

By: Johnson, et al.
(White)

S.B. No. 181

Substitute the following for S.B. No. 181:

By: White

C.S.S.B. No. 181

A BILL TO BE ENTITLED

1 AN ACT
2 relating to suspension of a driver's license for persons convicted
3 of certain offenses and the educational program required for
4 reinstatement of a license following certain convictions;
5 authorizing a fine.

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

7 ARTICLE 1. DISCRETIONARY LICENSE SUSPENSION

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

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

14 (b) In addition to any other fees and fines imposed under
15 this subchapter, a defendant convicted of an offense described by
16 Section 521.372(a), Transportation Code, who holds a valid driver's
17 license on the date the order of conviction is entered shall pay a
18 fine of \$100.

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

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

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

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

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

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

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

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

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

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

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

18 (2) a felony drug offense; [~~or~~]

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

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

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

27 (b-1) Except as provided by Subsection (a)(3), the court may

1 order that the department suspend the license of a person who holds
2 a license at the time of final conviction of a misdemeanor drug
3 offense if the court makes a written determination that the
4 suspension is in the interest of public safety.

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

10 ARTICLE 2. EDUCATIONAL PROGRAMS

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

15 (a) A person whose license is suspended under Section
16 521.372 may:

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

24 (2) successfully complete education on the dangers of
25 drug abuse approved by the Department of State Health Services as
26 equivalent to the educational program described by Subdivision (1),
27 while the person is a resident of a facility for the treatment of

1 drug abuse or chemical dependency, including:

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

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

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

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

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

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

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

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

26 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas
27 Commission of Licensing and Regulation and the department shall

1 jointly adopt rules for the qualification and approval of providers
2 of in-person and online educational programs under Section
3 521.374(a)(1) [~~521.374~~].

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

7 [~~(1) providers of educational programs under Section~~
8 ~~521.374(a)(1); and~~

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

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

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

15 SECTION 2.04. Section 521.376, Transportation Code, as
16 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
17 84th Legislature, Regular Session, 2015, is reenacted and amended
18 to read as follows:

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

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

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

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

4 (A) initial certification of approval; and

5 (B) renewal of the certification.

6 (b) The Department of State Health Services:

7 (1) shall monitor, coordinate, and provide training
8 to~~+~~

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

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

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

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

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

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

20 ARTICLE 3. TRANSITION; EFFECTIVE DATE

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

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

27 (b) Article 1 of this Act takes effect on the 91st day after

1 the date the office of the attorney general publishes in the Texas
2 Register a finding that:

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

8 (2) the governor has submitted to the United States
9 secretary of transportation:

10 (A) a written certification of the governor's
11 opposition to the enactment or enforcement of a law required under
12 23 U.S.C. Section 159; and

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

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

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

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

27 (2) remains subject to suspension under that section

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1 on the 180th day after the date described in Subsection (b) of this
2 section.