

Amend HB 76 on third reading as follows:

(1) In amended Section 724.002, Transportation Code, strike "[~~powered with an engine having a manufacturer's rating of 50 horsepower or above~~]" and substitute "powered with an engine [~~having a manufacturer's rating of 50 horsepower or above~~]".

(2) Add the following sections to the bill, appropriately numbered, to read as follows, and renumber existing sections accordingly:

SECTION __. Section 724.032(b), Transportation Code, is amended to read as follows:

(b) The director must approve the form of the refusal report. The report must:

(1) show the grounds for the officer's belief that the person had been operating a motor vehicle or watercraft powered with an engine [~~having a manufacturer's rating of 50 horsepower or above~~] while intoxicated; and

(2) contain a copy of:

(A) the refusal statement requested under Section 724.031; or

(B) a statement signed by the officer that the person refused to:

(i) submit to the taking of the requested specimen; and

(ii) sign the requested statement under Section 724.031.

SECTION __. Section 724.042, Transportation Code, is amended to read as follows:

Sec. 724.042. ISSUES AT HEARING. The issues at a hearing under this subchapter are whether:

(1) reasonable suspicion or probable cause existed to stop or arrest the person;

(2) probable cause existed to believe that the person was:

(A) operating a motor vehicle in a public place while intoxicated; or

(B) operating a watercraft powered with an engine [~~having a manufacturer's rating of 50 horsepower or above~~] while

intoxicated;

(3) the person was placed under arrest by the officer and was requested to submit to the taking of a specimen; and

(4) the person refused to submit to the taking of a specimen on request of the officer.

(3) In the section of the bill containing the transitional provisions, strike Subsection (d) as added by Floor Amendment No. 1 by Isett, and substitute the following:

(d) Sections 724.002, 724.032, and 724.042, Transportation Code, as amended by this Act, apply only to a person arrested for an offense involving the operation of a motor vehicle or watercraft on or after September 1, 2005. A person arrested for an offense involving the operation of a motor vehicle or watercraft before September 1, 2005, is covered by the law in effect on the date of the person's arrest, and the former law is continued in effect for that purpose.