

TEXAS DEPARTMENT OF PUBLIC SAFETY

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OPINION COMMITTEE

January 3, 2002

FILE # ML-42363-02

I.D. # 42363

The Honorable John Cornyn
Attorney General
Opinion Committee
209 W. 14th Street
Austin, Texas 78701

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
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RQ-0490-JC

Dear General Cornyn:

Pursuant to Tex. Gov't Code Ann. § 402.042 (Vernon 1998), I am requesting an opinion regarding the domicile requirement for the issuance of a Commercial Driver License (CDL).

Specifically, we ask if addresses, given by students coming into Texas from out of state to attend commercial driving training centers in Texas, fall within the definition of "domicile" in Texas Transportation Code, Sec. 522.022(1).

Texas Transportation Code, Section 522.022(1), requires an applicant for a Texas CDL to have a domicile in Texas. Section 522.003(10) defines domicile as "the place where a person has the person's true, fixed, and permanent residence and to which the person intends to return whenever absent."

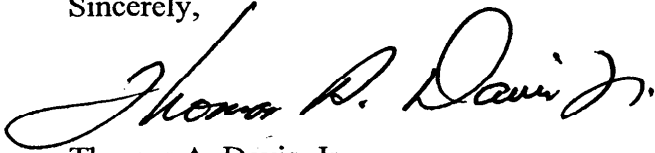
It has come to the Department's attention that there are a number of commercial driver training centers in Texas. These schools often attract students from outside the state to attend an extensive education course. The training is approximately one month long. During their stay in Texas, these individuals apply for a CDL learner's permit and eventually a Texas CDL. The address presented by the student during the application process is often either a hotel or dorm type facility provided by the school. A certain percentage of these applicants move to another state immediately or shortly after obtaining a Texas CDL and exchange it for a CDL from that other state.

Are hotels, motels, or dormitories "domiciles" for the purpose of obtaining a CDL? Can the Department consider a hotel, motel, and dormitory a domicile for purposes of obtaining a CDL? Even if the Department requires additional proof from the applicant that he is domiciled in Texas (such as a sworn statement from individuals that Texas is their intended place of permanent residence), there is no way to verify intent "to return whenever absent." Indeed, persons can move into Texas to attend a commercial driver training center with the intent of finding employment here

and making Texas their home. It is also a fact that some Texas residents live in motels and pay for their stay on a weekly or monthly basis. Other provisions of the law anticipate that a person can become a Texas "resident" within thirty days. For example, Transportation Code, Section 521.029 requires new state residents to apply for a Texas driver license within thirty days from entering the state.

On behalf of the Department of Public Safety, I respectfully request that you issue a written opinion on these issues.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Davis, Jr." with a stylized, cursive script.

Thomas A. Davis, Jr.
Director

TAD:MAC:js