

By: Phillips

H.B. No. 3761

A BILL TO BE ENTITLED

AN ACT

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relating to suspension or denial of a driver's license or permit for failure to comply with terms of appearance, a judgment, or a summons.

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

SECTION 1. Article 15.03, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A summons may be issued in any case where a warrant may be issued, and shall be in the same form as the warrant except that it shall summon the defendant to appear before a magistrate at a stated time and place. The summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by mailing it to the defendant's last known address. If a defendant fails to appear in response to the summons the magistrate may issue a warrant for the defendant's arrest ~~[shall be issued]~~. In addition, a magistrate of a justice or municipal court may issue an order to suspend a person's driver's license or permit or deny issuance of a driver's license or permit as provided by Section 45.0451.

(c) A magistrate who issues an order to suspend or deny the issuance of a driver's license or permit under Subsection (b) shall promptly notify the Department of Public Safety when the defendant

1 appears before the magistrate.

2 SECTION 2. Subchapter B, Chapter 45, Code of Criminal  
3 Procedure, is amended by adding Article 45.0451 to read as follows:

4 Art. 45.0451. FAILURE TO COMPLY WITH TERMS OF APPEARANCE,  
5 JUDGMENT, OR SUMMONS; JUSTICE OR MUNICIPAL COURT. (a) A justice or  
6 municipal court, in addition to or instead of any other action  
7 permitted by law, may order the Department of Public Safety to  
8 suspend a person's driver's license or permit or, if the person does  
9 not hold a driver's license or permit, to deny issuance of a  
10 driver's license or permit to a person if the person fails to fully  
11 comply with:

- 12 (1) terms of appearance;  
13 (2) a judgment of the court; or  
14 (3) a summons issued by the court.

15 (b) A court that has issued an order under Subsection (a)  
16 shall promptly notify the Department of Public Safety when the  
17 person complies with the terms of appearance, a judgment, or a  
18 summons, as applicable.

19 SECTION 3. Section 521.3451, Transportation Code, is  
20 amended to read as follows:

21 Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR  
22 MUNICIPAL COURT [~~FOR CONTEMPT OF COURT~~]; REINSTATEMENT. (a) The  
23 department shall suspend or deny the issuance of a license or  
24 instruction permit on receipt of an order to suspend or deny the  
25 issuance of the license or permit from a justice or municipal court  
26 under Article 15.03, 45.050, or 45.0451, Code of Criminal  
27 Procedure.

1           (b) The department shall reinstate a license or permit  
2 suspended or reconsider a license or permit denied under Subsection  
3 (a) on receiving notice from the justice or municipal court that  
4 ordered the suspension or denial that the person whose license or  
5 permit was suspended or denied [~~contemner~~] has fully complied with  
6 the terms of appearance, a judgment, or a summons, as applicable  
7 [~~the court's order~~].

8           SECTION 4. (a) The change in law made by this Act applies  
9 only to an offense committed on or after the effective date of this  
10 Act. For the purposes of this section, an offense is committed  
11 before the effective date of this Act if any element of the offense  
12 occurs before that date.

13           (b) An offense committed before the effective date of this  
14 Act is governed by the law in effect when the offense was committed,  
15 and the former law is continued in effect for that purpose.

16           SECTION 5. This Act takes effect September 1, 2007.