

By: Frost

H.B. No. 3031

A BILL TO BE ENTITLED

AN ACT

relating to the civil and criminal consequences of driving while intoxicated with a child passenger.

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

SECTION 1. Section 106.041(g), Alcoholic Beverage Code, is amended to read as follows:

(g) An offense under this section is not a lesser included offense under Section 49.04 or 49.045, Penal Code.

SECTION 2. Section 104.0035(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) This section does not apply to a person who is criminally prosecuted for:

(1) operating a motor vehicle while intoxicated under Section 49.04, Penal Code;

(2) operating a motor vehicle while intoxicated with a child passenger under Section 49.045, Penal Code;

(3) [~~for~~] intoxication assault committed while operating a motor vehicle under Section 49.07, Penal Code;[7] or

(4) [~~for~~] intoxication manslaughter under Section 49.08, Penal Code.

SECTION 3. Article 2.122(c), Code of Criminal Procedure, is amended to read as follows:

(c) A customs inspector of the United States Customs Service or a border patrolman or immigration officer of the United States

1 Department of Justice is not a peace officer under the laws of this
2 state but, on the premises of a port facility designated by the
3 commissioner of the United States Immigration and Naturalization
4 Service as a port of entry for arrival in the United States by land
5 transportation from the United Mexican States into the State of
6 Texas or at a permanent established border patrol traffic check
7 point, has the authority to detain a person pending transfer
8 without unnecessary delay to a peace officer if the inspector,
9 patrolman, or officer has probable cause to believe that the person
10 has engaged in conduct that is a violation of Section 49.02, 49.04,
11 49.045, 49.07, or 49.08, Penal Code, regardless of whether the
12 violation may be disposed of in a criminal proceeding or a juvenile
13 justice proceeding.

14 SECTION 4. Section 5(d), Article 42.12, Code of Criminal
15 Procedure, is amended to read as follows:

16 (d) In all other cases the judge may grant deferred
17 adjudication unless:

18 (1) the defendant is charged with an offense:

19 (A) under Section 49.04, 49.045, 49.05, 49.06,
20 49.07, or 49.08, Penal Code; or

21 (B) for which punishment may be increased under
22 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it
23 is shown that the defendant has been previously convicted of an
24 offense for which punishment was increased under any one of those
25 subsections; or

26 (2) the defendant:

27 (A) is charged with an offense under Section

1 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the
2 victim, or a felony described by Section 13B(b) of this article; and

3 (B) has previously been placed on community
4 supervision for any offense under Paragraph (A) of this
5 subdivision.

6 SECTION 5. Section 9(h), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

8 (h) On a determination by the judge that alcohol or drug
9 abuse may have contributed to the commission of the offense, or in
10 any case involving a second or subsequent offense under Section
11 49.04 or 49.045, Penal Code, committed within five years of the date
12 on which the most recent preceding offense was committed, or a
13 second or subsequent offense under Section 49.07 or 49.08 of that
14 code that involves the operation of a motor vehicle, committed
15 within five years of the date on which the most recent preceding
16 offense was committed, the judge shall direct a supervision officer
17 approved by the community supervision and corrections department or
18 the judge or a person, program, or other agency approved by the
19 Texas Commission on Alcohol and Drug Abuse, to conduct an
20 evaluation to determine the appropriateness of, and a course of
21 conduct necessary for, alcohol or drug rehabilitation for a
22 defendant and to report that evaluation to the judge. The
23 evaluation shall be made:

24 (1) after arrest and before conviction, if requested
25 by the defendant;

26 (2) after conviction and before sentencing, if the
27 judge assesses punishment in the case;

1 (3) after sentencing and before the entry of a final
2 judgment, if the jury assesses punishment in the case; or

3 (4) after community supervision is granted, if the
4 evaluation is required as a condition of community supervision
5 under Section 13 of this article.

