

1-1 By: Murr (Senate Sponsor - Hughes) H.B. No. 291  
1-2 (In the Senate - Received from the House April 24, 2023;  
1-3 May 5, 2023, read first time and referred to Committee on  
1-4 Transportation; May 17, 2023, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to occupational driver's licenses and to the renewal of  
1-20 driver's licenses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 521.001(a)(3), Transportation Code, is  
1-23 amended to read as follows:

1-24 (3) "Driver's license" means an authorization issued  
1-25 by the department for the operation of a motor vehicle. The term  
1-26 includes:

1-27 (A) a temporary license or learner license; and

1-28 (B) an occupational driver's license.

1-29 SECTION 2. Subchapter L, Chapter 521, Transportation Code,  
1-30 is amended to read as follows:

1-31 SUBCHAPTER L. OCCUPATIONAL DRIVER'S LICENSE

1-32 Sec. 521.241. DEFINITIONS. In this subchapter:

1-33 (1) "Essential need" means a need of a person to  
1-34 operate [for the operation of] a motor vehicle:

1-35 (A) in the performance of an occupation or trade  
1-36 or for transportation to and from the place at which the person  
1-37 practices the person's occupation or trade;

1-38 (B) in the pursuit of an occupation or trade;

1-39 (C) for transportation to and from an educational  
1-40 facility in which the person is enrolled; or

1-41 (D) [~~(C)~~] in the performance of essential  
1-42 household duties.

1-43 (2) "Ignition interlock device" means a device that  
1-44 uses a deep-lung breath analysis mechanism to make impractical the  
1-45 operation of a motor vehicle if ethyl alcohol is detected in the  
1-46 breath of the operator of the vehicle.

1-47 (3) "Offense relating to the operating of a motor  
1-48 vehicle while intoxicated" has the meaning assigned by Section  
1-49 49.09, Penal Code.

1-50 Sec. 521.242. ELIGIBILITY [PETITION]. (a) A person is  
1-51 eligible to apply for an occupational driver's license if:

1-52 (1) the person's [whose] license has been suspended,  
1-53 revoked, or canceled for a cause other than:

1-54 (A) a physical or mental disability or  
1-55 impairment; or

1-56 (B) a determination by the department under  
1-57 Section 521.294 that the person is incapable of safely operating a  
1-58 motor vehicle;

1-59 (2) the person does not hold a driver's license and is  
1-60 ineligible to obtain a driver's license because of a suspension  
1-61 order, including an order due to a conviction or an order under  
1-62 Chapter 524 or 724; or

1-63 (3) the person is ineligible to obtain a driver's

2-1 license because the person holds a driver's license issued by  
 2-2 another state or country that was suspended, revoked, or canceled  
 2-3 for a cause other than a physical or mental disability or  
 2-4 impairment. [~~conviction of an offense under Sections 49.04-49.08,~~  
 2-5 Penal Code]

2-6 (b) An occupational driver's license does not authorize a  
 2-7 person to operate a commercial motor vehicle to which Chapter 522  
 2-8 applies.

2-9 Sec. 521.2421. PETITION. (a) Except as provided by  
 2-10 Subsections (b) and (c), a person may apply for an occupational  
 2-11 driver's license by filing a verified petition with the clerk of a  
 2-12 justice, county, or district court with jurisdiction that includes  
 2-13 the [~~precinct or~~] county in which:

2-14 (1) the person resides; or

2-15 (2) the incident [~~offense~~] occurred for which the  
 2-16 license was suspended, revoked, or canceled.

2-17 (b) If a person's license has been automatically suspended,  
 2-18 revoked, or canceled due to a conviction of an offense as provided  
 2-19 by Subchapter O or P, the [A] person may apply for an occupational  
 2-20 driver's license by filing a verified petition only with the clerk  
 2-21 of the court in which the person was convicted [~~if:~~

2-22 [~~(1) the person's license has been automatically~~  
 2-23 ~~suspended or canceled under this chapter for a conviction of an~~  
 2-24 ~~offense under the laws of this state; and~~

2-25 [~~(2) the person has not been issued, in the 10 years~~  
 2-26 ~~preceding the date of the filing of the petition, more than one~~  
 2-27 ~~occupational license after a conviction under the laws of this~~  
 2-28 ~~state].~~

2-29 (c) If a person's license is suspended, revoked, or canceled  
 2-30 due to a court order submitted to the department by a district,  
 2-31 county, or justice court, the person may apply for an occupational  
 2-32 driver's license by filing a verified petition with a court  
 2-33 described by Subsection (a) or the court that issued the order.

2-34 (d) [~~(c)~~] A petition filed under this section must:

2-35 (1) set forth in detail the petitioner's [~~person's~~]  
 2-36 essential need, including a description of the hours and location  
 2-37 of essential travel;

2-38 (2) describe the reason for the petitioner's license  
 2-39 suspension, revocation, or cancellation;

2-40 (3) provide evidence of the petitioner's financial  
 2-41 responsibility in accordance with Chapter 601; and

2-42 (4) include a certified abstract of the petitioner's  
 2-43 complete driving record.

