

A BILL TO BE ENTITLED

AN ACT

relating to suspension of a driver's license for persons convicted of certain offenses and the educational program required for reinstatement of a license following certain convictions; authorizing a fine.

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

ARTICLE 1. DISCRETIONARY LICENSE SUSPENSION

SECTION 1.01. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179 to read as follows:

Art. 102.0179. FINE FOR CERTAIN DRUG AND TEXAS CONTROLLED SUBSTANCE ACT CONVICTIONS. (a) In this article, "convicted" includes an adjudication under juvenile proceedings.

(b) In addition to any other fees and fines imposed under this subchapter, a defendant convicted of an offense described by Section 521.372(a), Transportation Code, shall pay a fine of \$100.

(c) The court shall waive imposition of a fine under this article if the defendant's driver's license is suspended under Section 521.372, Transportation Code, or under another provision of that code as a result of the conviction of:

(1) an offense described by Section 521.372(a), Transportation Code; or

(2) another offense arising from the same criminal episode.

(d) A fine imposed under this article is due regardless of

1 whether the defendant is granted community supervision in the case.
2 The court shall collect the fine under this article in the same
3 manner as court costs are collected in the case.

4 (e) A fine collected under this article shall be deposited
5 to the credit of the Texas mobility fund.

6 SECTION 1.02. The heading to Subchapter P, Chapter 521,
7 Transportation Code, is amended to read as follows:

8 SUBCHAPTER P. ~~[AUTOMATIC]~~ SUSPENSION FOR CERTAIN DRUG OFFENSES

9 SECTION 1.03. Section 521.372, Transportation Code, is
10 amended to read as follows:

11 Sec. 521.372. ~~[AUTOMATIC]~~ SUSPENSION OR ~~[+]~~ LICENSE DENIAL.

12 (a) Except as provided by Subsection (b-1), a [A] person's driver's
13 license is automatically suspended on final conviction of:

14 (1) an offense under the Controlled Substances Act;

15 (2) a drug offense; or

16 (3) a felony under Chapter 481, Health and Safety
17 Code, that is not a drug offense.

18 (b) Except as provided by Subsection (b-1), the [The]
19 department may not issue a driver's license to a person convicted of
20 an offense specified in Subsection (a) who, on the date of the
21 conviction, did not hold a driver's license.

22 (b-1) If a person is convicted of a misdemeanor drug
23 offense, the court may waive the automatic suspension of the
24 person's driver's license or the requirement that the department
25 deny any application for a driver's license submitted by that
26 person, as applicable, unless the court determines that suspending
27 the person's license or denying the person's application for a

1 license, as applicable, is in the interest of public safety. The
2 court must make the determination in writing and include a
3 justification for the determination. This subsection does not
4 apply to a person who has been previously convicted of a drug
5 offense committed in the 36 months before the instant offense was
6 committed.

7 (c) Except as provided by Section 521.374(b), the period of
8 suspension under this section is the 90 ~~[180]~~ days after the date of
9 a final conviction, and the period of license denial is the 90 ~~[180]~~
10 days after the date the person applies to the department for
11 reinstatement or issuance of a driver's license.

12 ARTICLE 2. EDUCATIONAL PROGRAMS

13 SECTION 2.01. Section 521.374(a), Transportation Code, as
14 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
15 642), Acts of the 84th Legislature, Regular Session, 2015, is
16 reenacted and amended to read as follows:

17 (a) A person whose license is suspended under Section
18 521.372 may:

19 (1) successfully complete ~~[attend]~~ an in-person or
20 online educational program, approved by the Texas Department of
21 Licensing and Regulation ~~[Department of State Health Services]~~
22 under rules adopted by the Texas Commission of Licensing and
23 Regulation ~~[executive commissioner of the Health and Human Services~~
24 ~~Commission]~~ and the department, that is designed to educate persons
25 on the dangers of drug abuse; or

26 (2) successfully complete education on the dangers of
27 drug abuse approved by the Department of State Health Services as

1 equivalent to the educational program described by Subdivision (1),
2 while the person is a resident of a facility for the treatment of
3 drug abuse or chemical dependency, including:

4 (A) a substance abuse treatment facility or
5 substance abuse felony punishment facility operated by the Texas
6 Department of Criminal Justice under Section 493.009, Government
7 Code;

8 (B) a community corrections facility, as defined
9 by Section 509.001, Government Code; or

10 (C) a chemical dependency treatment facility
11 licensed under Chapter 464, Health and Safety Code.

