

BILL ANALYSIS

C.S.H.B. 438
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, an occupational driver's license authorizes the operation of a noncommercial motor vehicle in connection with a person's occupation, religious purposes, educational purposes, or the performance of essential household duties when an individual's driver's license has been suspended for reasons other than a physical or mental disability or failure to pay child support. Legislation enacted decades ago authorized a person to obtain an occupational driver's license by filing a verified petition only in a district court. In an attempt to unclutter the dockets of district courts and to save money for the state and the applicant for the occupational license, subsequently enacted legislation expanded the authorized filing venues to include a county court. C.S.H.B. 438 seeks to further unclutter court dockets and reduce costs by expanding the venues in which an eligible person may apply for an occupational driver's license to include a justice court.

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. 438 amends the Transportation Code to expand the authorized venues in which an eligible person whose driver's license has been suspended may petition to apply for an occupational driver's license to include a justice court with jurisdiction over the precinct in which the person resides or the offense occurred for which the license was suspended.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 438 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

SECTION 1. Sections 521.242(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 521.242(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a

conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition with the clerk of a justice, municipal, ~~the~~ county, ~~court~~ or district court with jurisdiction that includes ~~in~~ the precinct or municipality ~~county~~ in which:

- (1) the person resides; or
 - (2) the offense occurred for which the license was suspended.
- (b) A person may apply for an occupational license by filing a verified petition only with the clerk of the ~~county court or district~~ court in which the person was convicted if:
- (1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and
 - (2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.
- (e) The clerk of the court shall file the petition as in any other ~~civil~~ matter.

SECTION 2. The change in law made by this Act applies only to an occupational driver's license that is applied for on or after the effective date of this Act. An occupational driver's license applied for before the effective date of this Act is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

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

conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition with the clerk of a justice, ~~the~~ county, ~~court~~ or district court with jurisdiction that includes ~~in~~ the precinct or county in which:

- (1) the person resides; or
 - (2) the offense occurred for which the license was suspended.
- (b) A person may apply for an occupational license by filing a verified petition only with the clerk of the ~~county court or district~~ court in which the person was convicted if:
- (1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and
 - (2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.
- (e) The clerk of the court shall file the petition as in any other ~~civil~~ matter.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.