2-44 [~~(d) A petition filed under Subsection (b) must state that~~  
 2-45 ~~the petitioner was convicted in that court for an offense under the~~  
 2-46 ~~laws of this state.~~

2-47 [~~(e) The clerk of the court shall file the petition as in any~~  
 2-48 ~~other matter.]~~

2-49 (f) If a court lacks jurisdiction over a petition filed  
 2-50 under this section, the court shall dismiss the application. The  
 2-51 court may hold a hearing to determine if the court has jurisdiction  
 2-52 over the petition. If the petition is dismissed, the petitioner may  
 2-53 submit a written request for the petition to be reinstated within 14  
 2-54 days of the dismissal, stating the reason the court has  
 2-55 jurisdiction over the petition.

2-56 Sec. 521.2422. COURT COSTS. (a) A petitioner must pay the  
 2-57 filing fee the court charges for filing a civil action or file a  
 2-58 statement of inability to afford payment of court costs under the  
 2-59 Texas Rules of Civil Procedure. If a petition is dismissed under  
 2-60 Section 521.2421(f), the court shall refund any filing fee paid by  
 2-61 the petitioner under this subsection.

2-62 (b) If a petitioner files a statement of inability to afford  
 2-63 payment of court costs, the court may hold a hearing to determine  
 2-64 the person's ability to afford the payment of the filing fee. The  
 2-65 hearing may be held at the time the statement of inability to afford  
 2-66 payment of court costs is filed or at the time of the hearing to  
 2-67 determine the petitioner's essential need. If the court determines  
 2-68 the petitioner is able to afford the payment of the filing fee, the  
 2-69 court may not grant an occupational driver's license to the  
 2-70 petitioner until the petitioner pays the fee.

2-71 Sec. 521.2423. FORMS. A court shall make the forms required

3-1 for petitioning for an occupational driver's license and for the  
 3-2 statement of inability to afford payment of court costs available  
 3-3 at no cost.

3-4 Sec. 521.2424. COMMERCIAL MOTOR VEHICLES. A court may not  
 3-5 grant an occupational driver's license for the operation of a  
 3-6 commercial motor vehicle to which Chapter 522 applies. This  
 3-7 section does not prevent a person who has been issued a commercial  
 3-8 driver's license from obtaining an occupational driver's license  
 3-9 for the operation of a noncommercial motor vehicle.

3-10 Sec. 521.243. NOTICE TO STATE; PRESENTATION OF EVIDENCE.  
 3-11 (a) Unless the petition is dismissed under Section 521.2421(f),  
 3-12 the [The] clerk of the court shall send by certified mail to the  
 3-13 attorney representing the state a copy of the petition and notice of  
 3-14 the hearing if the petitioner's license was suspended, revoked, or  
 3-15 canceled following a conviction for:

3-16 (1) an offense under Section 19.05 or Sections  
 3-17 49.04-49.08, Penal Code; or

3-18 (2) an offense to which Section 521.342 applies.

3-19 (b) The court may notify the attorney representing the state  
 3-20 of any other hearing on a petition for an occupational driver's  
 3-21 license.

3-22 (c) A person who receives notice [a copy of a petition]  
 3-23 under Subsection (a) or (b) may attend the hearing and may present  
 3-24 evidence at the hearing for or against granting the petition.

3-25 Sec. 521.244. [HEARING; ORDER;] DETERMINATION OF ESSENTIAL  
 3-26 NEED; HEARING AND ORDER. (a) The judge shall hold a hearing on the  
 3-27 petition if the petitioner's license was suspended, revoked, or  
 3-28 canceled following a conviction for:

3-29 (1) an offense under Section 19.05 or Sections  
 3-30 49.04-49.08, Penal Code; or

3-31 (2) an offense to which Section 521.342 applies.

3-32 (a-1) If the petitioner's license was suspended, revoked,  
 3-33 or canceled for a reason other than a reason described by Subsection  
 3-34 (a), the judge may hold a hearing on the petition or may make a  
 3-35 determination of essential need based on the petition [The judge  
 3-36 who hears the petition shall sign an order finding whether an  
 3-37 essential need exists].

3-38 ~~[(b) In determining whether an essential need exists, the~~  
 3-39 ~~judge shall consider:~~

3-40 ~~[(1) the petitioner's driving record; and~~

3-41 ~~[(2) any evidence presented by a person under Section~~  
 3-42 ~~521.243(b).]~~

3-43 ~~[(c) If the judge finds that there is an essential need, the~~  
 3-44 ~~judge also, as part of the order, shall:~~

3-45 ~~[(1) determine the actual need of the petitioner to~~  
 3-46 ~~operate a motor vehicle; and~~

3-47 ~~[(2) require the petitioner to provide evidence of~~  
 3-48 ~~financial responsibility in accordance with Chapter 601.]~~

3-49 (d) Except as provided by Section 521.243(c) [521.243(b)],  
 3-50 the hearing on the petition may be ex parte. The hearing may be held  
 3-51 using electronic or telephonic means.

