

By: Dutton

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, 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

1 occupational license after a conviction under the laws of this
2 state.

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

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

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