

- SUBJECT:** Addressing certain consequences imposed on a driver's license by DPS
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 7 ayes — P. King, Nevárez, Burns, Holland, J. Johnson, Metcalf, Schaefer  
0 nays  
2 absent — Hinojosa, Wray
- WITNESSES:** For — None  
Against — None  
On — John Hawkins, Texas Hospital Association; (*Registered, but did not testify*: Skylor Hearn, Texas DPS)
- BACKGROUND:** Transportation Code, sec. 521.042 requires the Department of Public Safety (DPS) to examine an applicant's record of conviction of a traffic violation or involvement in traffic accidents before issuing or renewing a driver's license.
- Although state law requires courts to report convictions for traffic violations to DPS within a short timeframe, concerns have been raised that some courts may report convictions months or years after a conviction date, resulting in untimely suspension.
- Transportation Code, ch. 524 allows suspension of a driver's license for failure to pass a test for intoxication. Chapter 724 allows suspension if a person arrested for driving while intoxicated refuses to submit a blood or breath specimen. A license suspended under these chapters may not be reinstated nor another license issued until the person pays DPS a fee of \$125, plus any other fees required by law.
- Observers suggest that the language in chs. 524 and 724 may be unclear as to when the reinstatement fee may be paid, and some have paid the fee

early in an attempt to bypass the full suspension period.

**DIGEST:**

HB 3609 would prohibit the Department of Public Safety (DPS) from considering a record of a conviction of a driver's license holder in a decision to impose an enforcement action against the license holder if the record was received by DPS more than one year after the date of the conviction. This would apply to decisions to suspend, revoke, or deny renewal of a license or assign points to a license under the Driver Responsibility Program.

DPS could consider a record of conviction received more than one year after the date of conviction if the license holder held a commercial driver's license or held one at the time of the offense; was operating a commercial motor vehicle at the time of the offense; was transporting hazardous material at the time of the offense; or if the license holder was convicted for an offense related to intoxication.

The bill would modify provisions on actions taken against a driver's license in response to a failure to pass a test for intoxication or a refusal to provide a blood or breath specimen after arrest for driving while intoxicated. The fee to reinstate or reissue a driver's license could not be paid until after the suspension period ended.

The bill would take effect September 1, 2017.