

By: Johnson, et al.  
(White)

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](#),  
11 Transportation Code, Automatic Suspension; License Denial, to  
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  
14 offense and a six-month license denial period after the person  
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 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

14 WHEREAS, Texas should join the numerous other states that  
15 have met the certification requirements in a federal rule (23  
16 C.F.R. Section 192.5(c)) by submitting a written statement from the  
17 governor and a concurrent resolution from the state legislature to  
18 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

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

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