

By: Thompson of Harris

H.C.R. No. 94

CONCURRENT RESOLUTION

1 WHEREAS, Pursuant to 23 U.S.C. Section 159, the United States
2 Secretary of Transportation is required to withhold eight percent
3 of a state's highway-related funds unless that state enacts and
4 enforces a law requiring a six-month suspension or revocation of
5 the driver's license of any individual convicted of any violation
6 of the Controlled Substances Act or other drug law, or unless the
7 governor of the state submits written certifications by the
8 governor and the state legislature that both are opposed to the
9 enactment and enforcement of such a law; and

10 WHEREAS, The burden of automatic license suspensions falls
11 heavily on low-income people, making it even more difficult for
12 them to lead productive, law-abiding lives independent of public
13 assistance; in the Dallas and McAllen metropolitan areas, for
14 instance, fewer than 20 percent of jobs are accessible to residents
15 of low-income communities by public transit; a recent study found
16 that 40 percent of people lost a job upon a driver's license
17 suspension, and in the wake of such a suspension, 88 percent
18 reported lower income; moreover, such suspensions can make it
19 difficult to meet family obligations, reach medical care, and even
20 fulfill court requirements; and

21 WHEREAS, Automatic license suspensions impose high
22 administrative costs, but the American Association of Motor
23 Vehicles found that there is no evidence that they deter criminal
24 behavior; these suspensions force traffic authorities to expend

1 significant resources, including employee time as well as taxpayer
2 dollars, thereby diminishing their focus on dangerous
3 driving-related behavior on our roads and undermining public
4 safety; and

5 WHEREAS, The granting or withholding of driving privileges
6 has always been the prerogative of the states, rather than the
7 federal government, and the State of Texas has found that automatic
8 driver's license suspensions under 23 U.S.C. Section 159 waste tax
9 dollars while negatively impacting past offenders struggling to
10 become more responsible, contributing members of society; now,
11 therefore, be it

12 RESOLVED, That the 85th Legislature of the State of Texas
13 hereby declare its opposition to the enactment or enforcement by
14 the state of a law requiring the revocation or suspension of the
15 driver's license of any individual who is convicted of any
16 violation of the Controlled Substances Act or any drug offense;
17 and, be it further

18 RESOLVED, That the Texas Legislature hereby respectfully
19 urge the governor to submit written certification to the United
20 States Secretary of Transportation expressing his opposition to
21 this federal mandate along with written certification that the
22 Texas Legislature has adopted this resolution; and, be it further

23 RESOLVED, That the Texas secretary of state forward official
24 copies of this resolution to the governor, to the secretary of the
25 United States Department of Transportation, and to all the members
26 of the Texas delegation to Congress.