

BILL ANALYSIS

Senate Research Center
76R8576 WP-F

H.B. 2031
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State Affairs
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Engrossed

DIGEST

Several different statutes require the Department of Public Safety(department) to send orders of license suspension and other documents by certified mail. Currently, state law requires individuals to notify the department of a change of address within 30 days of moving, therefore, the department should have a current address at which to notify these individuals. H.B. 2031 authorizes the department to notify the license holder of the suspension action by first class mail, rather than by certified mail. This substitute also authorizes the license holder to request a hearing no later than the 20th day after the date the notice is mailed.

PURPOSE

As proposed, H.B. 2031authorizes the Department of Public Safety to notify the license holder of the suspension action by first class mail, and authorizes the license holder to request a hearing no later than the 20th day after the date the notice is mailed.

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 Section 521.291(b), Transportation Code, by authorizing the notice of a driver's license suspension to be sent by first class, rather than certified, mail to the license holder's address as shown on the holder's driver's license.

SECTION 2. Amends Section 521.344(g), Transportation Code, to delete the requirement that the notice sent under this section be sent return receipt requested. Provides that the notice must contain a statement that the person has the right to request, rather than demand, in writing that a hearing be held on the revocation or prohibition. Provides that the notice is considered received on the fifth day after the date the notice is mailed. Provides that a revocation or prohibition under Subsection (e) (revocation of license or prohibition from obtaining license under specified circumstances) or (f) (relating to failure to complete certain rehabilitation programs) takes effect on the 30th day after the date the notice is mailed, rather than prohibiting a revocation to take effect before the 28th day after the person received notice. Authorizes the person to request a hearing not later than the 20th day after the date the notice is mailed, rather than providing that the person must demand the hearing not later than the 20th day after the specified date. Makes conforming changes.

SECTION 3. Amends Section 522.071(c), Transportation Code, to make conforming and nonsubstantive changes.

SECTION 4. Amends Section 524.013(a), Transportation Code, to require the department to send a notice of suspension to the person's address in the records of the department or, rather than and, in the peace officer's report if it is different from the address in the department's records. Makes a conforming change.

SECTION 5. Amends Section 724.033(a), Transportation Code, to make a conforming change.

SECTION 6. Amends Section 601.156(c), Transportation Code, to make conforming changes.

SECTION 7. Amends Section 106.115(e), Alcoholic Beverage Code, to make conforming changes.

SECTION 8. Amends Section 161.254(b), Health and Safety Code, to make conforming changes.

SECTION 9. Repealer: Section 521.295 (Habitual Violators; Notice), Transportation Code.

SECTION 10. Effective date: September 1, 1999.

Makes application of this Act prospective to a notice mailed on or after the effective date of this Act.

SECTION 11. Emergency clause.