

Moore
S B no 743

A BILL

TO BE ENTITLED

An Act

~~AN ACT~~ amending Article IV, Chapter 173, Acts of the 47th Legislature, 1941 (codified as Article 6687b of Vernon's Texas Civil Statutes), relating to the issuance of drivers' licenses and regulations pertaining thereto, by amending Section 25 and adding a new section providing for the issuance of an occupational license; providing for a court order relating to such occupational license; providing a penalty for violation; and declaring an emergency.

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

Section 1. Article 4, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (compiled as Article 6687b of Vernon's Texas Civil Statutes), is amended by adding a new section, to be known as Section 23A to read as follows:

"Section 23A. (a) Any person whose license has been suspended for causes other than physical or mental disability or impairment may file with the judge of the district court having jurisdiction within the county of his residence, a verified petition setting forth in detail an essential need for operating a motor vehicle in the performance of his occupation or trade. The hearing on the petition may be ex parte in nature. The judge hearing the petition shall enter an order either finding that no essential need exists for the operation of a motor vehicle in the performance of the occupation or trade of the petitioner or enter an order finding an essential need for operating a motor vehicle in the performance of the occupation or trade of the petitioner. In the event the judge enters the order finding an essential need as set out herein, he shall also, as part of such finding, determine the actual need of the petitioner in operating a motor vehicle in his occupation or trade and shall restrict the use of the motor vehicle to the petitioner's actual occupation or trade and the right to drive to and from the place of employment of the petitioner. Such restrictions shall be definite as to hours of the day, days of the week, type of occupation and areas or routes of travel to be permitted, except that in any event the petitioner shall not be allowed to operate a motor vehicle more than ten (10) hours in any twenty-four (24) consecutive hours. Unless further extended at the discretion of the District Court, orders entered by such court shall extend for a period of twelve (12) months or less from the date of the original suspension. A certified copy of the petition and the court order setting out the judge's finding and the restrictions shall be forwarded to the Department.

"(b) Upon receipt of the court order set out in (a) above and after compliance with the provisions of the Texas Safety Responsibility Law, Art. 6701h, Vernon's Texas Civil Statutes, the Department shall issue an occupational license, showing on its face the restrictions set out in the order of the court.

"(c) Any person who violates the restrictions on his occupational license shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended, and such occupational license shall be automatically cancelled.

"Provided, however, that in case of conviction for any of the offenses enumerated in Paragraph (a) of Section 24 of this Act, and the sentence of the court having been probated as provided in Articles 42.12 and 42.13 of the Texas Code of Criminal Procedure, such probation shall not mitigate against the suspension of the operator's, commercial operator's or chauffeur's license of the person convicted."

"~~Section~~ 2. The fact that the law relating to drivers' licenses is now discriminatory in that it deprives many persons of the privilege of following their occupations and earning a living creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted."

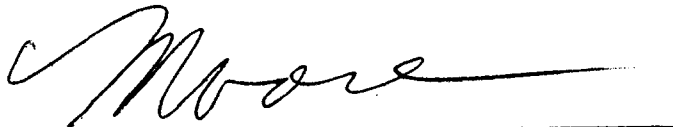
Austin, Texas

APRIL 17, 1969

Honorable Ben Barnes
President of the Senate

Sir:

We, your Committee on STATE AFFAIRS,
to which was referred S. B. No. 743, have had the same under
consideration, and I am instructed to report it back to the Senate
with the recommendation that it do not pass, but that the
Committee Substitute adopted in lieu thereof do pass and be
printed.


