is not valid until it complies with this subsection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 448, Sec. 1, eff. Sept. 1, 2001.

Sec. 521.122. TYPE OF VEHICLE REQUIRED TO BE INDICATED ON LICENSE. (a) The department shall show on each driver's license the general type of vehicle that the license holder is authorized to operate.

(b) The department may include on the driver's license an authorization to operate a motorcycle or moped if the license holder has met all requirements for a Class M license.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.123. DESIGNATOR ON LICENSE ISSUED TO PERSON UNDER 21 YEARS OF AGE. The department shall:

(1) designate and clearly mark as a provisional license each original driver's license issued by the department to a person who is under 18 years of age; and

(2) for each original, renewed, or duplicate license issued to a person who is under 21 years of age:

(A) indicate "UNDER 21" on the face of the license; and

(B) orient the information on the license to clearly distinguish the license from a license that is issued to a person who is 21 years of age or older.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 448, Sec. 2, eff. Sept. 1, 2001.

Sec. 521.124. TEMPORARY LICENSE; ISSUED WITHOUT PHOTOGRAPH. (a) The department may issue a temporary license without a photograph of the license holder:

(1) to an applicant who is out of state or a member of the armed forces of the United States; or

(2) if the department otherwise determines that a temporary license is necessary.

(b) A temporary license is valid only until the applicant has time to appear and be photographed and a license with a photograph is issued.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.125. MEDICAL AND EMERGENCY INFORMATION ON LICENSE. (a) On the reverse side of a driver's license, the department shall:

(1) print:

(A) "Allergic Reaction to Drugs: \_\_\_\_\_";

(B) "Directive to physician has been filed at tel. #";

(C) "Emergency contact tel. #"; and

(D) if space allows, any medical information provided by the license holder under Section 521.142(h);

(2) include to the right of the statements under Subdivisions (1)(B) and (C) a surface on which the license holder may write the appropriate telephone number; and

(3) include to the left of each of the statements under Subdivisions (1)(B) and (C) a box that the license holder may use to indicate for what purpose the telephone number applies.

(b) In addition to the requirements of Subsection (a)(1)(D), if space allows, the department shall indicate any medical information by a uniform symbol or code on the face of the license in the space where the department indicates a restriction or endorsement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 20, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1335, Sec. 1, eff. Jan. 1, 2004.

Sec. 521.126. ELECTRONICALLY READABLE INFORMATION.

(a) The department may not include any information on a driver's license, commercial driver's license, or personal identification certificate in an electronically readable form other than the information printed on the license and a physical description of the licensee.

(b) Except as provided by Subsections (d), (e), (g), (i), and (j), a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates.

(c) An offense under Subsection (b) is a Class A misdemeanor.

(d) The prohibition provided by Subsection (b) does not apply to a person who accesses, uses, compiles, or maintains a database of the information for a law enforcement or governmental purpose, including:

(1) an officer or employee of the department carrying out law enforcement or government purposes;

(2) a peace officer, as defined by Article 2.12, Code of Criminal Procedure, acting in the officer's official capacity;

(3) a license deputy, as defined by Section 12.702, Parks and Wildlife Code, issuing a license, stamp, tag, permit, or other similar item through use of a point-of-sale system under Section 12.703, Parks and Wildlife Code;

(4) a person acting as authorized by Section 109.61, Alcoholic Beverage Code;

(5) a person establishing the identity of a voter under Chapter 63, Election Code;

(6) a person acting as authorized by Section 161.0825, Health and Safety Code; or

(7) a person screening an individual who will work with or have access to children if the person is an employee or an agent of an employee of a public school district or an organization

exempt from federal income tax under Section 501(c)(3), Internal Revenue Code of 1986, as amended, that sponsors a program for youth.

(e) The prohibition provided by Subsection (b)(1) does not apply to a financial institution or a business if the information is accessed and used only for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check. The prohibition provided by Subsection (b)(2) does not apply to a financial institution if each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information in the compilation or database. Consent under this subsection must be on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database. For the purposes of this subsection, "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2), as amended.

(f) A person may not use information derived from electronically readable information from a driver's license, commercial driver's license, or personal identification certificate to engage in telephone solicitation to encourage the purchase or rental of, or investment in, goods, other property, or services.

(g) If authorized by the executive or administrative head of a maritime facility as defined in the Maritime Transportation Security Act of 2002 (46 U.S.C. Section 70101 et seq.), or of a port, port authority, or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a person may access, use, compile, or maintain in a database electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate to secure the facility or port. The information may be used only to:

- (1) identify an individual;
- (2) provide official credentials for an individual;
- (3) track or limit the movement of an individual on facility property;

(4) establish a secure database of visitors to the facility;

(5) access the information at terminal and gate operations of the facility; or

(6) conduct other security or operational activities as determined by the executive or administrative head.

(h) Except as provided by Section 418.183, Government Code, the electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for the purposes of Subsection (g) is confidential and not subject to disclosure, inspection, or copying under Chapter 552, Government Code.

(i) The prohibition provided by Subsection (b) does not apply to a hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Except as otherwise provided by this subsection, a hospital may not sell, transfer, or otherwise disseminate the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. A hospital that obtains information described by Subsection (i) may transfer the information only in accordance with the rules implementing the federal Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191). A business associate, and any subcontractor of the business associate who receives the transferred information, may use the information only to service or maintain the hospital's database of the information.

(k) If an individual objects to the hospital collecting the individual's information from the individual's driver's license as described by Subsection (i), the hospital must use an alternative method for collecting the individual's information.

Added by Acts 1999, 76th Leg., ch. 1340, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2003, 78th Leg., ch. 1233, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 250, Sec. 1, eff. May 30, 2005.



Acts 2005, 79th Leg., Ch. 391, Sec. 2, eff. September 1, 2005.  
Acts 2005, 79th Leg., Ch. 1189, Sec. 2, eff. September 1,  
2005.

Acts 2007, 80th Leg., R.S., Ch. 102, Sec. 1, eff. September 1,  
2007.

Acts 2007, 80th Leg., R.S., Ch. 533, Sec. 1, eff. June 16,  
2007.

Acts 2007, 80th Leg., R.S., Ch. 1012, Sec. 1, eff. September  
1, 2007.

#### SUBCHAPTER G. LICENSE APPLICATION REQUIREMENTS

Sec. 521.141. GENERAL APPLICATION REQUIREMENTS. (a) An applicant for an original or renewal of a driver's license must apply in a manner prescribed by the department.

(b) An application for an original license must be verified by the applicant before a person authorized to administer oaths. An officer or employee of the department may administer the oath. An officer or employee of this state may not charge for the administration of the oath.

(c) The application must be accompanied by the required fee and must be submitted to the department before the department may administer an examination.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 21, eff. Sept. 1, 1999.

Sec. 521.142. APPLICATION FOR ORIGINAL LICENSE. (a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice.

(b) The application must include:

(1) the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant;

- (2) a photograph of the applicant;
- (3) the signature of the applicant; and
- (4) a brief description of the applicant.

(c) The application must state:

- (1) the sex of the applicant;
- (2) the residence address of the applicant;
- (3) whether the applicant has been licensed to drive a motor vehicle before;
- (4) if previously licensed, when and by what state or country;
- (5) whether that license has been suspended or revoked or a license application denied;
- (6) the date and reason for the suspension, revocation, or denial;
- (7) whether the applicant is a citizen of the United States; and
- (8) the county of residence of the applicant.

(d) If the applicant is under 25 years of age, the application must state whether the applicant has completed a driver education course approved by the department.

(e) The application must include any other information the department requires to determine the applicant's identity, competency, and eligibility.

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

(g) The department may require an applicant to provide the applicant's social security number only for a purpose permitted by Section 521.044.

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

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended

by Acts 1999, 76th Leg., ch. 556, Sec. 78, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 640, Sec. 3, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1335, Sec. 2, eff. Jan. 1, 2004.

Amended by:

Acts 2005, 79th Leg., Ch. 1108, Sec. 5, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1218, Sec. 4, eff. September 1, 2005.

Sec. 521.1425. INFORMATION REQUIRED TO BE FURNISHED TO DEPARTMENT. (a) Except as provided by Subsection (b), the department may require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Section 521.142.

(b) The department shall require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Sections 521.142(c)(7) and (8).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.76(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 640, Sec. 4, eff. Sept. 1, 1999.

Sec. 521.143. EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED. (a) An application for an original driver's license must be accompanied by evidence of financial responsibility or a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required under Chapter 601. The department may require an application for a renewal of a driver's license to be accompanied by evidence of financial responsibility or a statement that the applicant does not own a motor vehicle for which evidence of financial responsibility is required under Chapter 601.

(b) Evidence of financial responsibility presented under this section must be in at least the minimum amounts required by Section 601.072 and must cover each motor vehicle owned by the applicant for which the applicant is required to maintain evidence of financial responsibility. The evidence may be shown in the

manner provided by Section 601.053(a).

(c) A personal automobile insurance policy used as evidence of financial responsibility under this section must comply with Article 5.06 or 5.145, Insurance Code.

(d) A statement that an applicant does not own a motor vehicle to which the evidence of financial responsibility requirement applies must be sworn to and signed by the applicant.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 23, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 206, Sec. 21.46, eff. June 11, 2003.

Sec. 521.144. APPLICATION BY NEW STATE RESIDENT. (a) A new resident of this state who applies for a driver's license must submit with the application:

(1) evidence that each motor vehicle owned by the person is registered under Chapter 502; or

(2) an affidavit that the applicant does not own a motor vehicle required to be registered under Chapter 502.

(b) The department may not issue a driver's license to a new resident who fails to comply with Subsection (a).

(c) A registration receipt issued by the county assessor-collector of the county in which the new resident resides is satisfactory evidence that a motor vehicle is registered under Chapter 502.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.145. APPLICATION BY PERSON UNDER 18 YEARS OF AGE.

(a) The application of an applicant under 18 years of age must be signed by:

(1) the parent or guardian who has custody of the applicant; or

(2) if the applicant has no parent or guardian:

(A) the applicant's employer; or

(B) the county judge of the county in which the applicant resides.

(b) The department shall provide the applicant and the cosigner with information concerning state laws relating to driving

while intoxicated, driving by a minor with alcohol in the minor's system, and implied consent. The applicant and cosigner must acknowledge receipt of this information.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1013, Sec. 19, eff. Sept. 1, 1997.

Sec. 521.146. APPLICATION FOR DUPLICATE LICENSE OR CERTIFICATE. (a) If a driver's license or certificate issued under this chapter is lost or destroyed, or there is a change in pertinent information, the person to whom the license or certificate was issued may obtain a duplicate or corrected version.

(b) An applicant for a corrected driver's license or certificate must submit to the department the required fee, accompanied by the required information that has changed with proof satisfactory to the department that supports the change.

(c) The department by rule may provide that the holder of a driver's license or identification certificate issued by the department may apply for the issuance of a duplicate license or certificate by mail, by telephone, over the Internet, or by other electronic means.

(d) A rule adopted under Subsection (c) may prescribe eligibility standards for issuance of a duplicate driver's license or identification certificate under this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 866, Sec. 2, eff. Sept. 1, 2001.

Sec. 521.147. OPTIONAL REGISTRATION WITH SELECTIVE SERVICE SYSTEM. (a) The department shall develop by rule a selective service consent statement as a part of the application for an original, renewal, or duplicate driver's license or personal identification certificate. The consent statement must include a place to indicate consent or declination to register with the United States Selective Service System and must state the benefits and penalties associated with consent or declination to register. The department shall present the statement to each applicant who is subject to registration with the Selective Service System and record the applicant's response. A response is required to

complete the application for a license or certificate for such an applicant. The department shall forward to the Selective Service System, in an electronic format, only the information necessary for registration of an applicant consenting to registration.

(b) In addition to the statement required by Subsection (a), the department may conspicuously post at each location where applications for driver's licenses are accepted one or more signs, in English and Spanish, providing the information contained in the statement.

Added by Acts 2001, 77th Leg., ch. 973, Sec. 2, eff. Sept. 1, 2001.

