

By: Dutton

H.B. No. 288

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a justice or municipal court to grant an occupational driver's license.

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

SECTION 1. Section 521.242, Transportation Code, is amended to read as follows:

Sec. 521.242. PETITION. (a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition with the clerk of the justice [~~the county~~] court or municipal [~~district~~] court [~~with jurisdiction~~] in the precinct or municipality [~~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 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~~

1 ~~occupational license after a conviction under the laws of this~~
2 ~~state.~~

3 ~~[(c)]~~ A petition filed under this section must set forth in
4 detail the person's essential need.

5 (c) ~~[(d)]~~ ~~A petition filed under Subsection (b) must state~~
6 ~~that the petitioner was convicted in that court for an offense under~~
7 ~~the laws of this state.~~

8 ~~[(e)]~~ The clerk of the court shall file the petition as in
9 any other ~~[civil]~~ matter.

10 (d) ~~[(f)]~~ A court may not grant an occupational license for
11 the operation of a commercial motor vehicle to which Chapter 522
12 applies.

13 SECTION 2. The change in law made by this Act applies only
14 to a petition requesting an occupational driver's license that is
15 filed on or after the effective date of this Act. A petition for an
16 occupational driver's license that is filed before the effective
17 date of this Act is covered by the law in effect on the date the
18 petition was filed, and the former law is continued in effect for
19 that purpose.

20 SECTION 3. This Act takes effect September 1, 2009.