

BILL ANALYSIS

C.S.H.B. 1499
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Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a person who has been court-ordered to install an ignition interlock device has 30 days to have the device installed and 30 days to notify the court of the installation.

C.S.H.B. 1499 establishes certain requirements regarding the installation and removal of an ignition interlock device.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTIONS 4 and 6 of this bill.

ANALYSIS

C.S.H.B. 1499 amends the Transportation Code to include in the minimum standards, established by the Department of Public Safety by rule and required of each vendor of ignition interlock devices who conducts business in Texas, the requirement that each vendor remove a device not later than the 15th business day after the date the owner or operator of the vehicle requests removal and provides a copy of a court order to the vendor showing that the owner or operator is no longer restricted to the use of a motor vehicle equipped with an ignition device. The bill requires the department by rule to establish the additional minimum standards not later than December 1, 2009.

C.S.H.B. 1499 requires a court restricting a person to the operation of a motor vehicle equipped with an ignition interlock device to require the device to be installed not later than the 15th business day after the date the person's occupational license takes effect.

C.S.H.B. 1499 amends the Code of Criminal Procedure to move up the deadline for a defendant required to have an ignition interlock device installed to have the device installed on the appropriate motor vehicle from before the 30th day after the date the defendant is released on bond to not later than the 15th business day after the date the defendant is released on bond. The bill moves up the installation deadline for a defendant required to have an ignition interlock device installed as a condition of community supervision from before the 30th day after the date of conviction to not later than the 15th business day after the date of conviction. The bill clarifies that the defendant is required to promptly provide evidence to the court that the device has been installed rather than provide that evidence within the 30-day period.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1499 adds a provision not in the original that adds to the minimum standards established by the Department of Public Safety that each vendor remove a device not later than the 15th business day after the date the owner or operator of the vehicle requests removal and provides the applicable court order, rather than requiring the department to disable or remove such a device on written request and submission of the applicable court order by a person no longer restricted to the use of a motor vehicle equipped with such a device and authorizing the department to charge a fee for such service as in the original.

C.S.H.B. 1499 differs from the original by changing the deadline by which a court restricting a person to the operation of a motor vehicle equipped with an ignition interlock device must require the device to be installed from not later than the third business day after the date the person's occupational license takes effect as in the original, to not later than the 15th business day after such date.

C.S.H.B. 1499 differs from the original by changing the deadline by which a defendant required to have an ignition interlock device installed must have the device installed from not later than the third business day after the date the defendant is released on bond as in the original, to not later than the 15th business day after the date the defendant is released on bond. The substitute differs from the original by changing the installation deadline by which a defendant required to have an ignition interlock device installed as a condition of community supervision must have the device installed from not later than the third business day after the date of conviction as in the original, to not later than the 15th business day after the date of conviction.