S.C.R. No. 1

1

## SENATE CONCURRENT RESOLUTION

2 WHEREAS, States are required under 23 U.S.C. Section 159 to 3 enact and enforce a law requiring in all circumstances the 4 revocation, or suspension for at least six months, of the driver's 5 license of an individual who is convicted of a drug offense; and

6 WHEREAS, A state's noncompliance with the federal law could 7 result in the U.S. secretary of transportation withholding 10 8 percent of the amount required to be apportioned to the state under 9 the law governing federal aid for highways; and

10 WHEREAS, In 1991, Texas enacted Section 521.372, Transportation Code, Automatic Suspension; License Denial, to 11 12 comply with the federal law; the Texas law establishes a six-month 13 license suspension period after a person is convicted of a drug offense and a six-month license denial period after the person 14 15 applies for reinstatement or issuance of a driver's license; and

16 WHEREAS, Under Texas law, a person convicted of a misdemeanor 17 drug offense loses their driver's license for at least six months, 18 making it difficult for the person to keep a job and provide for 19 their family; and

20 WHEREAS, Upon release from confinement, a person convicted of 21 a felony drug offense in Texas also loses their driver's license for 22 at least six months, making it harder for the person to reintegrate 23 into society; and

24 WHEREAS, The federal mandate for states to enact and enforce

1

S.C.R. No. 1

1 a law requiring automatic suspension of the driver's license of an 2 individual who is convicted of any drug-related offense 3 inappropriately limits the ability of Texas courts to exercise 4 discretion in determining punishment; and

5 WHEREAS, As an alternative to enacting or enforcing such a 6 law, the governor of a state can submit a written certification to 7 the U.S. secretary of transportation stating the governor's 8 opposition to the enactment or enforcement in the state of such a 9 law; and

10 WHEREAS, A governor pursuing this alternative must also 11 certify that the state legislature has adopted a concurrent 12 resolution expressing opposition to the enactment or enforcement in 13 the state of such a law; and

WHEREAS, Texas should join the numerous other states that have met the certification requirements in a federal rule (23 C.F.R. Section 192.5(c)) by submitting a written statement from the governor and a concurrent resolution from the state legislature to the U.S. secretary of transportation; now, therefore, be it

19 RESOLVED, That the 87th Legislature of the State of Texas 20 hereby express opposition to the enactment or enforcement in Texas 21 of a law, under a federal mandate, that automatically suspends the 22 driver's license of an individual who is convicted of certain 23 offenses; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the executive clerk of the Office of the Governor, with the request that the governor submit the resolution to the U.S. secretary of transportation along with

2

S.C.R. No. 1

1 written certification pursuant to 23 C.F.R. Section 192.5(c).

President of the Senate

Speaker of the House

I hereby certify that S.C.R. No. 1 was adopted by the Senate on May 3, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.C.R. No. 1 was adopted by the House on May 14, 2021, by the following vote: Yeas 103, Nays 17, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

3