

BILL ANALYSIS

C.S.H.B. 2862
By: Crabb
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there is no practical way to identify a person who has been convicted for driving while intoxicated (DWI). This knowledge would be beneficial to such individuals as peace officers, bartenders, servers, and others. CSHB 2862 requires that upon a repeat conviction of DWI, a distinctive marking or symbol be placed for five years on the face of the driver's license of the person so convicted.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Transportation Code by adding Section 521.127 as follows:

Provides that a court in which a person is convicted of a second or subsequent DWI offense shall require the person to surrender their driver's license if the court suspends the license or places the person on community supervision.

Requires the court to send to the Department of Public Safety (DPS) a record of the person's conviction and an indication that their driver's license is subject to the requirements of Section 521.127.

If the driver's license is not under suspension, a person may apply for a reinstated, new or duplicate license.

Requires a distinctive marking or symbol be included on the face of such a license that identifies the license holder as a person who has been convicted of a DWI. DPS by rule will specify the marking or symbol.

Provides that the distinctive marking or symbol is in addition to any other information on the person's drivers license.

On or after the fifth anniversary of the date of a DWI conviction, a person may apply to DPS for a license that does not include the distinctive marking or symbol.

SECTION 2.

Provides that this section only applies to a person convicted of an offense on or after the date of this Act.

EFFECTIVE DATE

January 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

This substitute applies the driver's license marking or symbol only to DWI repeat offenders. It also removes the additional \$10 fee imposed for a marked license. Finally, it changes the bill's effective date from September 1, 2007 to January 1, 2008.