12 SECTION 2.02. Section 521.374(b), Transportation Code, is
13 amended to read as follows:

14 (b) The period of suspension or prohibition under Section
15 521.372(c) continues for an indefinite period until the individual
16 successfully completes the in-person or online educational program
17 under Subsection (a)(1) or is released from the residential
18 treatment facility at which the individual successfully completed
19 equivalent education under Subsection (a)(2), as applicable.

20 SECTION 2.03. Section 521.375, Transportation Code, as
21 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
22 84th Legislature, Regular Session, 2015, is reenacted and amended
23 to read as follows:

24 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas
25 Commission of Licensing and Regulation and the department shall
26 jointly adopt rules for the qualification and approval of providers
27 of in-person and online educational programs under Section

1 521.374(a)(1) [~~521.374~~].

2 (a-1) The executive commissioner of the Health and Human
3 Services Commission and the department shall jointly adopt rules
4 for the qualification and approval of[+]

5 [~~(1) providers of educational programs under Section~~
6 ~~521.374(a)(1), and~~

7 [~~(2)~~] equivalent education provided in a residential
8 treatment facility described by Section 521.374(a)(2).

9 (b) The Texas Department of Licensing and Regulation shall
10 publish the jointly adopted rules under Subsection (a).

11 (c) The Department of State Health Services shall publish
12 the jointly adopted rules under Subsection (a-1).

13 SECTION 2.04. Section 521.376, Transportation Code, as
14 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
15 84th Legislature, Regular Session, 2015, is reenacted and amended
16 to read as follows:

17 Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND
18 REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND
19 RENEWAL FEES. (a) The Texas Department of Licensing and
20 Regulation:

21 (1) shall monitor, coordinate, and provide training to
22 persons who provide in-person and online educational programs under
23 Section 521.374(a)(1) [~~521.374~~];

24 (2) shall administer the approval of those in-person
25 and online educational programs; and

26 (3) may charge a nonrefundable application fee to the
27 provider of an in-person or online educational program under

1 Section 521.374(a)(1) for:

2 (A) initial certification of approval; and

3 (B) renewal of the certification.

4 (b) The Department of State Health Services:

5 (1) shall monitor, coordinate, and provide training
6 to[+]

7 [~~(A) persons who provide educational programs~~
8 ~~under Section 521.374(a)(1); and~~

9 [~~(B)~~] residential treatment facilities described
10 by Section 521.374(a)(2) providing equivalent education; and

11 (2) shall administer the approval of the [~~educational~~
12 ~~programs and the~~] equivalent education provided in a residential
13 treatment facility[~~, and~~

14 [~~(3) may charge a nonrefundable application fee to the~~
15 ~~provider of an educational program under Section 521.374(a)(1) for:~~

16 [~~(A) initial certification of approval; and~~

17 [~~(B) renewal of the certification~~].

18 ARTICLE 3. TRANSITION; EFFECTIVE DATE

19 SECTION 3.01. Not later than September 1, 2022, the Texas
20 Commission of Licensing and Regulation and the Department of Public
21 Safety shall adopt rules to implement Sections 521.374, 521.375,
22 and 521.376, Transportation Code, as amended by this Act.

23 SECTION 3.02. (a) Except as otherwise provided by this
24 section, this Act takes effect September 1, 2021.

25 (b) Article 1 of this Act takes effect on the 91st day after
26 the date the office of the attorney general publishes in the Texas
27 Register a finding that:

1 (1) the legislature of this state has adopted a
2 resolution expressing the legislature's opposition to a law meeting
3 the requirements of 23 U.S.C. Section 159 in suspending, revoking,
4 or denying the driver's license of a person convicted of a drug
5 offense for a period of six months;

6 (2) the governor has submitted to the United States
7 secretary of transportation:

8 (A) a written certification of the governor's
9 opposition to the enactment or enforcement of a law required under
10 23 U.S.C. Section 159; and

11 (B) a written certification that the legislature
12 has adopted the resolution described by Subdivision (1) of this
13 subsection; and

14 (3) the United States secretary of transportation has
15 responded to the governor's submission and certified that highway
16 funds will not be withheld from this state in response to the
17 modification or full or partial repeal of the law required under 23
18 U.S.C. Section 159.

19 (c) On the 180th day after the date described in Subsection
20 (b) of this section, the Department of Public Safety shall
21 reinstate any driver's license that:

22 (1) was suspended under Section [521.372](#),
23 Transportation Code, before the date described by Subsection (b) of
24 this section; and

25 (2) remains subject to suspension under that section
26 on the 180th day after the date described in Subsection (b) of this
27 section.