

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 a misdemeanor drug offense as defined by Section 521.371, Transportation Code, whose driver's license is not suspended under Section 521.372, Transportation Code, as a result of that conviction, 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),

1 Transportation Code; or

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

4 (d) A fine imposed under this article is due regardless of
5 whether the defendant is granted community supervision in the case.
6 The court shall collect the fine under this article in the same
7 manner as court costs are collected in the case.

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

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

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

13 SECTION 1.03. Section 521.372, Transportation Code, is
14 amended to read as follows:

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

16 (a) A person's driver's license is automatically suspended on final
17 conviction of:

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

19 (2) a felony drug offense; ~~or~~

20 (3) a misdemeanor drug offense, if the person has been
21 previously convicted of a drug offense committed less than 36
22 months before the commission of the instant offense; or

23 (4) a felony under Chapter 481, Health and Safety
24 Code, that is not a drug offense.

25 (b) The department may not issue a driver's license to a
26 person convicted of an offense specified in Subsection (a) who, on
27 the date of the conviction, did not hold a driver's license.

(b-1) Except as provided by Subsection (a)(3), the court may order that the department suspend the license of a person who holds a license at the time of final conviction of a misdemeanor drug offense if the court makes a written determination that the suspension is in the interest of public safety.

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

ARTICLE 2. EDUCATIONAL PROGRAMS

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

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

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

(2) successfully complete education on the dangers of drug abuse approved by the Department of State Health Services as equivalent to the educational program described by Subdivision (1),

1 while the person is a resident of a facility for the treatment of
2 drug abuse or chemical dependency, including:

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

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

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

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

13 (b) The period of suspension or prohibition under Section
14 521.372(c) continues until the earlier of:

15 (1) the date [~~for an indefinite period until~~] the
16 individual successfully completes the in-person or online
17 educational program under Subsection (a)(1) or is released from the
18 residential treatment facility at which the individual
19 successfully completed equivalent education under Subsection
20 (a)(2), as applicable; or

21 (2) the second anniversary of the date the suspension
22 or prohibition was imposed.

23 SECTION 2.03. Section 521.375, Transportation Code, as
24 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
25 84th Legislature, Regular Session, 2015, is reenacted and amended
26 to read as follows:

27 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas

Commission of Licensing and Regulation and the department shall jointly adopt rules for the qualification and approval of providers of in-person and online educational programs under Section 521.374(a)(1) [521.374].

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

~~[(1) providers of educational programs under Section 521.374(a)(1); and~~

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

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

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

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

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

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

(2) shall administer the approval of those in-person

1 and online educational programs; and

2 (3) may charge a nonrefundable application fee to the
3 provider of an in-person or online educational program under
4 Section 521.374(a)(1) for:

5 (A) initial certification of approval; and

6 (B) renewal of the certification.

7 (b) The Department of State Health Services:

8 (1) shall monitor, coordinate, and provide training
9 to[÷

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

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

14 (2) shall administer the approval of the [~~educational~~
15 ~~programs and the~~] equivalent education provided in a residential
16 treatment facility[÷~~and~~

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

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

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

21 ARTICLE 3. TRANSITION; EFFECTIVE DATE

22 SECTION 3.01. (a) Section 3, Chapter 710 (H.B. 162), Acts
23 of the 86th Legislature, Regular Session, 2019, is repealed.

24 (b) Section 521.293, Transportation Code, as amended by
25 Chapter 710 (H.B. 162), Acts of the 86th Legislature, Regular
26 Session, 2019, applies to a determination to suspend a driver's
27 license that is made by the Department of Public Safety of the State

1 of Texas before, on, or after the effective date of this Act.

2 SECTION 3.02. Not later than September 1, 2022, the Texas
3 Commission of Licensing and Regulation and the Department of Public
4 Safety shall adopt rules to implement Sections 521.374, 521.375,
5 and 521.376, Transportation Code, as amended by this Act.

6 SECTION 3.03. (a) Except as otherwise provided by this
7 section, this Act takes effect September 1, 2021.

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

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

16 (2) the governor has submitted to the United States
17 secretary of transportation:

18 (A) a written certification of the governor's
19 opposition to the enactment or enforcement of a law required under
20 23 U.S.C. Section 159; and

21 (B) a written certification that the legislature
22 has adopted the resolution described by Subdivision (1) of this
23 subsection; and

24 (3) the United States secretary of transportation has
25 responded to the governor's submission and certified that highway
26 funds will not be withheld from this state in response to the
27 modification or full or partial repeal of the law required under 23

1 U.S.C. Section 159.

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 181 passed the Senate on May 3, 2021, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 181 passed the House, with amendments, on May 24, 2021, by the following vote: Yeas 138, Nays 3, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor