

BILL ANALYSIS

Senate Research Center

S.B. 1794
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Transportation & Homeland Security
3/26/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under Section 521.242 (Petition), Transportation Code, a person whose driver's license has been suspended due to a conviction of driving while intoxicated cannot apply for an occupational driver's license.

As proposed, S.B. 1794 prohibits a person whose driver's license has been suspended from applying for an occupational driver's license if their license was suspended due to a charge or conviction of driving while intoxicated, criminally negligent homicide, intoxication assault, or intoxication manslaughter.

RULEMAKING AUTHORITY

This bill does not expressly 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, as follows:

(a) Authorizes a person whose license has been suspended for a cause other than a physical or mental disability or impairment or a charge or conviction for an offense under Section 49.04 (Driving While Intoxicated), Penal Code, to apply for an occupational license in a certain manner. Sets forth procedural requirements for a person under this subsection to apply for an occupational license.

(b) Authorizes a person to apply for an occupational license by filing a verified petition only with the clerk of the county court or district court in which the person was charged or convicted under certain circumstances, including if the person is not charged with, or has been convicted of, an offense under Section 19.05 (Criminally Negligent Homicide), 49.04, 49.07 (Intoxication Assault), or 49.08 (Intoxicated Manslaughter), Penal Code.

SECTION 2. Amends Section 521.244(c), Transportation Code, to require a judge, as part of the order and if the judge finds that there is an essential need, to take certain action, including to determine whether the person meets all the requirements of Section 521.242(b) and to determine the effective date of the order pursuant to Section 521.251 (Effective Date of Occupational License).

SECTION 3. Amends Section 521.248(a), Transportation Code, to make conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 8. [sic] Effective date: September 1, 2007.