

By: Villalba

H.B. No. 2246

A BILL TO BE ENTITLED

AN ACT

relating to the suspension and issuance of certain driver's licenses; affecting the prosecution of an offense; increasing fees.

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

SECTION 1. Section 521.001(a)(3), Transportation Code, is amended to read as follows:

(3) "Driver's license" means an authorization issued by the department for the operation of a motor vehicle. The term includes:

(A) a temporary license or instruction permit; and

(B) an occupational or ignition interlock license.

SECTION 2. Section 521.202, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (a) or (b), if a person is otherwise eligible, the department may issue an ignition interlock license to a person during the period of suspension.

SECTION 3. The heading to Subchapter L, Chapter 521, Transportation Code, is amended to read as follows:

SUBCHAPTER L. OCCUPATIONAL AND IGNITION INTERLOCK LICENSES

[LICENSE]

SECTION 4. Section 521.241(2), Transportation Code, is amended to read as follows:

(2) "Ignition interlock device" means a functioning device approved by the department under Section 521.247 that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator of the vehicle.

SECTION 5. The heading to Section 521.242, Transportation Code, is amended to read as follows:

Sec. 521.242. PETITION FOR OCCUPATIONAL LICENSE.

SECTION 6. Subchapter L, Chapter 521, Transportation Code, is amended by adding Section 521.2421 to read as follows:

Sec. 521.2421. APPLICATION FOR IGNITION INTERLOCK LICENSE.

A person whose license has been suspended or revoked for a conviction under Section 49.04, Penal Code, or has been suspended under Chapter 524 or 724 may apply to the department:

(1) for issuance of an ignition interlock license; or

(2) to extend the effective period of an ignition interlock license issued for:

(A) a suspension under Chapter 524 or 724; or

(B) a conviction arising from the offense under Section 49.04, Penal Code.

SECTION 7. Section 521.243, Transportation Code, is amended to read as follows:

Sec. 521.243. NOTICE TO STATE; PRESENTATION OF EVIDENCE FOR OCCUPATIONAL LICENSE. (a) The clerk of the court shall send by certified mail to the attorney representing the state a copy of the petition for an occupational license and notice of the hearing if the petitioner's license was suspended following a conviction for:

1 (1) an offense under Section 19.05, 49.04, 49.07, or  
2 49.08, Penal Code; or

3 (2) an offense to which Section 521.342 applies.

4 (b) A person who receives a copy of a petition for an  
5 occupational license under Subsection (a) may attend the hearing  
6 and may present evidence at the hearing against granting the  
7 petition.

8 SECTION 8. The heading to Section 521.244, Transportation  
9 Code, is amended to read as follows:

10 Sec. 521.244. HEARING; ORDER; DETERMINATION OF ESSENTIAL  
11 NEED FOR OCCUPATIONAL LICENSE.

12 SECTION 9. Section 521.244, Transportation Code, is amended  
13 by amending Subsection (a) and adding Subsection (e) to read as  
14 follows:

15 (a) The judge who hears the petition for an occupational  
16 license shall sign an order finding whether an essential need  
17 exists.

18 (e) This section does not apply to an application to the  
19 department for an ignition interlock license under Section  
20 521.2421.

21 SECTION 10. The heading to Section 521.245, Transportation  
22 Code, is amended to read as follows:

23 Sec. 521.245. REQUIRED COUNSELING FOR IGNITION INTERLOCK  
24 LICENSE.

25 SECTION 11. Sections 521.245(a), (c), (d), and (f),  
26 Transportation Code, are amended to read as follows:

27 (a) If a person's [~~the petitioner's~~] license has been

1 suspended under Chapter 524 or 724, as a condition of issuance of an  
2 ignition interlock license the department ~~[court]~~ shall require the  
3 person ~~[petitioner]~~ to enroll and attend a program approved by the  
4 department ~~[court]~~ that is designed to provide counseling and  
5 rehabilitation services to persons for alcohol dependence. Proof  
6 of enrollment must be included with the application for an ignition  
7 interlock ~~[This requirement shall be stated in the order granting~~  
8 ~~the occupational]~~ license under Section 521.2421.

