

By: Crabb

H.B. No. 2862

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a distinctive symbol or marking on the
3 driver's license issued to a person convicted of certain
4 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 an offense
11 relating to the operating of a motor vehicle while intoxicated, as
12 defined by Section 49.09, Penal Code, shall require the person to
13 surrender to the court the person's driver's license, if:

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

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

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

21 (B) the court requires as a condition of
22 community supervision that the person not operate a motor vehicle
23 unless the vehicle is equipped with a device described by
24 Subsection (i) of that section.

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

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

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

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

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

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

13 (d) If the person applies for the issuance of a new or
14 duplicate driver's license or for the reinstatement of a license
15 under Subsection (c) before the fifth anniversary of the date of the
16 person's most recent conviction of an offense relating to the
17 operating of a motor vehicle while intoxicated, in addition to any
18 other applicable fee, the department shall impose a fee of \$10 for
19 the issuance of the license.

20 (e) On the payment of all required fees, the department
21 shall issue a person subject to Subsection (d) a driver's license
22 that includes a distinctive symbol or marking on the face of the
23 license that identifies the license holder as a person who has been
24 convicted of an offense relating to the operating of a motor vehicle
25 while intoxicated. The department by rule shall specify the symbol
26 or marking required by this subsection.

27 (f) The distinctive symbol or marking required by

1 Subsection (e) is in addition to any other information on the
2 person's driver's license required by this chapter or the
3 department.

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

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

16 SECTION 3. This Act takes effect September 1, 2007.