

By: Ogden

S.B. No. 1794

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for an occupational driver's license.

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

SECTION 1. Subsections (a) and (b), Section 521.242, Transportation Code, are amended to read as follows:

(a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment, other than ~~[or]~~ a conviction under Section 49.04 or 49.045, Penal Code, or other than as provided by Chapter 724 may apply for an occupational license by filing a verified petition with the clerk of the county court or district court with jurisdiction in the county in which:

(1) the person resides; or

(2) the offense occurred for which or in connection with which the license was suspended.

(b) A person may apply for an occupational license by filing a verified petition only with the clerk of the county court or district court in which the person was convicted if:

(1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; ~~[and]~~

(2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state;

1 (3) the offense for which the person's license was
2 suspended or canceled was not an offense under Section 19.05,
3 49.04, 49.045, 49.07, or 49.08, Penal Code; and

4 (4) the person's license has not been suspended under
5 Chapter 724.

6 SECTION 2. Subsection (c), Section 521.244, Transportation
7 Code, is amended to read as follows:

8 (c) If the judge finds that there is an essential need, the
9 judge also, as part of the order, shall:

10 (1) determine the actual need of the petitioner to
11 operate a motor vehicle; ~~and~~

12 (2) require the petitioner to provide evidence of
13 financial responsibility in accordance with Chapter 601;

14 (3) determine whether the person meets the
15 requirements of Section 521.242(b); and

16 (4) if applicable, determine the effective date of the
17 order as provided by Section 521.251.

18 SECTION 3. Subsections (a) and (e), Section 521.245,
19 Transportation Code, are amended to read as follows:

20 (a) If the petitioner's license has been suspended under
21 Chapter 524 [~~or 724~~], the court shall require the petitioner to
22 attend a program approved by the court that is designed to provide
23 counseling and rehabilitation services to persons for alcohol
24 dependence. This requirement shall be stated in the order granting
25 the occupational license.

26 (e) On receipt of the copy under Subsection (d), the
27 department shall suspend the person's occupational license for [+]

1 ~~[(1)]~~ 60 days, if the original driver's license
2 suspension was under Chapter 524~~[, or~~

3 ~~[(2) 120 days, if the original driver's license~~
4 ~~suspension was under Chapter 724]~~.

5 SECTION 4. Subsection (b), Section 521.246, Transportation
6 Code, is amended to read as follows:

7 (b) ~~[As part of the order the judge may restrict the person~~
8 ~~to the operation of a motor vehicle equipped with an ignition~~
9 ~~interlock device if the judge determines that the person's license~~
10 ~~has been suspended following a conviction under Section 49.04,~~
11 ~~49.07, or 49.08, Penal Code.]~~ As part of the order, the judge shall
12 restrict the person to the operation of a motor vehicle equipped
13 with an ignition interlock device if the judge determines that the
14 person's license has been suspended under Chapter 524~~+~~

15 ~~[(1) the person has two or more convictions under any~~
16 ~~combination of Section 49.04, 49.07, or 49.08, Penal Code, or~~

17 ~~[(2) the person's license has been suspended after a~~
18 ~~conviction under Section 49.04, Penal Code, for which the person~~
19 ~~has been punished under Section 49.09, Penal Code]~~.

20 SECTION 5. Subsection (a), Section 521.248, Transportation
21 Code, is amended to read as follows:

22 (a) An order granting an occupational license must include a
23 finding that the person meets the requirements of Section
24 521.242(b) and specify:

25 (1) the hours of the day and days of the week during
26 which the person may operate a motor vehicle;

27 (2) the reasons for which the person may operate a

1 motor vehicle; ~~and~~

2 (3) areas or routes of travel permitted; and

3 (4) if applicable, the effective date of the order as
4 provided by Section 521.251.

5 SECTION 6. Subsections (a) and (b), Section 521.251,
6 Transportation Code, are amended to read as follows:

7 (a) If a person's license is suspended under Chapter 524 [~~or~~
8 ~~724~~] and the person has not had a prior suspension arising from an
9 alcohol-related or drug-related enforcement contact in the five
10 years preceding the date of the person's arrest, an order under this
11 subchapter granting the person an occupational license takes effect
12 immediately. However, the court shall order the person to comply
13 with:

14 (1) the counseling and rehabilitation program
15 required under Section 521.245; and

16 (2) the ignition interlock device requirement under
17 Section 521.246.

18 (b) If the person's driver's license has been suspended as a
19 result of an alcohol-related or drug-related enforcement contact
20 during the five years preceding the date of the suspension under
21 Chapter 524 [person's arrest], the order may not take effect before
22 the 91st day after the effective date of the suspension. The court
23 shall order the person to comply with the ignition interlock device
24 requirement under Section 521.246.

25 SECTION 7. The following provisions of the Transportation
26 Code are repealed:

27 (1) Subsections (a) and (f), Section 521.246; and

1 (2) Subsections (c) and (d), Section 521.251.

2 SECTION 8. The change in law made by this Act applies only
3 to an occupational driver's license that is applied for on or after
4 September 1, 2007. An occupational driver's license applied for
5 before September 1, 2007, is covered by the law in effect on the
6 date the application was filed, and the former law is continued in
7 effect for that purpose.

8 SECTION 9. This Act takes effect September 1, 2007.