9 (c) The department ~~[court]~~ may require the program ~~[person]~~  
10 to report periodically to the department ~~[court]~~ to verify that the  
11 person is attending the required program.

12 (d) On receiving notice ~~[finding]~~ that the person is not  
13 attending the program as required, the department ~~[court]~~ may  
14 suspend ~~[revoke]~~ the ignition interlock ~~[order granting the~~  
15 ~~occupational]~~ license until the person provides proof that the  
16 person is attending the required program. ~~[The court shall send a~~  
17 ~~certified copy of the order revoking the license to the~~  
18 ~~department.]~~

19 (f) A suspension under Subsection (d) ~~[(e)]~~:

20 (1) takes effect on the date on which the department  
21 sends notice of:

22 (A) the person's nonattendance at the required  
23 program; and

24 (B) suspension of the person's ignition  
25 interlock ~~[court signs the order revoking the occupational]~~  
26 license; [and]

27 (2) extends the term ~~[is cumulative]~~ of the original

suspension and the person's eligibility for an ignition interlock license during that suspension; and

(3) will be rescinded only on receipt of notice from the program of the person's compliance with program attendance requirements.

SECTION 12. Section 521.246, Transportation Code, is amended to read as follows:

Sec. 521.246. IGNITION INTERLOCK DEVICE REQUIREMENT ON REINSTATEMENT. (a) On receipt of notice of [~~If the person's license has been suspended after~~] a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the department [~~judge, before signing an order,~~] shall determine from the criminal history record information maintained by the department whether the person has any previous conviction under those laws.

(b) The department shall note on the person's driving record that on reinstatement, the person's driving privileges are restricted [~~As part of the order the judge may restrict the person~~] to the operation of a motor vehicle equipped with an ignition interlock device for the designated period [~~if the judge determines that the person's license has been suspended following a conviction under Section 49.04, 49.07, or 49.08, Penal Code. As part of the order, the judge shall restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if the judge determines that:~~

~~[(1) the person has two or more convictions under any combination of Section 49.04, 49.07, or 49.08, Penal Code, or~~

~~[(2) the person's license has been suspended after a~~

1 ~~conviction under Section 49.04, Penal Code, for which the person~~  
2 ~~has been punished under Section 49.09, Penal Code]~~.

3 (c) The person shall obtain the ignition interlock device at  
4 the person's own expense unless the court finds that to do so is not  
5 in the best interest of justice and enters that finding in the  
6 record. If the court determines that the person is unable to pay  
7 for the device, the court may impose a reasonable payment schedule  
8 for a term not to exceed twice the period of the court's order.

9 (d) The department ~~[court]~~ shall reduce the duration of any  
10 postreinstatement ignition interlock requirement under Subsection  
11 (b) by an amount of time equal to the period for which an ignition  
12 interlock license was required as a condition of a preconviction or  
13 postconviction license suspension or revocation arising from the  
14 offense for which the person was convicted ~~[order the ignition~~  
15 ~~interlock device to remain installed for at least half of the period~~  
16 ~~of supervision]~~.

17 (e) A person to whom this section applies may operate a  
18 motor vehicle without the installation of an approved ignition  
19 interlock device if:

20 (1) the person is required to operate a motor vehicle  
21 in the course and scope of the person's employment;

22 (2) the vehicle is:

23 (A) owned, leased, or rented by the person's  
24 employer; and

25 (B) driven at the direction of the person's  
26 employer during working hours as a requirement of employment;

27 (3) the employer is not owned or controlled by the

1 person whose driving privilege is restricted;

2 (4) the employer is notified of the driving privilege  
3 restriction; and

4 (5) proof of that notification is with the vehicle.

