

Amend CSHB 189 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.251, Transportation Code, is amended to read as follows:

Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE.

(a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the five years preceding the date of the person's arrest, an order under this subchapter granting the person an occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.

(b) An order under this subchapter granting the person an occupational license may not take effect before the 45th day after the effective date of the person's driver's license suspension under Chapter 524 or 724 if ~~[If]~~ the person's ~~[driver's]~~ license has been suspended as a result of:

(1) an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest; or

(2) [, the order may not take effect before the 91st day after the effective date of the suspension.

~~[(c) If the person's driver's license has been suspended as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension.~~

~~[(d) Notwithstanding any other provision in this section, if the person's driver's license has been suspended as a result of] a second or subsequent conviction under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, committed within five years of the date on which the most recent preceding offense was committed~~[, an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension]~~.~~

(c) [(e)] For the purposes of this section, "alcohol-related or drug-related enforcement contact" means a driver's license suspension, disqualification, or prohibition order under the laws of this state or another state resulting from:

(1) a conviction of an offense prohibiting the operation of a motor vehicle while:

(A) intoxicated;

(B) under the influence of alcohol; or

(C) under the influence of a controlled substance;

(2) a refusal to submit to the taking of a breath or blood specimen following an arrest for an offense prohibiting the operation of a motor vehicle while:

(A) intoxicated;

(B) under the influence of alcohol; or

(C) under the influence of a controlled substance; or

(3) an analysis of a breath or blood specimen showing an alcohol concentration of a level specified by Section 49.01, Penal Code, following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated [has the meaning assigned by Section 524.001].

(d) For purposes of this section, a person has been convicted if the person was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and person was subsequently discharged from community supervision.