

Amend CSHB 189 on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.127 to read as follows:

Sec. 521.127. DRIVER'S LICENSE FOR PERSONS CONVICTED OF CERTAIN INTOXICATED DRIVING OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Notwithstanding Section 521.347, a court in which a person is convicted of an offense relating to the operating of a motor vehicle while intoxicated shall require the person to surrender to the court the person's driver's license. This section applies to a person who has been convicted of four or more offenses relating to the operation of a motor vehicle while intoxicated.

(c) A court that requires a person to surrender the person's driver's license under Subsection (b) shall send to the department:

(1) a record of the person's conviction; and

(2) an indication that the driver's license issued to the person is subject to the requirements of this section.

(d) A person who is required to surrender the person's driver's license to the court under Subsection (b) may apply to the department for the issuance of a new or duplicate license provided that any applicable suspension period has expired.

(e) On the payment of all required fees, the department shall issue to a person who applies for a new or duplicate license under Subsection (d) a driver's license that includes a distinctive symbol or marking on the face of the license identifying the license holder as a person who has been convicted of an offense relating to the operating of a motor vehicle while intoxicated. The department by rule shall specify the symbol or marking required by this subsection.

(f) A driver's license issued under this section must include the symbol or marking required by Subsection (e) for the following time periods:

(1) if the person to whom the license is issued has been convicted four times of an offense relating to the operating of

a motor vehicle while intoxicated, until the fifth anniversary of the later of:

(A) the date of that conviction; or

(B) the expiration of the period of suspension of the person's license as a result of the conviction;

(2) if the person to whom the license is issued has been convicted five times of an offense relating to the operating of a motor vehicle while intoxicated, until the tenth anniversary of the later of:

(A) the date of the person's most recent conviction of an offense relating to the operating of a motor vehicle while intoxicated; or

(B) the expiration of the period of suspension of the person's license as a result of that conviction; or

(3) if the person to whom the license is issued has been convicted six or more times of an offense relating to the operating of a motor vehicle while intoxicated, permanently.

(g) The symbol or marking required by Subsection (e) is in addition to any other information on the person's driver's license required by this chapter or the department.

(h) On or after the expiration of the time period specified by Subsection (f)(1) or (2), as applicable, a person issued a driver's license under Subsection (e) may apply to the department for a license that does not include the distinctive symbol or marking.

SECTION _____. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.429 to read as follows:

Sec. 545.429. CONVICTION FOR DRIVING WHILE INTOXICATED; IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE. (a) A court that convicts a person for a third or subsequent offense under Section 49.04, Penal Code, may order the sheriff of the county in which the court has jurisdiction to impound or immobilize the motor vehicle operated by the person at the time of the offense for a period not to exceed seven days beginning on the day after the date the court enters the conviction if the person:

(1) was an owner of the motor vehicle at the time of the offense;

(2) is an owner of the motor vehicle on the date the court enters the conviction; and

(3) is the primary operator of the motor vehicle on the date the court enters the conviction.

(b) A sheriff acting under a court order issued under Subsection (a) may require that the motor vehicle, prior to immobilization, be taken to:

(1) a garage or other place of safety; or

(2) a garage designated or maintained by the county.

(c) Subsection (b) shall not apply if the owner of the vehicle:

(1) designates, with permission of the sheriff, the location where such vehicle shall be garaged or stored; and

(2) agrees to hold the sheriff and the county free of any and all liability for any damage to the vehicle while such vehicle is immobilized.

(d) Notwithstanding Article 18.23, Code of Criminal Procedure, the person convicted of a third or subsequent offense under Section 49.04, Penal Code, is liable for all removal and storage fees incurred as a result of the impoundment or immobilization of the motor vehicle and is not entitled to take possession of the vehicle until those fees are paid.

SECTION _____. Sections 521.127 and 545.429, Transportation Code, as added by this Act, apply only to a person who is convicted of an offense on or after the effective date of this Act. A person who was convicted of an offense before the effective date of this Act is governed by the law in effect when the person was convicted, and the former law is continued in effect for that purpose.