5 (f) A previous conviction may not be used for purposes of  
6 determining the length of the period ~~[restricting]~~ a person is  
7 restricted to the operation of a motor vehicle equipped with an  
8 interlock ignition device under this section if:

9 (1) the previous conviction was a final conviction  
10 under Section 49.04, 49.07, or 49.08, Penal Code, and was for an  
11 offense committed more than 10 years before the instant offense for  
12 which the person was convicted; and

13 (2) the person has not been convicted of an offense  
14 under Section 49.04, 49.07, or 49.08 of that code committed within  
15 10 years before the date of ~~[on which]~~ the instant offense for which  
16 the person was convicted.

17 SECTION 13. Section 521.2461, Transportation Code, is  
18 amended to read as follows:

19 Sec. 521.2461. TESTING FOR ALCOHOL OR CONTROLLED SUBSTANCES  
20 FOR PERSON ISSUED IGNITION INTERLOCK LICENSE. The court may  
21 require a person who is issued an ignition interlock ~~[granting an~~  
22 ~~occupational]~~ license under this subchapter to ~~[may require as a~~  
23 ~~condition of the license that the person]~~ submit to periodic  
24 testing for alcohol or controlled substances, to be conducted by an  
25 entity specified by the court, if the person's license has been  
26 suspended ~~[under Chapter 524 or 724 or]~~ as a result of the person's  
27 conviction of an offense involving the operation of a motor vehicle

1 while intoxicated.

2 SECTION 14. The heading to Section 521.2462, Transportation  
3 Code, is amended to read as follows:

4 Sec. 521.2462. SUPERVISION OF PERSON ISSUED IGNITION  
5 INTERLOCK [~~OCCUPATIONAL DRIVER'S~~] LICENSE.

6 SECTION 15. Section 521.2462(a), Transportation Code, is  
7 amended to read as follows:

8 (a) The court may require a person who is issued an ignition  
9 interlock [~~granting an occupational~~] license under this subchapter  
10 [~~may order the person receiving the license~~] to:

11 (1) submit to supervision by the local community  
12 supervision and corrections department to verify compliance with  
13 the conditions established by the court [~~specified by the order~~  
14 ~~granting the license, including the conditions specified in~~  
15 ~~accordance with Section 521.248~~]; and

16 (2) pay a monthly administrative fee under Section  
17 76.015, Government Code.

18 SECTION 16. Section 521.2465, Transportation Code, is  
19 amended to read as follows:

20 Sec. 521.2465. ISSUANCE OF IGNITION INTERLOCK [~~RESTRICTED~~]  
21 LICENSE. (a) The [~~On receipt of notice that a person has been~~  
22 ~~restricted to the use of a motor vehicle equipped with an ignition~~  
23 ~~interlock device, the department shall notify that person that the~~  
24 ~~person's driver's license expires on the 30th day after the date of~~  
25 ~~the notice. On application by the person and payment of a fee of~~  
26 ~~\$10, the~~] department shall issue an ignition interlock [~~a special~~  
27 ~~restricted~~] license that authorizes the person to operate only a

motor vehicle equipped with an ignition interlock device if the person:

(1) submits an application for an ignition interlock license;

(2) except as provided by Subsection (b), pays a nonrefundable application fee of \$100;

(3) provides evidence of financial responsibility as required by Chapter 601;

(4) provides proof to the satisfaction of the department that an ignition interlock device has been installed on each motor vehicle owned or operated by the person; and

(5) is otherwise eligible for the license.

(b) If the person already has an ignition interlock license issued for a suspension under Chapter 524 or 724, the department may extend the existing ignition interlock license if the person pays a fee of \$10. Subsection (a)(2) does not apply to a license extended under this subsection.

(c) The department may not issue an ignition interlock license for the operation of a commercial motor vehicle to which Chapter 522 applies.