Chairman

CAS

By: Moore

S. B. No. 743

A BILL TO BE ENTITLED:

AN ACT

amending Article IV, Chapter 173, Acts of the 47th Legislature, 1941
(codified as Article 6687b of Vernon's Texas Civil Statutes),
relating to the issuance of drivers' licenses and regulations
pertaining thereto, by amending Section 25 and adding a new section
providing for the issuance of an occupational license; providing for
a court order relating to such occupational license; providing a
penalty for violation; and declaring an emergency. _____

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

Section 1. Article 4, Chapter 173, Acts of the
47th Legislature, Regular Session, 1941, as amended (compiled as
Article 6687b of Vernon's Texas Civil Statutes), is amended by adding
a new section, to be known as Section 23A to read as follows: _____

"Section 23A. (a) Any person whose license has been suspended
for causes other than physical or mental disability or impairment may
file with the judge of the district court having jurisdiction within
the county of his residence, a verified petition setting forth in
detail an essential need for operating a motor vehicle in the
performance of his occupation or trade. The hearing on the petition
may be ex parte in nature. The judge hearing the petition shall
enter an order either finding that no essential need exists for the
operation of a motor vehicle in the performance of the occupation or
trade of the petitioner or enter an order finding an essential need
for operating a motor vehicle in the performance of the occupation or
trade of the petitioner. In the event the judge enters the order
finding an essential need as set out herein, he shall also, as part
of such finding, determine the actual need of the petitioner in
operating a motor vehicle in his occupation or trade and shall
restrict the use of the motor vehicle to the petitioner's actual _____

occupation or trade and the right to drive to and from the place of employment of the petitioner. Such restrictions shall be definite as to hours of the day, days of the week, type of occupation and areas or routes of travel to be permitted, except that in any event the petitioner shall not be allowed to operate a motor vehicle more than ten (10) hours in any twenty-four (24) consecutive hours.

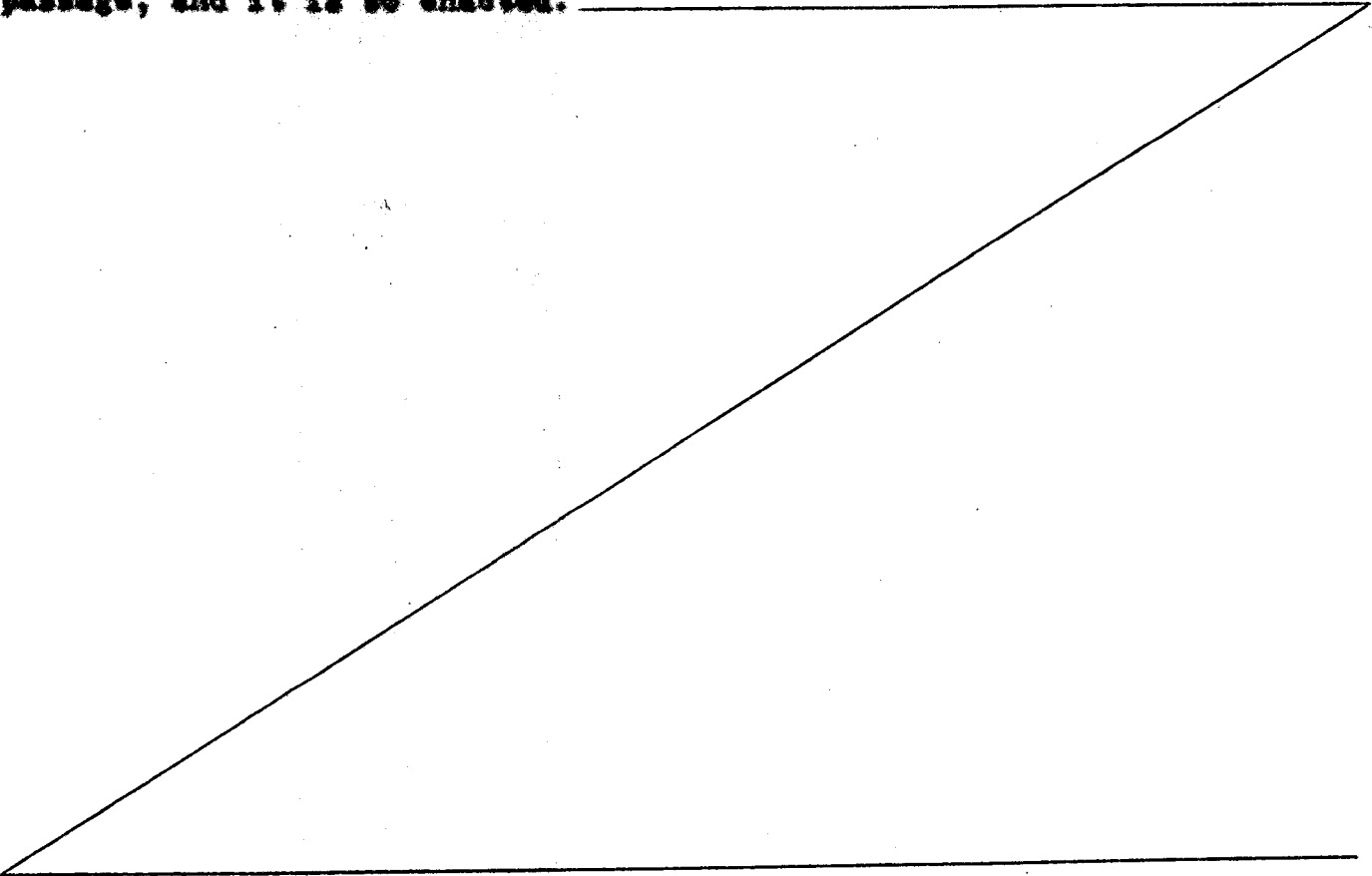
Unless further extended at the discretion of the district court, orders entered by such court shall extend for a period of twelve (12) months or less from the date of the original suspension. A certified copy of the petition and the court order setting out the judge's finding and the restrictions shall be forwarded to the Department. —