3-52 (e) Subject to Subsection (f), if the judge determines the  
 3-53 person is eligible for an occupational driver's license and has an  
 3-54 essential need, the judge shall enter an order granting the  
 3-55 petition. If the judge determines the person is ineligible for an  
 3-56 occupational driver's license or does not have an essential need,  
 3-57 the judge shall enter an order denying the petition.

3-58 (f) The judge may enter an order denying the petition based  
 3-59 on evidence presented at a hearing by the attorney representing the  
 3-60 state. The judge may also enter an order denying the petition if  
 3-61 the petitioner:

3-62 (1) is unable to present evidence of financial  
 3-63 responsibility under Chapter 601;

3-64 (2) has been convicted more than once in the 10 years  
 3-65 preceding the date of the petition of an offense to which Sections  
 3-66 49.04-49.08, Penal Code, apply; or

3-67 (3) is subject to a revocation order under Section  
 3-68 521.252 or 521.253 [A person convicted of an offense under Sections  
 3-69 49.04-49.08, Penal Code, who is restricted to the operation of a  
 3-70 motor vehicle equipped with an ignition interlock device is  
 3-71 entitled to receive an occupational license without a finding that

4-1 ~~an essential need exists for that person, provided that the person~~  
 4-2 ~~shows:~~

4-3 ~~[(1) evidence of financial responsibility under~~  
 4-4 ~~Chapter 601, and~~

4-5 ~~[(2) proof the person has had an ignition interlock~~  
 4-6 ~~device installed on each motor vehicle owned or operated by the~~  
 4-7 ~~person].~~

4-8 (g) An order granting or denying an application for an  
 4-9 occupational driver's license may not be appealed.

4-10 Sec. 521.245. REQUIRED ALCOHOL DEPENDENCE COUNSELING. (a)  
 4-11 If the petitioner's license has been suspended under Chapter 524 or  
 4-12 724, or as the result of a conviction for an offense relating to the  
 4-13 operating of a motor vehicle while intoxicated, the court shall  
 4-14 require the petitioner to attend a program approved by the court  
 4-15 that is designed to provide counseling and rehabilitation services  
 4-16 to persons for alcohol dependence. The court may waive the  
 4-17 requirement on a showing of good cause [This requirement shall be  
 4-18 stated in the order granting the occupational license].

4-19 (b) The program required under Subsection (a) may not be the  
 4-20 program provided by Section 521.344 or by Article 42A.403 or  
 4-21 42A.404, Code of Criminal Procedure.

4-22 (c) The court may require the person to report periodically  
 4-23 to the court to verify that the person is attending the required  
 4-24 program.

4-25 (d) On finding that the person is not attending the program  
 4-26 as required, the court may:

4-27 (1) revoke the order granting the occupational  
 4-28 driver's license, as provided by Section 521.252; or

4-29 (2) if the person is not currently restricted to the  
 4-30 operation of a motor vehicle with an ignition interlock device  
 4-31 installed, modify the order to include that restriction, as  
 4-32 provided by Section 521.246. [The court shall send a certified copy  
 4-33 of the order revoking the license to the department.

4-34 ~~[(e) On receipt of the copy under Subsection (d), the~~  
 4-35 ~~department shall suspend the person's occupational license for:~~

4-36 ~~[(1) 60 days, if the original driver's license~~  
 4-37 ~~suspension was under Chapter 524; or~~

4-38 ~~[(2) 120 days, if the original driver's license~~  
 4-39 ~~suspension was under Chapter 724.~~

4-40 ~~[(f) A suspension under Subsection (e):~~

4-41 ~~[(1) takes effect on the date on which the court signs~~  
 4-42 ~~the order revoking the occupational license; and~~

4-43 ~~[(2) is cumulative of the original suspension.~~

4-44 ~~[(g) A person is not eligible for an occupational license~~  
 4-45 ~~during a period of suspension under Subsection (e).]~~

4-46 Sec. 521.246. IGNITION INTERLOCK DEVICE REQUIREMENT. (a)  
 4-47 Subject to Subsection (b-1), the [If the person's license has been  
 4-48 suspended after a conviction of an offense under Sections  
 4-49 49.04-49.08, Penal Code, the] judge shall restrict the person to  
 4-50 the operation of a motor vehicle equipped with an ignition  
 4-51 interlock device if:

4-52 (1) the person is currently under an order restricting  
 4-53 the person to the operation of a motor vehicle equipped with an  
 4-54 ignition interlock device, including an order imposed as a  
 4-55 condition of bond; or

4-56 (2) the person's license has been suspended, revoked,  
 4-57 or canceled after a conviction for an offense under Sections  
 4-58 49.04-49.08, Penal Code.