#### SUBCHAPTER H. EXAMINATION REQUIREMENTS

##### Sec. 521.161. EXAMINATION OF LICENSE APPLICANTS.

(a) Except as otherwise provided by this subchapter, the department shall examine each applicant for a driver's license. The examination shall be held in the county in which the applicant resides or applies not later than the 10th day after the date on which the application is made.

(b) The examination must include:

(1) a test of the applicant's:

(A) vision;

(B) ability to identify and understand highway signs in English that regulate, warn, or direct traffic; and

(C) knowledge of the traffic laws of this state;

(2) a demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type that the applicant will be licensed to operate; and

(3) any additional examination the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely.

(c) The department shall give each applicant the option of taking the traffic law and highway sign part of the examination in writing in addition to or instead of through a mechanical, electronic, or other testing method. If the applicant takes that part of the examination in writing in addition to another testing method, the applicant is considered to have passed that part of the

examination if the applicant passes either version of the examination. The department shall inform each person taking the examination of the person's rights under this subsection.

(d) On payment of the required fee, an applicant is entitled to three examinations of each element under Subsection (b) for each application to qualify for a driver's license. If the applicant has not qualified after the third examination, the applicant must submit a new application accompanied by the required fee.

(e) The department may not issue a driver's license to a person who has not passed each examination required under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.77(a), eff. Sept. 1, 1997.

Sec. 521.162. ALTERNATE EXAMINATION IN SPANISH. (a) The department shall design and administer in each county of this state an alternate examination for Spanish-speaking applicants who are unable to take the regular examination in English.

(b) The alternate examination must be identical to the examination administered to other applicants under Section 521.161 except that all directions and written material, other than the text of highway signs, must be in Spanish. The text of highway signs must be in English.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.163. REEXAMINATION. (a) The director may require the holder of a license to be reexamined if the director determines that the holder is incapable of safely operating a motor vehicle.

(b) The reexamination shall be conducted in the license holder's county of residence unless the holder and the director agree to a different location.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.164. EXEMPTION FROM CERTAIN EXAMINATION REQUIREMENTS FOR LICENSED NONRESIDENTS. (a) The department by rule may provide that a holder of a driver's license issued to the

person by another state or Canadian province and who is otherwise qualified may, after passing the vision test and paying the required fees, be issued a driver's license without the complete examination required under Section 521.161.

(b) A license issued under this section must be of the class of license equivalent to the license issued by the other jurisdiction.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.165. TESTING BY OTHER ENTITIES. (a) The director may certify and set standards for the certification of certain employers, government agencies, and other appropriate organizations to allow those persons to train and test for the ability to operate certain types of vehicles.

(b) The department shall set the standards for the training and testing of driver's license applicants under Subsection (a).

(c) In issuing a driver's license for certain types of vehicles, the director may waive a driving test for an applicant who has successfully completed and passed the training and testing conducted by a person certified under Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.1655. TESTING BY DRIVER EDUCATION SCHOOL. (a) A driver education school licensed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) may administer to a student of that school the vision, highway sign, and traffic law parts of the examination required by Section 521.161.

(b) An examination administered under this section complies with the examination requirements of this subchapter as to the parts of the examination administered.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.77(a), eff. Sept. 1, 1997.

Sec. 521.166. MOTORCYCLE ROAD TEST REQUIREMENTS. (a) An applicant required to submit to a motorcycle road test must provide a passenger vehicle and a licensed driver to convey the license



examiner during the road test.

(b) The department may refuse to administer any part of the road test to an applicant who fails to comply with Subsection (a).  
Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER I. ISSUANCE OF DRIVER'S LICENSE

Sec. 521.181. ISSUANCE OF DRIVER'S LICENSE. On payment of the required fee, the department shall issue to each qualifying applicant a driver's license of the class for which the applicant has applied.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.182. SURRENDER OF LICENSE ISSUED BY OTHER JURISDICTION. (a) A person is not entitled to receive a driver's license until the person surrenders to the department each driver's license in the person's possession that was issued by this state or another state or Canadian province.

(b) The department shall send to the state or province that issued the license:

(1) the surrendered license or a notification that the license has been surrendered; and

(2) a statement that the person holds a driver's license issued by this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER J. PERSONS INELIGIBLE FOR LICENSE

Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. The department may not issue any license to a person who:

(1) is under 15 years of age;

(2) is under 18 years of age unless the person complies with the requirements imposed by Section 521.204;

(3) is shown to be addicted to the use of alcohol, a controlled substance, or another drug that renders a person incapable of driving;

(4) holds a driver's license issued by this state or another state or country that is revoked, canceled, or under suspension;

(5) has been determined by a judgment of a court to be totally incapacitated or incapacitated to act as the operator of a motor vehicle unless the person has, by the date of the license application, been:

(A) restored to capacity by judicial decree; or

(B) released from a hospital for the mentally incapacitated on a certificate by the superintendent or administrator of the hospital that the person has regained capacity;

(6) the department determines to be afflicted with a mental or physical disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle on a highway, except that a person may not be refused a license because of a physical defect if common experience shows that the defect does not incapacitate a person from safely operating a motor vehicle;

(7) has been reported by a court under Section 521.3452 for failure to appear unless the court has filed an additional report on final disposition of the case; or

(8) has been reported by a court for failure to appear or default in payment of a fine for a misdemeanor that is not covered under Subdivision (7) and that is punishable by a fine only, including a misdemeanor under a municipal ordinance, committed by a person who was under 17 years of age at the time of the alleged offense, unless the court has filed an additional report on final disposition of the case.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 560, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1080, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 283, Sec. 54, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 949, Sec. 50, eff. September 1, 2005.

Sec. 521.202. INELIGIBILITY FOR LICENSE BASED ON CERTAIN CONVICTIONS. (a) Unless the period of suspension that would have applied if the person held a license at the time of the conviction

has expired, the department may not issue a license to a person convicted of an offense:

(1) described by Section 49.04, 49.07, or 49.08, Penal Code; or

(2) to which Section 521.342(a) applies.

(b) Until the period specified in the juvenile court order has expired, the department may not issue a license to a person if the department has been ordered by a juvenile court under Section 54.042, Family Code, to deny the person a license.

(c) A person does not have a privilege to operate a vehicle in this state during a period of suspension under Subsection (a) or (b) if the department is prohibited from issuing a license to that person.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The department may not issue a Class A or Class B driver's license to a person who:

(1) is under 17 years of age;

(2) is under 18 years of age unless the person has completed a driver training course approved by the Central Education Agency; or

(3) has not provided the department with an affidavit, on a form prescribed by the department, that states that no vehicle that the person will drive that requires a Class A or Class B license is a commercial motor vehicle as defined by Section 522.003.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.204. RESTRICTIONS ON MINOR. (a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a

driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam; and

(4) has passed the examination required by Section 521.161.

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

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.78(a), eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1251, Sec. 1, eff. Jan. 1, 2002.

Sec. 521.205. DEPARTMENT-APPROVED COURSES. (a) The department by rule shall provide for approval of a driver education course conducted by the parent, stepparent, legal guardian, step-grandparent, or grandparent of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that:

(1) the person conducting the course possess a valid license for the preceding three years and the license has not been suspended, revoked, or forfeited in the past three years for traffic related violations;

(2) the student driver spend a minimum number of hours in:

(A) classroom instruction; and

(B) behind-the-wheel instruction;

(3) the person conducting the course not be convicted

of:

(A) criminally negligent homicide; or

(B) driving while intoxicated; and

(4) the person conducting the course not be disabled because of mental illness.

(b) The department may not approve a course unless it determines that the course materials are at least equal to those required in a course approved by the Texas Education Agency, except that the department may not require that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(c) The rules must provide a method by which:

(1) approval of a course is obtained;

(2) an applicant submits proof of completion of the course; and

(3) approval for delivering course materials by an alternative method, including electronic means, is obtained.

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the Texas Education Agency.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.79(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 721, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1196, Sec. 1, eff. Sept. 1, 2003.

#### SUBCHAPTER K. RESTRICTED LICENSES

Sec. 521.221. IMPOSITION OF SPECIAL RESTRICTIONS AND ENDORSEMENTS. (a) For good cause the department may impose a restriction or require an endorsement suitable to the driver's license holder's driving ability. The restriction or endorsement may relate to:

(1) the type of motor vehicle that the holder may operate;

(2) a special mechanical control device required on a

motor vehicle that the holder may operate;

(3) mechanical attachments, including glasses or an artificial limb, required on the person of the holder;

(4) an area, location, road, or highway in this state on which the holder is permitted to drive a motor vehicle;

(5) the time of day that the holder is permitted to operate a motor vehicle; and

(6) any other condition the department determines to be appropriate to ensure the safe operation of a motor vehicle by the holder.

(b) The department may issue a special restricted license or state the applicable restriction on the regular license.

(c) A person commits an offense if the person operates a motor vehicle in violation of a restriction imposed or without the endorsement required on the license issued to that person. An offense under this subsection is a misdemeanor punishable under Section 521.461.

(d) A court may dismiss a charge for a violation of this section if:

(1) the restriction or endorsement was imposed:

(A) because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or

(B) in error and that fact is established by the defendant;

(2) the department removes the restriction or endorsement before the defendant's first court appearance; and

(3) the defendant pays an administrative fee not to exceed \$10.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1027, Sec. 7, eff. September 1, 2007.

Sec. 521.222. INSTRUCTION PERMIT. (a) The department or a driver education school licensed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil

Statutes) may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

(1) is 15 years of age or older but under 18 years of age;

(2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 521.205;

(3) meets the requirements imposed under Section 521.204(3); and

(4) has passed each examination required under Section 521.161 other than the driving test.

(b) The department may issue an instruction permit to a person 18 years of age or older who has successfully passed all parts of the driver's examination required under Section 521.161 other than the driving test.

(c) A driver education school may issue an instruction permit to a person 18 years of age or older who has successfully passed:

(1) a six-hour adult classroom driver education course approved by the Texas Education Agency; and

(2) each part of the driver's examination required by Section 521.161 other than the driving test.

(d) An instruction permit entitles the holder to operate a type of motor vehicle on a highway while:

(1) the permit is in the holder's possession; and

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

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

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

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

(e) Except as provided by Subsection (f), an instruction permit is not required to include a photograph.

(f) The department may issue an instruction permit under this section to a person who is subject to the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the permit. An instruction permit issued

under this subsection must include a photograph of the person.

(g) A person who occupies the seat in a vehicle by a holder of an instruction permit commits an offense if, while the holder is operating the vehicle, the person:

(1) sleeps;

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

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

(h) It is a defense to prosecution of a violation under Subsection (g) that at the time of the violation another person in addition to the defendant:

(1) occupied the seat by the operator;

(2) complied with the requirements of Subsections (d)(2)(A)-(C); and

(3) was not in violation of Subsection (g).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.80(a), eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 546, Sec. 2, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1251, Sec. 2, eff. Jan. 1, 2002.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 347, Sec. 1, eff. September 1, 2007.

Sec. 521.223. HARSHIP LICENSE. (a) The department may issue a license to a person who complies with the requirements of Subsection (b) if the department finds that:

(1) the failure to issue the license will result in an unusual economic hardship for the family of the applicant;

(2) the license is necessary because of the illness of a member of the applicant's family; or

(3) the license is necessary because the applicant is enrolled in a vocational education program and requires a driver's license to participate in the program.

(b) An applicant for a license under Subsection (a) must be 15 years of age or older and must:

(1) have passed a driver education course approved by



the department, which may be a course approved under Section 521.205; and

(2) pass the examination required by Section 521.161.

(c) To be eligible to take the driver training course, the person must be at least 14 years of age.

(d) If the department determines that an applicant must assist in the responsibilities imposed by a family illness, disability, death-related emergency, or economic emergency, it may waive the driver training course requirement and may issue a temporary license. A temporary license issued under this subsection is valid for 60 days after the date of issuance and may be renewed for additional 60-day periods as long as the condition continues.

(e) A person who is refused a driver's license under this section may appeal to the county court of the county in which the person resides. The court may try the matter on the request of the petitioner or respondent.

(f) In the manner provided by Subchapter N, the department may suspend a license issued under this section if the holder of the license is convicted of a moving violation.