"(b) Upon receipt of the court order set out in (a) above and after compliance with the provisions of the Texas Safety Responsibility Law, Article 6701a, Vernon's Texas Civil Statutes, the Department shall issue an occupational license, showing on its face the restrictions set out in the order of the court. —

"(c) Any person who violates the restrictions on his occupational license shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended, and such occupational license shall be automatically cancelled. —

"Provided, however, that in case of conviction for any of the offenses enumerated in Paragraph (a) of Section 24 of this Act, and the sentence of the court having been probated as provided in Articles 42.12 and 42.13 of the Texas Code of Criminal Procedure, such probation shall not mitigate against the suspension of the operator's, commercial operator's or chauffeur's license of the person convicted." —

Sec. 2. The fact that the law relating to drivers' licenses is now discriminatory in that it deprives many persons of the privilege of following their occupations and earning a living creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted. _____



(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

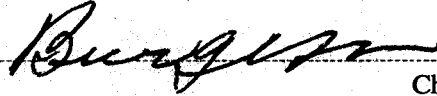
COMMITTEE REPORTDate 5-7-69,**HON. G. F. (GUS) MUTSCHER**

Speaker of the House of Representatives.

Sir:

We, your Committee on Highways & Roads, to whom was referred S.B. No. 743, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.



Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

By Moore
Referred to Highways and Roads

S. B. No. 743

Bill Analysis

Background

The law relating to driver's licenses is now discriminatory in that it deprives many persons of the privilege of following their occupations and earning a living.

Purpose

To provide for the issuance of an occupational license to certain people who have had their license suspended.

Section by section

Section 1: Allows a person who has had his license suspended, to file with the judge in his district a petition asking for an occupational license. If the judge grants him one, he is still restricted to driving 10 hours or less in each 24 hour day. The license is valid for twelve months or less (unless further extended by the District court), and a copy of the judge's findings is to be forwarded to the Department. The Department issues the occupational license, showing on its face the restrictions set out in the order of the court. Anyone violating the restrictions on his occupational license shall have that license cancelled, and be charged with driving without a license.

Section 2: Declares an emergency.

Summary of Committee Action:

The committee offered a committee substitute in the form of two amendments. The committee voted unanimously to suspend all necessary rules in order to take up and consider S.B. No. 743, as amended.

