

- SUBJECT:** Extending the period to use a court order as a restricted driver's license
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 8 ayes — Phillips, Nevárez, Burns, Dale, Metcalf, Moody, M. White, Wray
- 0 nays
- 1 absent — Johnson
- WITNESSES:** For — (*Registered, but did not testify:* Traci Berry, Goodwill Central Texas; Lori Henning, Texas Association of Goodwills; Kristin Etter, Texas Criminal Defense Lawyers Association; Sarah Pahl, Texas Criminal Justice Coalition)
- Against — None
- On — (*Registered, but did not testify:* Cheryl Garren, Texas DPS)
- BACKGROUND:** Transportation Code, sec. 521.242 allows a person whose driver's license has been suspended or canceled under certain circumstances to file a petition for an occupational driver's license. A judge may grant an occupational driver's license if the petitioner has an essential need to drive a car, as defined in sec. 521.241, for reasons related to work, education, or essential household duties.
- Under sec. 521.249(a), a person may use a copy of a court order granting an occupational driver's license as a restricted driver's license until the 31st day after the effective date of the order.
- DIGEST:** HB 441 would extend the time that a copy of a court order granting an occupational driver's license could be used as a restricted driver's license from the 31st to the 45th day after the effective date of the order.
- The bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 441 would give people waiting for an occupational driver's license from the Department of Public Safety (DPS) more time to use a court order as a restricted license, minimizing the risk of the court order expiring during the wait period. DPS would have an extra two weeks to process the paperwork for occupational driver's licenses, and those waiting for a license would not have to worry about their court order lapsing during that period.

The bill would lower employment barriers for people who have a suspended or canceled driver's license, including some who recently were incarcerated and are reentering the workforce. Employers more confidently could hire individuals with a restricted license knowing that they legally could drive to work while waiting for an official occupational driver's license from DPS.

People applying for an occupational driver's license also would have more time to provide the necessary paperwork and fees to DPS. Applicants who wait until the last minute to submit their paperwork are responsible for a lapsed license, but those who timely submit their paperwork should not be penalized for DPS being backlogged. This bill would ensure that individuals waiting for an occupational driver's license were not hampered by a process they cannot control.

**OPPONENTS
SAY:**

Under HB 441, last-minute submissions still would result in lapsed licenses because many people still would procrastinate in submitting paperwork and DPS can process paperwork only once they receive it.