4-59 (b) On a finding of good cause, the judge may restrict the  
 4-60 person to the operation of a motor vehicle equipped with an ignition  
 4-61 interlock device in a case not described by Subsection (a).

4-62 (b-1) The court may waive the ignition interlock device  
 4-63 requirement under Subsection (a) if the court finds the requirement  
 4-64 is not necessary for the safety of the community and the waiver is  
 4-65 in the best interest of justice.

4-66 (c) The person shall obtain the ignition interlock device at  
 4-67 the person's own expense unless the court finds that to do so is not  
 4-68 in the best interest of justice and enters that finding in the  
 4-69 record. If the court determines that the person is unable to pay  
 4-70 for the device, the court may impose a reasonable payment schedule  
 4-71 for a term not to exceed twice the period of the court's order.

5-1 (d) The court shall order the ignition interlock device to  
 5-2 remain installed for the duration of the period of suspension,  
 5-3 unless the court finds:

5-4 (1) good cause for the removal of the device; and  
 5-5 (2) the device is not necessary for the safety of the  
 5-6 community.

5-7 (e) A person to whom this section applies may operate a  
 5-8 motor vehicle without the installation of an approved ignition  
 5-9 interlock device if:

5-10 (1) the person is required to operate a motor vehicle  
 5-11 in the course and scope of the person's employment;

5-12 (2) the vehicle is owned by the person's employer;

5-13 (3) the employer is not owned or controlled by the  
 5-14 person whose driving privilege is restricted;

5-15 (4) the employer is notified of the driving privilege  
 5-16 restriction; and

5-17 (5) proof of that notification is with the vehicle.

5-18 [~~(f) A previous conviction may not be used for purposes of~~  
 5-19 ~~restricting a person to the operation of a motor vehicle equipped~~  
 5-20 ~~with an interlock ignition device under this section if:~~

5-21 [~~(1) the previous conviction was a final conviction~~  
 5-22 ~~for an offense under Sections 49.04-49.08, Penal Code, and was for~~  
 5-23 ~~an offense committed more than 10 years before the instant offense~~  
 5-24 ~~for which the person was convicted; and~~

5-25 [~~(2) the person has not been convicted of an offense~~  
 5-26 ~~under Sections 49.04-49.08 of that code committed within 10 years~~  
 5-27 ~~before the date on which the instant offense for which the person~~  
 5-28 ~~was convicted.]~~

5-29 Sec. 521.2461. TESTING FOR ALCOHOL OR CONTROLLED  
 5-30 SUBSTANCES. The court granting an occupational driver's license  
 5-31 under this subchapter may require as a condition of the license that  
 5-32 the person submit to periodic testing for alcohol or controlled  
 5-33 substances, to be conducted by an entity specified by the court, if  
 5-34 the person's license has been suspended, revoked, or canceled under  
 5-35 Chapter 524 or 724 or as a result of the person's conviction for  
 5-36 [~~of~~] an offense relating to the operating [~~involving the operation~~]  
 5-37 of a motor vehicle while intoxicated.

5-38 Sec. 521.2462. SUPERVISION OF PERSON ISSUED OCCUPATIONAL  
 5-39 DRIVER'S LICENSE. (a) The court granting an occupational driver's  
 5-40 license under this subchapter may order the person receiving the  
 5-41 license to submit to supervision for the purpose of verifying the  
 5-42 person's compliance with the conditions specified by the order  
 5-43 granting the license, including [~~the~~] conditions specified in  
 5-44 accordance with Section 521.248.

5-45 (a-1) The court may order the supervision of the person to  
 5-46 be conducted by:

5-47 (1) the local community supervision and corrections  
 5-48 department; or

5-49 (2) a personal bond office established under Article  
 5-50 17.42, Code of Criminal Procedure.

5-51 (a-2) If the court orders the person's supervision to be  
 5-52 conducted by the local community supervision and corrections  
 5-53 department, the court shall order the person to pay a monthly  
 5-54 administrative fee under Section 76.015, Government Code.

5-55 (a-3) If the court orders the person's supervision to be  
 5-56 conducted by a personal bond office, the office may collect from the  
 5-57 person a reasonable administrative fee of not less than \$25 and not  
 5-58 more than \$60 per month.

5-59 (b) The court may order the supervision to continue until  
 5-60 the end of the period of suspension, revocation, or cancellation of  
 5-61 the person's driver's license, including any extensions of that  
 5-62 period.

5-63 (c) The court for good cause may modify or terminate  
 5-64 supervision before the end of the period of license suspension,  
 5-65 revocation, or cancellation.