(d) An ignition interlock license issued under this section may contain only the restrictions or endorsements that were on the person's driving record at the time of the arrest for the incident for which the license was suspended, except that:

(1) in the interest of public safety, the department may, with good cause, impose additional restrictions or require additional endorsements on the ignition interlock license; and

1           (2) a license issued under this section must state on  
2 its face that the person may operate only vehicles equipped with an  
3 ignition interlock device. ~~[On receipt of a copy of a court order~~  
4 ~~removing the restriction, the department shall issue the person a~~  
5 ~~driver's license without the restriction.]~~

6           SECTION 17. The heading to Section 521.248, Transportation  
7 Code, is amended to read as follows:

8           Sec. 521.248. ORDER REQUIREMENTS FOR ISSUANCE OF  
9 OCCUPATIONAL LICENSE.

10          SECTION 18. The heading to Section 521.250, Transportation  
11 Code, is amended to read as follows:

12          Sec. 521.250. COURT ORDER FOR OCCUPATIONAL LICENSE IN  
13 OPERATOR'S POSSESSION.

14          SECTION 19. Sections 521.253(a) and (c), Transportation  
15 Code, are amended to read as follows:

16          (a) A person who is issued ~~[holds]~~ an occupational or  
17 ignition interlock license commits an offense if the person:

18               (1) operates a motor vehicle in violation of a  
19 restriction imposed on the license; or

20               (2) fails to have in the person's possession:

21                       (A) for an occupational license granted by a  
22 court, a certified copy of the court order as required under Section  
23 521.250; or

24                       (B) for an ignition interlock license issued by  
25 the department, the ignition interlock license.

26          (c) On conviction of an offense under this section:

27               (1) for an occupational license, the occupational

license and the order granting that license are revoked; or  
 (2) for an ignition interlock license, the department,  
in its sole discretion, may either revoke the ignition interlock  
license or extend the suspension period and the ignition interlock  
license for a period equal to the duration of the original  
suspension.

SECTION 20. Sections 521.342(b) and (c), Transportation Code, are amended to read as follows:

(b) The department shall suspend for one year the license of a person who is under 21 years of age and is convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, regardless of whether the person is required to attend an educational program under Section 13(h), Article 42.12, Code of Criminal Procedure, that is designed to rehabilitate persons who have operated motor vehicles while intoxicated [~~, unless the person is placed under community supervision under that article and is required as a condition of the community supervision to not operate a motor vehicle unless the vehicle is equipped with the device described by Section 13(i) of that article]~~. To be accepted into the program, the person must first submit an application to the department for and be issued an ignition interlock license under Subchapter L. If the person is required to attend the [~~such a~~] program and does not complete the program before the end of the person's suspension, the department shall suspend the person's ignition interlock license and [~~or~~] continue the suspension, as appropriate, until the department receives proof that the person has successfully completed the program. On the person's

1 successful completion of the program, the person's instructor shall  
2 give notice to the department and to the community supervision and  
3 corrections department in the manner provided by Section 13(h),  
4 Article 42.12, Code of Criminal Procedure.

5 (c) A person whose license is suspended under Subsection (a)  
6 remains eligible to receive an ignition interlock ~~[occupational]~~  
7 license under Subchapter L. Suspension under Subsection (a) is not  
8 a suspension for physical or mental disability or impairment for  
9 purposes of eligibility to apply for an ignition interlock  
10 ~~[occupational]~~ license under Subchapter L.

11 SECTION 21. Sections 521.344(a), (b), (c), (d), (e), (f),  
12 (g), and (h), Transportation Code, are amended to read as follows:

13 (a) Except as provided by Sections 521.342(b) and 521.345,  
14 and by Subsections (d)-(i), if a person is convicted of an offense  
15 under Section 49.04, 49.045, or 49.07, Penal Code, the license  
16 suspension:

17 (1) begins on a date set by the court that is not  
18 earlier than the date of the conviction or later than the 15th  
19 ~~[30th]~~ day after the date of the conviction, as determined by the  
20 court; and

21 (2) continues for a period set by the court according  
22 to the following schedule:

