

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. Sections 521.242(a) and (b), 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 or a charge or conviction for an offense under Section 49.04, Penal Code, 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 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 charged or 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; and

1 (3) the person is not charged with, or has not been
2 convicted of, an offense under Section 19.05, 49.04, 49.07, or
3 49.08, Penal Code.

4 SECTION 2. Section 521.244(c), Transportation Code, is
5 amended to read as follows:

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

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

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

12 (3) determine whether the person meets all of the
13 requirements of Section 521.242(b); and

14 (4) determine the effective date of the order pursuant
15 to Section 521.251.

16 SECTION 3. Section 521.248(a), Transportation Code, is
17 amended to read as follows:

18 (a) An order granting an occupational license must specify:

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

21 (2) the reasons for which the person may operate a
22 motor vehicle; ~~and~~

23 (3) areas or routes of travel permitted;

24 (4) a finding that the person meets the requirements
25 of Section 521.242(b); and

26 (4) the effective date of the order pursuant to
27 Section 521.251.

1 SECTION 4. The changes in law made by this Act apply only to
2 a petition requesting an occupational driver's license that is
3 filed on or after the effective date of this Act. A petition for an
4 occupational driver's license that is filed before the effective
5 date of this Act is covered by the law in effect on the date the
6 petition was filed, and the former law is continued in effect for
7 this purpose.

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