

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 691  
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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 1991, Congress passed a misguided mandate requiring states to suspend the drivers' licenses of all drug offenders regardless of circumstance or lose federal transportation dollars. This federal mandate is codified in Section 521.372, Transportation Code, and automatically suspends the drivers' license of any drug offender for six months until the individual pays a fee of \$100 and takes a 15-hour course on the dangers of drug abuse.

Every year Texas suspends 13,000 drivers' licenses for drug offenses unrelated to driving. This means an individual convicted of a misdemeanor marijuana offense, for example, is subject to an automatic suspension of their driver's license—jeopardizing their employment and ability to repay court costs and fines. Many individuals affected by the suspension continue to drive without a license, putting themselves at risk of additional criminal charges. These harsh and punitive penalties have the potential to send many low-income individuals into debt and saddle them with unnecessary and unproductive criminal charges.

Fortunately, federal law now allows states to affirmatively opt-out of the automatic license suspension provision if the state's legislature and governor submit a written certification to the U.S. Secretary of Transportation expressing the state's opposition to the mandate. S.C.R. 10 and HCR 33, also filed, would exempt Texas from this mandate.

Contingent on the passage of S.C.R. 10 or H.C.R. 33, C.S.S.B. 691 modifies the statute to create a new license suspension pathway for misdemeanor drug offenders. The new pathway grants a 180-day grace period for misdemeanor drug offenders to take the course on the dangers of drug abuse rather than making them wait 180 days after completing these requirements.

C.S.S.B. 691 amends current law relating to suspension of a driver's license for persons convicted of certain misdemeanor drug possession offenses.

### **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 Section 521.372(a), Transportation Code, to create an exception under Section 521.3725, providing that a person's driver's license is automatically suspended on final conviction of certain offenses.

SECTION 2. Amends Subchapter P, Chapter 521, Transportation Code, by adding Section 521.3725, as follows:

Sec. 521.3725. MISDEMEANOR DEFENDANTS. (a) Provides that this section applies only to a person:

- (1) who is convicted of a misdemeanor possession offense under Section 481.1161 (Offense: Possession of Substance in Penalty Group 2-A), 481.117 (Offense: Possession of Substance in Penalty Group 3), 481.118

(Offense: Possession of Substance in Penalty Group 4), or 481.121 (Offense: Possession of Marihuana), Health and Safety Code, other than an offense for which punishment is increased under Section 481.134 (Drug-Free Zones) of that code; and

(2) whose driver's license is not subject to suspension for that offense or another offense arising from the same criminal episode under a provision other than Section 521.372 (Automatic Suspension; License Denial).

(b) Provides that the driver's license of a person described by Subsection (a) is automatically suspended as provided by Section 521.372, except that:

(1) the suspension does not begin until the 180th day after the date of the person's final conviction; and

(2) the person's license is no longer subject to suspension under Section 521.372 if, before the date the suspension is to begin under Subdivision (1):

(A) the Department of Public Safety of the State of Texas (DPS) receives notification from the clerk of the court in which the person was convicted that the person has successfully completed an educational program under Section 521.374 (Educational Program or Equivalent Education) or equivalent education in a residential treatment facility authorized under that section; and

(B) the person pays any applicable fees.

(c) Provides that the period of suspension for a person described by Subsection (a) who does not complete the educational program described by Subsection (b)(2)(A) and pay the fees described by Subsection (b)(2)(B) is 180 days, except that the license may be reinstated during that period as provided by Section 521.377(a-1).

SECTION 3. Reenacts and amends Section 521.374(a), Transportation Code, as amended by Chapters 851 (S.B. 1070), 1004 (H.B. 642), and 838 (S.B.202), Acts of the 84th Legislature, Regular Session, 2015, as follows:

(a) Authorizes a person whose license is suspended under Section 521.372 to attend an educational program, approved by the Texas Department of Licensing and Regulation (TDLR) under rules adopted by TDLR and DPS, that is designed to educate persons on the dangers of drug abuse.

SECTION 4. Amends Section 521.377, Transportation Code, by adding Subsection (a-1) to require the court, notwithstanding Subsection (a)(2) (relating to requiring DPS to reinstate a person's driver's license if certain fees have been paid), to end the period of suspension and immediately reinstate the license of a person described by Section 521.3725 on notification described by Subsection (a)(1), provided the person pays any applicable fees.

SECTION 5. Provides that this Act takes effect on the 91st day after the date the Office of the Attorney General publishes in the Texas Register a finding that:

(1) the legislature of this state has adopted a resolution expressing the legislature's opposition to a law meeting the requirements of 23 U.S.C. Section 159 in suspending, revoking, or denying the driver's license of a person convicted of a drug offense for a period of six months;

(2) the governor of this state has submitted to the United States secretary of transportation:

(A) a written certification of the governor's opposition to the enactment or enforcement of a law required under 23 U.S.C. Section 159; and

(B) a written certification that the legislature has adopted the resolution described by Subdivision (1) of this section; and

(3) the United States secretary of transportation has responded to the governor's submission and certified that highway funds will not be withheld from this state in response to the repeal of the law required under 23 U.S.C. Section 159.