

By: Johnson

S.B. No. 181

A BILL TO BE ENTITLED

AN ACT

1
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 SECTION 1. Subchapter A, Chapter 102, Code of Criminal
8 Procedure, is amended by adding Article 102.0179 to read as
9 follows:

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

13 (b) In addition to any other fees and fines imposed under
14 this subchapter, a defendant convicted of an offense described by
15 Section 521.372(a), Transportation Code, shall pay a fine in an
16 amount that is equivalent to the sum of all fees applicable to a
17 suspension and reinstatement of a driver's license under Chapter
18 521, Transportation Code. The Department of Public Safety shall
19 annually calculate and make available the amount of the fine
20 described by this subsection.

21 (c) The court shall waive imposition of a fine under this
22 article if the defendant's driver's license is suspended under
23 Section 521.3725(c), Transportation Code, or under another
24 provision of that code as a result of the conviction of:

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

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

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

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

11 SECTION 2. Section 521.372(c), Transportation Code, is
12 amended to read as follows:

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

18 SECTION 3. Subchapter P, Chapter 521, Transportation Code,
19 is amended by adding Section 521.3725 to read as follows:

20 Sec. 521.3725. DISCRETIONARY LICENSE SUSPENSION.

21 (a) This section applies only to a person:

22 (1) who is convicted of an offense described by
23 Section 521.372(a); and

24 (2) whose driver's license is not subject to
25 suspension for:

26 (A) the offense described by Section 521.372(a)
27 under a provision other than Section 521.372; or

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

3 (b) A person described by Subsection (a) of this section is
4 not subject to automatic license suspension under Section 521.372,
5 notwithstanding Subsection (a) of that section.

6 (c) A court may order the department to suspend the license
7 of a person described by Subsection (a) if the court determines that
8 suspending the person's license is in the interest of public
9 safety. The court must make the determination in writing and
10 include a justification for the determination.

11 (d) A person whose license is suspended under Subsection (c)
12 is subject to the same fees and other conditions as a person whose
13 license is automatically suspended under Section 521.372.

14 SECTION 4. Section 521.374(a), Transportation Code, as
15 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
16 642), Acts of the 84th Legislature, Regular Session, 2015, is
17 reenacted and amended to read as follows:

18 (a) A person whose license is suspended under Section
19 521.372 may:

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

27 (2) successfully complete education on the dangers of

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

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

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

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

13 SECTION 5. Section 521.374, Transportation Code, is amended
14 by amending Subsection (b) and adding Subsection (c) to read as
15 follows:

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

22 (c) The department shall provide to a person whose license
23 is suspended under this subchapter a list of providers of
24 educational programs under Subsection (a)(1).

25 SECTION 6. Section 521.375, Transportation Code, as amended
26 by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th
27 Legislature, Regular Session, 2015, is reenacted and amended to

1 read as follows:

2 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas
3 Commission of Licensing and Regulation and the department shall
4 jointly adopt rules for the qualification and approval of providers
5 of in-person and online educational programs under Section
6 521.374(a)(1) [~~521.374~~].

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

10 [~~(1) providers of educational programs under Section~~
11 ~~521.374(a)(1); and~~

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

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

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

18 SECTION 7. Section 521.376, Transportation Code, as amended
19 by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th
20 Legislature, Regular Session, 2015, is reenacted and amended to
21 read as follows:

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

26 (1) shall monitor, coordinate, and provide training to
27 persons who provide in-person and online educational programs under

1 Section 521.374(a)(1) [~~521.374~~];

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

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

7 (A) initial certification of approval; and

8 (B) renewal of the certification.

9 (b) The Department of State Health Services:

10 (1) shall monitor, coordinate, and provide training
11 to~~+~~

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

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

16 (2) shall administer the approval of the [~~educational~~
17 ~~programs and the~~] equivalent education provided in a residential
18 treatment facility~~;~~ and

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

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

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

23 SECTION 8. Not later than September 1, 2022, the Texas
24 Commission of Licensing and Regulation and the Texas Department of
25 Motor Vehicles shall adopt rules to implement Sections 521.374,
26 521.375, and 521.376, Transportation Code, as amended by this Act.

27 SECTION 9. (a) Except as otherwise provided by this

1 section, this Act takes effect September 1, 2021.

2 (b) Article 102.0179, Code of Criminal Procedure, and
3 Section 521.3725, Transportation Code, as added by this Act, take
4 effect on the 91st day after the date the office of the attorney
5 general publishes in the Texas Register a finding that:

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

11 (2) the governor has submitted to the United States
12 secretary of transportation:

13 (A) a written certification of the governor's
14 opposition to the enactment or enforcement of a law required under
15 23 U.S.C. Section 159; and

16 (B) a written certification that the legislature
17 has adopted the resolution described by Subdivision (1) of this
18 subsection; and

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

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

27 (1) was suspended under Section [521.372](#),

1 Transportation Code, before the date described by Subsection (b) of
2 this section; and

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