6 SECTION 6. Section 13(m), Article 42.12, Code of Criminal
7 Procedure, is amended to read as follows:

8 (m) If a judge revokes the community supervision of a
9 defendant for an offense under Section 49.04 or 49.045, Penal Code,
10 or an offense involving the operation of a motor vehicle while
11 intoxicated under Section 49.07, Penal Code, and the driver's
12 license or privilege to operate a motor vehicle has not previously
13 been ordered by the judge to be suspended, or if the suspension was
14 previously probated, the judge shall suspend the license or
15 privilege for a period provided under Subchapter O, Chapter 521,
16 Transportation Code. The suspension shall be reported to the
17 Department of Public Safety as provided under Section 521.347,
18 Transportation Code.

19 SECTION 7. Section (a)(4), Article 56.32, Code of Criminal
20 Procedure, is amended to read as follows:

21 (4) "Criminally injurious conduct" means conduct
22 that:

23 (A) occurs or is attempted;

24 (B) poses a substantial threat of personal injury
25 or death;

26 (C) is punishable by fine, imprisonment, or
27 death, or would be punishable by fine, imprisonment, or death if the

1 person engaging in the conduct possessed capacity to commit the
2 conduct; and

3 (D) does not arise out of the ownership,
4 maintenance, or use of a motor vehicle, aircraft, or water vehicle,
5 unless the conduct is intended to cause personal injury or death or
6 the conduct is in violation of Section 550.021, Transportation
7 Code, or one or more of the following sections of the Penal Code:

8 (i) Section 19.04 (manslaughter);

9 (ii) Section 19.05 (criminally negligent
10 homicide);

11 (iii) Section 22.02 (aggravated assault);

12 (iv) Section 49.04 (driving while
13 intoxicated);

14 (v) Section 49.045 (driving while
15 intoxicated with child passenger);

16 (vi) Section 49.05 (flying while
17 intoxicated);

18 (vii) [~~(vi)~~] Section 49.06 (boating while
19 intoxicated);

20 (viii) [~~(vii)~~] Section 49.07 (intoxication
21 assault); or

22 (ix) [~~(viii)~~] Section 49.08 (intoxication
23 manslaughter).

24 SECTION 8. Articles 102.018(a) and (b), Code of Criminal
25 Procedure, are amended to read as follows:

26 (a) Except as provided by Subsection (d) of this article, on
27 conviction of an offense relating to the driving or operating of a

1 motor vehicle while intoxicated under Section 49.04 or 49.045,
 2 Penal Code, the court shall impose a cost of \$15 on a defendant if,
 3 subsequent to the arrest of the defendant, a law enforcement agency
 4 visually recorded the defendant with an electronic device. Costs
 5 imposed under this subsection are in addition to other court costs
 6 and are due regardless of whether [~~or not~~] the defendant is granted
 7 community supervision [~~probation~~] in the case. The court shall
 8 collect the costs in the same manner as other costs are collected in
 9 the case.

10 (b) Except as provided by Subsection (d) of this article, on
 11 conviction of an offense relating to the driving or operating of a
 12 motor vehicle while intoxicated [~~punishable~~] under Section 49.04 or
 13 49.045 [~~49.04(b)~~], Penal Code, the court shall impose as a cost of
 14 court on the defendant an amount that is equal to the cost of an
 15 evaluation of the defendant performed under Section 13(a), Article
 16 42.12, of this code. Costs imposed under this subsection are in
 17 addition to other court costs and are due regardless of whether [~~or~~
 18 ~~not~~] the defendant is granted community supervision [~~probation~~] in
 19 the case, except that if the court determines that the defendant is
 20 indigent and unable to pay the cost, the court may waive the
 21 imposition of the cost.

22 SECTION 9. Section 51.03(a), Family Code, is amended to
 23 read as follows:

24 (a) Delinquent conduct is:

25 (1) conduct, other than a traffic offense, that
 26 violates a penal law of this state or of the United States
 27 punishable by imprisonment or by confinement in jail;

1 (2) conduct that violates a lawful order of a court
2 under circumstances that would constitute contempt of that court
3 in:

4 (A) a justice or municipal court; or

5 (B) a county court for conduct punishable only by
6 a fine;

7 (3) conduct that violates Section 49.04, 49.045,
8 49.05, 49.06, 49.07, or 49.08, Penal Code; or

9 (4) conduct that violates Section 106.041, Alcoholic
10 Beverage Code, relating to driving under the influence of alcohol
11 by a minor (third or subsequent offense).

