

By: Johnson

S.C.R. No. 10

1 SENATE CONCURRENT RESOLUTION

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

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

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

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

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

24 WHEREAS, The federal mandate for states to enact and enforce

1 a law requiring automatic suspension of the driver's license of an
2 individual who is convicted of any drug-related offense
3 inappropriately limits the ability of Texas courts to exercise
4 discretion in determining punishment; and

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

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

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

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

25 RESOLVED, That the Texas secretary of state forward official
26 copies of this resolution to the executive clerk of the Office of
27 the Governor, with the request that the governor submit the

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1 resolution to the United States secretary of transportation along
2 with written certification pursuant to 23 C.F.R. Section 192.5(c).