

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1794
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Transportation & Homeland Security
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Committee Report (Substituted)

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.

C.S.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, driving while intoxicated with a child passenger, 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), or 49.045 (Driving While Intoxicated With Child Passenger), Penal Code, or other than as provided by Chapter 724 (Implied Consent) 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 convicted under certain circumstances, including if the offense for which the person's license was suspended or canceled was not an offense under Section 19.05 (Criminally Negligent Homicide), 49.04, 49.045, 49.07 (Intoxication Assault), or 49.08 (Intoxicated Manslaughter), Penal Code, or if the person's license has not been suspended under Chapter 724.

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 Sections 521.245(a) and (e), Transportation Code, as follows:

(a) Requires the court, if the petitioner's license has been suspended under Chapter 524, rather than Chapter 524 or Chapter 724, to require to petitioner to attend a court-approved program that provides counseling and rehabilitation services to persons for alcohol dependence.

(e) Requires the Department of Public Safety (DPS), on receipt of the copy of an order revoking an occupational license, to suspend a person's occupational license for 60 days, if the original driver's license suspension was under Chapter 524 (Administrative

Suspension of Driver's License for Failure to Pass Test for Intoxication). Deletes existing text providing for a suspension of an occupational license for 120 days under certain circumstances.

SECTION 4. Amends Section 521.246(b), Transportation Code, as follows:

(b) Requires the judge, as part of the order, to restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if the judge determines that the person's license has been suspended under Chapter 524. Deletes existing text authorizing a judge to restrict the person to a vehicle equipped with an ignition interlock device under certain circumstances and text relating to a person convicted of certain offenses.

SECTION 5. Amends Section 521.248(a), Transportation Code, to require an order granting an occupational license to include a finding that the person meets the requirements of Section 521.242(b) and specify certain information including the effective date of the order as provided by Section 521.251, if applicable.

SECTION 6. Amends Sections 521.251(a) and (b), Transportation Code, to make conforming changes.

SECTION 7. Repealer: Sections 521.246(a) (relating to the suspension of a driver's license upon conviction of certain offenses) and (f) (prohibiting the use of prior convictions in restricting a person to a motor vehicle with an ignition interlock device), Transportation Code.

Repealer: Sections 521.251(c) and (d) (relating to the effective dates of occupational licenses under certain conditions), Transportation Code.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2007.