(g) The department may issue a hardship license to a person who is subject to the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the license. A hardship license issued under this section must include a photograph of the person.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.81(a), 30.82, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 546, Sec. 3, eff. Sept. 1, 2001.

Sec. 521.224. RESTRICTED CLASS M LICENSE. (a) In this section, "motorcycle" includes a motor driven cycle.

(b) The department may issue a special restricted Class M license that authorizes the holder to operate only a motorcycle that has not more than a 250 cubic centimeter piston displacement.

(c) A person is eligible for a restricted motorcycle license if the person:

(1) is 15 years of age or older but under 18 years of

age;

(2) has completed and passed a motorcycle operator training course approved by the department; and

(3) has met the requirements imposed under Section 521.145.

(d) The department shall make the motorcycle operator training course available.

(e) On the 16th birthday of a holder of a special restricted Class M license, the department shall remove the 250 cubic centimeter restriction from the license without completion by the holder of an additional motorcycle operator training course.

(f) An applicant for the special restricted license must apply in accordance with Subchapter G. The applicant is subject to the requirements of Section 521.161 and to other provisions of this chapter in the same manner as an applicant for another license. The department shall prescribe the form of the license.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 797, Sec. 1, eff. Sept. 1, 1999.

Sec. 521.225. MOPED LICENSE. (a) A person may not operate a moped unless the person holds a driver's license. An applicant for a moped license must be 15 years of age or older.

(b) The department shall administer to an applicant for a moped license a written examination relating to the traffic laws applicable to the operation of mopeds. A test involving the operation of the vehicle is not required.

(c) An applicable provision of this chapter relating to a restricted Class M license applies also to a moped license, including a provision relating to the application, issuance, duration, suspension, cancellation, or revocation of that license.

(d) The department shall certify whether a vehicle alleged to be a moped is a moped. The department shall:

(1) by rule establish the procedure for determining whether a vehicle is a moped;

(2) compile a list of mopeds certified by the department; and

(3) make the list available to the public on request.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 797, Sec. 2, eff. Sept. 1, 1999.

Sec. 521.227. INSPECTION BY PEACE OFFICER. Any peace officer may stop and detain a motorcycle, motor driven cycle, or moped to determine if the vehicle is of a model and make certified by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER L. OCCUPATIONAL LICENSE

Sec. 521.241. DEFINITIONS. In this subchapter:

(1) "Essential need" means a need of a person for the operation of a motor vehicle:

(A) in the performance of an occupation or trade or for transportation to and from the place at which the person practices the person's occupation or trade;

(B) for transportation to and from an educational facility in which the person is enrolled; or

(C) in the performance of essential household duties.

(2) "Ignition interlock device" means a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator of the vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.242. PETITION. (a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition with the clerk of the county court or district court with jurisdiction in the county in which:

(1) the person resides; or

(2) the offense occurred for which the license was suspended.

(b) A person may apply for an occupational license by filing a verified petition only with the clerk of the county court or

district court in which the person was convicted if:

(1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and

(2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.

(c) A petition filed under this section must set forth in detail the person's essential need.

(d) A petition filed under Subsection (b) must state that the petitioner was convicted in that court for an offense under the laws of this state.

(e) The clerk of the court shall file the petition as in any other civil matter.

(f) A court may not grant an occupational license for the operation of a commercial motor vehicle to which Chapter 522 applies.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.83(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1289, Sec. 1, 2, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 941, Sec. 1, eff. Sept. 1, 2001.

Sec. 521.243. NOTICE TO STATE; PRESENTATION OF EVIDENCE.

(a) The clerk of the court shall send by certified mail to the attorney representing the state a copy of the petition and notice of the hearing if the petitioner's license was suspended following a conviction for:

(1) an offense under Section 19.05, 49.04, 49.07, or 49.08, Penal Code; or

(2) an offense to which Section 521.342 applies.

(b) A person who receives a copy of a petition under Subsection (a) may attend the hearing and may present evidence at the hearing against granting the petition.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.244. HEARING; ORDER; DETERMINATION OF ESSENTIAL

NEED. (a) The judge who hears the petition shall sign an order finding whether an essential need exists.

(b) In determining whether an essential need exists, the judge shall consider:

(1) the petitioner's driving record; and

(2) any evidence presented by a person under Section 521.243(b).

(c) If the judge finds that there is an essential need, the judge also, as part of the order, shall:

(1) determine the actual need of the petitioner to operate a motor vehicle; and

(2) require the petitioner to provide evidence of financial responsibility in accordance with Chapter 601.

(d) Except as provided by Section 521.243(b), the hearing on the petition may be ex parte.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.245. REQUIRED COUNSELING. (a) If the petitioner's license has been suspended under Chapter 524 or 724, the court shall require the petitioner to attend a program approved by the court that is designed to provide counseling and rehabilitation services to persons for alcohol dependence. This requirement shall be stated in the order granting the occupational license.

(b) The program required under Subsection (a) may not be the program provided by Section 521.344 or by Section 13, Article 42.12, Code of Criminal Procedure.

(c) The court may require the person to report periodically to the court to verify that the person is attending the required program.

(d) On finding that the person is not attending the program as required, the court may revoke the order granting the occupational license. The court shall send a certified copy of the order revoking the license to the department.

(e) On receipt of the copy under Subsection (d), the department shall suspend the person's occupational license for:

(1) 60 days, if the original driver's license

suspension was under Chapter 524; or

(2) 120 days, if the original driver's license suspension was under Chapter 724.

(f) A suspension under Subsection (e):

(1) takes effect on the date on which the court signs the order revoking the occupational license; and

(2) is cumulative of the original suspension.

(g) A person is not eligible for an occupational license during a period of suspension under Subsection (e).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.246. IGNITION INTERLOCK DEVICE REQUIREMENT.

(a) If the person's license has been suspended after a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the judge, before signing an order, shall determine from the criminal history record information maintained by the department whether the person has any previous conviction under those laws.

(b) As part of the order the judge may restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if the judge determines that the person's license has been suspended following a conviction under Section 49.04, 49.07, or 49.08, Penal Code. As part of the order, the judge shall restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if the judge determines that:

(1) the person has two or more convictions under any combination of Section 49.04, 49.07, or 49.08, Penal Code; or

(2) the person's license has been suspended after a conviction under Section 49.04, Penal Code, for which the person has been punished under Section 49.09, Penal Code.

(c) The person shall obtain the ignition interlock device at the person's own expense unless the court finds that to do so is not in the best interest of justice and enters that finding in the record. If the court determines that the person is unable to pay for the device, the court may impose a reasonable payment schedule for a term not to exceed twice the period of the court's order.

(d) The court shall order the ignition interlock device to remain installed for at least half of the period of supervision.

(e) A person to whom this section applies may operate a motor vehicle without the installation of an approved ignition interlock device if:

(1) the person is required to operate a motor vehicle in the course and scope of the person's employment;

(2) the vehicle is owned by the person's employer;

(3) the employer is not owned or controlled by the person whose driving privilege is restricted;

(4) the employer is notified of the driving privilege restriction; and

(5) proof of that notification is with the vehicle.

(f) A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this section if:

(1) the previous conviction was a final conviction under Section 49.04, 49.07, or 49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted; and

(2) the person has not been convicted of an offense under Section 49.04, 49.07, or 49.08 of that code committed within 10 years before the date on which the instant offense for which the person was convicted.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.84(a), eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1105, Sec. 1, eff. Sept. 1, 1999.

Sec. 521.2465. RESTRICTED LICENSE. (a) On receipt of notice that a person has been restricted to the use of a motor vehicle equipped with an ignition interlock device, the department shall notify that person that the person's driver's license expires on the 30th day after the date of the notice. On application by the person and payment of a fee of \$10, the department shall issue a special restricted license that authorizes the person to operate only a motor vehicle equipped with an ignition interlock device.

(b) On receipt of a copy of a court order removing the restriction, the department shall issue the person a driver's license without the restriction.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.85(a), eff. Sept. 1, 1997.

Sec. 521.247. APPROVAL OF IGNITION INTERLOCK DEVICES BY DEPARTMENT. (a) The department shall adopt rules for the approval of ignition interlock devices used under this subchapter.

(b) The department by rule shall establish general standards for the calibration and maintenance of the devices. The manufacturer or an authorized representative of the manufacturer is responsible for calibrating and maintaining the device.

(c) If the department approves a device, the department shall notify the manufacturer of that approval in writing. Written notice from the department to a manufacturer is admissible in a civil or criminal proceeding in this state. The manufacturer shall reimburse the department for any cost incurred by the department in approving the device.

(d) The department is not liable in a civil or criminal proceeding that arises from the use of an approved device.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.84(b), eff. Sept. 1, 1997.

Sec. 521.2475. IGNITION INTERLOCK DEVICE EVALUATION.

(a) On January 1 of each year, the department shall issue an evaluation of each ignition interlock device approved under Section 521.247 using guidelines established by the National Highway Traffic Safety Administration, including:

- (1) whether the device provides accurate detection of alveolar air;
- (2) the moving retest abilities of the device;
- (3) the use of tamper-proof blood alcohol content level software by the device;
- (4) the anticircumvention design of the device;
- (5) the recalibration requirements of the device; and
- (6) the breath action required by the operator.

(b) The department shall assess the cost of preparing the evaluation equally against each manufacturer of an approved device.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.86(a), eff. Sept. 1,



1997.

Sec. 521.2476. MINIMUM STANDARDS FOR VENDORS OF IGNITION INTERLOCK DEVICES. (a) The department by rule shall establish:

(1) minimum standards for vendors of ignition interlock devices who conduct business in this state; and

(2) procedures to ensure compliance with those standards, including procedures for the inspection of a vendor's facilities.

(b) The minimum standards shall require each vendor to:

(1) be authorized by the department to do business in this state;

(2) install a device only if the device is approved under Section 521.247;

(3) obtain liability insurance providing coverage for damages arising out of the operation or use of devices in amounts and under the terms specified by the department;

(4) install the device and activate any anticircumvention feature of the device within a reasonable time after the vendor receives notice that installation is ordered by a court;

(5) install and inspect the device in accordance with any applicable court order;

(6) repair or replace a device not later than 48 hours after receiving notice of a complaint regarding the operation of the device;

(7) submit a written report of any violation of a court order to that court and to the person's supervising officer, if any, not later than 48 hours after the vendor discovers the violation;

(8) maintain a record of each action taken by the vendor with respect to each device installed by the vendor, including each action taken as a result of an attempt to circumvent the device, until at least the fifth anniversary after the date of installation;

(9) make a copy of the record available for inspection by or send a copy of the record to any court, supervising officer, or the department on request; and

(10) annually provide to the department a written report of each service and ignition interlock device feature made available by the vendor.

(c) The department may revoke the department's authorization for a vendor to do business in this state if the vendor or an officer or employee of the vendor violates:

(1) any law of this state that applies to the vendor;  
or

(2) any rule adopted by the department under this section or another law that applies to the vendor.

(d) A vendor shall reimburse the department for the reasonable cost of conducting each inspection of the vendor's facilities under this section.

(e) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

Added by Acts 1999, 76th Leg., ch. 1105, Sec. 2, eff. Sept. 1, 1999.

Sec. 521.248. ORDER REQUIREMENTS. (a) An order granting an occupational license must specify:

(1) the hours of the day and days of the week during which the person may operate a motor vehicle;

(2) the reasons for which the person may operate a motor vehicle; and

(3) areas or routes of travel permitted.

(b) The person may not operate a motor vehicle for more than four hours in any 24-hour period, except that on a showing of necessity the court may allow the person to drive for any period determined by the court that does not exceed 12 hours in any 24-hour period.

(c) An order granting an occupational license remains valid until the end of the period of suspension of the person's regular driver's license.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.249. NOTICE TO DEPARTMENT; ISSUANCE OF OCCUPATIONAL LICENSE. (a) The court shall send a certified copy

of the petition and the court order setting out the judge's findings and restrictions to the department. The person may use a copy of the order as a restricted license until the 31st day after the date on which the order takes effect.

