

BILL ANALYSIS

Senate Research Center

S.B. 322
By: Armbrister
Criminal Justice
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As Filed

DIGEST

Currently, Texas law authorizes a person to apply for an occupational license if the person's license was suspended for a conviction under Section 49.04 or 49.07, Penal Code. Additionally, the petition is to be filed with the judge of a county or district court. This bill will authorize a person to apply for an occupational license if the person's license was suspended or canceled for a conviction of an offense under the laws of this state and requires the clerk of the court to file the petition.

PURPOSE

As proposed, S.B. 322 provides new regulations for the filing of a petition stating an essential need for operating a motor vehicle.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 521.242(a) and (b), Transportation Code, to authorize 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, rather than Section 49.04 or 49.07, Penal Code, to apply for an occupational license by filing a verified petition with the clerk, rather than the judge, of the county court or district court with jurisdiction in the county. Authorizes a person to apply for an occupational license by filing a verified petition only with the clerk, rather than judge, of the county court or district court in which the person was convicted if the person's license has been automatically suspended or canceled under this chapter or Chapter 522 for a conviction of an offense under the laws of this state, rather than a conviction under Section 49.04 or 49.07, Penal Code, and 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, rather than a conviction under Section 49.04 or 49.07, Penal Code, or Article 67011-2, V.T.C.S., as that law existed before January 1, 1984.

SECTION 2. Amends Section 521.242, Transportation Code, by adding Subsection (e), to require the clerk of the court to file the petition as in any other civil matter.

SECTION 3. Provides that in addition to the substantive changes in law made by this Act, this Act conforms the Transportation Code to changes in law made by Section 75, Chapter 318, Acts of the 74th Legislature, Regular Session, 1995.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.