

By: Dutton

H.B. No. 900

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authorizing a justice court to grant an occupational
3 driver's license and providing for an appeal from the justice
4 court.

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

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

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

14 (1) the person resides; or

15 (2) the offense occurred for which the license was
16 suspended.

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

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

23 [~~(2) the person has not been issued, in the 10 years~~
24 ~~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. Subchapter L, Chapter 521, Transportation Code,
14 is amended by adding Section 521.2441 to read as follows:

15 Sec. 521.2441. APPEAL. (a) The issuance or denial of an
16 occupational license may be appealed by:

17 (1) the person who files a petition under Section
18 521.242; or

19 (2) the state, through the office of the attorney
20 representing the state at a hearing under Section 521.244.

21 (b) An appeal under Subsection (a) is to a district court
22 having jurisdiction in the justice precinct in which the petition
23 was filed. The appeal shall be determined by the court by trial de
24 novo.

25 SECTION 3. The change in law made by this Act applies only
26 in connection with an occupational driver's license that is applied
27 for on or after the effective date of this Act. An occupational

1 driver's license that is applied for before the effective date of
2 this Act is covered by the law in effect on the date the petition
3 applying for the license was filed, and the former law is continued
4 in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2009.