5-66 Sec. 521.2465. RESTRICTED LICENSE. (a) On receipt of  
 5-67 notice that a person has been restricted to the use of a motor  
 5-68 vehicle equipped with an ignition interlock device, the department  
 5-69 shall notify that person that the person's driver's license expires  
 5-70 on the 30th day after the date of the notice. On application by the  
 5-71 person and payment of a fee of \$10, the department shall issue a

6-1 special restricted license that conspicuously indicates that the  
6-2 person is authorized to operate only a motor vehicle equipped with  
6-3 an ignition interlock device.

6-4 (a-1) The notice provided to the person by the department  
6-5 under Subsection (a) may be provided by:

6-6 (1) first class mail; or

6-7 (2) e-mail if the person has provided an e-mail  
6-8 address to the department and has elected to receive notice  
6-9 electronically.

6-10 (b) On receipt of a copy of a court order removing the  
6-11 restriction or at the end of the period of suspension, as  
6-12 applicable, the department shall issue the person a driver's  
6-13 license without the restriction.

6-14 Sec. 521.247. APPROVAL OF IGNITION INTERLOCK DEVICES BY  
6-15 DEPARTMENT. (a) The department shall adopt rules for the approval  
6-16 of ignition interlock devices used under this subchapter.

6-17 (b) The department by rule shall establish general  
6-18 standards for the calibration and maintenance of the devices. The  
6-19 manufacturer or an authorized representative of the manufacturer is  
6-20 responsible for calibrating and maintaining the device.

6-21 (c) If the department approves a device, the department  
6-22 shall notify the manufacturer of that approval in writing. Written  
6-23 notice from the department to a manufacturer is admissible in a  
6-24 civil or criminal proceeding in this state. The manufacturer shall  
6-25 reimburse the department for any cost incurred by the department in  
6-26 approving the device.

6-27 (d) The department is not liable in a civil or criminal  
6-28 proceeding that arises from the use of an approved device.

6-29 Sec. 521.2475. IGNITION INTERLOCK DEVICE EVALUATION. (a)  
6-30 On January 1 of each year, the department shall issue an evaluation  
6-31 of each ignition interlock device approved under Section 521.247  
6-32 using guidelines established by the National Highway Traffic Safety  
6-33 Administration, including:

6-34 (1) whether the device provides accurate detection of  
6-35 alveolar air;

6-36 (2) the moving retest abilities of the device;

6-37 (3) the use of tamper-proof blood alcohol content  
6-38 level software by the device;

6-39 (4) the anticircumvention design of the device;

6-40 (5) the recalibration requirements of the device; and

6-41 (6) the breath action required by the operator.

6-42 (b) The department shall assess the cost of preparing the  
6-43 evaluation equally against each manufacturer of an approved device.

6-44 Sec. 521.2476. MINIMUM STANDARDS FOR VENDORS OF IGNITION  
6-45 INTERLOCK DEVICES. (a) The department by rule shall establish:

6-46 (1) minimum standards for vendors of ignition  
6-47 interlock devices who conduct business in this state; and

6-48 (2) procedures to ensure compliance with those  
6-49 standards, including procedures for the inspection of a vendor's  
6-50 facilities.

6-51 (b) The minimum standards shall require each vendor to:

6-52 (1) be authorized by the department to do business in  
6-53 this state;

6-54 (2) install a device only if the device is approved  
6-55 under Section 521.247;

6-56 (3) obtain liability insurance providing coverage for  
6-57 damages arising out of the operation or use of devices in amounts  
6-58 and under the terms specified by the department;

6-59 (4) install the device and activate any  
6-60 anticircumvention feature of the device within a reasonable time  
6-61 after the vendor receives notice that installation is ordered by a  
6-62 court;

6-63 (5) install and inspect the device in accordance with  
6-64 any applicable court order;

6-65 (6) repair or replace a device not later than 48 hours  
6-66 after receiving notice of a complaint regarding the operation of  
6-67 the device;

6-68 (7) submit a written report of any violation of a court  
6-69 order to that court and to the person's supervising officer, if any,  
6-70 not later than 48 hours after the vendor discovers the violation;

6-71 (8) maintain a record of each action taken by the

7-1 vendor with respect to each device installed by the vendor,  
 7-2 including each action taken as a result of an attempt to circumvent  
 7-3 the device, until at least the fifth anniversary after the date of  
 7-4 installation;

7-5 (9) make a copy of the record available for inspection  
 7-6 by or send a copy of the record to any court, supervising officer,  
 7-7 or the department on request; and

7-8 (10) annually provide to the department a written  
 7-9 report of each service and ignition interlock device feature made  
 7-10 available by the vendor.

7-11 (c) The department may revoke the department's  
 7-12 authorization for a vendor to do business in this state if the  
 7-13 vendor or an officer or employee of the vendor violates:

7-14 (1) any law of this state that applies to the vendor;  
 7-15 or

7-16 (2) any rule adopted by the department under this  
 7-17 section or another law that applies to the vendor.

7-18 (d) A vendor shall reimburse the department for the  
 7-19 reasonable cost of conducting each inspection of the vendor's  
 7-20 facilities under this section.

