

## **BILL ANALYSIS**

H.B. 1357  
By: Flores  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, an adult convicted of giving or buying alcohol for a minor is guilty of a Class A misdemeanor, punishable only by monetary fines or jail time. H.B. 1357 addresses recommendations of the House Licensing & Administrative Procedures Committee, who was charged during the interim to study ways to reduce the incidence of underage drinking in Texas. This legislation is aimed at noncommercial adult providers who have been shown through research to be the principal suppliers of alcohol to underage drinkers. Recent studies by The Century Council reveals that 65% of underage youth who drink obtain their alcohol from an adult or someone they know who is 21 or over.

H.B. 1357 would increase the drivers' license suspension for minors for up to six months on a first conviction and one year on second or subsequent convictions. The bill also requires the suspension of an adult's driver's license for a specified term upon a conviction of giving or buying alcohol for a minor.

### **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.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 106.071 (d), Alcoholic Beverage Code, (2) requiring the court to order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:

- (A) 180 days, rather than 30, if a minor has not been previously convicted of an offense; or
- (B) one year, rather than 60 days, if the minor has been previously convicted one or more times, rather than once, of an offense. Deletes Subsection (C) and makes conforming changes.

SECTION 2. Amends Section 106.115(d), Alcoholic Beverage Code, requiring the court to order the Department of Public Safety, if the defendant does not present the required evidence within the prescribed period, to suspend the defendant's driver's license or permit for a period not to exceed one year or to deny the issuance of a license or permit to the defendant for one year, if the defendant has been previously convicted of an offense under one or more of the sections listed in Subsection (a).

SECTION 3. Amends Section 521.343(a), Transportation Code, providing that Section 521.351, as an exception in the subchapter to a suspension limitation of one year.

SECTION 4. Amends Subchapter O, Chapter 521, Transportation Code, by adding Section 521.351 as follows:

Sec. 521.351. PURCHASE OF ALCOHOL FOR MINOR OR FURNISHING ALCOHOL TO MINOR: AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) Provides that a person's driver's

license is automatically suspended on final conviction of an offense under Section 106.06, Alcoholic Beverage Code.

(b) Prohibits the department from issuing a driver's license to a person convicted of an offense under Section 106.06, Alcoholic Beverage Code, who, on the date of the conviction, did not hold a driver's license.

(c) Provides that the period of suspension is 180 days after the date of final conviction, and the period of license denial is 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which event the period of suspension is one year after the date of a final conviction, and the period of license denial is one year after the date the person applies to the department for reinstatement or insurance of a driver's license.

SECTION 5. (a) Provides that changes made by this Act apply only to offenses committed on or after September 1, 2005.

(b) Provides that an offense committed prior to the effective date is covered by existing law at the time of the offense.

SECTION 6. Effective Date: September 1, 2005

**EFFECTIVE DATE**

September 1, 2005