The Committee voted unanimously to send the bill back to the House with the recommendation that it do pass, as amended, and be printed.

COMMITTEE AMENDMENT
NO. 1

Stroud

Committee Amendment to S. B. 743

By: Stroud

Section 1. Amend S. B. 743 by deleting all language beneath the enacting clause and substituting in lieu thereof the following:

13 Section 1. Article 4, Chapter 173, Acts of the 47th Legislature, Regular
14 Session, 1941, as amended (compiled as Article 6687b of Vernon's Texas
15 Civil Statutes), is amended by adding a new section, to be known as Section
16 23A to read as follows:

17 "Sec. 23A. (a) Any person whose license has been suspended for causes
18 other than physical or mental disability or impairment may file with the
19 judge of the district court having jurisdiction within the county of his resi-
20 dence, a verified petition setting forth in detail an essential need for
21 operating a motor vehicle in the performance of his occupation or trade.
22 The hearing on the petition may be ex parte in nature. The judge hearing
23 the petition shall enter an order either finding that no essential need exists
24 for the operation of a motor vehicle in the performance of the occupation
25 or trade of the petitioner or enter an order finding an essential need for
26 operating a motor vehicle in the performance of the occupation or trade of
27 the petitioner. In the event the judge enters the order finding an essential
28 need as set out herein, he shall also, as part of such finding, determine
29 the actual need of the petitioner in operating a motor vehicle in his occupa-
30 tion or trade and shall restrict the use of the motor vehicle to the petitioner's
31 actual occupation or trade and the right to drive to and from the place of
32 employment of the petitioner. Such restrictions shall be definite as to hours

33 of the day, days of the week, type of occupation and areas or routes of
34 travel to be permitted, except that in any event the petitioner shall not be
35 allowed to operate a motor vehicle more than ten (10) hours in any twenty-
36 four (24) consecutive hours. Unless further extended at the discretion of
37 the District court, orders entered by such court shall extend for a period of
38 twelve (12) months or less from the date of the original suspension. A
39 certified copy of the petition and the court order setting out the judge's
40 finding and the restrictions shall be forwarded to the Department.

41 "(b) Upon receipt of the court order set out in (a) above and after com-
42 pliance with the provisions of the Texas Safety Responsibility Law, Article
43 6701h, Vernon's Texas Civil Statutes, the Department shall issue an
44 occupational license, showing on its face the restrictions set out in the order
45 of the court.

46 "(c) Any person who violates the restrictions on his occupational license
47 shall be guilty of a misdemeanor and upon conviction thereof shall be
48 punished in the same manner as one convicted of driving a motor vehicle
49 while license is suspended, and such occupational license shall be auto-
50 matically cancelled."

51 "Sec. 2. Section 25 (c) of Chapter 173, Acts of the 47th Legislature,
52 Regular Session, 1941, as amended (compiled as Article 6687b of Vernon's
53 Texas Civil Statutes), is amended so as to hereafter read as follows:

54 "(c) For the purpose of this Act, the term 'conviction' shall mean a final
55 conviction. Also, for the purpose of this Act, a forfeiture of bail or col-
56 lateral deposited to secure a defendant's appearance in court, which
57 forfeiture has not been vacated, shall be equivalent to a conviction."

58 ~~"Provided, however, that in case of conviction for any of the offenses~~
59 ~~enumerated in paragraph (a) of Section 2 of this Act, and the sentence of~~
60 ~~the court having been probated as provided in Articles 42.12 and 42.13,~~

nothing
was added

Shannon

1 of the Texas Code of Criminal Procedure, such probation shall not mitigate
2 against the suspension of the operator's, commercial operator's or
3 chauffeur's license of the person convicted.
4 Sec. 3. The fact that the law relating to drivers' licenses is now dis-
5 criminatory in that it deprives many persons of the privilege of following
6 their occupations and earning a living creates an emergency and an
7 imperative public necessity that the Constitutional rule requiring bills to be
8 read on three several days in each House be suspended, and this rule is
9 hereby suspended; and this Act shall take effect and be in force from and
10 after its passage, and it is so enacted.