23 (A) not less than 90 days or more than one year,  
24 if the person is punished under Section 49.04, 49.045, or 49.07,  
25 Penal Code, except that if the person's license is suspended for a  
26 second or subsequent offense under Section 49.07 committed within  
27 five years of the date on which the most recent preceding offense

was committed, the suspension continues for a period of one year;

(B) not less than 180 days or more than two years, if the person is punished under Section 49.09(a) or (b), Penal Code; or

(C) not less than one year or more than two years, if the person is punished under Section 49.09(a) or (b), Penal Code, and is subject to Section 49.09(h) of that code.

(b) Except as provided by Section 521.342(b), if a person is convicted of an offense under Section 49.08, Penal Code, the license suspension:

(1) begins on a date set by the court that is not earlier than the date of the conviction or later than the 15th ~~30th~~ day after the date of the conviction, as determined by the court; and

(2) continues for a period set by the court of not less than 180 days or more than two years, except that if the person's license is suspended for a second or subsequent offense under Section 49.08, Penal Code, committed within 10 years of the date on which the most recent preceding offense was committed, the suspension continues for a period set by the court of not less than one year or more than two years.

(c) The court shall credit toward the period of suspension a suspension imposed on the person for refusal to give a specimen under Chapter 724 if the refusal followed an arrest for the same offense for which the court is suspending the person's license under this chapter for each day the person holds an ignition interlock license during the period of suspension. ~~[The court may~~

~~not extend the credit to a person:~~

~~[(1) who has been previously convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, or~~

~~[(2) whose period of suspension is governed by Section 521.342(b).]~~

(d) Except as provided by Subsection (e) and Section 521.342(b), during a period of probation the department shall ~~[may not]~~ revoke the person's license if the person is required under Section 13(h) or (j), Article 42.12, Code of Criminal Procedure, to successfully complete an educational program designed to rehabilitate persons who have operated motor vehicles while intoxicated ~~[, unless the person was punished under Section 49.09(a) or (b), Penal Code, and was subject to Section 49.09(h) of that code. The department may not revoke the license of a person:~~

~~[(1) for whom the jury has recommended that the license not be revoked under Section 13(g), Article 42.12, Code of Criminal Procedure, or~~

~~[(2) who is placed under community supervision under that article and is required as a condition of community supervision to not operate a motor vehicle unless the vehicle is equipped with the device described by Section 13(i) of that article, unless the person was punished under Section 49.09(a) or (b), Penal Code, and was subject to Section 49.09(g) of that code].~~

To be accepted into the program, the person must first submit an application to the department for and be issued an ignition interlock license under Subchapter L. If the person is required to attend the program and does not complete the program before the end

1 of the person's suspension, the department shall suspend the  
2 person's ignition interlock license and continue the suspension, as  
3 appropriate, until the department receives proof that the person  
4 has successfully completed the program. On the person's successful  
5 completion of the program, the person's instructor shall give  
6 notice to the department and to the community supervision and  
7 corrections department in the manner provided by Section 13(h),  
8 Article 42.12, Code of Criminal Procedure.

9 (e) After the date has passed, according to department  
10 records, for successful completion of the educational program  
11 designed to rehabilitate persons who operated motor vehicles while  
12 intoxicated, if a person has not successfully completed the  
13 program, the director, at the director's sole discretion, shall  
14 either revoke the ignition interlock license or extend the  
15 suspension period and the ignition interlock license until the  
16 person successfully completes the program ~~[of a person who does not~~  
17 ~~successfully complete the program]~~ or, if the person is a resident  
18 without a license to operate a motor vehicle in this state, shall  
19 issue an order prohibiting the person from obtaining a license.

