

By: Dutton

H.B. No. 438

Substitute the following for H.B. No. 438:

By: Pickett

C.S.H.B. No. 438

A BILL TO BE ENTITLED

AN ACT

relating to the courts authorized to issue an occupational driver's license.

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

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, ~~[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

1 state.

2 (e) The clerk of the court shall file the petition as in any  
3 other [~~civil~~] matter.

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

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