12 SECTION 10. Section 53.03(g), Family Code, is amended to
13 read as follows:

14 (g) Prosecution may not be deferred for a child alleged to
15 have engaged in conduct that:

16 (1) is an offense under Section 49.04, 49.045, 49.05,
17 49.06, 49.07, or 49.08, Penal Code; or

18 (2) is a third or subsequent offense under Section
19 106.04 or 106.041, Alcoholic Beverage Code.

20 SECTION 11. Section 54.042(h), Family Code, is amended to
21 read as follows:

22 (h) If a child is adjudicated for conduct that violates
23 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, and if any
24 conduct on which that adjudication is based is a ground for a
25 driver's license suspension under Chapter 524 or 724,
26 Transportation Code, each of the suspensions shall be imposed. The
27 court imposing a driver's license suspension under this section

1 shall credit a period of suspension imposed under Chapter 524 or
2 724, Transportation Code, toward the period of suspension required
3 under this section, except that if the child was previously
4 adjudicated for conduct that violates Section 49.04, 49.045, 49.07,
5 or 49.08, Penal Code, credit may not be given.

6 SECTION 12. Section 464.035, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 464.035. PAYMENT OF CONTRACT AMOUNTS. To pay for
9 services provided under a contract with an alcoholism program or
10 center, the commissioners court by order may dedicate for payment
11 to the program or center a percentage of the money received by the
12 county as fines for alcohol-related offenses committed while
13 operating a motor vehicle while intoxicated under Sections 49.04,
14 49.045, and 49.07, Penal Code.

15 SECTION 13. Section 1, Article 5.03-1, Insurance Code, is
16 amended to read as follows:

17 Sec. 1. A premium surcharge in an amount to be prescribed by
18 the State Board of Insurance shall be assessed by an insurer defined
19 in Article 5.01, Texas Insurance Code, against an insured for no
20 more than three years immediately following the date of conviction
21 of the insured of an offense committed while operating a motor
22 vehicle under Section 49.04, 49.045, or 49.07, Penal Code, or an
23 offense under Section 49.08, Penal Code. The premium surcharge
24 shall be applied only to private passenger automobile policies as
25 defined by the State Board of Insurance.

26 SECTION 14. Section 49.02(d), Penal Code, is amended to
27 read as follows:

1 (d) An offense under this section is not a lesser included
2 offense under Section 49.04 or 49.045.

3 SECTION 15. Section 49.09(b), Penal Code, is amended to
4 read as follows:

5 (b) An offense under Section 49.04, 49.045, 49.05, 49.06, or
6 49.065 is a felony of the third degree if it is shown on the trial of
7 the offense that the person has previously been convicted:

8 (1) one time of an offense under Section 49.08 or an
9 offense under the laws of another state if the offense contains
10 elements that are substantially similar to the elements of an
11 offense under Section 49.08; or

12 (2) two times of any other offense relating to the
13 operating of a motor vehicle while intoxicated, operating an
14 aircraft while intoxicated, operating a watercraft while
15 intoxicated, or operating or assembling an amusement ride while
16 intoxicated.

17 SECTION 16. Section 521.202(a), Transportation Code, is
18 amended to read as follows:

19 (a) Unless the period of suspension that would have applied
20 if the person held a license at the time of the conviction has
21 expired, the department may not issue a license to a person
22 convicted of an offense:

23 (1) described by Section 49.04, 49.045, 49.07, or
24 49.08, Penal Code; or

25 (2) to which Section 521.342(a) applies.

26 SECTION 17. Section 521.242(a), Transportation Code, is
27 amended to read as follows:

1 (a) A person whose license has been suspended for a cause
2 other than a physical or mental disability or impairment or a
3 conviction under Section 49.04 or 49.045, Penal Code, may apply for
4 an occupational license by filing a verified petition with the
5 clerk of the county court or district court with jurisdiction in the
6 county in which:

7 (1) the person resides; or

8 (2) the offense occurred for which the license was
9 suspended.

