

BILL ANALYSIS

Senate Research Center

H.B. 4417
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2021, the legislature passed H.B. 1560 as the Sunset bill for the Texas Department of Licensing and Regulation. The bill removed regulation of drug and alcohol driving awareness programs. H.B. 4417 would repeal references to these drug and alcohol programs to align current law with legislative intent.

H.B. 4417 amends current law relating to the administration of court-ordered programs regulated by the Texas Department of Licensing and Regulation.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Licensing and Regulation is rescinded in SECTION 3 (Section 521.375, Transportation Code) of this bill.

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is rescinded in SECTION 3 (Section 521.375, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 106.115(a), Alcoholic Beverage Code, as amended by Chapters 663 (H.B. 1560) and 948 (S.B. 1480), Acts of the 87th Legislature, Regular Session, 2021, and amends it, as follows:

(a) Deletes existing text requiring the court, on the placement of a minor on deferred disposition for an offense under certain sections to require the defendant to successfully complete one of certain programs, including a drug and alcohol driving awareness program under Section 1001.103 (Drug and Alcohol Driving Awareness Programs), Education Code.

SECTION 2. Amends Sections 106.115(a-1) and (b-1), Alcoholic Beverage Code, as follows:

(a-1) Deletes existing text requiring the court, on conviction of a minor of an offense under certain sections, in addition to assessing a fine as provided by those sections, to require a defendant who has not been previously convicted of an offense under one of those sections to successfully complete a drug and alcohol driving awareness program described by Subsection (a). Deletes existing text authorizing the court, if the defendant has been previously convicted once or more of an offense under one or more of those sections, to require the defendant to successfully complete a drug education program, or a drug and alcohol driving awareness program described by Subsection (a).

(b-1) Authorizes the court, if the defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the county, to allow the defendant to take an online alcohol awareness program approved by the Texas Department of Licensing and Regulation (TDLR) or require the defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment instead of attending the alcohol awareness program. Deletes existing text authorizing the court, if the defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in

the county, to allow the defendant to take an online alcohol awareness program if TDLR approves online courses or requires the defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment and approved by TDLR under Subsection (b-3) (relating to requiring TDLR to create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge is authorized to sentence a defendant under Subsection (b-1)) instead of attending the alcohol awareness program.

SECTION 3. Repealer: Section 106.115(b-3) (relating to requiring TDLR to create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge is authorized to sentence a defendant under Subsection (b-1)), Alcoholic Beverage Code.

Repealers: Sections 521.375(a) (relating to requiring TDLR and the Department of Public Safety of the State of Texas to jointly adopt rules for the qualification and approval of providers of in-person and online educational programs) and (b) (relating to requiring TDLR to publish the jointly adopted rules under Subsection (a), Transportation Code).

Repealer: Section 521.376(a) (relating to requiring TDLR to perform certain administrative duties regarding educational programs on the dangers of drug abuse), Transportation Code.

SECTION 4. Effective date: upon passage or September 1, 2023.