

By: Crabb

H.B. No. 2862

A BILL TO BE ENTITLED

AN ACT

relating to requiring a distinctive symbol or marking on the driver's license issued to a person convicted a second or subsequent time of certain intoxication offenses.

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

SECTION 1. Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.127 to read as follows:

Sec. 521.127. DRIVER'S LICENSE FOR PERSONS CONVICTED OF CERTAIN INTOXICATED DRIVING OFFENSES. (a) Notwithstanding Section 521.347, a court in which a person is convicted of a second or subsequent offense relating to the operating of a motor vehicle while intoxicated, as defined by Section 49.09, Penal Code, shall require the person to surrender to the court the person's driver's license, if:

(1) the driver's license is suspended as a result of the conviction; or

(2) the court places the person on community supervision under Section 13, Article 42.12, Code of Criminal Procedure, and:

(A) the jury recommends under Subsection (g) of that section that the person's license not be suspended; or

(B) the court requires as a condition of community supervision that the person not operate a motor vehicle unless the vehicle is equipped with a device described by

1 Subsection (i) of that section.

2 (b) A court that requires a person to surrender the person's  
3 driver's license under Subsection (a) shall send to the department:

4 (1) a record of the person's conviction; and

5 (2) an indication that the driver's license issued to  
6 the person is subject to the requirements of this section.

7 (c) A person who is required to surrender the person's  
8 driver's license to the court under Subsection (a) may apply to the  
9 department for:

10 (1) the issuance of a new or duplicate license, unless  
11 the person's license is suspended; or

12 (2) a reinstatement of the license on the expiration  
13 of the suspension period.

14 (d) If the person applies for the issuance of a new or  
15 duplicate driver's license or for the reinstatement of a license  
16 under Subsection (c) before the fifth anniversary of the date of the  
17 person's most recent conviction of an offense relating to the  
18 operating of a motor vehicle while intoxicated and the person pays  
19 all applicable fees, the department shall issue the person a  
20 driver's license that includes a distinctive symbol or marking on  
21 the face of the license that identifies the license holder as a  
22 person who has been convicted of a second or subsequent offense  
23 relating to the operating of a motor vehicle while intoxicated. The  
24 department by rule shall specify the symbol or marking required by  
25 this subsection.

26 (e) The distinctive symbol or marking required by  
27 Subsection (d) is in addition to any other information on the

1 person's driver's license required by this chapter or the  
2 department.

3 (f) On or after the fifth anniversary of the date of the  
4 person's most recent conviction of an offense relating to the  
5 operating of a motor vehicle while intoxicated, a person issued a  
6 driver's license under Subsection (d) may apply to the department  
7 for a license that does not include the distinctive symbol or  
8 marking.

9 SECTION 2. Section 521.127, Transportation Code, as added  
10 by this Act, applies only to a person who is convicted of an offense  
11 on or after the effective date of this Act. A person who was  
12 convicted of an offense before the effective date of this Act is  
13 governed by the law in effect when the person was convicted, and the  
14 former law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect January 1, 2008.