

BILL ANALYSIS

Senate Research Center
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H.B. 3272
By: Wray (Rodríguez)
Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note the need to update the Transportation Code and the Code of Criminal Procedure as they relate to the suspension, revocation, and cancellation of driver's licenses.

Current statute limits enforcement actions against drivers under the age of 18 who hold a learner license but not a common provisional license. H.B. 3272 would allow action against any driver under 18 years of age, not just those with a provisional license. This ensures all minors who hold a driver's license are subject to suspension for two or more moving violations committed within a 12-month period.

Current statute (Section 521.300, Transportation Code) requires that administrative hearings for persons whose driver licenses are being suspended, revoked or disqualified, be heard in a municipal court or a justice court in the county in which the person resides. Crowded dockets and the inability of drivers to appear in person delay hearings and enforcement actions against potentially unsafe drivers. H.B. 3272 would authorize telephonic hearings to address these concerns.

Lastly, H.B. 3272 would update language in the code related to the cancellation of drivers licenses for administrative purposes such as non-payment due to a bad check.

H.B. 3272 amends current law relating to the suspension, revocation, or cancellation of a driver's license or personal identification certificate and to certain conduct constituting contempt of court that may result in the suspension or denial of a driver's license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Article 45.050, Code of Criminal Procedure, to read as follows:

Art. 45.050. FAILURE TO PAY FINE; FAILURE TO APPEAR; CONTEMPT: JUVENILES.

SECTION 2. Amends Article 45.050(b), Code of Criminal Procedure, to include the failure to appear for an offense committed by the child in the list of certain actions for which a justice or municipal court is prohibited from ordering the confinement of a child.

SECTION 3. Amends Section 521.292(a), Transportation Code, as follows:

(a) Requires the Texas Department of Public Safety (DPS) to suspend the person's license if DPS makes certain determinations regarding the person, including that the person is under 18 years of age, rather than the person is the holder of a provisional license issued under Section 521.123 (Designator on License Issued to Person Under 21 Years of Age),

and has been convicted of two or more moving violations committed within a 12-month period.

SECTION 4. Amends Section 521.294, Transpiration Code, as follows:

Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE REVOCATION. Requires DPS to revoke the person's license if DPS determines that the person:

(1) through (4) makes no changes to these subdivisions; or

(5) deletes existing text requiring DPS to revoke a person's license if DPS determines that the person has been reported by a court under Section 521.3452 (Procedure in Cases Involving Minors) for failure to appear unless the court files an additional report on final disposition of the case. Redesignates existing Subdivision (7) as Subdivision (5).

Deletes existing Subdivision (6) requiring DPS to revoke a person's license if DPS determines that the person has been reported within the preceding two years by a justice or municipal court for failure to appear or for a default in payment of a fine for a misdemeanor punishable only by fine, other than a failure reported under Section 521.3452, under certain conditions.

SECTION 5. Amends Section 521.300, Transportation Code, by adding Subsection (a-1), to authorize a hearing under this subchapter (General Provisions Relating to License Denial, Suspension, or Revocation) to be conducted by telephone or video conference call if the presiding officer provides notice to the affected parties.

SECTION 6. Amends Section 521.314, Transportation Code, as follows:

Sec. 521.314. CANCELLATION AUTHORITY. Authorizes DPS to cancel a license or certificate if it determines that the holder:

(1) is, rather than was, not entitled to the license or certificate;

(2) makes no changes to this subdivision; or

(3) paid the required fee for the license or certificate by check or credit card that was returned to DPS or not honored by the funding institution or credit card company due to insufficient funds, a closed account, or any other reason.

SECTION 7. Provides that the changes in law made by this Act to Sections 521.292, 521.294, and 521.314, Transportation Code, apply only to a determination to suspend, revoke, or cancel a driver's license or personal identification certificate made by DPS on or after the effective date of this Act. Provides that a determination to suspend, revoke, or cancel a driver's license or personal identification certificate made before the effective date of this Act is governed by the law in effect when the determination was made, and the former law is continued in effect for that purpose.

SECTION 8. Effective date: September 1, 2017.