(b) On receipt of the copy under this section and after compliance with Chapter 601, the department shall issue an occupational license to the person. The license must refer on its face to the court order.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.250. COURT ORDER IN OPERATOR'S POSSESSION. A person who is issued an occupational license shall have in the person's possession a certified copy of the court order granting the license while operating a motor vehicle. The person shall allow a peace officer to examine the order on request.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE.

(a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the five years preceding the date of the person's arrest, an order under this subchapter granting the person an occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.

(b) If the person's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest, the order may not take effect before the 91st day after the effective date of the suspension.

(c) If the person's driver's license has been suspended as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension.

(d) Notwithstanding any other provision in this section, if

the person's driver's license has been suspended as a result of a second or subsequent conviction under Section 49.04, 49.07, or 49.08, Penal Code, committed within five years of the date on which the most recent preceding offense was committed, an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension.

(e) For the purposes of this section, "alcohol-related or drug-related enforcement contact" has the meaning assigned by Section 524.001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 969, Sec. 5, eff. Sept. 1, 2001.

Sec. 521.252. LICENSE REVOCATION. (a) The court that signs an order granting an occupational license may issue at any time an order revoking the license for good cause.

(b) The court shall send a certified copy of the order to the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.253. CRIMINAL PENALTY. (a) A person who holds an occupational license commits an offense if the person:

(1) operates a motor vehicle in violation of a restriction imposed on the license; or

(2) fails to have in the person's possession a certified copy of the court order as required under Section 521.250.

(b) An offense under this section is a Class B misdemeanor.

(c) On conviction of an offense under this section, the occupational license and the order granting that license are revoked.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER M. LICENSE EXPIRATION, RENEWAL, AND NUMBER CHANGE

Sec. 521.271. LICENSE EXPIRATION. (a) Each original driver's license and provisional license expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder

occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the earlier of:

(A) the 18th birthday of the license holder; or

(B) the first birthday of the license holder

occurring after the date of the application;

(3) an instruction permit expires on the second birthday of the license holder occurring after the date of the application; and

(4) an occupational license expires on the first anniversary of the court order granting the license.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the sixth anniversary of the expiration date before renewal.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1372, Sec. 2, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 497, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 37, Sec. 2, eff. September 1, 2007.

Sec. 521.2711. LICENSE EXPIRATION: PERSON AT LEAST 85 YEARS OF AGE. (a) Each original driver's license of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application.

(b) A driver's license of a person 85 years of age or older that is renewed expires on the second anniversary of the expiration date before renewal.

Added by Acts 2007, 80th Leg., R.S., Ch. 37, Sec. 3, eff. September 1, 2007.

Sec. 521.272. RENEWAL OF LICENSE ISSUED TO CERTAIN SEX OFFENDERS. (a) The department may issue an original or renewal driver's license to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person:

(1) applies in person for the issuance of a license under this section; and

(2) pays the fee required by Section 521.421(h).

(b) Notwithstanding Section 521.143, a person is not required to provide proof of financial responsibility to receive the person's initial driver's license under this section.

(c) Notwithstanding Section 521.271, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application. This subsection does not apply to:

(1) a provisional license;

(2) an instruction permit issued under Section 521.222; or

(3) a hardship license issued under Section 521.223.

Added by Acts 1999, 76th Leg., ch. 1401, Sec. 7, eff. Sept. 1, 2000.

Amended by Acts 2001, 77th Leg., ch. 546, Sec. 4, eff. Sept. 1, 2001.

Sec. 521.273. RENEWAL EXAMINATIONS. (a) The department may require and prescribe the procedure and standards for an examination for the renewal of a driver's license.

(b) A license holder who fails to obtain a renewal license as provided by this subchapter may be required to take any examination required for the original license.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.274. RENEWAL BY MAIL OR ELECTRONIC MEANS.

(a) The department by rule may provide that the holder of a driver's license may renew the license by mail, by telephone, over the Internet, or by other electronic means.

(b) A rule adopted under this section:

(1) may prescribe eligibility standards for renewal under this section;

(2) may not permit a person subject to the

registration requirements under Chapter 62, Code of Criminal Procedure, to register by mail or electronic means; and

(3) may not permit renewal by mail or electronic means of a driver's license of a person who is 79 years of age or older.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 24, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1401, Sec. 8, eff. Sept. 1, 2000; Acts 2001, 77th Leg., ch. 546, Sec. 5, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 37, Sec. 4, eff. September 1, 2007.

Sec. 521.275. CHANGE OF DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE NUMBER. (a) The department shall issue to a person a new driver's license number or personal identification certificate number on the person's showing a court order stating that the person has been the victim of domestic violence.

(b) The department may require each applicant to furnish the information required by Section 521.142. If the applicant's name has changed, the department may require evidence identifying the applicant by both the former and new name.

(c) Except as provided by Sections 521.049(c), 730.005, and 730.006, the department may not disclose:

(1) the changed license or certificate number; or

(2) the person's name or any former name.

Added by Acts 1999, 76th Leg., ch. 709, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1189, Sec. 26, eff. Sept. 1, 1999.

#### SUBCHAPTER N. GENERAL PROVISIONS RELATING TO LICENSE DENIAL, SUSPENSION, OR REVOCATION

Sec. 521.291. RULES. The department shall adopt rules to administer this subchapter.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.292. DEPARTMENT'S DETERMINATION FOR LICENSE SUSPENSION. (a) The department shall suspend the person's

license if the department determines that the person:

(1) has operated a motor vehicle on a highway while the person's license was suspended, canceled, disqualified, or revoked, or without a license after an application for a license was denied;

(2) is a habitually reckless or negligent operator of a motor vehicle;

(3) is a habitual violator of the traffic laws;

(4) has permitted the unlawful or fraudulent use of the person's license;

(5) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for suspension;

(6) has been convicted of two or more separate offenses of a violation of a restriction imposed on the use of the license;

(7) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;

(8) is the holder of a provisional license issued under Section 521.123 and has been convicted of two or more moving violations committed within a 12-month period; or

(9) has committed an offense under Section 545.421.

(b) For purposes of Subsection (a)(3), a person is a "habitual violator" if the person has four or more convictions that arise out of different transactions in 12 consecutive months, or seven or more convictions that arise out of different transactions in 24 months, if the convictions are for moving violations of the traffic laws of any state, Canadian province, or political subdivision, other than a violation under:

(1) Section 621.101, 621.201, or 621.203-621.207;

(2) Subchapter B or C, Chapter 623; or

(3) Section 545.413.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Amended by:

Acts 2005, 79th Leg., Ch. 357, Sec. 1, eff. September 1, 2005.

Sec. 521.293. PERIOD OF SUSPENSION UNDER SECTION 521.292.



(a) Except as provided by Subsection (b), if the person does not request a hearing, the period of license suspension under Section 521.292 is 90 days.

(b) If the department determines that the person engaged in conduct described by Section 521.292(a)(1), the period of license suspension is extended for an additional period of the lesser of:

- (1) the term of the original suspension; or
- (2) one year.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE REVOCATION. The department shall revoke the person's license if the department determines that the person:

- (1) is incapable of safely operating a motor vehicle;
- (2) has not complied with the terms of a citation issued by a jurisdiction that is a party to the Nonresident Violator Compact of 1977 for a traffic violation to which that compact applies;

- (3) has failed to provide medical records or has failed to undergo medical or other examinations as required by a panel of the medical advisory board;

- (4) has failed to pass an examination required by the director under this chapter;

- (5) has been reported by a court under Section 521.3452 for failure to appear unless the court files an additional report on final disposition of the case;

- (6) has been reported within the preceding two years by a justice or municipal court for failure to appear or for a default in payment of a fine for a misdemeanor punishable only by fine, other than a failure reported under Section 521.3452, committed by a person who is at least 14 years of age but younger than 17 years of age when the offense was committed, unless the court files an additional report on final disposition of the case;

or

- (7) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for revocation.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.  
Amended by Acts 2003, 78th Leg., ch. 283, Sec. 55, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 949, Sec. 51, eff. September 1, 2005.

Sec. 521.295. NOTICE OF DEPARTMENT'S DETERMINATION.

(a) If the department suspends a person's license under Section 521.292 or revokes a person's license under Section 521.294, the department shall send a notice of suspension or revocation by first class mail to the person's address in the records of the department.

(b) Notice is considered received on the fifth day after the date the notice is mailed.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.296. NOTICE OF SUSPENSION OR REVOCATION. A notice of suspension under Section 521.292 or revocation under Section 521.294 must state:

(1) the reason and statutory grounds for the suspension or revocation;

(2) the effective date of the suspension or revocation;

(3) the right of the person to a hearing;

(4) how to request a hearing; and

(5) the period in which the person must request a hearing.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.297. SUSPENSION, REVOCATION, OR DISQUALIFICATION EFFECTIVE DATE. (a) A license suspension under Section 521.292 or revocation under Section 521.294 takes effect on the 40th day after the date the person is considered to have received notice of the suspension or revocation under Section 521.295(b).

(b) A license disqualification under Section 522.081(a) takes effect on the 40th day after the date the person is considered to have received notice of the disqualification under Section

521.295(b), unless a disqualification is currently in effect. If a disqualification is currently in effect, the periods of disqualifications run consecutively.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 424, Sec. 2, eff. January 1, 2008.

Sec. 521.298. HEARING REQUEST. If, not later than the 15th day after the date on which the person is considered to have received notice of the suspension or revocation under Section 521.295(b), the department receives at its headquarters in Austin, in writing, including a facsimile transmission, or by another manner prescribed by the department, a request that a hearing be held, a hearing shall be held as provided by Sections 521.295-521.303.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.299. HEARING DATE; RESCHEDULING. (a) A hearing requested under Section 521.298 shall be held not earlier than the 11th day after the date on which the person requesting the hearing is notified of the hearing. The hearing shall be set for the earliest practical date.

(b) A hearing may be continued on a motion of the person, the department, both parties, or as necessary to accommodate the docket of the presiding officer.

(c) A request for a hearing stays suspension or revocation of a person's license until the date of the final decision of the presiding officer.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.300. HEARING: LOCATION; PRESIDING OFFICER. (a) A hearing under this subchapter shall be conducted in a municipal court or a justice court in the county in which the person resides. The judge of the municipal court or the justice is designated as the presiding officer.

(b) The presiding officer is entitled to receive a fee for

hearing the case if a fee is approved and set by the commissioners court of the county in which the person resides. The fee may not exceed \$5 and shall be paid from the general revenue fund of the county.

(c) The presiding officer may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant books and documents.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.301. ISSUE AT HEARING. (a) The issue that must be proved at the hearing by a preponderance of the evidence is whether the grounds for suspension or revocation stated in the notice are true.

(b) If the presiding officer finds in the affirmative on that issue, the suspension or revocation is sustained.

(c) If the presiding officer sustains a suspension, the department shall suspend the person's license for the period specified by the presiding officer, which may not be less than 30 days or more than one year.

(d) If the presiding officer does not find in the affirmative on that issue, the department may not suspend or revoke the person's license.

(e) The decision of the presiding officer is final when issued and signed.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.302. FAILURE TO APPEAR. A person who requests a hearing under this subchapter and fails to appear without just cause waives the right to a hearing and the department's determination is final.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.303. CONTINUANCE. A continuance under Section 521.299 stays the suspension or revocation of a license until the date of the final decision of the presiding officer.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.304. CANCELLATION OF MINOR'S LICENSE ON COSIGNER'S REQUEST; RELEASE FROM LIABILITY. (a) The person who cosigned a minor's application for a driver's license under Section 521.145 may file with the department a request that the department cancel the license. The request must be in writing and acknowledged.

(b) On receipt of a request under Subsection (a), the department shall cancel the minor's license. On cancellation, the person who cosigned the application is released from liability based on the person's signing of the application for any subsequent negligence or wilful misconduct of the minor in operating a motor vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.296 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.305. CANCELLATION OF MINOR'S LICENSE ON DEATH OF COSIGNER. On receipt of information satisfactory to the department of the death of a person who cosigned a minor's application for a driver's license under Section 521.145, the department shall cancel the license if the license holder is under 18 years of age and the department may not issue a new license until the minor files a new application that complies with this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.297 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.306. EFFECT OF CONDUCT IN OTHER JURISDICTION; SUSPENSION UNDER DRIVER'S LICENSE COMPACT. (a) The department may suspend or revoke the license of a resident or the operating privilege of a nonresident to operate a motor vehicle in this state on receipt of notice of a conviction of the individual in another state or a Canadian province of an offense that, if committed in this state, would be grounds for the suspension or revocation of a driver's license.

