

BILL ANALYSIS

Senate Research Center
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S.B. 1085
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statutes relating to driver's license enforcement actions contain loopholes or inconsistencies that impact the ability of the Department of Public Safety (DPS) to consistently enforce the law.

As proposed, S.B. 1085 authorizes DPS to hold the instruction permit of a person who has been convicted of two or more moving violations within a 12-month period; requires DPS to notify a person who meets certain criteria for initiating action against a license and provide a start and end date to the license suspension; authorizes DPS to cancel a license if the license holder failed to update their personal information, failed to remit payment of a driver's license, or provides a bad check; provides that persons receiving a DWI with a child under the age of 15 in the vehicle are eligible for license suspension; and authorizes a judge to order the suspension of a license of a person who is convicted of a crime and is under the age of 21. The proposed changes provide the statutory authority for DPS to ensure that enforcement actions are applied consistently.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.292(a), Transportation Code, to include the holder of an instruction permit under Section 521.222 (Hardship License) who has been convicted of two or more moving violations committed within a 12-month period, among the persons whose license the Department of Public Safety (DPS) is required to suspend.

SECTION 2. Amends Section 521.294, Transportation Code, to include a person who fails to provide any information relating to the person's ability to safely operate a motor vehicle as required by the public safety director under this chapter, among the persons whose license DPS is required to suspend.

SECTION 3. Amends Section 521.295(a), Transportation Code, to delete the requirement that notice of suspension or revocation of a license be sent by first class mail and to make a conforming change.

SECTION 4. Amends Section 521.314, Transportation Code, to include failure to update personal information on the license or certificate, failure to remit payment of a driver's license fee imposed under this chapter or Chapter 522 (Commercial Driver's Licenses), or the issuance of a check or draft drawn on a bank or trust company for payment of a driver's license fee imposed under this chapter or Chapter 522 that is returned unpaid because of insufficient funds, to the list of circumstances under which DPS is authorized to cancel a license or certificate.

SECTION 5. Amends Subchapter O, Chapter 521, Transportation Code, by adding Section 521.3401, as follows:

Sec. 521.3401. **AUTHORITY TO IMPOSE MINIMUM SUSPENSION.** Requires DPS to suspend a defendant's driver's license, instruction permit, or operating privilege for the minimum period specified by this subchapter if DPS receives notice that a defendant has been convicted of an offense that requires the suspension of the defendant's driver's

license, instruction permit, or operating privilege under this subchapter, and the court has not ordered a period of suspension that is at least the minimum required by this subchapter.

SECTION 6. Amends Section 521.341, Transportation Code, to include an offense under Section 49.045 (Driving While Intoxicated With Child Passenger), Penal Code, to the list of final convictions that result in the automatic suspension of a license.

SECTION 7. Amends Sections 521.342(a) and (b), Transportation Code, to make a conforming change.

SECTION 8. Amends Sections 521.344(a), (c), (g), and (i), Transportation Code, to provide that a revocation or prohibition under Subsection (e) (requiring the director to revoke the license of or prohibit from acquiring a license a person who has failed to successfully complete an educational program designed to rehabilitate persons who have operated a motor vehicle while intoxicated) or (f) (requiring the director to revoke the license of or prohibit from acquiring a license a person who has failed to successfully complete an educational program for repeat offenders required under Section 13, Article 42.12, Code of Criminal Procedure) takes effect on the 40th, rather than 30th, day after the date the notice is mailed and to make a conforming change.

SECTION 9. Amends Sections 13(h) and (n), Article 42.12, Code of Criminal Procedure, to provide that the reinstatement fee for a license suspended under this subsection is \$100, rather than \$50, and to make nonsubstantive changes.

SECTION 10. Makes application of the changes in law made by this Act to Sections 521.292, 521.294, 521.295, and 521.314, Transportation Code, prospective. Makes application of the changes in law made by this Act to Sections 521.341, 521.342, and 521.344, Transportation Code, and Section 13, Article 42.12, Code of Criminal Procedure, prospective.

SECTION 11. Effective date: September 1, 2007.