

By: Patrick

S.B. No. 840

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the issues at a hearing for a person whose driver's
3 license is administratively suspended for refusal to consent to the
4 taking of a specimen following an arrest for certain intoxication
5 offenses.

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

7 SECTION 1. Section 724.042, Transportation Code, is amended
8 to read as follows:

9 Sec. 724.042. ISSUES AT HEARING. The issues at a hearing
10 under this subchapter are whether:

11 (1) ~~[reasonable suspicion or probable cause existed to~~
12 ~~stop or arrest the person;~~

13 ~~[(2) probable cause existed to believe that]~~ the
14 person was:

15 (A) operating a motor vehicle in a public place
16 ~~[while intoxicated];~~ or

17 (B) operating a watercraft powered with an engine
18 having a manufacturer's rating of 50 horsepower or above ~~[while~~
19 ~~intoxicated];~~

20 (2) (2) ~~[(3)]~~ the person was placed under arrest ~~[by the~~
21 ~~officer]~~ and was requested by a peace officer to submit to the
22 taking of a specimen; and

23 (3) (3) ~~[(4)]~~ the person refused to submit to the taking
24 of a specimen on request of the officer.

1 SECTION 2. This Act takes effect September 1, 2011.