10 SECTION 18. Section 521.243(a), Transportation Code, is
11 amended to read as follows:

12 (a) The clerk of the court shall send by certified mail to
13 the attorney representing the state a copy of the petition and
14 notice of the hearing if the petitioner's license was suspended
15 following a conviction for:

16 (1) an offense under Section 19.05, 49.04, 49.045,
17 49.07, or 49.08, Penal Code; or

18 (2) an offense to which Section 521.342 applies.

19 SECTION 19. Sections 521.246(a), (b), and (f),
20 Transportation Code, are amended to read as follows:

21 (a) If the person's license has been suspended after a
22 conviction under Section 49.04, 49.045, 49.07, or 49.08, Penal
23 Code, the judge, before signing an order, shall determine from the
24 criminal history record information maintained by the department
25 whether the person has any previous conviction under those laws.

26 (b) As part of the order the judge may restrict the person to
27 the operation of a motor vehicle equipped with an ignition

1 interlock device if the judge determines that the person's license
2 has been suspended following a conviction under Section 49.04,
3 49.045, 49.07, or 49.08, Penal Code. As part of the order, the
4 judge shall restrict the person to the operation of a motor vehicle
5 equipped with an ignition interlock device if the judge determines
6 that:

7 (1) the person has two or more convictions under any
8 combination of Section 49.04, 49.045, 49.07, or 49.08, Penal Code;
9 or

10 (2) the person's license has been suspended after a
11 conviction under Section 49.04 or 49.045, Penal Code, for which the
12 person has been punished under Section 49.09, Penal Code.

13 (f) A previous conviction may not be used for purposes of
14 restricting a person to the operation of a motor vehicle equipped
15 with an interlock ignition device under this section if:

16 (1) the previous conviction was a final conviction
17 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, and was
18 for an offense committed more than 10 years before the instant
19 offense for which the person was convicted; and

20 (2) the person has not been convicted of an offense
21 under Section 49.04, 49.045, 49.07, or 49.08 of that code committed
22 within 10 years before the date on which the instant offense for
23 which the person was convicted.

24 SECTION 20. Sections 521.251(c) and (d), Transportation
25 Code, are amended to read as follows:

26 (c) If the person's driver's license has been suspended as a
27 result of a conviction under Section 49.04, 49.045, 49.07, or

1 49.08, Penal Code, during the five years preceding the date of the
2 person's arrest, the order may not take effect before the 181st day
3 after the effective date of the suspension.

4 (d) Notwithstanding any other provision in this section, if
5 the person's driver's license has been suspended as a result of a
6 second or subsequent conviction under Section 49.04, 49.045, 49.07,
7 or 49.08, Penal Code, committed within five years of the date on
8 which the most recent preceding offense was committed, an order
9 granting the person an occupational license may not take effect
10 before the first anniversary of the effective date of the
11 suspension.

12 SECTION 21. Section 521.341, Transportation Code, is
13 amended to read as follows:

14 Sec. 521.341. REQUIREMENTS FOR AUTOMATIC LICENSE
15 SUSPENSION. Except as provided by Sections 521.344(d)-(i), a
16 license is automatically suspended on final conviction of the
17 license holder of:

18 (1) an offense under Section 19.05, Penal Code,
19 committed as a result of the holder's criminally negligent
20 operation of a motor vehicle;

21 (2) an offense under Section 38.04, Penal Code, if the
22 holder used a motor vehicle in the commission of the offense;

23 (3) an offense under Section 49.04, 49.045, or 49.08,
24 Penal Code;

25 (4) an offense under Section 49.07, Penal Code, if the
26 holder used a motor vehicle in the commission of the offense;

27 (5) an offense punishable as a felony under the motor

1 vehicle laws of this state;

2 (6) an offense under Section 550.021; or

3 (7) an offense under Section 521.451 or 521.453.

