

AN ACT

relating to the civil consequences of certain alcohol-related offenses.

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

SECTION 1. Section 106.115(d), Alcoholic Beverage Code, is amended to read as follows:

(d) If the defendant does not present the required evidence within the prescribed period, the court:

(1) shall order the Department of Public Safety to:

(A) suspend the defendant's driver's license or permit for a period not to exceed six months or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; or

(B) if the defendant has been previously convicted of an offense under one or more of the sections listed in Subsection (a), suspend the defendant's driver's license or permit for a period not to exceed one year or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; and

(2) may order the defendant or the parent, managing conservator, or guardian of the defendant to do any act or refrain from doing any act if the court determines that doing the act or refraining from doing the act will increase the likelihood that the defendant will present evidence to the court that the defendant has

1 satisfactorily completed an alcohol awareness program or performed
2 the required hours of community service.

3 SECTION 2. Section 521.343(a), Transportation Code, is
4 amended to read as follows:

5 (a) Except as provided by Sections 521.342(b), 521.344(a),
6 (b), (d), (e), (f), (g), (h), and (i), 521.345, 521.346, ~~[and]~~
7 521.3465, and 521.351, a suspension under this subchapter is for
8 one year.

9 SECTION 3. Subchapter O, Chapter 521, Transportation Code,
10 is amended by adding Section 521.351 to read as follows:

11 Sec. 521.351. PURCHASE OF ALCOHOL FOR MINOR OR FURNISHING
12 ALCOHOL TO MINOR: AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) A
13 person's driver's license is automatically suspended on final
14 conviction of an offense under Section 106.06, Alcoholic Beverage
15 Code.

16 (b) The department may not issue a driver's license to a
17 person convicted of an offense under Section 106.06, Alcoholic
18 Beverage Code, who, on the date of the conviction, did not hold a
19 driver's license.

20 (c) The period of suspension under this section is the 180
21 days after the date of a final conviction, and the period of license
22 denial is the 180 days after the date the person applies to the
23 department for reinstatement or issuance of a driver's license,
24 unless the person has previously been denied a license under this
25 section or had a license suspended, in which event the period of
26 suspension is one year after the date of a final conviction, and the
27 period of license denial is one year after the date the person

1 applies to the department for reinstatement or issuance of a
2 driver's license.

3 SECTION 4. (a) The change in law made by this Act applies
4 only to an offense committed on or after September 1, 2005.

5 (b) An offense committed before September 1, 2005, is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before September 1, 2005, if
9 any element of the offense was committed before that date.

10 SECTION 5. This Act takes effect September 1, 2005.

H.B. No. 1357

President of the Senate

Speaker of the House

I certify that H.B. No. 1357 was passed by the House on April 27, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1357 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1357 on May 29, 2005, by a non-record vote.

Chief Clerk of the House

H.B. No. 1357

I certify that H.B. No. 1357 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1357 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor