

BILL ANALYSIS

H.B. 3103
By: Garza
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When driver's license matters were recodified from Vernon's Civil Statutes into the Transportation Code in the 74th legislative session in 1995, reorganization and clarification of statutes resulted in some substantive changes to the law, which is impermissible in a recodification. The Department of Public Safety has continued to enforce these laws as they appeared in Vernon's because in the case of the sections materially altered by recodification, the Vernon's statute reflects the version of the law for which the legislature actually voted. House Bill 3103 addresses this issue by correcting various affected sections to reflect the substance of the analogous law in the old Vernon's Civil Statutes. House Bill 3103 also deletes various sections that are no longer useful because of subsequent changes in laws or improvements in driver's license technology.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 3103 amends Section 521.146 of the Transportation Code by adding Subsection (b), requiring a person who moves from the address shown on the person's driver's license or personal identification certificate or changes his or her name to notify the Department of Public Safety (DPS) of the change and apply for a duplicate license or certificate not later than the 30th day after the date on which the change takes effect. The bill removes a similar provision from its current location at Section 521.054, TRANSPORTATION CODE.

House Bill 3103 amends Section 521.341(2) of the Transportation Code by adding language providing that in order for a license to be automatically suspended for an offense of evading arrest or detention under Section 38.04 of the PENAL CODE, the offense must have been committed while operating a motor vehicle.

House Bill 3103 amends Section 601.162(b)(2) of the Transportation Code. Currently, under this section, a person who has been determined by DPS to probably be liable for causing an accident involving death, bodily injury, or over \$1000 in property damage must file a security deposit and proof of financial responsibility. If the person enters into an installment plan to pay that security deposit and defaults on a payment, the department may automatically suspend the person's license. The bill strikes language providing that a suspension under this section shall terminate upon the second anniversary of the date the security was *deposited* and adds language providing that it shall terminate upon the second anniversary of the date the security was *required* if, during that period, an action on the installment agreement has not been instituted in a court in this state.

House Bill 3103 amends Section 601.340(a)(1) of the Transportation Code to provide that DPS shall suspend the registration of each motor vehicle registered in a person's name if the department suspends or revokes the person's driver's license under any state law except Section 521.341(7) of the TRANSPORTATION CODE, which requires a license suspension for violations involving possession and

presentation of false identification. The bill deletes language providing that registration is suspended when the license is suspended except for a license suspension under Section 521.341(6), regarding accidents involving personal injury or death.

Finally, the bill repeals the following sections from the Transportation Code:

- Section 521.054, requiring notice of change of address or name change and providing that DPS will issue a sticker with the new address or name on it to affix over the old license
- Section 521.102, authorizing DPS to issue a personal identification certificate indicating the holder's disability or health condition
- Section 521.423, providing a fee for a certificate under 521.102
- Section 522.029(f), providing a fee for renewal of a commercial driver's license that includes authorization to operate a motorcycle

EFFECTIVE DATE

This Act takes effect September 1, 2003.