

BILL ANALYSIS

Senate Research Center
88R16324 JRR-F

H.B. 842
By: Patterson (Whitmire)
Transportation
4/20/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Previously, an individual's driver's license suspended for unpaid surcharges under the Driver Responsibility Program (program). After the program was repealed in 2019, it was replaced by a state law that required an individual's driver's license to be suspended for driving while their license was invalid (DWLI). Certain justices of the peace have noted that this requirement decreases the incentive to plead out and pay fines. This overly punitive practice can make individuals more susceptible to continuous suspension cycles.

H.B. 842 seeks to address this issue by prohibiting a person's driver's license from being suspended for DWLI and prohibits any current suspension period for DWLI from being extended under certain circumstances.

H.B. 842 amends current law relating to prohibiting the suspension of a person's driver's license or extension of the period of a driver's license suspension for certain driving while license invalid convictions and authorizes a fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.292(a), Transportation Code, to create an exception under Section 521.457(h) and to make a nonsubstantive change.

SECTION 2. Amends Section 521.343(c), Transportation Code, to create an exception under Section 521.457(h) and to make a nonsubstantive change.

SECTION 3. Amends Section 521.457, Transportation Code, by adding Subsections (h), (i), and (j), as follows:

(h) Prohibits the Department of Public Safety of the State of Texas (DPS), except as provided by Subsection (i), from suspending a person's driver's license under Section 521.292(a)(1) (relating to requiring DPS to suspend a person's license if DPS determines that the person has operated a motor vehicle on a highway while the person's license was suspended, canceled, disqualified, or revoked, or without a license after an application for a license was denied), or extending the period a person's driver's license is suspended under Section 521.343(c) (relating to providing that the period of suspension, if a license holder is convicted of operating a motor vehicle while the license to operate a motor vehicle is canceled, disqualified, suspended, revoked, or denied, is extended for the same term as the original suspension or disqualification, in addition to any penalty assessed under certain chapters), for a conviction of an offense under Section 521.457 (Driving While License Invalid) if:

(1) the offense was committed before September 1, 2019;

(2) the person was convicted of the offense after August 31, 2023; and

(3) the person pays DPS the fee required under Section 521.313(a) (relating to prohibiting a license suspended or revoked under Subchapter N (General Provisions Relating to License Denial, Suspension, or Revocation) from being reinstated or another license issued to the person until the person pays DPS a fee of \$100 in addition to any other fee required by law) or any other fee required for the reinstatement of the person's driver's license in the manner prescribed by DPS.

(i) Provides that Subsection (h) does not apply to a commercial driver's license issued under Chapter 522 (Commercial Driver's Licenses) or to a person who was transporting hazardous materials or operating a commercial motor vehicle at the time of the offense under this section.

(j) Requires that the fee collected under Subsection (h)(3) be deposited to the credit of the Texas mobility fund.

SECTION 4. Effective date: September 1, 2023.