

By: González of Dallas

H.B. No. 656

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a signed statement indicating that a person voluntarily
3 consented to submit to the taking of a breath or blood specimen to
4 test for intoxication.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 724.015, Transportation Code, is amended
7 to read as follows:

8 Sec. 724.015. INFORMATION PROVIDED BY OFFICER BEFORE
9 REQUESTING SPECIMEN; STATEMENT OF CONSENT. (a) Before requesting a
10 person to submit to the taking of a specimen, the officer shall
11 inform the person orally and in writing that:

12 (1) if the person refuses to submit to the taking of
13 the specimen, that refusal may be admissible in a subsequent
14 prosecution;

15 (2) if the person refuses to submit to the taking of
16 the specimen, the person's license to operate a motor vehicle will
17 be automatically suspended, whether or not the person is
18 subsequently prosecuted as a result of the arrest, for not less than
19 180 days;

20 (3) if the person refuses to submit to the taking of a
21 specimen, the officer may apply for a warrant authorizing a
22 specimen to be taken from the person;

23 (4) if the person is 21 years of age or older and
24 submits to the taking of a specimen designated by the officer and an

1 analysis of the specimen shows the person had an alcohol
2 concentration of a level specified by Chapter 49, Penal Code, the
3 person's license to operate a motor vehicle will be automatically
4 suspended for not less than 90 days, whether or not the person is
5 subsequently prosecuted as a result of the arrest;

6 (5) if the person is younger than 21 years of age and
7 has any detectable amount of alcohol in the person's system, the
8 person's license to operate a motor vehicle will be automatically
9 suspended for not less than 60 days even if the person submits to
10 the taking of the specimen, but that if the person submits to the
11 taking of the specimen and an analysis of the specimen shows that
12 the person had an alcohol concentration less than the level
13 specified by Chapter 49, Penal Code, the person may be subject to
14 criminal penalties less severe than those provided under that
15 chapter;

16 (6) if the officer determines that the person is a
17 resident without a license to operate a motor vehicle in this state,
18 the department will deny to the person the issuance of a license,
19 whether or not the person is subsequently prosecuted as a result of
20 the arrest, under the same conditions and for the same periods that
21 would have applied to a revocation of the person's driver's license
22 if the person had held a driver's license issued by this state; and

23 (7) the person has a right to a hearing on the
24 suspension or denial if, not later than the 15th day after the date
25 on which the person receives the notice of suspension or denial or
26 on which the person is considered to have received the notice by
27 mail as provided by law, the department receives, at its

1 headquarters in Austin, a written demand, including a facsimile
2 transmission, or a request in another form prescribed by the
3 department for the hearing.

4 (b) If a person consents to the request of an officer to
5 submit to the taking of a specimen, the officer shall request the
6 person to sign a statement that:

7 (1) the officer requested that the person submit to
8 the taking of a specimen;

9 (2) the person was informed of the consequences of not
10 submitting to the taking of a specimen; and

11 (3) the person voluntarily consented to the taking of
12 a specimen.

13 SECTION 2. The change in law made by this Act applies only
14 to the request for the taking of a breath or blood specimen to test
15 for intoxication that occurs on or after the effective date of this
16 Act. The request for the taking of a specimen that occurs before
17 the effective date of this Act is governed by the law in effect on
18 the date the specimen was requested, and the former law is continued
19 in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2021.