(b) The department may give the same effect to the conduct of a resident of this state that occurs in another state or Canadian province that the department may give to conduct that occurs in this

state under state law.

(c) The department may seek the suspension of the license of a person who has failed to comply with the terms of a citation to which Chapter 523 applies.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.299 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.307. SUSPENSION OF CERTAIN PROVISIONAL LICENSES.

(a) On the recommendation of a juvenile court with jurisdiction over the holder of a provisional license, the department shall suspend a provisional license if it is found by the juvenile court that the provisional license holder has committed:

(1) an offense that would be classified as a felony if the license holder were an adult; or

(2) a misdemeanor in which a motor vehicle was used to travel to or from the scene of the offense, other than an offense specified by Chapter 729.

(b) The department shall suspend the license for the period set by the juvenile court but not to exceed one year.

(c) The court shall report its recommendation promptly to the department in the manner and form prescribed by the department. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.300 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.308. APPEAL; JUDICIAL REVIEW. (a) A person whose driver's license suspension or revocation has been sustained by a presiding officer under this subchapter may appeal the decision of the presiding officer.

(b) To appeal the decision of the presiding officer, the person must file a petition not later than the 30th day after the date on which the department order was entered in the county court at law of the county in which the person resides, or, if there is no county court at law, in the county court. The person must send a file-stamped copy of the petition, certified by the clerk of the court in which the petition is filed, to the department by certified

mail.

(c) The court shall notify the department of the hearing not later than the 31st day before the date the court sets for the hearing.

(d) The court shall take testimony, examine the facts of the case, and determine whether the petitioner is subject to the suspension or revocation of a license under this subchapter.

(e) A trial on appeal is a trial de novo, and the person has the right to trial by jury.

(f) The filing of a petition of appeal as provided by this section stays an order of suspension, probated suspension, or revocation until the earlier of the 91st day after the date the appeal petition is filed or the date the trial is completed and final judgment is rendered.

(g) On expiration of the stay, the department shall impose the suspension, probated suspension, or revocation. The stay may not be extended, and an additional stay may not be granted.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.302 and amended by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.309. PROBATION OF SUSPENSION. (a) On determining that a license shall be suspended, the presiding officer who conducts a hearing under this subchapter, or the court that tries an appeal under this subchapter, may recommend that the suspension be probated on any terms and conditions considered necessary or proper by the presiding officer or court, if it appears that justice and the best interests of the public and the person will be served by the probation.

(b) The revocation of a license may not be probated.

(c) The report to the department of the results of the hearing must include any terms and conditions of the probation.

(d) If probation is recommended, the department shall probate the suspension.

(e) If a presiding officer or a court probates a suspension of a license under this section, the probationary period shall be for a term of not less than 90 days or more than two years.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.  
Renumbered from Sec. 521.303 and amended by Acts 1999, 76th Leg.,  
ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.310. PROBATION VIOLATION. (a) If the director believes that a person who has been placed on probation under Section 521.309 has violated a term or condition of the probation, the director shall notify the person and summon the person to appear at a hearing in the court or before the presiding officer or judge who recommended that the person be placed on probation after notice as provided by Sections 521.295 and 521.296.

(b) The issue at the hearing under this section is whether a term or condition of the probation has been violated. The presiding officer or judge presiding at the hearing shall report the finding to the department. If the finding is that a term or condition of the probation has been violated, the department shall take the action as determined in the original hearing.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.  
Renumbered from Sec. 521.304 and amended by Acts 1999, 76th Leg.,  
ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.311. EFFECTIVE DATE OF ORDER. Except as provided by another section of this subchapter to the contrary, a decision under this subchapter takes effect on the 11th day after the date on which an order is rendered.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.  
Renumbered from Sec. 521.305 and amended by Acts 1999, 76th Leg.,  
ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.312. PERIOD OF SUSPENSION OR REVOCATION;  
REINSTATEMENT OF LICENSE. (a) Revocation of a license is for an indefinite period.

(b) Except as provided by Subsection (c), Section 521.293(b), or Subchapter O, the department may not suspend a license for a period that exceeds one year.

(c) The department may not reinstate a license revoked under Section 521.294(5) until the court that filed the report for which



the license was revoked files an additional report on final disposition of the case.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.90, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 27, eff. Sept. 1, 1999. Renumbered from Sec. 521.306 and amended by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.313. REINSTATEMENT AND REISSUANCE; FEE. (a) A license suspended or revoked under this subchapter may not be reinstated or another license issued to the person until the person pays the department a fee of \$100 in addition to any other fee required by law.

(b) The payment of a reinstatement fee is not required if a suspension or revocation under this subchapter is:

- (1) rescinded by the department; or
- (2) not sustained by a presiding officer or a court.

(c) Each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

Added by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000. Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 11.02, eff. Sept. 1, 2003.

Sec. 521.314. CANCELLATION AUTHORITY. The department may cancel a license or certificate if it determines that the holder:

- (1) was not entitled to the license or certificate; or
- (2) failed to give required information in the application for the license or certificate.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.307 and amended by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.315. SURRENDER OF LICENSE; RETURN. (a) On the suspension, cancellation, disqualification, or revocation of a license by the department, the department may require the holder to surrender the license to the department.

(b) The department shall return a suspended license to the

holder on the expiration of the suspension period.

(c) A person commits an offense if the person's license has been demanded in accordance with Subsection (a) and the person fails or refuses to surrender the license to the department.

(d) An offense under this section is a Class B misdemeanor. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 884, Sec. 1, eff. Sept. 1, 1999. Renumbered from Sec. 521.308 and amended by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000; Acts 2001, 77th Leg., ch. 933, Sec. 1, eff. Sept. 1, 2001.

Sec. 521.316. SUSPENDED FOREIGN LICENSE. A person whose driver's license or privilege to operate a vehicle in this state is suspended or revoked under this chapter may not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other state or Canadian province during the suspension period or after the revocation until a new license is obtained as provided by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 521.309 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.317. DENIAL OF LICENSE RENEWAL AFTER WARNING. The department may deny the renewal of the driver's license of a person about whom the department has received information under Section 706.004 until the date the department receives a notification from the political subdivision under Section 706.005 that there is no cause to deny the renewal based on the person's previous failure to appear for a complaint, citation, or court order to pay a fine involving a violation of a traffic law.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.91(a), eff. Sept. 1, 1997. Renumbered from Sec. 521.310 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.318. NONRESIDENTS. (a) The department may suspend or revoke a nonresident's operating privilege in the same

manner and for the same causes as a driver's license issued under this chapter.

(b) On receipt of a record of conviction of a nonresident in this state under the motor vehicle laws of this state, the department may forward a certified copy of the record to the motor vehicle administrator of the state or Canadian province of which the convicted person is a resident.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.  
Renumbered from Sec. 521.311 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.319. REVOCATION FOR MEDICAL REASONS. (a) A person may not operate a motor vehicle if the person:

(1) is a chemically dependent person who:

(A) is likely to cause serious harm to the person or to others; or

(B) will, if not treated, continue to suffer abnormal mental, emotional, or physical distress, or to deteriorate in ability to function independently; or

(2) has been determined by a judgment of a court to be totally incapacitated or incapacitated to act as the operator of a motor vehicle.

(b) The driver's license of a person is revoked on:

(1) the judgment of a court that the person is totally incapacitated or incapacitated to act as the operator of a motor vehicle; or

(2) the order of a court of involuntary treatment of the person under Subchapter D, Chapter 462, Health and Safety Code.

(c) If the person has not been issued a driver's license, the judgment or order of a court under Subsection (b) automatically prohibits the department from issuing a driver's license to the person.

(d) The clerk of the court that renders a judgment or enters an order under Subsection (b) shall notify the department of the court's judgment or order before the 10th day after the date the court renders the judgment or enters the order.

(e) The revocation of a driver's license under Subsection

(b) or the prohibition against the issuance of a driver's license under Subsection (c) expires on the date on which:

(1) the person is:

(A) restored to capacity by judicial decree; or

(B) released from a hospital for the mentally incapacitated on a certificate of the superintendent or administrator that the person has regained capacity; or

(2) the order of involuntary treatment of the chemically dependent person expires.

(f) Before the 10th day after the date under Subsection (e)(1)(A) or (2), the clerk of the appropriate court shall notify the department that:

(1) the person has been restored to capacity by judicial decree; or

(2) the order of involuntary treatment has expired or has been terminated under Section 462.080(d), Health and Safety Code.

(g) Before the 10th day after the date under Subsection (e)(1)(B), the superintendent or administrator of the hospital shall notify the department that the person has been released from the hospital on a certificate that the person has regained capacity.

(h) In this section:

(1) "Chemically dependent person" means a person with chemical dependency.

(2) "Chemical dependency" and "treatment" have the meanings assigned by Section 462.001, Health and Safety Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.92(a), eff. Sept. 1, 1997. Renumbered from Sec. 521.312 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

Sec. 521.320. SUSPENSION FOR CERTAIN CRIMINAL MISCHIEF; LICENSE DENIAL. (a) A court may order the department to suspend a person's driver's license on conviction of an offense under Section 28.08, Penal Code.

(b) A court may order the department to deny an application

for reinstatement or issuance of a driver's license to a person convicted of an offense under Section 28.08, Penal Code, who, on the date of the conviction, did not hold a driver's license.

(c) The period of suspension under this section is one year after the date of a final conviction. The period of license denial is one year after the date the person applies to the department for reinstatement or issuance of a driver's license.

(d) The department may not reinstate a driver's license suspended under Subsection (a) unless the person whose license was suspended applies to the department for reinstatement.

(e) A person whose license is suspended under Subsection (a) remains eligible to receive an occupational license under Subchapter L.

(f) For the purposes of this section, a person is convicted of an offense regardless of whether sentence is imposed or the person is placed on community supervision for the offense under Article 42.12, Code of Criminal Procedure.

Added by Acts 1997, 75th Leg., ch. 593, Sec. 5, eff. Sept. 1, 1997.

Renumbered from Sec. 521.314 by Acts 1999, 76th Leg., ch. 1117, Sec. 1, eff. Sept. 1, 2000.

#### SUBCHAPTER O. AUTOMATIC SUSPENSION

Sec. 521.341. REQUIREMENTS FOR AUTOMATIC LICENSE SUSPENSION. Except as provided by Sections 521.344(d)-(i), a license is automatically suspended on final conviction of the license holder of:

(1) an offense under Section 19.05, Penal Code, committed as a result of the holder's criminally negligent operation of a motor vehicle;

(2) an offense under Section 38.04, Penal Code, if the holder used a motor vehicle in the commission of the offense;

(3) an offense under Section 49.04 or 49.08, Penal Code;

(4) an offense under Section 49.07, Penal Code, if the holder used a motor vehicle in the commission of the offense;

(5) an offense punishable as a felony under the motor vehicle laws of this state;

- (6) an offense under Section 550.021;
- (7) an offense under Section 521.451 or 521.453; or
- (8) an offense under Section 19.04, Penal Code, if the

holder used a motor vehicle in the commission of the offense.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.93(a), eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 728, Sec. 20.004, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 652, Sec. 1, eff. September 1, 2007.

Sec. 521.342. PERSON UNDER 21 YEARS OF AGE. (a) Except as provided by Section 521.344, the license of a person who was under 21 years of age at the time of the offense, other than an offense classified as a misdemeanor punishable by fine only, is automatically suspended on conviction of:

- (1) an offense under Section 49.04 or 49.07, Penal Code, committed as a result of the introduction of alcohol into the body;

- (2) an offense under the Alcoholic Beverage Code, other than an offense to which Section 106.071 of that code applies, involving the manufacture, delivery, possession, transportation, or use of an alcoholic beverage;

- (3) a misdemeanor offense under Chapter 481, Health and Safety Code, for which Subchapter P does not require the automatic suspension of the license;

- (4) an offense under Chapter 483, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of a dangerous drug; or

- (5) an offense under Chapter 485, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of an abusable volatile chemical.

