

BILL ANALYSIS

Senate Research Center
76R2167 DRH-D

H.B. 3342
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State Affairs
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Engrossed

DIGEST

Currently, the Transportation Code uses the term “mental competency” to describe a person’s capability to hold a driver’s license. However, the Probate Code uses the term “mental capacity” for the same situation. The different terms may lead to confusion among probate judges who adjudicate guardianship cases in order to determine whether a person is fully or partially incapacitated and whether the person should be able to retain a driver’s license. H.B. 3342 would prohibit the Department of Public Safety from issuing any license to a person who has been determined to be totally incapacitated or incapacitated to act as the operator of a motor vehicle, under certain conditions.

PURPOSE

As proposed, H.B. 3342 amends a regulation regarding a person’s ability to hold a driver’s license.

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 521.201, Transportation Code, to prohibit the Department of Public Safety from issuing a license to a person who has been determined by a judgment of a court to be totally incapacitated or incapacitated to act as the operator of a motor vehicle, unless the person has been restored to capacity, rather than competency, by judicial decree, or released from a hospital for the mentally incapacitated, rather than incompetent, on a certificate by the superintendent or administrator of the hospital that the person has regained capacity, rather than is competent.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.