4 SECTION 22. Sections 521.342(a) and (b), Transportation
5 Code, are amended to read as follows:

6 (a) Except as provided by Section 521.344, the license of a
7 person who was under 21 years of age at the time of the offense,
8 other than an offense classified as a misdemeanor punishable by
9 fine only, is automatically suspended on conviction of:

10 (1) an offense under Section 49.04, 49.045, or 49.07,
11 Penal Code, committed as a result of the introduction of alcohol
12 into the body;

13 (2) an offense under the Alcoholic Beverage Code,
14 other than an offense to which Section 106.071 of that code applies,
15 involving the manufacture, delivery, possession, transportation,
16 or use of an alcoholic beverage;

17 (3) a misdemeanor offense under Chapter 481, Health
18 and Safety Code, for which Subchapter P does not require the
19 automatic suspension of the license;

20 (4) an offense under Chapter 483, Health and Safety
21 Code, involving the manufacture, delivery, possession,
22 transportation, or use of a dangerous drug; or

23 (5) an offense under Chapter 485, Health and Safety
24 Code, involving the manufacture, delivery, possession,
25 transportation, or use of an abusable volatile chemical.

26 (b) The department shall suspend for one year the license of
27 a person who is under 21 years of age and is convicted of an offense

1 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code,
2 regardless of whether the person is required to attend an
3 educational program under Section 13(h), Article 42.12, Code of
4 Criminal Procedure, that is designed to rehabilitate persons who
5 have operated motor vehicles while intoxicated, unless the person
6 is placed under community supervision under that article and is
7 required as a condition of the community supervision to not operate
8 a motor vehicle unless the vehicle is equipped with the device
9 described by Section 13(i) of that article. If the person is
10 required to attend such a program and does not complete the program
11 before the end of the person's suspension, the department shall
12 suspend the person's license or continue the suspension, as
13 appropriate, until the department receives proof that the person
14 has successfully completed the program. On the person's successful
15 completion of the program, the person's instructor shall give
16 notice to the department and to the community supervision and
17 corrections department in the manner provided by Section 13(h),
18 Article 42.12, Code of Criminal Procedure.

19 SECTION 23. Sections 521.344(a) and (c), Transportation
20 Code, are amended to read as follows:

21 (a) Except as provided by Sections 521.342(b) and 521.345,
22 and by Subsections (d)-(i), if a person is convicted of an offense
23 under Section 49.04, 49.045, or 49.07, Penal Code, the license
24 suspension:

25 (1) begins on a date set by the court that is not
26 earlier than the date of the conviction or later than the 30th day
27 after the date of the conviction, as determined by the court; and

1 (2) continues for a period set by the court according
2 to the following schedule:

3 (A) not less than 90 days or more than one year,
4 if the person is punished under Section 49.04, 49.045, or 49.07,
5 Penal Code, except that if the person's license is suspended for a
6 second or subsequent offense under Section 49.07 committed within
7 five years of the date on which the most recent preceding offense
8 was committed, the suspension continues for a period of one year;

9 (B) not less than 180 days or more than two years,
10 if the person is punished under Section 49.09(a) or (b), Penal Code;
11 or

12 (C) not less than one year or more than two years,
13 if the person is punished under Section 49.09(a) or (b), Penal Code,
14 and is subject to Section 49.09(h) of that code.

15 (c) The court shall credit toward the period of suspension a
16 suspension imposed on the person for refusal to give a specimen
17 under Chapter 724 if the refusal followed an arrest for the same
18 offense for which the court is suspending the person's license
19 under this chapter. The court may not extend the credit to a
20 person:

21 (1) who has been previously convicted of an offense
22 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code; or

23 (2) whose period of suspension is governed by Section
24 521.342(b).

25 SECTION 24. Section 521.371(3), Transportation Code, is
26 amended to read as follows:

27 (3) "Drug offense" has the meaning assigned under 23

1 U.S.C. Section 159(c) and includes an offense under Section 49.04,
2 49.045, 49.07, or 49.08, Penal Code, that is committed as a result
3 of the introduction into the body of any substance the possession of
4 which is prohibited under the Controlled Substances Act.