(b) The department shall suspend for one year the license of a person who is under 21 years of age and is convicted of an offense under Section 49.04, 49.07, or 49.08, Penal Code, regardless of whether the person is required to attend an educational program

under Section 13(h), Article 42.12, Code of Criminal Procedure, that is designed to rehabilitate persons who have operated motor vehicles while intoxicated, unless the person is placed under community supervision under that article and is required as a condition of the community supervision to not operate a motor vehicle unless the vehicle is equipped with the device described by Section 13(i) of that article. If the person is required to attend such a program and does not complete the program before the end of the person's suspension, the department shall suspend the person's license or continue the suspension, as appropriate, until the department receives proof that the person has successfully completed the program. On the person's successful completion of the program, the person's instructor shall give notice to the department and to the community supervision and corrections department in the manner provided by Section 13(h), Article 42.12, Code of Criminal Procedure.

(c) A person whose license is suspended under Subsection (a) remains eligible to receive an occupational license under Subchapter L. Suspension under Subsection (a) is not a suspension for physical or mental disability or impairment for purposes of eligibility to apply for an occupational license under Subchapter L.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.94(a), 30.95(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1013, Sec. 20, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 580, Sec. 9, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 861, Sec. 1, eff. Sept. 1, 2003.

Sec. 521.343. PERIOD OF SUSPENSION; EXTENSION.

(a) Except as provided by Sections 521.342(b), 521.344(a), (b), (d), (e), (f), (g), (h), and (i), 521.345, 521.346, 521.3465, and 521.351, a suspension under this subchapter is for one year.

(b) If a license is suspended under this subchapter for a subsequent period, the subsequent suspension is for 18 months except as otherwise provided by a section listed in Subsection (a).

(c) If the license holder is convicted of operating a motor vehicle while the license to operate a motor vehicle is cancelled,

disqualified, suspended, revoked, or denied, the period is extended for the same term as the original suspension or disqualification, in addition to any penalty assessed under this chapter or Chapter 522.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 851, Sec. 3, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1056, Sec. 2, eff. September 1, 2005.

Sec. 521.344. SUSPENSION FOR OFFENSES INVOLVING INTOXICATION. (a) Except as provided by Sections 521.342(b) and 521.345, and by Subsections (d)-(i), if a person is convicted of an offense under Section 49.04 or 49.07, Penal Code, the license suspension:

(1) begins on a date set by the court that is not earlier than the date of the conviction or later than the 30th day after the date of the conviction, as determined by the court; and

(2) continues for a period set by the court according to the following schedule:

(A) not less than 90 days or more than one year, if the person is punished under Section 49.04 or 49.07, Penal Code, except that if the person's license is suspended for a second or subsequent offense under Section 49.07 committed within five years of the date on which the most recent preceding offense was committed, the suspension continues for a period of one year;

(B) not less than 180 days or more than two years, if the person is punished under Section 49.09(a) or (b), Penal Code; or

(C) not less than one year or more than two years, if the person is punished under Section 49.09(a) or (b), Penal Code, and is subject to Section 49.09(h) of that code.

(b) Except as provided by Section 521.342(b), if a person is convicted of an offense under Section 49.08, Penal Code, the license suspension:

(1) begins on a date set by the court that is not earlier than the date of the conviction or later than the 30th day



after the date of the conviction, as determined by the court; and

(2) continues for a period set by the court of not less than 180 days or more than two years, except that if the person's license is suspended for a second or subsequent offense under Section 49.08, Penal Code, committed within 10 years of the date on which the most recent preceding offense was committed, the suspension continues for a period set by the court of not less than one year or more than two years.

(c) The court shall credit toward the period of suspension a suspension imposed on the person for refusal to give a specimen under Chapter 724 if the refusal followed an arrest for the same offense for which the court is suspending the person's license under this chapter. The court may not extend the credit to a person:

(1) who has been previously convicted of an offense under Section 49.04, 49.07, or 49.08, Penal Code; or

(2) whose period of suspension is governed by Section 521.342(b).

(d) Except as provided by Subsection (e) and Section 521.342(b), during a period of probation the department may not revoke the person's license if the person is required under Section 13(h) or (j), Article 42.12, Code of Criminal Procedure, to successfully complete an educational program designed to rehabilitate persons who have operated motor vehicles while intoxicated, unless the person was punished under Section 49.09(a) or (b), Penal Code, and was subject to Section 49.09(h) of that code. The department may not revoke the license of a person:

(1) for whom the jury has recommended that the license not be revoked under Section 13(g), Article 42.12, Code of Criminal Procedure; or

(2) who is placed under community supervision under that article and is required as a condition of community supervision to not operate a motor vehicle unless the vehicle is equipped with the device described by Section 13(i) of that article, unless the person was punished under Section 49.09(a) or (b), Penal Code, and was subject to Section 49.09(g) of that code.

(e) After the date has passed, according to department

records, for successful completion of the educational program designed to rehabilitate persons who operated motor vehicles while intoxicated, the director shall revoke the license of a person who does not successfully complete the program or, if the person is a resident without a license to operate a motor vehicle in this state, shall issue an order prohibiting the person from obtaining a license.

(f) After the date has passed, according to department records, for successful completion of an educational program for repeat offenders as required by Section 13, Article 42.12, Code of Criminal Procedure, the director shall suspend the license of a person who does not successfully complete the program or, if the person is a resident without a license, shall issue an order prohibiting the person from obtaining a license.

(g) A revocation, suspension, or prohibition order under Subsection (e) or (f) remains in effect until the department receives notice of successful completion of the educational program. The director shall promptly send notice of a revocation or prohibition order issued under Subsection (e) or (f) by first class mail to the person at the person's most recent address as shown in the records of the department. The notice must include the date of the revocation or prohibition order, the reason for the revocation or prohibition, and a statement that the person has the right to request in writing that a hearing be held on the revocation or prohibition. Notice is considered received on the fifth day after the date the notice is mailed. A revocation or prohibition under Subsection (e) or (f) takes effect on the 30th day after the date the notice is mailed. The person may request a hearing not later than the 20th day after the date the notice is mailed. If the department receives a request under this subsection, the department shall set the hearing for the earliest practical time and the revocation or prohibition does not take effect until resolution of the hearing.

(h) The hearing shall be held in a municipal or justice court in the county of the person's residence in the manner provided for a suspension hearing under Subchapter N. The issues to be determined at the hearing are whether the person has successfully

completed a required educational program and whether the period for completion of the program has passed. If the presiding officer determines that the educational program has not been completed and the period for completion has passed, the officer shall confirm the revocation or prohibition and shall notify the department of that fact. The director may not revoke or prohibit the license if the officer finds that the program has been completed, that, before the hearing, the court that originally imposed the requirement to attend an educational program has granted an extension that has not expired, or that the period for completion has not passed. If the person or the person's agent fails to appear at the hearing, the department shall revoke the person's license until the department receives notice of successful completion of the educational program.

(i) On the date that a suspension order under Section 521.343(c) is to expire, the period of suspension or the corresponding period in which the department is prohibited from issuing a license is automatically increased to two years unless the department receives notice of successful completion of the educational program as required by Section 13, Article 42.12, Code of Criminal Procedure. At the time a person is convicted of an offense under Section 49.04, Penal Code, the court shall warn the person of the effect of this subsection. On the person's successful completion of the program, the person's instructor shall give notice to the department and to the community supervision and corrections department in the manner required by Section 13, Article 42.12, Code of Criminal Procedure. If the department receives proof of completion after a period has been extended under this subsection, the department shall immediately end the suspension or prohibition.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.96(a), eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 580, Sec. 10, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1409, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1117, Sec. 2, eff. Sept. 1, 2000; Acts 2001, 77th Leg., ch. 969, Sec. 6, 7, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1275, Sec. 3(41), eff. Sept. 1, 2003.

Sec. 521.345. SUSPENSION ON ORDER OF JUVENILE COURT OR ON ORDER OF COURT BASED ON ALCOHOLIC BEVERAGE VIOLATION BY MINOR.

(a) The department shall suspend the license of a person on receipt of an order to suspend the license that is issued by:

(1) a juvenile court under Section 54.042, Family Code; or

(2) a court under Section 106.115, Alcoholic Beverage Code.

(b) The period of suspension is for the period specified in the order.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.97(a), eff. Sept. 1, 1997.

Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. (a) The department shall suspend or deny the issuance of a license or instruction permit on receipt of an order to suspend or deny the issuance of the license or permit from a justice or municipal court under Article 45.050, Code of Criminal Procedure.

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

Added by Acts 2003, 78th Leg., ch. 283, Sec. 56, eff. Sept. 1, 2003.

Sec. 521.3452. PROCEDURE IN CASES INVOLVING MINORS. (a) A court shall report to the department a person charged with a traffic offense under this chapter who does not appear before the court as required by law.

(b) In addition to any other action or remedy provided by law, the department may deny renewal of the person's driver's license under Section 521.317 or Chapter 706.

(c) The court shall also report to the department on final disposition of the case.

Added by Acts 2005, 79th Leg., Ch. 949, Sec. 49, eff. September 1,

2005.

Sec. 521.346. SUSPENSION ON CONVICTION OF CERTAIN FRAUDULENT ACTIVITIES. (a) If an individual is convicted of an offense under Section 521.451 or 521.453, the period of suspension shall be for the period set by the court of not less than 90 days or more than one year.

(b) If the court does not set the period, the department shall suspend the license for one year.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.3465. AUTOMATIC SUSPENSION ON CONVICTION OF CERTAIN OFFENSES INVOLVING FICTITIOUS MOTOR VEHICLE LICENSE PLATES, REGISTRATION INSIGNIA, OR SAFETY INSPECTION CERTIFICATES.

(a) A license is automatically suspended on final conviction of the license holder of:

(1) an offense under Section 502.409(a)(4); or

(2) an offense under Section 548.603(a)(1) that involves a fictitious safety inspection certificate.

(b) A suspension under this section is for 180 days.

(c) If the person is a resident of this state without a driver's license to operate a motor vehicle, the director shall issue an order prohibiting the person from being issued a driver's license before the 181st day after the date of the conviction.

Added by Acts 1997, 75th Leg., ch. 851, Sec. 4, eff. Sept. 1, 1997.

Sec. 521.3466. AUTOMATIC REVOCATION FOR OFFENSE INVOLVING CERTAIN FRAUDULENT GOVERNMENTAL RECORDS. (a) A license is automatically revoked on final conviction of the license holder of an offense under Section 37.10, Penal Code, if the governmental record was a motor vehicle license plate or registration insignia, within the meaning of Chapter 502, or a safety inspection certificate, within the meaning of Chapter 548.

(b) If the person is a resident of this state without a driver's license to operate a motor vehicle, the director shall issue an order prohibiting the person from being issued a driver's license until the second anniversary of the date of the conviction.

(c) Section 521.347 applies to a conviction under Section 37.10, Penal Code, in the same manner that section applies to a conviction of an offense that requires automatic suspension of a person's driver's license.

(d) The department may not issue a driver's license to the person before the second anniversary of the date of the conviction. The department may issue a driver's license to the person only if the person:

- (1) applies to the department for the license;
- (2) is otherwise qualified for the license; and
- (3) pays, in addition to the fee required by Section 521.421, a fee of \$100.

(e) Each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

Added by Acts 1997, 75th Leg., ch. 851, Sec. 4, eff. Sept. 1, 1997.  
Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 11.03, eff. Sept. 1, 2003.

Sec. 521.347. REPORTS; RECOMMENDED SUSPENSION. (a) The court in which a person is convicted of an offense for which this chapter or Chapter 522 requires automatic suspension of the person's driver's license may require the person to surrender to the court each driver's license held by the person. Not later than the 10th day after the date on which the license is surrendered to the court, the clerk of the court shall send to the department:

- (1) the license; and
- (2) a record of the conviction that states whether the vehicle involved in the offense was a commercial motor vehicle as defined by Chapter 522 or was involved in the transport of hazardous materials.

(b) Each court with jurisdiction of an offense under this chapter or another law of this state regulating the operation of a motor vehicle on a highway shall send to the department a record of conviction of any person convicted in the court of such a violation. The court may recommend the suspension of the person's driver's license as provided by Subchapter N.

