

By: Wray

H.B. No. 3272

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the suspension, revocation, or cancellation of a
3 driver's license or personal identification certificate and to
4 certain conduct constituting contempt of court that may result in
5 the suspension or denial of a driver's license.

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

7 SECTION 1. The heading to Article 45.050, Code of Criminal
8 Procedure, is amended to read as follows:

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

11 SECTION 2. Article 45.050(b), Code of Criminal Procedure,
12 is amended to read as follows:

13 (b) A justice or municipal court may not order the
14 confinement of a child for:

15 (1) the failure to pay all or any part of a fine or
16 costs imposed for the conviction of an offense punishable by fine
17 only; ~~or~~

18 (2) the failure to appear for an offense committed by
19 the child; or

20 (3) contempt of another order of a justice or
21 municipal court.

22 SECTION 3. Section 521.292(a), Transportation Code, is
23 amended to read as follows:

24 (a) The department shall suspend the person's license if the

1 department determines that the person:

2 (1) has operated a motor vehicle on a highway while the
3 person's license was suspended, canceled, disqualified, or
4 revoked, or without a license after an application for a license was
5 denied;

6 (2) is a habitually reckless or negligent operator of
7 a motor vehicle;

8 (3) is a habitual violator of the traffic laws;

9 (4) has permitted the unlawful or fraudulent use of
10 the person's license;

11 (5) has committed an offense in another state or
12 Canadian province that, if committed in this state, would be
13 grounds for suspension;

14 (6) has been convicted of two or more separate
15 offenses of a violation of a restriction imposed on the use of the
16 license;

17 (7) has been responsible as a driver for any accident
18 resulting in serious personal injury or serious property damage;

19 (8) is under 18 years of age [~~the holder of a~~
20 ~~provisional license issued under Section 521.123~~] and has been
21 convicted of two or more moving violations committed within a
22 12-month period; or

23 (9) has committed an offense under Section 545.421.

24 SECTION 4. Section 521.294, Transportation Code, is amended
25 to read as follows:

26 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
27 REVOCATION. The department shall revoke the person's license if

1 the department determines that the person:

2 (1) is incapable of safely operating a motor vehicle;

3 (2) has not complied with the terms of a citation
4 issued by a jurisdiction that is a party to the Nonresident Violator
5 Compact of 1977 for a traffic violation to which that compact
6 applies;

7 (3) has failed to provide medical records or has
8 failed to undergo medical or other examinations as required by a
9 panel of the medical advisory board;

10 (4) has failed to pass an examination required by the
11 director under this chapter; or

12 ~~(5) [has been reported by a court under Section~~
13 ~~521.3452 for failure to appear unless the court files an additional~~
14 ~~report on final disposition of the case;~~

15 ~~[(6) has been reported within the preceding two years~~
16 ~~by a justice or municipal court for failure to appear or for a~~
17 ~~default in payment of a fine for a misdemeanor punishable only by~~
18 ~~fine, other than a failure reported under Section 521.3452,~~
19 ~~committed by a person who is at least 14 years of age but younger~~
20 ~~than 17 years of age when the offense was committed, unless the~~
21 ~~court files an additional report on final disposition of the case;~~

22 ~~or~~

23 ~~[(7)]~~ has committed an offense in another state or
24 Canadian province that, if committed in this state, would be
25 grounds for revocation.

26 SECTION 5. Section 521.300, Transportation Code, is amended
27 by adding Subsection (a-1) to read as follows:

1 (a-1) A hearing under this subchapter may be conducted by
2 telephone or video conference call if the presiding officer
3 provides notice to the affected parties.

4 SECTION 6. Section 521.314, Transportation Code, is amended
5 to read as follows:

6 Sec. 521.314. CANCELLATION AUTHORITY. The department may
7 cancel a license or certificate if it determines that the holder:

8 (1) is [~~was~~] not entitled to the license or
9 certificate; [~~or~~]

10 (2) failed to give required information in the
11 application for the license or certificate; or

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

17 SECTION 7. The changes in law made by this Act to Sections
18 521.292, 521.294, and 521.314, Transportation Code, apply only to a
19 determination to suspend, revoke, or cancel a driver's license or
20 personal identification certificate made by the Department of
21 Public Safety on or after the effective date of this Act. A
22 determination to suspend, revoke, or cancel a driver's license or
23 personal identification certificate made before the effective date
24 of this Act is governed by the law in effect when the determination
25 was made, and the former law is continued in effect for that
26 purpose.

27 SECTION 8. This Act takes effect September 1, 2017.