5 SECTION 25. Section 522.081(b), Transportation Code, is
6 amended to read as follows:

7 (b) This subsection applies to a violation committed while
8 operating any motor vehicle, including a commercial motor vehicle,
9 except as provided by this subsection. A person who holds a
10 commercial driver's license is disqualified from driving a
11 commercial motor vehicle for one year:

12 (1) if convicted of three violations of a law that
13 regulates the operation of a motor vehicle at a railroad grade
14 crossing that occur within a three-year period;

15 (2) on first conviction of:

16 (A) driving a motor vehicle under the influence
17 of alcohol or a controlled substance, including a violation of
18 Section 49.04, 49.045, or 49.07, Penal Code;

19 (B) leaving the scene of an accident involving a
20 motor vehicle driven by the person;

21 (C) using a motor vehicle in the commission of a
22 felony, other than a felony described by Subsection (d)(2);

23 (D) causing the death of another person through
24 the negligent or criminal operation of a motor vehicle; or

25 (E) driving a commercial motor vehicle while the
26 person's commercial driver's license is revoked, suspended, or
27 canceled, or while the person is disqualified from driving a

1 commercial motor vehicle, for an action or conduct that occurred
2 while operating a commercial motor vehicle;

3 (3) for refusing to submit to a test under Chapter 724
4 to determine the person's alcohol concentration or the presence in
5 the person's body of a controlled substance or drug while operating
6 a motor vehicle in a public place; or

7 (4) if an analysis of the person's blood, breath, or
8 urine under Chapter 522, 524, or 724 determines that the person:

9 (A) had an alcohol concentration of 0.04 or more,
10 or that a controlled substance or drug was present in the person's
11 body, while operating a commercial motor vehicle in a public place;
12 or

13 (B) had an alcohol concentration of 0.08 or more
14 while operating a motor vehicle, other than a commercial motor
15 vehicle, in a public place.

16 SECTION 26. Section 524.011(a), Transportation Code, is
17 amended to read as follows:

18 (a) An officer arresting a person shall comply with
19 Subsection (b) if:

20 (1) the person is arrested for an offense under
21 Section 49.04 or 49.045, Penal Code, or an offense under Section
22 49.07 or 49.08 of that code involving the operation of a motor
23 vehicle while intoxicated, submits to the taking of a specimen of
24 breath or blood and an analysis of the specimen shows the person had
25 an alcohol concentration of a level specified by Section
26 49.01(2)(B), Penal Code; or

27 (2) the person is a minor arrested for an offense under

1 Section 106.041, Alcoholic Beverage Code, or Section 49.04 or
2 49.045, Penal Code, or an offense under Section 49.07 or 49.08,
3 Penal Code, involving the operation of a motor vehicle while
4 intoxicated and:

5 (A) the minor is not requested to submit to the
6 taking of a specimen; or

7 (B) the minor submits to the taking of a specimen
8 and an analysis of the specimen shows that the minor had an alcohol
9 concentration of greater than .00 but less than the level specified
10 by Section 49.01(2)(B), Penal Code.

11 SECTION 27. Section 524.015(b), Transportation Code, is
12 amended to read as follows:

13 (b) A suspension may not be imposed under this chapter on a
14 person who is acquitted of a criminal charge under Section 49.04,
15 49.045, 49.07, or 49.08, Penal Code, or Section 106.041, Alcoholic
16 Beverage Code, arising from the occurrence that was the basis for
17 the suspension. If a suspension was imposed before the acquittal,
18 the department shall rescind the suspension and shall remove any
19 reference to the suspension from the person's computerized driving
20 record.

21 SECTION 28. Section 524.022(b), Transportation Code, is
22 amended to read as follows:

23 (b) A period of suspension under this chapter for a minor
24 is:

25 (1) 60 days if the minor has not been previously
26 convicted of an offense under Section 106.041, Alcoholic Beverage
27 Code, or Section 49.04 or 49.045, Penal Code, or an offense under

1 Section 49.07 or 49.08, Penal Code, involving the operation of a
2 motor vehicle while intoxicated;

3 (2) 120 days if the minor has been previously
4 convicted once of an offense listed by Subdivision (1); or

5 (3) 180 days if the minor has been previously
6 convicted twice or more of an offense listed by Subdivision (1).