(c) For purposes of this section, "conviction" means a final

conviction. A conviction is a final conviction regardless of whether any portion of the sentence for the conviction was suspended or probated but is not a final conviction if the defendant receives a deferred adjudication in the case or if the court defers final disposition of the case, unless the court subsequently proceeds with an adjudication of guilt and imposes a sentence on the defendant. For purposes of this section, a final judgment of forfeiture of bail or collateral deposited to secure a defendant's appearance in court is a conviction if the forfeiture is not vacated.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 581, Sec. 1, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 884, Sec. 2, eff. Sept. 1, 1999.

Sec. 521.348. AUTOMATIC REVOCATION FOR CERTAIN SEX OFFENDERS. (a) A driver's license is automatically revoked if the holder of the license:

(1) is subject to the registration requirements of Chapter 62, Code of Criminal Procedure; and

(2) fails to apply to the department for renewal of the license as required by Article 62.060, Code of Criminal Procedure.

(b) The department may issue a driver's license to a person whose license is revoked under this section only if the person:

(1) applies for an original or renewal license under Section 521.272; and

(2) is otherwise qualified for the license.

Added by Acts 1999, 76th Leg., ch. 1401, Sec. 9, eff. Sept. 1, 2000.

Amended by:

Acts 2005, 79th Leg., Ch. 1008, Sec. 2.14, eff. September 1, 2005.

Sec. 521.349. ACQUIRING MOTOR FUEL WITHOUT PAYMENT: AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) A person's driver's license is automatically suspended on final conviction of an offense under Section 31.03, Penal Code, if the judgment in the case contains a special affirmative finding under Article 42.019, Code of Criminal Procedure.

(b) The department may not issue a driver's license to a person convicted of an offense specified in Subsection (a) who, on the date of the conviction, did not hold a driver's license.

(c) The period of suspension under this section is the 180 days after the date of a final conviction, and the period of license denial is the 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which event the period of suspension is one year after the date of a final conviction, and the period of license denial is one year after the date the person applies to the department for reinstatement or issuance of a driver's license.

Added by Acts 2001, 77th Leg., ch. 359, Sec. 2, eff. Sept. 1, 2001.

Sec. 521.350. SUSPENSION FOR OFFENSE RELATING TO RACING OF MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET. (a) A license is automatically suspended on conviction of an offense under Section 545.420(a).

(b) A suspension under this section is for one year, except as provided by this section.

(c) A person whose license is suspended under Subsection (a) remains eligible to receive an occupational license under Subchapter L, except that an occupational license issued to a person younger than 18 years of age whose license is suspended under this section may permit the operation of a motor vehicle only for transportation to and from an educational facility in which the person is enrolled and the place where the person resides.

(d) A person whose license is suspended under Subsection (a) shall be required by the court in which the person was convicted to perform at least 10 hours of community service as ordered by the court. If the person is a resident of this state without a driver's license to operate a motor vehicle, the court shall issue an order prohibiting the department from issuing the person a driver's license before the person completes the community service. Community service required under this subsection is in addition to any community service required of the person as a condition of



community supervision under Section 16, Article 42.12, Code of Criminal Procedure.

(e) If a person who is required to perform community service under Subsection (d) completes that community service before the end of the person's license suspension, the person may apply to the department for reinstatement of the person's license or the issuance of a new license. The application must include proof satisfactory to the department that the person has performed the community service.

(f) If a person whose license is suspended under this section is subsequently convicted of an offense under Section 521.457(a) during the period of license suspension, in addition to the penalties provided by Section 521.457, the department shall revoke the person's license until the first anniversary of the date of conviction and may not reinstate the person's license or issue the person a new license before that date.

Added by Acts 2003, 78th Leg., ch. 535, Sec. 2, eff. Sept. 1, 2003.

Sec. 521.351. PURCHASE OF ALCOHOL FOR MINOR OR FURNISHING ALCOHOL TO MINOR: AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) A person's driver's license is automatically suspended on final conviction of an offense under Section 106.06, Alcoholic Beverage Code.

(b) The department may not issue a driver's license to a person convicted of an offense under Section 106.06, Alcoholic Beverage Code, who, on the date of the conviction, did not hold a driver's license.

(c) The period of suspension under this section is the 180 days after the date of a final conviction, and the period of license denial is the 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which event the period of suspension is one year after the date of a final conviction, and the period of license denial is one year after the date the person applies to the department for reinstatement or issuance of a driver's license.

Added by Acts 2005, 79th Leg., Ch. 1056, Sec. 3, eff. September 1, 2005.

SUBCHAPTER P. AUTOMATIC SUSPENSION FOR CERTAIN DRUG OFFENSES

Sec. 521.371. DEFINITIONS. In this subchapter:

(1) "Controlled Substances Act" means the federal Controlled Substances Act (21 U.S.C. Sec. 801 et seq.).

(2) "Convicted" includes an adjudication under juvenile proceedings.

(3) "Drug offense" has the meaning assigned under 23 U.S.C. Section 159(c) and includes an offense under Section 49.04, 49.07, or 49.08, Penal Code, that is committed as a result of the introduction into the body of any substance the possession of which is prohibited under the Controlled Substances Act.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.372. AUTOMATIC SUSPENSION; LICENSE DENIAL.

(a) A person's driver's license is automatically suspended on final conviction of:

(1) an offense under the Controlled Substances Act;

(2) a drug offense; or

(3) a felony under Chapter 481, Health and Safety Code, that is not a drug offense.

(b) The department may not issue a driver's license to a person convicted of an offense specified in Subsection (a) who, on the date of the conviction, did not hold a driver's license.

(c) Except as provided by Section 521.374(b), the period of suspension under this section is the 180 days after the date of a final conviction, and the period of license denial is the 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.373. REINSTATEMENT REQUIREMENTS. (a) The

department may not reinstate a driver's license suspended under Section 521.372 unless the person whose license was suspended applies to the department for reinstatement.

(b) The department may not reinstate the driver's license of a person convicted of an offense specified by Section 521.372(a) if the driver's license was under suspension on the date of the conviction.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.374. EDUCATIONAL PROGRAM. (a) A person whose license is suspended under Section 521.372 may attend an educational program, approved by the Texas Commission on Alcohol and Drug Abuse under rules adopted by the commission and the department, that is designed to educate persons on the dangers of drug abuse.

(b) The period of suspension or prohibition under Section 521.372(c) continues for an indefinite period until the individual successfully completes the educational program.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas Commission on Alcohol and Drug Abuse and the department shall jointly adopt rules for the qualification and approval of providers of educational programs under Section 521.374.

(b) The Texas Commission on Alcohol and Drug Abuse shall publish the jointly adopted rules.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.376. DUTIES OF TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE; APPLICATION AND RENEWAL FEES. The Texas Commission on Alcohol and Drug Abuse:

(1) shall monitor, coordinate, and provide training to persons who provide educational programs under Section 521.374;

(2) shall administer the approval of those educational programs; and

(3) may charge a nonrefundable application fee for:

(A) initial certification of approval; and

(B) renewal of the certification.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 577, Sec. 19, eff. Sept. 1, 1997.

Sec. 521.377. LICENSE REINSTATEMENT. (a) The department, on payment of the applicable fee, shall reinstate a person's license or, if the person otherwise qualifies for a license, issue the license, if:

(1) the department receives notification from the clerk of the court in which the person was convicted that the person has successfully completed an educational program under this subchapter; and

(2) the person's driver's license has been suspended or license application denied for at least the period provided by Section 521.372(c).

(b) A person whose license is suspended under Section 521.372 remains eligible to receive an occupational license under Subchapter L. Suspension under Section 521.372 is not a suspension for physical or mental disability or impairment for purposes of eligibility to apply for an occupational license under Subchapter L.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER Q. ANATOMICAL GIFTS

Sec. 521.401. STATEMENT OF GIFT. (a) A person who wishes to be an eye, tissue, or organ donor may execute a statement of gift.

(b) The statement of gift may be shown on a donor's driver's license or personal identification certificate or by a card designed to be carried by the donor to evidence the donor's intentions with respect to organ, tissue, and eye donation. A donor card signed by the donor shall be given effect as if executed pursuant to Section 692.003(d), Health and Safety Code.

(c) Donor cards shall be provided to the department by qualified organ or tissue procurement organizations or eye banks, as those terms are defined in Section 692.002, Health and Safety Code, or by the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49, Health and Safety Code. The department shall:

(1) provide to each applicant for the issuance of an

original, renewal, corrected, or duplicate driver's license or personal identification certificate who applies in person, by mail, over the Internet, or by other electronic means:

(A) the opportunity to indicate on the person's driver's license or personal identification certificate that the person is willing to make an anatomical gift, in the event of death, in accordance with Section 692.003, Health and Safety Code; and

(B) an opportunity for the person to consent in writing to the department's provision of the person's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the organization selected by the commissioner of state health services under Chapter 49, Health and Safety Code, for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and for release to qualified organ, tissue, and eye bank organizations; and

(2) provide a means to distribute donor cards to interested individuals in each office authorized to issue driver's licenses or personal identification certificates.

(d) An affirmative statement of gift on a person's driver's license or personal identification certificate executed after August 31, 2005, shall be conclusive evidence of a decedent's status as a donor and serve as consent for organ, tissue, and eye removal.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 225, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1186, Sec. 1, eff. June 18, 2005.

Sec. 521.402. REVOCATION OF STATEMENT OF GIFT. (a) To revoke an affirmative statement of gift on a person's driver's license or personal identification certificate, a person must apply to the department for an amendment to the license or certificate.

(b) The fee for an amendment is the same as the fee for a duplicate license.

(c) To have a person's name deleted from the statewide Internet-based registry of organ, tissue, and eye donors maintained

as provided by Chapter 49, Health and Safety Code, a person must provide written notice to the organization selected by the commissioner of state health services under that chapter to maintain the registry directing the deletion of the person's name from the registry. On receipt of a written notice under this subsection, the organization shall promptly remove the person's name and information from the registry.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 225, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1186, Sec. 2, eff. June 18, 2005.

Sec. 521.403. INFORMATION PROVIDED TO HOSPITAL. The donor card of a person who is involved in an accident or other trauma shall accompany the person to the hospital or other health care facility. The driver's license or personal identification certificate indicating an affirmative statement of gift of a person who is involved in an accident or other trauma shall accompany the person to the hospital or health care facility if the person does not have a donor card.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 225, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1186, Sec. 3, eff. June 18, 2005.

Sec. 521.404. NOTIFICATION TO PROCUREMENT ORGANIZATION. If the person meets the medical criteria for organ or tissue donation, the receiving hospital or facility shall immediately notify a qualified organ or tissue procurement organization as soon as brain death or cardiac death occurs.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER R. FEES

Sec. 521.421. LICENSE FEES; EXAMINATION FEES. (a) The fee for issuance or renewal of a license not otherwise provided for by this section is \$24.

(b) The fee for renewal of a Class M license or for renewal

of a license that includes authorization to operate a motorcycle is \$32.

(c) The fee for issuance or renewal of a provisional license or instruction permit is \$5.

(d) The fee for issuance or renewal of an occupational license is \$10.

(e) An applicant who changes from a lower to a higher class of license or who adds a type of vehicle other than a motorcycle to the license shall pay a \$10 fee for the required examination.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 510, Sec. 2

(f) The department shall collect an additional fee of \$1 for the issuance or renewal of a license to fund the Blindness Education, Screening, and Treatment Program established under Section 91.027, Human Resources Code, if the person applying for or renewing a license opts to pay the additional fee.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 1156, Sec.

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(f) An applicant applying for additional authorization to operate a motorcycle shall pay a \$15 fee for the required application.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 1372, Sec.

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(f) If a Class A, B, or C driver's license includes an authorization to operate a motorcycle or moped, the fee for the driver's license is increased by \$8.