X

DATE MAY 14 1969

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

*as amended, by voice - A
yeas and nays*

Committee Amendment No. 2 to S. B. 743

Stroud
By: Stroud

Section 2. Amend S. B. 743 by deleting all above the enacting clause and substituting in lieu thereof the following:

S B no. 743

12 ~~substituting in lieu thereof the following:~~

13 ~~A BILL TO BE ENTITLED~~

14 ~~AN ACT~~

15 Amending Article IV, Chapter 173, Acts of the 47th
16 Legislature, 1941 (codified as Article 6687b of Vernon's
17 Texas Civil Statutes), relating to the issuance of drivers'
18 licenses and regulations pertaining thereto, by amending
19 Section 25 and adding a new section providing for the is-
20 suance of an occupational license; providing for a court
21 order relating to such occupational license; providing a
22 penalty for violation; and declaring an emergency.

Be it Enacted By the Legislature of the
State of Texas:

MAY 14 1969

DATE

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

② Amend

By Shannon

②

Amend Committee Amendment No 1 to S.B. 743 by striking lines 13, 14, 15, 16, 17, 18 on page 2 of ~~said~~ the second printing thereof.

Page 1

MAY 14 1969

DATE

READ AND ADOPTED

By non-record vote
Deputy Hall

CHIEF CLERK
HOUSE OF REPRESENTATIVES

③

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Floor Amendment Usher

③

Amend ~~H.B.~~ S.B. 743 by adding the phrase
after the word "petitioner" on line 47 of
Committee Amendment No. 1 the following:
"and shall require the petitioner to give
proof of a valid policy of liability
insurance in accordance with the
provisions of the ^{Texas} Safety Responsibility Law,
Art. 6701h, ~~V.A.T.S.~~ Vernon's Annotated
Texas Statutes.

Page 1

MAY 14 1969

DATE

READ AND ADOPTED

by non record vote
Dorothy H. [Signature]
HOUSE CLERK
HOUSE OF REPRESENTATIVES

MAY 14 1969

MOTION TO RECONSIDER THE VOTE BY
WHICH *the amendment was committed to committee* /
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A *non record* VOTE OF

Dorothy H. [Signature]
HOUSE CLERK
HOUSE OF REPRESENTATIVES

AN ACT

amending Article IV, Chapter 173, Acts of the 47th Legislature, 1941 (codified as Article 6687b of Vernon's Texas Civil Statutes), relating to the issuance of drivers' licenses and regulations pertaining thereto, by amending Section 23 and adding a new section providing for the issuance of an occupational license; providing for a court order relating to such occupational license; providing a penalty for violation; and declaring an emergency.

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

Section 1. Article 4, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (compiled as Article 6687b of Vernon's Texas Civil Statutes), is amended by adding a new section, to be known as Section 23A to read as follows:

"Section 23A. (a) Any person whose license has been suspended for causes other than physical or mental disability or impairment may file with the judge of the district court having jurisdiction within the county of his residence, a verified petition setting forth in detail an essential need for operating a motor vehicle in the performance of his occupation or trade. The hearing on the petition may be ex parte in nature. The judge hearing the petition shall enter an order either finding that no essential need exists for the operation of a motor vehicle in the performance of the occupation or trade of the petitioner or enter an order finding an essential need for operating a motor vehicle in the performance of the occupation or trade of the petitioner. In the event the judge enters the order finding an essential need as set out herein, he

shall also, as part of such finding, determine the actual need of the petitioner in operating a motor vehicle in his occupation or trade and shall restrict the use of the motor vehicle to the petitioner's actual occupation or trade and the right to drive to and from the place of employment of the petitioner, and shall require the petitioner to give proof of a valid policy of automobile liability insurance in accordance with the provisions of the Texas Safety Responsibility Law, Article 6701h,

Vernon's Annotated Texas Statutes. Such restrictions shall be definite as to hours of the day, days of the week, type of occupation and areas or routes of travel to be permitted, except that in any event the petitioner shall not be allowed to operate a motor vehicle more than ten (10) hours in any twenty-four (24) consecutive hours. Unless further extended at the discretion of the District court, orders entered by such court shall extend for a period of twelve (12) months or less from the date of the original suspension. A certified copy of the petition and the court order setting out the judge's finding and the restrictions shall be forwarded to the Department.