7 SECTION 29. Section 524.023, Transportation Code, is
8 amended to read as follows:

9 Sec. 524.023. APPLICATION OF SUSPENSION UNDER OTHER LAWS.

10 (a) If a person is convicted of an offense under Section 106.041,
11 Alcoholic Beverage Code, or Section 49.04, 49.045, 49.07, or 49.08,
12 Penal Code, and if any conduct on which that conviction is based is
13 a ground for a driver's license suspension under this chapter and
14 Section 106.041, Alcoholic Beverage Code, Subchapter O, Chapter
15 521, or Subchapter H, Chapter 522, each of the suspensions shall be
16 imposed.

17 (b) The court imposing a driver's license suspension under
18 Section 106.041, Alcoholic Beverage Code, or Chapter 521 or 522 as
19 required by Subsection (a) shall credit a period of suspension
20 imposed under this chapter toward the period of suspension required
21 under Section 106.041, Alcoholic Beverage Code, or Subchapter O,
22 Chapter 521, or Subchapter H, Chapter 522, unless the person was
23 convicted of an offense under Article 67011-1, Revised Statutes, as
24 that law existed before September 1, 1994, Section 19.05(a)(2),
25 Penal Code, as that law existed before September 1, 1994, Section
26 49.04, 49.045, 49.07, or 49.08, Penal Code, or Section 106.041,
27 Alcoholic Beverage Code, before the date of the conviction on which

1 the suspension is based, in which event credit may not be given.

2 SECTION 30. Section 524.042(a), Transportation Code, is
3 amended to read as follows:

4 (a) A suspension of a driver's license under this chapter is
5 stayed on the filing of an appeal petition only if:

6 (1) the person's driver's license has not been
7 suspended as a result of an alcohol-related or drug-related
8 enforcement contact during the five years preceding the date of the
9 person's arrest; and

10 (2) the person has not been convicted during the 10
11 years preceding the date of the person's arrest of an offense under:

12 (A) Article 67011-1, Revised Statutes, as that
13 law existed before September 1, 1994;

14 (B) Section 19.05(a)(2), Penal Code, as that law
15 existed before September 1, 1994;

16 (C) Section 49.04 or 49.045, Penal Code;

17 (D) Section 49.07 or 49.08, Penal Code, if the
18 offense involved the operation of a motor vehicle while
19 intoxicated; or

20 (E) Section 106.041, Alcoholic Beverage Code.

21 SECTION 31. Section 543.011(a), Transportation Code, is
22 amended to read as follows:

23 (a) This section applies to a person who:

24 (1) is stopped or issued a notice to appear by a peace
25 officer in connection with a violation of:

26 (A) this subtitle;

27 (B) Section 49.031, [~~49.03 or~~] 49.04, or 49.045,

1 Penal Code; or

2 (C) Section 49.07 or 49.08, Penal Code, involving
3 operation of a motor vehicle while intoxicated; and

4 (2) presents to the peace officer a driver's license
5 issued by the United States Department of State or claims
6 immunities or privileges under 22 U.S.C. Chapter 6.

7 SECTION 32. Section 705.001(a), Transportation Code, is
8 amended to read as follows:

9 (a) A person commits an offense if the person:

10 (1) knowingly permits another to operate a motor
11 vehicle owned by the person; and

12 (2) knows that at the time permission is given the
13 other person's license has been suspended as a result of a:

14 (A) conviction of an offense under:

15 (i) Section 49.04 or 49.045, Penal Code;

16 (ii) Section 49.07, Penal Code, if the
17 offense involved operation of a motor vehicle while intoxicated; or

18 (iii) Article 67011-1, Revised Statutes, as
19 that law existed before September 1, 1994; or

20 (B) failure to give a specimen under:

21 (i) Chapter 724; or

22 (ii) Chapter 434, Acts of the 61st
23 Legislature, Regular Session, 1969 (Article 67011-5, Vernon's
24 Texas Civil Statutes), as that law existed before September 1,
25 1995.

26 SECTION 33. The changes in law made by this Act apply only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect when the offense was committed, and
3 the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense was
6 committed before that date.

7 SECTION 34. This Act takes effect September 1, 2007.