(g) The department shall collect an additional fee of \$1 for the issuance or renewal of a license, including a duplicate license, a license issued to reflect an additional authorization or a change in classification, or a license issued or renewed over the Internet or by other electronic means, to pay the costs of the Donor Education, Awareness, and Registry Program of Texas, established

under Chapter 49, Health and Safety Code, and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code, if the person applying for, renewing, or changing a license opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

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

(i) The fee for issuance or renewal of a driver's license is \$8 for a license with an expiration date established under Section 521.2711.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 510, Sec. 2, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1156, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1372, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1516, Sec. 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 546, Sec. 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 21.002(20), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1186, Sec. 6, eff. June 18, 2005.

Acts 2007, 80th Leg., R.S., Ch. 37, Sec. 5, eff. September 1, 2007.

Sec. 521.422. PERSONAL IDENTIFICATION CERTIFICATE FEE.

(a) The fee for a personal identification certificate is:

- (1) \$15 for a person under 60 years of age;
- (2) \$5 for a person 60 years of age or older; and
- (3) \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

(b) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card to fund



the Blindness Education, Screening, and Treatment Program established under Section 91.027, Human Resources Code, if the person applying for or renewing a personal identification card opts to pay the additional fee.

(c) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Donor Education, Awareness, and Registry Program of Texas, established under Chapter 49, Health and Safety Code, and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code, if the person applying for or renewing a personal identification card opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 510, Sec. 3, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1372, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1516, Sec. 3, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 546, Sec. 7, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 21.002(21), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1186, Sec. 7, eff. June 18, 2005.

Sec. 521.424. DUPLICATE LICENSE OR CERTIFICATE FEE. The fee for a duplicate driver's license or duplicate personal identification certificate is \$10.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1249, Sec. 2, eff. September 1, 2005.

Sec. 521.425. REMITTANCE OF FEES AND CHARGES. Each fee or charge required by this chapter and collected by an officer or agent of the department shall be sent without deduction to the department in Austin.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.426. DISABLED VETERAN EXEMPTION. (a) Except as provided by Subsection (c), a veteran of service in the armed forces of the United States is exempt from the payment of fees under this chapter for the issuance of a driver's license if the veteran:

- (1) was honorably discharged;
- (2) has a service-related disability of at least 60 percent; and
- (3) receives compensation from the United States because of the disability.

(b) The department shall adopt rules relating to the proof of entitlement to this exemption.

(c) Subsection (a) does not apply to a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 546, Sec. 8, eff. Sept. 1, 2001.

Sec. 521.427. DISPOSITION OF FEES. (a) Except as provided by Subsections (b) and (c), each fee collected under this subchapter shall be deposited to the credit of the Texas mobility fund.

(b) Subsection (a) does not apply to:

(1) the portion of a fee collected under Section 521.421(b) or Section 521.421(f), as added by Chapter 1156, Acts of the 75th Legislature, Regular Session, 1997, that is required by Section 662.011 to be deposited to the credit of the motorcycle education fund account;

(2) a fee collected under Section 521.421(f), as added by Chapter 510, Acts of the 75th Legislature, Regular Session, 1997;

(3) a fee collected under Section 521.421(g); or

(4) a fee collected under Section 521.422(b) or (c).

(c) Repealed by Acts 2003, 78th Leg., 3rd C.S., ch. 8, Sec. 6.02.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 11.04, eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., 3rd C.S., ch. 8, Sec. 6.02(1), eff. Jan. 11, 2004.

#### SUBCHAPTER S. MISCELLANEOUS OFFENSES

Sec. 521.451. GENERAL VIOLATION. (a) Except as provided by Section 521.452, a person may not:

(1) display, cause or permit to be displayed, or have in the person's possession a driver's license or certificate that the person knows is fictitious or has been altered;

(2) lend the person's driver's license or certificate to another person or knowingly permit another person to use the person's driver's license or certificate;

(3) display or represent as the person's own a driver's license or certificate not issued to the person;

(4) possess more than one currently valid driver's license or more than one currently valid certificate; or

(5) in an application for an original, renewal, or duplicate driver's license or certificate:

(A) provide a false name, false address, or a counterfeit document; or

(B) knowingly make a false statement, conceal a material fact, or otherwise commit fraud.

(b) An offense under this section is a Class A misdemeanor.

(c) If conduct that constitutes an offense under Subsection (a) also constitutes an offense under Section 106.07, Alcoholic Beverage Code, the actor may be prosecuted only under Section 106.07, Alcoholic Beverage Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 659, Sec. 3, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 933, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1208, Sec. 1, eff. September 1, 2005.

Sec. 521.452. ALIAS DRIVER'S LICENSE FOR LAW ENFORCEMENT PURPOSES. (a) After written approval by the director, the department may issue to a law enforcement officer an alias driver's license to be used in supervised activities involving a criminal investigation.

(b) An application for, or possession or use of, an alias driver's license for a purpose described by this section by the officer to whom the license is issued is not a violation of this subchapter unless the department has canceled, suspended, or revoked the license.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.453. FICTITIOUS LICENSE OR CERTIFICATE.

(a) Except as provided by Subsection (f), a person under the age of 21 years commits an offense if the person possesses, with the intent to represent that the person is 21 years of age or older, a document that is deceptively similar to a driver's license or a personal identification certificate unless the document displays the statement "NOT A GOVERNMENT DOCUMENT" diagonally printed clearly and indelibly on both the front and back of the document in solid red capital letters at least one-fourth inch in height.

(b) For purposes of this section, a document is deceptively similar to a driver's license or personal identification certificate if a reasonable person would assume that it was issued by the department, another agency of this state, another state, or the United States.

(c) A peace officer listed in Article 2.12, Code of Criminal Procedure, may confiscate a document that:

(1) is deceptively similar to a driver's license or personal identification certificate; and

(2) does not display the statement required under Subsection (a).

(d) For purposes of this section, an offense under Subsection (a) is a Class C misdemeanor.

(e) The attorney general, district attorney, or prosecuting attorney performing the duties of the district attorney may bring

an action to enjoin a violation or threatened violation of this section. The action must be brought in a court in the county in which the violation or threatened violation occurs.

(f) Subsection (a) does not apply to:

(1) a government agency, office, or political subdivision that is authorized to produce or sell personal identification certificates; or

(2) a person that provides a document similar to a personal identification certificate to an employee of the person for a business purpose.

(g) In this section:

(1) "Driver's license" includes a driver's license issued by another state or by the United States.

(2) "Personal identification certificate" means a personal identification certificate issued by the department, by another agency of this state, by another state, or by the United States.

(h) In addition to the punishment provided by Subsection (d), a court, if the court is located in a municipality or county that has established a community service program, may order a person younger than 21 years of age who commits an offense under this section to perform eight hours of community service unless the person is shown to have previously committed an offense under this section, in which case the court may order the person to perform 12 hours of community service.

(i) If the person ordered to perform community service under Subsection (h) is younger than 17 years of age, the community service shall be performed as if ordered by a juvenile court under Section 54.044(a), Family Code, as a condition of probation under Section 54.04(d), Family Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 823, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1358, Sec. 1, eff. Sept. 1, 1997.

Sec. 521.454. FALSE APPLICATION. (a) A person commits an offense if the person knowingly swears to or affirms falsely before a person authorized to take statements under oath any matter,

information, or statement required by the department in an application for an original, renewal, or duplicate driver's license or certificate issued under this chapter.

(b) An information or indictment for a violation of Subsection (a) that alleges that the declarant has made inconsistent statements under oath, both of which cannot be true, need not allege which statement is false and the prosecution is not required to prove which statement is false.

(c) An offense under this section is a Class A misdemeanor. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 658, Sec. 1, eff. Sept. 1, 1999.

Sec. 521.455. USE OF ILLEGAL LICENSE OR CERTIFICATE.

(a) A person commits an offense if the person intentionally or knowingly uses a driver's license or certificate obtained in violation of Section 521.451 or 521.454 to harm or defraud another.

(b) An offense under this section is a Class A misdemeanor. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.456. DELIVERY OR MANUFACTURE OF COUNTERFEIT INSTRUMENT. (a) A person commits an offense if the person possesses with the intent to sell, distribute, or deliver a forged or counterfeit instrument that is not printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of, a person, board, agency, or authority authorized to do so under this chapter or under the laws of the United States, another state, or a Canadian province. An offense under this subsection is a Class A misdemeanor.

(b) A person commits an offense if the person manufactures or produces with the intent to sell, distribute, or deliver a forged or counterfeit instrument that the person knows is not printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of, a person, board, agency, or authority authorized to do so under this chapter or under the laws of the United States, another state, or a Canadian province. An offense under this subsection is a felony of the third degree.

(c) A person commits an offense if the person possesses with

the intent to use, circulate, or pass a forged or counterfeit instrument that is not printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of, a person, board, agency, or authority authorized to do so under this chapter or under the laws of the United States, another state, or a Canadian province. An offense under this subsection is a Class C misdemeanor.

(d) For purposes of this section, "instrument" means a driver's license, driver's license form, personal identification certificate, stamp, permit, license, official signature, certificate, evidence of fee payment, or any other instrument.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.99, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 823, Sec. 2, eff. Sept. 1, 1997.

Sec. 521.457. DRIVING WHILE LICENSE INVALID. (a) A person commits an offense if the person operates a motor vehicle on a highway:

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

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

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

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

(b) A person commits an offense if the person is the subject of an order issued under any law of this state that prohibits the person from obtaining a driver's license and the person operates a motor vehicle on a highway.

(c) It is not a defense to prosecution under this section that the person did not receive actual notice of a suspension imposed as a result of a conviction for an offense under Section 521.341.

(d) Except as provided by Subsection (c), it is an

affirmative defense to prosecution of an offense, other than an offense under Section 521.341, that the person did not receive actual notice of a cancellation, suspension, revocation, or prohibition order relating to the person's license. For purposes of this section, actual notice is presumed if the notice was mailed in accordance with law.

(e) Except as provided by Subsections (f) and (f-1), an offense under this section is a Class C misdemeanor.

(f) If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section or an offense under Section 601.371(a), as that law existed before September 1, 2003, the offense is a Class B misdemeanor.

(f-1) If it is shown on the trial of an offense under this section that the license of the person has previously been suspended as the result of an offense involving the operation of a motor vehicle while intoxicated, the offense is a Class B misdemeanor.

(g) For purposes of this section, a conviction for an offense that involves operation of a motor vehicle after August 31, 1987, is a final conviction, regardless of whether the sentence for the conviction is probated.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.98(a), eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1207, Sec. 6, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 855, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1027, Sec. 8, eff. September 1, 2007.

Sec. 521.458. PERMITTING UNAUTHORIZED PERSON TO DRIVE.

(a) A person may not knowingly permit or cause the person's child or ward who is under 18 years of age to operate a motor vehicle on a highway in violation of this chapter.

(b) A person may not authorize or knowingly permit a motor vehicle owned by or under the control of the person to be operated on a highway by any person in violation of this chapter.



Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.459. EMPLOYMENT OF UNLICENSED DRIVER.

(a) Before employing a person as an operator of a motor vehicle used to transport persons or property, an employer shall request from the department:

- (1) a list of convictions for traffic violations contained in the department records on the potential employee; and
- (2) a verification that the person has a license.

(b) A person may not employ a person as an operator of a motor vehicle used to transport persons or property who does not hold the appropriate driver's license to operate the vehicle as provided by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.460. MOTOR VEHICLE RENTALS. (a) A person may not rent a motor vehicle to any other person unless the other person holds a driver's license under this chapter or, if a nonresident, holds a license issued under the laws of the state or Canadian province in which the person resides, unless that state or province does not require that the operator of a motor vehicle hold a license.

(b) A person may not rent a motor vehicle to another person until inspecting the driver's license of the renter and comparing and verifying the signature on the renter's driver's license with the renter's signature written in the person's presence.

(c) Each person who rents a motor vehicle to another shall maintain a record of:

- (1) the number of the license plate issued for the motor vehicle;
- (2) the name and address of the person to whom the vehicle is rented;
- (3) the license number of the person to whom the vehicle is rented;
- (4) the date the license was issued; and
- (5) the place where the license was issued.

(d) The record maintained under Subsection (c) may be

inspected by any police officer or officer or employee of the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 521.461. GENERAL CRIMINAL PENALTY. (a) A person who violates a provision of this chapter for which a specific penalty is not provided commits an offense.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.