7-21 [~~(e) In this section, "offense relating to the operating of~~  
 7-22 ~~a motor vehicle while intoxicated" has the meaning assigned by~~  
 7-23 ~~Section 49.09, Penal Code.~~]

7-24 Sec. 521.248. ORDER GRANTING LICENSE [REQUIREMENTS]. (a)  
 7-25 An order granting an occupational driver's license must specify:

7-26 (1) the hours of the day and days of the week during  
 7-27 which the person may operate a motor vehicle;

7-28 (2) the reasons for which the person may operate a  
 7-29 motor vehicle;

7-30 (3) areas or routes of travel permitted;

7-31 (4) that the person may not operate a commercial motor  
 7-32 vehicle;

7-33 (5) that the person is restricted to the operation of a  
 7-34 motor vehicle equipped with an ignition interlock device, if  
 7-35 applicable; ~~and~~

7-36 (6) ~~(5)~~ that the person must submit to periodic  
 7-37 testing for alcohol or controlled substances, if applicable;

7-38 (7) that the person is required to attend alcohol  
 7-39 dependence counseling, if applicable; and

7-40 (8) that the person is required to submit to  
 7-41 supervision to ensure compliance with conditions of the order, if  
 7-42 applicable.

7-43 (b) The person may not operate a motor vehicle for more than  
 7-44 four hours in any 24-hour period, except that on a showing of  
 7-45 necessity the court may allow the person to drive for any period  
 7-46 determined by the court that does not exceed 12 hours in any 24-hour  
 7-47 period.

7-48 (c) An order granting an occupational driver's license  
 7-49 remains valid until the end of the period of suspension,  
 7-50 revocation, or cancellation of the person's regular driver's  
 7-51 license.

7-52 (d) A person who is restricted to the operation of a motor  
 7-53 vehicle equipped with an ignition interlock device may not be  
 7-54 subject to any time of travel, reason for travel, or location of  
 7-55 travel restrictions described by Subsection (a)(1), (2), or (3) or  
 7-56 (b).

7-57 (e) An order granting an occupational driver's license may  
 7-58 require the person to keep a travel log showing the date, time, and  
 7-59 location of travel. The court may require the person to show the  
 7-60 travel log to demonstrate compliance with the conditions of the  
 7-61 order.

7-62 (f) The court shall give a copy of the order to the person  
 7-63 and inform the person that they must comply with any requirements  
 7-64 of the department for the issuance of an occupational driver's  
 7-65 license.

7-66 (g) An order issued under this section may be modified at  
 7-67 any time by the court without a hearing or payment of a filing fee.  
 7-68 The issuance date of the order is not changed by a modification. If  
 7-69 the order is modified, the court shall deliver a certified copy to  
 7-70 the person and to the department.

7-71 Sec. 521.249. NOTICE TO DEPARTMENT; ISSUANCE OF

8-1 OCCUPATIONAL DRIVER'S LICENSE. (a) The court shall send a  
 8-2 certified copy of the petition and the court order setting out the  
 8-3 judge's findings and restrictions to the department. The person  
 8-4 may use a copy of the order as a restricted license until the 45th  
 8-5 day after the date on which the order takes effect.

8-6 (a-1) It is an affirmative defense to prosecution under  
 8-7 Sections 521.025 and 521.457 that the person has applied for and  
 8-8 complied with the department's requirements for the issuance of an  
 8-9 occupational driver's license on or before the 10th day after the  
 8-10 issuance of the court order but has not been issued the license.

8-11 (b) On receipt of the copy under this section and after  
 8-12 compliance with Chapter 601, the department shall issue an  
 8-13 occupational driver's license to the person. The license must  
 8-14 refer on its face to the court order.

8-15 Sec. 521.250. COURT ORDER IN OPERATOR'S POSSESSION. A  
 8-16 person who is issued an occupational driver's license shall have in  
 8-17 the person's possession a certified copy of the court order  
 8-18 granting the license while operating a motor vehicle. The person  
 8-19 shall allow a peace officer to examine the order on request.

8-20 [~~Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE. (a)~~  
 8-21 ~~If a person's license is suspended under Chapter 524 or 724 and the~~  
 8-22 ~~person has not had a prior suspension arising from an~~  
 8-23 ~~alcohol-related or drug-related enforcement contact in the five~~  
 8-24 ~~years preceding the date of the person's arrest, an order under this~~  
 8-25 ~~subchapter granting the person an occupational license takes effect~~  
 8-26 ~~immediately. However, the court shall order the person to comply~~  
 8-27 ~~with the counseling and rehabilitation program required under~~  
 8-28 ~~Section 521.245.~~

8-29 [~~(b) If the person's driver's license has been suspended as~~  
 8-30 ~~a result of an alcohol-related or drug-related enforcement contact~~  
 8-31 ~~during the five years preceding the date of the person's arrest, the~~  
 8-32 ~~order may not take effect before the 91st day after the effective~~  
 8-33 ~~date of the suspension.~~