20 (f) After the date has passed, according to department  
21 records, for successful completion of an educational program for  
22 repeat offenders as required by Section 13, Article 42.12, Code of  
23 Criminal Procedure, if a person has not successfully completed the  
24 program, the director, at the director's sole discretion, shall  
25 either suspend the ignition interlock license or extend the  
26 suspension period and the ignition interlock license until the  
27 person successfully completes the program ~~[of a person who does not~~

1 ~~successfully complete the program~~ or, if the person is a resident  
2 without a license, shall issue an order prohibiting the person from  
3 obtaining a license.

4 (g) A revocation, suspension, extension, or prohibition  
5 ~~[order]~~ under Subsection (e) or (f) remains in effect until the  
6 department receives notice of successful completion of the  
7 educational program. The director shall promptly send notice of a  
8 revocation, extension, or prohibition ~~[order]~~ issued under  
9 Subsection (e) or (f) by first class mail to the person at the  
10 person's most recent address as shown in the records of the  
11 department. The notice must include the date of the revocation,  
12 extension, or prohibition ~~[order]~~, the reason for the revocation,  
13 extension, or prohibition, and a statement that the person has the  
14 right to request in writing that a hearing be held on the  
15 revocation, extension, or prohibition. Notice is considered  
16 received on the fifth day after the date the notice is mailed. A  
17 revocation, extension, or prohibition under Subsection (e) or (f)  
18 takes effect on the 30th day after the date the notice is mailed.  
19 The person may request a hearing not later than the 20th day after  
20 the date the notice is mailed. If the department receives a request  
21 under this subsection, the department shall set the hearing for the  
22 earliest practical time and the revocation, extension, or  
23 prohibition does not take effect until resolution of the hearing.

24 (h) The hearing shall be held in a municipal or justice  
25 court in the county of the person's residence in the manner provided  
26 for a suspension hearing under Subchapter N. The issues to be  
27 determined at the hearing are whether the person has successfully

1 completed a required educational program and whether the period for  
 2 completion of the program has passed. If the presiding officer  
 3 determines that the educational program has not been completed and  
 4 the period for completion has passed, the officer shall confirm the  
 5 revocation, extension, or prohibition and shall notify the  
 6 department of that fact. The director may not revoke, extend, or  
 7 prohibit the license if the officer finds that the program has been  
 8 completed, that, before the hearing, the court that originally  
 9 imposed the requirement to attend an educational program has  
 10 granted an extension that has not expired, or that the period for  
 11 completion has not passed. If the person or the person's agent  
 12 fails to appear at the hearing, the department shall revoke the  
 13 person's license until the department receives notice of successful  
 14 completion of the educational program.

15 SECTION 22. Section 521.421(d), Transportation Code, is  
 16 amended to read as follows:

17 (d) The fee for issuance or renewal of an occupational or  
 18 ignition interlock license is \$25 [~~\$10~~].

19 SECTION 23. Section 524.011(f), Transportation Code, is  
 20 amended to read as follows:

21 (f) A temporary driving permit issued under this section  
 22 expires on the 15th [~~41st~~] day after the date of issuance. If the  
 23 person was driving a commercial motor vehicle, as defined by  
 24 Section 522.003, a temporary driving permit that authorizes the  
 25 person to drive a commercial motor vehicle is not effective until 24  
 26 hours after the time of arrest.

27 SECTION 24. Section 524.014, Transportation Code, is

1 amended to read as follows:

2       Sec. 524.014. NOTICE OF SUSPENSION. A notice of suspension  
3 under Section 524.013 must state:

4               (1) the reason and statutory grounds for the  
5 suspension;

6               (2) the effective date of the suspension;

7               (3) the right of the person to a hearing;

8               (4) how to request a hearing; ~~and~~

9               (5) the period in which the person must request a  
10 hearing; and

11               (6) that if the person applies to the department for  
12 issuance of an ignition interlock license under Subchapter L,  
13 Chapter 521, the person waives the right to a hearing under Section  
14 724.041.