"(b) Upon receipt of the court order set out in (a) above and after compliance with the provisions of the Texas Safety Responsibility Law, Article 6701h, Vernon's Texas Civil Statutes, the Department shall issue an occupational license, showing on its face the restrictions set out in the order of the court.

"(c) Any person who violates the restrictions on his occupational license shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended, and such occupational license shall be automatically cancelled."

Sec. 2. Section 25 (c) of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (compiled as Article 6487b of Vernon's Texas Civil Statutes), is amended so as to hereafter read as follows:

"(c) For the purpose of this Act, the term 'conviction' shall mean a final conviction. Also, for the purpose of this Act, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction."

Sec. 3. The fact that the law relating to drivers' licenses is now discriminatory in that it deprives many persons of the privilege of following their occupations and earning a living creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Lieutenant Governor

Speaker of the House

I hereby certify that S. B. No. 743 passed the Senate on April 29, 1969, by a viva voce vote; May 20, 1969, Senate concurred in House amendments by a viva voce vote.

Secretary of the Senate

I hereby certify that S. B. No. 743 passed the House on May 15, 1969, with amendments, by a non-record vote.

Chief Clerk of the House

Approved:

6-11-69
Date

Signed
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:40 P.M. 6-11-69

JUN 13 1969

Secretary of State

S.B. No. 743

By Moore

A BILL TO BE ENTITLED:

ACT relating to the issuance of drivers' licenses and regulations pertaining thereto and providing for the issuance for an occupational drivers' license

Filed with the Secretary of the Senate

APR 14 1969 Read, referred to Committee on State Affairs by vote of 27 yeas, 0 nays
Reported favorably.

APR 18 1969 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 18 1969 Ordered not printed.

APR 18 1969 Senate and Constitutional Rules to permit consideration suspended by
unanimous consent.
yeas, nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

APR 18 1969 Read second time and { ordered engrossed.
~~passed to third reading.~~

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of yeas, nays to place bill on third reading and final passage.

APR 29 1969 Taken up by unanimous consent.

APR 29 1969 Read third time and passed by a viva-voce vote.
yeas, nays.

OTHER ACTION:

Charles Schnabel
Secretary of the Senate

4-29-69 Engrossed
MAY 1 1969 Sent to HOUSE

Essie Mae Summi
ENGROSSING CLERK

MAY 1 1969

Received from
the Senate

MAY 14 1969 Read Second Time amended and passed to
third reading by vote 106 yeas, 36 nays.

Dorothy Hallman

Chief Clerk, House of Representatives

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 14 1969 MOTION TO RECONSIDER THE VOTE
WHICH SB# 743 passed to third reading
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED passed BY A unrecorded VOTE

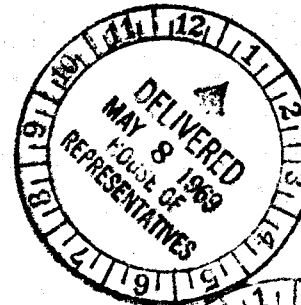
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 5 1969 READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Highways & Roads

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 7 1969 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER
HOUSE OF REPRESENTATIVES



PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 1:00 P.M. MAY 8 1969
(Time) (Date)

MAY 8 1969

MAY 15 1969 MOTION TO RECONSIDER THE VOTE BY
WHICH SB# 743 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED passed BY A unrecorded VOTE OF

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

used