

By: Zaffirini

S.B. No. 47

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating a presumption regarding a person's alcohol  
3 concentration level for purposes of the administrative suspension  
4 of the person's driver's license.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 524, Transportation Code,  
7 is amended by adding Section 524.0375 to read as follows:

8 Sec. 524.0375. PRESUMPTION REGARDING ANALYSIS. For  
9 purposes of this chapter, it is presumed that at the time of  
10 operating a motor vehicle in a public place, the person operating  
11 the vehicle had an alcohol concentration level equal to or higher  
12 than the level shown by an analysis of breath or blood taken from  
13 the person at or not later than three hours after the time of the  
14 person's arrest.

15 SECTION 2. (a) This Act takes effect immediately if it  
16 receives a vote of two-thirds of all the members elected to each  
17 house, as provided by Section 39, Article III, Texas Constitution.  
18 If this Act does not receive the vote necessary for immediate  
19 effect, this Act takes effect September 1, 2003.

20 (b) The change in law made by this Act applies only to a  
21 driver's license suspension hearing that begins under Chapter 524,  
22 Transportation Code, on or after the effective date of this Act. A  
23 driver's license suspension hearing that began under Chapter 524,  
24 Transportation Code, before the effective date of this Act is

1 covered by the law in effect on the date the hearing began, and the  
2 former law continues in effect for that purpose.