

By: Crabb

H.B. No. 2862

Substitute the following for H.B. No. 2862:

By: Hill

C.S.H.B. No. 2862

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring a distinctive symbol or marking on the
3 driver's license issued to a person convicted a second or
4 subsequent time of certain intoxication offenses.

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

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

8 Sec. 521.127. DRIVER'S LICENSE FOR PERSONS CONVICTED OF
9 CERTAIN INTOXICATED DRIVING OFFENSES. (a) Notwithstanding Section
10 521.347, a court in which a person is convicted of a second or
11 subsequent offense relating to the operating of a motor vehicle
12 while intoxicated, as defined by Section 49.09, Penal Code, shall
13 require the person to surrender to the court the person's driver's
14 license, if:

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

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

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

22 (B) the court requires as a condition of
23 community supervision that the person not operate a motor vehicle
24 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.