8-34 [~~(c) If the person's driver's license has been suspended as~~  
 8-35 ~~a result of a conviction of an offense under Sections 49.04-49.08,~~  
 8-36 ~~Penal Code, during the five years preceding the date of the person's~~  
 8-37 ~~arrest, the order may not take effect before the 181st day after the~~  
 8-38 ~~effective date of the suspension.~~

8-39 [~~(d) Notwithstanding any other provision in this section,~~  
 8-40 ~~if the person's driver's license has been suspended as a result of a~~  
 8-41 ~~second or subsequent conviction under Sections 49.04-49.08, Penal~~  
 8-42 ~~Code, committed within five years of the date on which the most~~  
 8-43 ~~recent preceding offense was committed, an order granting the~~  
 8-44 ~~person an occupational license may not take effect before the first~~  
 8-45 ~~anniversary of the effective date of the suspension.~~

8-46 [~~(d-1) Notwithstanding Subsections (b), (c), and (d), the~~  
 8-47 ~~court may issue an occupational license to a person if the person~~  
 8-48 ~~submits proof the person has an ignition interlock device installed~~  
 8-49 ~~on each motor vehicle owned or operated by the person. If a person~~  
 8-50 ~~issued an occupational license under this subsection fails to~~  
 8-51 ~~maintain an installed ignition interlock device on each motor~~  
 8-52 ~~vehicle owned or operated by the person, the court shall revoke the~~  
 8-53 ~~occupational license under Section 521.252 and reinstate the~~  
 8-54 ~~suspension of the person's driver's license. A person granted an~~  
 8-55 ~~occupational license under this subsection may not be ordered,~~  
 8-56 ~~under Section 521.2462, to submit to the supervision of the local~~  
 8-57 ~~community supervision and corrections department or a personal bond~~  
 8-58 ~~office established under Article 17.42, Code of Criminal Procedure,~~  
 8-59 ~~unless the order is entered by a court of record.~~

8-60 [~~(e) For the purposes of this section, "alcohol-related or~~  
 8-61 ~~drug-related enforcement contact" has the meaning assigned by~~  
 8-62 ~~Section 524.001.]~~

8-63 Sec. 521.252. LICENSE REVOCATION. (a) The court that signs  
 8-64 an order granting an occupational driver's license may, at any  
 8-65 time, issue [~~at any time~~] an order revoking the license for good  
 8-66 cause.

8-67 (b) The court that signed an order granting an occupational  
 8-68 driver's license shall issue an order revoking the license if the  
 8-69 person is restricted to the operation of a motor vehicle equipped  
 8-70 with an ignition interlock device and operates a vehicle that is not  
 8-71 equipped with an ignition interlock device, unless authorized to



9-1 operate the vehicle under Section 521.246(e).

9-2 (c) The court shall send a certified copy of the order to the  
9-3 person and to the department.

9-4 Sec. 521.253. CRIMINAL OFFENSE; PENALTY. (a) A person who  
9-5 holds an occupational driver's license commits an offense if the  
9-6 person:

9-7 (1) operates a motor vehicle in violation of a  
9-8 restriction imposed on the license; or

9-9 (2) fails to have in the person's possession a  
9-10 certified copy of the court order as required under Section  
9-11 521.250.

9-12 (b) An offense under this section is a Class B misdemeanor.

9-13 (c) On conviction of an offense under this section, the  
9-14 convicting court shall:

9-15 (1) issue an order revoking the occupational driver's  
9-16 license; and

9-17 (2) deliver the revocation order to the person, the  
9-18 court that issued the order granting the occupational driver's  
9-19 license, and the department [and the order granting that license  
9-20 are revoked].

9-21 SECTION 3. Section 521.320(e), Transportation Code, is  
9-22 amended to read as follows:

9-23 (e) A person whose license is suspended under Subsection (a)  
9-24 remains eligible to receive an occupational driver's license under  
9-25 Subchapter L.

9-26 SECTION 4. Section 521.342(c), Transportation Code, is  
9-27 amended to read as follows:

9-28 (c) A person whose license is suspended under Subsection (a)  
9-29 remains eligible to receive an occupational driver's license under  
9-30 Subchapter L. Suspension under Subsection (a) is not a suspension  
9-31 for physical or mental disability or impairment for purposes of  
9-32 eligibility to apply for an occupational driver's license under  
9-33 Subchapter L.

9-34 SECTION 5. Section 521.350(c), Transportation Code, is  
9-35 amended to read as follows:

9-36 (c) A person whose license is suspended under Subsection (a)  
9-37 remains eligible to receive an occupational driver's license under  
9-38 Subchapter L, except that an occupational driver's license issued  
9-39 to a person younger than 18 years of age whose license is suspended  
9-40 under this section may permit the operation of a motor vehicle only  
9-41 for transportation to and from an educational facility in which the  
9-42 person is enrolled and the place where the person resides.

