

BILL ANALYSIS

C.S.H.B. 240
By: Guillen
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Department of Public Safety suspends the provisional driver's license issued to a person under 18 years of age who has been convicted of two or more moving violations committed within a 12-month period. The period of driver's license suspension for such a person who does not request a hearing on the matter is 90 days. Interested parties contend that extending the license suspension would help keep young drivers safe. C.S.H.B. 240 seeks to address that concern by making statutory changes relating to the suspension of the driver's licenses of certain persons younger than 18 years of age.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 240 amends the Transportation Code to prohibit a holder of a provisional license whose license has been suspended for the mandatory 90 days on the basis of having been convicted of two or more moving violations within a 12-month period and who does not request a hearing on the suspension from operating a motor vehicle until the 91st day after the last day of the original 90-suspension period if the Department of Public Safety (DPS) determines that the moving violation is a third or subsequent moving violation unless the person is accompanied by a person who holds a license that qualifies the person to operate that type of vehicle, who is 21 years of age or older, and who has at least one year of driving experience. The bill requires DPS to send notice to a parent or guardian of such a person whose license is suspended of the suspension and application restrictions if the parent or guardian's address is in the records of DPS.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 240 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 521.293, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:	SECTION 1. Section 521.293, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

83R 19045

13.87.1155

Substitute Document Number: 83R 11977

(a) Except as provided by Subsections [Subsection] (b) and (c), if the person does not request a hearing, the period of license suspension under Section 521.292 is 90 days.

(c) The period of license suspension is 180 days if:

- (1) the department determines that the person engaged in conduct described by Section 521.292(a)(8);
- (2) the person does not request a hearing; and
- (3) the moving violation is a third or subsequent moving violation.

(c) If the department determines that the person engaged in conduct described by Section 521.292(a)(8), the person does not request a hearing, and the moving violation is a third or subsequent moving violation, in addition to the suspension period required by Subsection (a), the person may not operate a motor vehicle until the 91st day after the last day of the suspension period unless the person is accompanied by a person who:

- (1) holds a license that qualifies the person to operate that type of vehicle;
- (2) is 21 years of age or older; and
- (3) has at least one year of driving experience.

(d) The department shall send notice to a parent or guardian of a person whose license is suspended under Subsection (c) of the suspension and application restrictions if the parent or guardian's address is in the records of the department.

SECTION 2. The change in law made by this Act applies only to an offense described by Section 521.292(a)(8), Transportation Code, committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.