

Amend HB 2147 (house committee report) as follows:

(1) On page 1, line 11, between "Act" and "applies", insert "to Section 521.457, Transportation Code,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 524.011(b), (c), and (e), Transportation Code, are amended to read as follows:

(b) A peace officer shall:

(1) serve or, if a specimen is taken and the analysis of the specimen is not returned to the arresting officer before the person is admitted to bail, released from custody, delivered as provided by Title 3, Family Code, or committed to jail, attempt to serve notice of driver's license suspension by delivering the notice to the arrested person; and

~~(2) [take possession of any driver's license issued by this state and held by the person arrested;~~

~~[(3) issue a temporary driving permit to the person unless department records show or the officer otherwise determines that the person does not hold a driver's license to operate a motor vehicle in this state; and~~

~~[(4)]~~ send to the department not later than the fifth business day after the date of the arrest:

(A) a copy of the driver's license suspension notice; and

~~(B) [any driver's license taken by the officer under this subsection;~~

~~[(C) a copy of any temporary driving permit issued under this subsection; and~~

~~[(D)]~~ a sworn report of information relevant to the arrest.

(c) The report required under Subsection (b)(2)(B) ~~[(b)(4)(D)]~~ must:

(1) identify the arrested person;

(2) state the arresting officer's grounds for believing the person committed the offense;

(3) give the analysis of the specimen if any; and

(4) include a copy of the criminal complaint filed in

the case, if any.

(e) The department shall develop forms for the notice of driver's license suspension [~~and temporary driving permits~~] to be used by all state and local law enforcement agencies.

SECTION _____. Section 524.032(d), Transportation Code, is amended to read as follows:

(d) A request for a hearing stays suspension of a person's driver's license until the date of the final decision of the administrative law judge. [~~If the person's driver's license was taken by a peace officer under Section 524.011(b), the department shall notify the person of the effect of the request on the suspension of the person's license before the expiration of any temporary driving permit issued to the person, if the person is otherwise eligible, in a manner that will permit the person to establish to a peace officer that the person's driver's license is not suspended.~~]

SECTION _____. Section 524.035(c), Transportation Code, is amended to read as follows:

(c) If the administrative law judge does not find in the affirmative on each issue in Subsection (a), the department shall:

(1) [~~return the person's driver's license to the person, if the license was taken by a peace officer under Section 524.011(b),~~

~~(2)~~ reinstate the person's driver's license; and

(2) [~~(3)~~] rescind an order prohibiting the issuance of a driver's license to the person.

SECTION _____. Sections 724.032(a), (c), and (d), Transportation Code, are amended to read as follows:

(a) If a person refuses to submit to the taking of a specimen, whether expressly or because of an intentional failure of the person to give the specimen, the peace officer shall:

(1) serve notice of license suspension or denial on the person; and

(2) [~~take possession of any license issued by this state and held by the person arrested,~~

~~(3) issue a temporary driving permit to the person unless department records show or the officer otherwise determines~~

~~that the person does not hold a license to operate a motor vehicle in this state, and~~

~~[(4)]~~ make a written report of the refusal to the director of the department.

(c) The officer shall forward to the department not later than the fifth business day after the date of the arrest:

(1) a copy of the notice of suspension or denial; and

(2) ~~[any license taken by the officer under Subsection (a),~~

~~[(3) a copy of any temporary driving permit issued under Subsection (a), and~~

~~[(4)]~~ a copy of the refusal report.

(d) The department shall develop forms for notices of suspension or denial ~~[and temporary driving permits]~~ to be used by all state and local law enforcement agencies.

SECTION _____. Section 724.041(c), Transportation Code, is amended to read as follows:

(c) A request for a hearing stays the suspension or denial until the date of the final decision of the administrative law judge. ~~[If the person's license was taken by a peace officer under Section 724.032(a), the department shall notify the person of the effect of the request on the suspension of the person's license before the expiration of any temporary driving permit issued to the person, if the person is otherwise eligible, in a manner that will permit the person to establish to a peace officer that the person's license is not suspended.]~~

SECTION _____. Section 724.043(b), Transportation Code, is amended to read as follows:

(b) If the administrative law judge does not find in the affirmative on each issue under Section 724.042, the department shall ~~[return the person's license to the person, if the license was taken by a peace officer under Section 724.032(a), and]~~ reinstate the person's license or rescind any order denying the issuance of a license because of the person's refusal to submit to the taking of a specimen under Section 724.032(a).

SECTION _____. Section 2.005(b), Family Code, is amended to read as follows:

(b) The proof must be established by:

(1) a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license;

(2) a United States passport;

(3) a current passport issued by a foreign country or a consular document issued by a state or national government;

(4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of Homeland Security or the United States Department of State including an identification photograph;

(5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph;

(6) an original or certified copy of a birth certificate issued by a bureau of vital statistics for a state or a foreign government;

(7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State;

(8) an original or certified copy of a court order relating to the applicant's name change or sex change;

(9) school records from a secondary school or institution of higher education;

(10) an insurance policy continuously valid for the two years preceding the date of the application for a license;

(11) a motor vehicle certificate of title;

(12) military records, including documentation of release or discharge from active duty or a draft record;

(13) an unexpired military dependent identification card;

(14) an original or certified copy of the applicant's marriage license or divorce decree;

- (15) a voter registration certificate;
- (16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States;
- (17) a license to carry a handgun under Subchapter H, Chapter 411, Government Code;
- (18) [~~a temporary driving permit or~~] a temporary identification card issued by the Department of Public Safety; or
- (19) an offender identification card issued by the Texas Department of Criminal Justice.

SECTION _____. Sections 524.011(f), 524.037(c), and 724.032(e), Transportation Code, are repealed.

SECTION _____. The change in law made by this Act to Chapters 524 and 724, Transportation Code, applies only to a failure to pass a test for intoxication or a refusal to submit to the taking of a specimen to test for intoxication that occurs on or after the effective date of this Act. A failure to pass a test for intoxication or refusal to submit to the taking of a specimen that occurred before the effective date of this Act is governed by the law in effect when the test was taken or the refusal was made, and the former law is continued in effect for that purpose.