9-43 SECTION 6. Section 521.377(b), Transportation Code, is  
9-44 amended to read as follows:

9-45 (b) A person whose license is suspended under Section  
9-46 521.372 remains eligible to receive an occupational driver's  
9-47 license under Subchapter L. Suspension under Section 521.372 is  
9-48 not a suspension for physical or mental disability or impairment  
9-49 for purposes of eligibility to apply for an occupational driver's  
9-50 license under Subchapter L.

9-51 SECTION 7. Section 521.421(d), Transportation Code, is  
9-52 amended to read as follows:

9-53 (d) The fee for issuance or renewal of an occupational  
9-54 driver's license is \$10.

9-55 SECTION 8. Section 601.332, Transportation Code, is amended  
9-56 by adding Subsection (c) to read as follows:

9-57 (c) A person whose license is suspended under Subsection (a)  
9-58 is eligible for an occupational driver's license under Subchapter  
9-59 L, Chapter 521.

9-60 SECTION 9. Section 706.005(a), Transportation Code, is  
9-61 amended to read as follows:

9-62 (a) A political subdivision shall immediately notify the  
9-63 department that there is no cause to continue to deny renewal of a  
9-64 person's driver's license based on the person's previous failure to  
9-65 appear or failure to pay or satisfy a judgment ordering the payment  
9-66 of a fine and cost in the manner ordered by the court in a matter  
9-67 involving an offense described by Section 706.002(a), on payment of  
9-68 a reimbursement fee, or on a finding by the court that the person is  
9-69 indigent and not required to pay a reimbursement fee, as provided by  
9-70 Section 706.006 and:

9-71 (1) the perfection of an appeal of the case for which

10-1 the warrant of arrest was issued or judgment arose;  
10-2 (2) the dismissal of the charge for which the warrant  
10-3 of arrest was issued or judgment arose, other than a dismissal with  
10-4 prejudice by motion of the appropriate prosecuting attorney for  
10-5 lack of evidence;

10-6 (3) the posting of bond or the giving of other security  
10-7 to reinstate the charge for which the warrant was issued;

10-8 (4) the payment or discharge of the fine and cost owed  
10-9 on an outstanding judgment of the court; or

10-10 (5) other suitable arrangement to satisfy [~~pay~~] the  
10-11 fine and cost within the court's discretion.

10-12 SECTION 10. Section 54.042(e), Family Code, is amended to  
10-13 read as follows:

10-14 (e) A child whose driver's license or permit has been  
10-15 suspended or denied pursuant to this section may, if the child is  
10-16 otherwise eligible for, and fulfills the requirements for issuance  
10-17 of, a provisional driver's license or permit under Chapter 521,  
10-18 Transportation Code, apply for and receive an occupational driver's  
10-19 license in accordance with the provisions of Subchapter L of that  
10-20 chapter.

10-21 SECTION 11. Section 75.014(e), Government Code, is amended  
10-22 to read as follows:

10-23 (e) The County Courts at Law No. 6 and No. 7 of El Paso  
10-24 County, Texas, are designated as criminal misdemeanor courts.  
10-25 Courts designated as criminal misdemeanor courts shall give  
10-26 preference to and have primary responsibility for:

10-27 (1) criminal misdemeanor cases;

10-28 (2) appeals or petitions under Section 501.052,  
10-29 521.2421 [~~521.242~~], 521.302, or 524.041, Transportation Code;

10-30 (3) misdemeanor bail bond and personal bond forfeiture  
10-31 cases; and

10-32 (4) appeals de novo from the municipal and justice  
10-33 courts.

10-34 SECTION 12. Section 123.009, Government Code, is amended to  
10-35 read as follows:

10-36 Sec. 123.009. OCCUPATIONAL DRIVER'S LICENSE.  
10-37 Notwithstanding Section 521.2421 [~~521.242~~], Transportation Code,  
10-38 if a participant's driver's license has been suspended as a result  
10-39 of an alcohol-related or drug-related enforcement contact, as  
10-40 defined by Section 524.001, Transportation Code, or as a result of a  
10-41 conviction under Section 49.04, 49.07, or 49.08, Penal Code, the  
10-42 judge or magistrate administering a drug court program under this  
10-43 chapter may order that an occupational driver's license be issued  
10-44 to the participant. An order issued under this section is subject  
10-45 to Sections 521.248, 521.249, 521.250, 521.252, and 521.253  
10-46 [~~521.248-521.252~~], Transportation Code, except that any reference  
10-47 to a petition under Section 521.2421 [~~521.242~~] of that code does not  
10-48 apply.

10-49 SECTION 13. Section 524.022(d), Transportation Code, is  
10-50 repealed.

10-51 SECTION 14. This Act takes effect September 1, 2023.

10-52 \* \* \* \* \*