15       SECTION 25. Section 524.021(a), Transportation Code, is  
16 amended to read as follows:

17       (a) A driver's license suspension under this chapter takes  
18 effect on the 15th ~~[40th]~~ day after the date the person:

19               (1) receives a notice of suspension under Section  
20 524.011; or

21               (2) is presumed to have received notice of suspension  
22 under Section 524.013.

23       SECTION 26. Section 524.031, Transportation Code, is  
24 amended to read as follows:

25       Sec. 524.031. HEARING REQUEST. (a) If, not later than the  
26 15th day after the date on which the person receives notice of  
27 suspension under Section 524.011 or is presumed to have received

1 notice under Section 524.013, the department receives at its  
2 headquarters in Austin, in writing, including a facsimile  
3 transmission, or by another manner prescribed by the department, a  
4 request that a hearing be held, a hearing shall be held as provided  
5 by this subchapter.

6 (b) If the person applies for an ignition interlock license  
7 under Subchapter L, Chapter 521, during the first 15 days following  
8 the date of the notice of suspension, the person waives the right to  
9 a hearing under this section.

10 SECTION 27. Section 724.001, Transportation Code, is  
11 amended by adding Subdivision (13) to read as follows:

12 (13) "Ignition interlock license" means an ignition  
13 interlock license issued by the department under Subchapter L,  
14 Chapter 521.

15 SECTION 28. Section 724.032(e), Transportation Code, is  
16 amended to read as follows:

17 (e) A temporary driving permit issued under this section  
18 expires on the 15th ~~[41st]~~ day after the date of issuance. If the  
19 person was driving a commercial motor vehicle, as defined by  
20 Section 522.003, a temporary driving permit that authorizes the  
21 person to drive a commercial motor vehicle is not effective until 24  
22 hours after the time of arrest.

23 SECTION 29. Section 724.034, Transportation Code, is  
24 amended to read as follows:

25 Sec. 724.034. CONTENTS OF NOTICE OF SUSPENSION OR DENIAL OF  
26 LICENSE. A notice of suspension or denial of a license must state:

27 (1) the reason and statutory grounds for the action;

- 1           (2) the effective date of the suspension or denial;
- 2           (3) the right of the person to a hearing;
- 3           (4) how to request a hearing; ~~and~~
- 4           (5) the period in which a request for a hearing must be
- 5 received by the department; and
- 6           (6) that if the person applies for and is issued an
- 7 ignition interlock license during the period described by
- 8 Subdivision (5), the person waives the right to a hearing under
- 9 Section 724.041.

10           SECTION 30. Section 724.035(c), Transportation Code, is

11 amended to read as follows:

12           (c) A suspension or denial takes effect on the 15th ~~[40th]~~

13 day after the date on which the person:

- 14           (1) receives notice of suspension or denial under
- 15 Section 724.032(a); or
- 16           (2) is considered to have received notice of
- 17 suspension or denial under Section 724.033.

18           SECTION 31. Section 724.044, Transportation Code, is

19 amended to read as follows:

20           Sec. 724.044. WAIVER OF RIGHT TO HEARING. A person waives

21 the right to a hearing under this subchapter and the department's

22 suspension or denial is final and may not be appealed if the person:

- 23           (1) fails to request a hearing under Section 724.041;
- 24 ~~[or]~~
- 25           (2) requests a hearing and fails to appear, without
- 26 good cause; or
- 27           (3) during the period specified by Section 724.034(5),

1 applies for issuance of an ignition interlock license.

2       SECTION 32. The following provisions of the Transportation  
3 Code are repealed:

4               (1) Sections 521.245(e) and (g); and

5               (2) Section 521.251.

6       SECTION 33. The change in law made by this Act applies only  
7 to an offense committed on or after the effective date of this Act.  
8 An offense committed before the effective date of this Act is  
9 governed by the law in effect when the offense was committed, and  
10 the former law is continued in effect for that purpose. For  
11 purposes of this section, an offense was committed before the  
12 effective date of this Act if any element of the offense was  
13 committed before that date.

14       SECTION 34. This Act takes effect September 1, 2015.