

## **BILL ANALYSIS**

S.B. 1061  
By: Williams  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law suspends a driver's license for 180 days for the first refusal to submit to the taking of a specimen at a DWI stop and for two years for a second refusal. Yet some drivers with suspended driver's licenses will drive despite the suspension, and, because they do not possess a valid license, they are also uninsured.

S.B. 1061 requires the Department of Public Safety (DPS) to order a person's license to be suspended for either 180 days or 90 days with the person restricted to the operation of a motor vehicle equipped with an ignition interlock device 90 days after the suspension ends on the person's first refusal to submit to a breath specimen test. The bill requires longer suspensions for persons with repeated alcohol or drug related enforcement contacts.

### **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.

### **ANALYSIS**

SECTION 1. Amends Section 724.001, Transportation Code, by adding Subdivision (8-a), to define "ignition interlock device."

SECTION 2. Amends Section 724.015, to require an officer to inform a person orally and in writing, before requesting the person to submit to the taking of a specimen, that the person's license will be automatically suspended for the refusal to comply with such taking for either 180 days or 90 days with the person restricted to the operation of a motor vehicle equipped with an ignition interlock device for not less than 90 days beginning on the date following the last day of the license suspension if the person meets certain requirements. Makes a conforming change.

SECTION 3. Amends Sections 724.032(a), (c), and (d), Transportation Code, to make conforming changes.

SECTION 4. Amends the heading of Section 724.033, Transportation Code, to read as follows:

Sec. 724.033. ISSUANCE BY DEPARTMENT OF NOTICE OF LICENSE SUSPENSION, DENIAL OF LICENSE, OR LICENSE SUSPENSION OR DENIAL WITH RESTRICTION.

SECTION 5. Amends Section 724.033(a), Transportation Code, to provide that the notice the Department of Public Safety (DPS) is required to send to a person who was not given notice as required by Section 724.032 (Officer's Duties for License Suspension; Written Refusal Report) is required to state whether the person's license will be suspended or denied as set forth in this subsection. Makes conforming changes.

SECTION 6. Amends the heading of Section 724.034, Transportation Code, to read as follows:

Sec. 724.034. CONTENTS OF NOTICE OF LICENSE SUSPENSION, LICENSE DENIAL, OR SUSPENSION OR DENIAL OF LICENSE WITH DRIVING RESTRICTION. Sets forth the required statements of the notice under Section 724.033. Makes conforming changes.

SECTION 7. Amends the heading of Section 724.035, Transportation Code, to read as follows:

Sec. 724.035. SUSPENSION, DENIAL, OR SUSPENSION OR DENIAL OF LICENSE WITH DRIVING RESTRICTION.

SECTION 8. Amends Section 724.035, Transportation Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Requires DPS, upon the refusal of a person to provide a specimen, to suspend the person's license for either 180 days, as previously provided, or 90 days with the person restricted to the operation of a motor vehicle equipped with an ignition interlock device for 90 days beginning on the date following the last day of the license suspension, if the person meets certain requirements, except as provided by Subsection (b). Makes conforming changes.

(a-1) Requires DPS to deny the issuance of a license to a person who is a resident without a license for 180 days if the person refuses the request of a peace officer to submit to the taking of a specimen.

(b) Requires a person's license to be suspended for 90 days and the person restricted to the operation of a motor vehicle equipped with an ignition interlock device for two years beginning on the day following the last day of the license suspension or denial if the person's driving record shows one or more drug-related or alcohol-related enforcement contacts during the 10 years preceding the date of the person's arrest, notwithstanding Subsection (a), if the person meets certain requirements. Deletes an earlier provision that the period of license suspension or denial is two years for such a record.

SECTION 9. Amends Section 724.046, Transportation Code by amending Subsection (a) and adding Subsection (a-1) as follows:

(a) Adds a requirement for reinstatement or new license issuance that the person present satisfactory evidence showing that the person has had installed the ignition interlock device on any motor vehicle of which the person is a registered owner. Makes conforming changes.

(a-1) Provides that a person subject to a denial order under this chapter may not obtain a license after the denial period has ended until the person pays a fee of \$125 in addition to other fees required by law and presents satisfactory evidence showing that the person has had installed an ignition interlock device on any motor vehicle of which the person is a registered owner.

SECTION 10. Amends Sections 724.048(b) and (c), Transportation Code, to make conforming changes.

SECTION 11. Makes application of this Act prospective and continues current law for occurrences prior to the effective date.

SECTION 12. Effective date: September 1, 2007.

**EFFECTIVE DATE**

September 1, 2007