

BILL ANALYSIS

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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

States are required under 23 U.S.C. Section 159 to enact and enforce a law requiring in all circumstances the revocation, or suspension for at least six months, of the driver's license of an individual who is convicted of a drug offense. A state's noncompliance with the federal law could result in the United States secretary of transportation withholding 10 percent of the amount required to be apportioned to the state under the law governing federal aid for highways.

In 1991, Texas enacted Section 521.372, Transportation Code, Automatic Suspension; License Denial, to comply with the federal law; the Texas law establishes a six-month license suspension period after a person is convicted of a drug offense and a six-month license denial period after the person applies for reinstatement or issuance of a driver's license. Under Texas law, a person convicted of a misdemeanor drug offense loses their driver's license for at least six months, making it difficult for the person to keep a job and provide for their family.

Upon release from confinement, a person convicted of a felony drug offense in Texas also loses their driver's license for at least six months, making it harder for the person to reintegrate into society. The federal mandate for states to enact and enforce a law requiring automatic suspension of the driver's license of an individual who is convicted of any drug-related offense inappropriately limits the ability of Texas courts to exercise discretion in determining punishment.

As an alternative to enacting or enforcing such a law, the governor of a state can submit a written certification to the United States secretary of transportation stating the governor's opposition to the enactment or enforcement in the state of such a law. A governor pursuing this alternative must also certify that the state legislature has adopted a concurrent resolution expressing opposition to the enactment or enforcement in the state of such a law.

Texas should join the numerous other states that have met the certification requirements in a federal rule (23 C.F.R. Section 192.5(c)) by submitting a written statement from the governor and a concurrent resolution from the state legislature to the United States secretary of transportation.

RESOLVED

That the 87th Legislature of the State of Texas hereby express opposition to the enactment or enforcement in Texas of a law, under a federal mandate, that automatically suspends the driver's license of an individual who is convicted of certain offenses.

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