

By: White

H.C.R. No. 33

CONCURRENT RESOLUTION

1           WHEREAS, States are required under 23 U.S.C. Section 159 to  
2 enact and enforce a law requiring in all circumstances the  
3 revocation, or suspension for at least six months, of the driver's  
4 license of an individual who is convicted of a drug offense; and

5           WHEREAS, A state's noncompliance with the federal law could  
6 result in the U.S. secretary of transportation withholding 10  
7 percent of the amount required to be apportioned to the state under  
8 the law governing federal aid for highways; and

9           WHEREAS, In 1991, Texas enacted Section [521.372](#),  
10 Transportation Code, Automatic Suspension; License Denial, to  
11 comply with the federal law; the Texas law establishes a six-month  
12 license suspension period after a person is convicted of a drug  
13 offense and a six-month license denial period after the person  
14 applies for reinstatement or issuance of a driver's license; and

15           WHEREAS, Under Texas law, a person convicted of a misdemeanor  
16 drug offense loses their driver's license for at least six months,  
17 making it difficult for the person to keep a job and provide for  
18 their family; and

19           WHEREAS, Upon release from confinement, a person convicted of  
20 a felony drug offense in Texas also loses their driver's license for  
21 at least six months, making it harder for the person to reintegrate  
22 into society; and

23           WHEREAS, The federal mandate for states to enact and enforce  
24 a law requiring automatic suspension of the driver's license of an

1 individual who is convicted of any drug-related offense  
2 inappropriately limits the ability of Texas courts to exercise  
3 discretion in determining punishment; and

4 WHEREAS, As an alternative to enacting or enforcing such a  
5 law, the governor of a state can submit a written certification to  
6 the U.S. secretary of transportation stating the governor's  
7 opposition to the enactment or enforcement in the state of such a  
8 law; and

9 WHEREAS, A governor pursuing this alternative must also  
10 certify that the state legislature has adopted a concurrent  
11 resolution expressing opposition to the enactment or enforcement in  
12 the state of such a law; and

13 WHEREAS, Texas should join the numerous other states that  
14 have met the certification requirements in a federal rule (23  
15 C.F.R. Section 192.5(c)) by submitting a written statement from the  
16 governor and a concurrent resolution from the state legislature to  
17 the U.S. secretary of transportation; now, therefore, be it

18 RESOLVED, That the 86th Legislature of the State of Texas  
19 hereby express opposition to the enactment or enforcement in Texas  
20 of a law that automatically suspends the driver's license of an  
21 individual who is convicted of any drug-related offense; and, be it  
22 further

23 RESOLVED, That the Texas secretary of state forward official  
24 copies of this resolution to the executive clerk of the Office of  
25 the Governor, with the request that the governor submit the  
26 resolution to the U.S. secretary of transportation along with  
27 written certification pursuant to 23 C.F.R. Section 192.5(c).