

SUBJECT Revocation of drivers' licenses for habitual traffic offender

COMMITTEE Transportation

VOTE 12 ayes--Nugent, Henderson, Mankins, English*, Finnell*, Hudson*, Lauhoff*,
Mayes, Price, Tejada*, Temple*, Valles

0 nays

1 absent--B. Hall*

WITNESSES On--Walter Roberts, Department of Public Safety

For--Robert Ray, city of San Antonio
Dave Coslett, 3 by 80 Traffic Safety Club, Houston
Phil Strickland, Col Wilson Speir, Texas Department of Public Safety

DIGEST This bill defines two classes of habitual traffic offenders and provides methods to revoke their drivers licenses.

A person may be found a Class I offender if, within a five-year period, he receives three final convictions for one or more of the following: criminally negligent homicide with a motor vehicle, DWI, driving while license is suspended, failure to stop and render aid at an accident in which he is involved, a felony involving the use of a motor vehicle.

A person may be found a Class I habitual offender if, within five years, he is finally convicted of 12 moving violations as defined in the bill, including speeding, running a red light or stop sign and other offenses. After eight convictions, the DPS must notify the driver of the contents of this law. failure to send the notice is a defense to an action to revoke the habitual offender's license.

Under this bill, a hearing is held to determine if a driver is an habitual offender. The state need only show each conviction. Once found to be an habitual offender, the person has his license permanently revoked. The license may be reinstated after five years if the person shows, by a preponderance of the evidence, that he has been rehabilitated.

An habitual offender Class II may apply for an occupational license. A Class I offender is not entitled to such a license.

Driving with a license is a felony of the third degree for a Class I offender and a Class A misdemeanor for Class II.

The act does not count offenses prior to the its effective date.

PRO Some sanction is needed to get reckless drivers to take traffic offenses more seriously. Reckless drivers are responsible for hundreds of deaths and millions of dollars of property damage every year. The best way to solve the problem is to punish repeat traffic offenders by removing them from the highway.

The three convictions prior to revocation for Class I offenders is not unreasonably low. The offenses listed are the most serious highway offenses for the state. Under present law, the most serious penalty a person faces for repeated offenses is an 18-month suspension. This bill will make the law reflect the seriousness of the situation. If a person shows that he has been rehabilitated, he may get his license reinstated. A provision is made so that Class II offenders may get occupational licenses. Such a provision is not made for Class I offenders because the offenses are far more serious. An occupational license will not help a person with a DWI problem.

CON Something needs to be done about habitually reckless drivers, but this bill is too severe. It needs some flexibility.

The bill also does not say how a person shows he has been rehabilitated. DPS may adopt very restrictive rules on reinstatement of licenses that this bill does not foresee.

Also, there should be some provision for an occupational license for Class I offenders. There could easily be special circumstances--such as the need to drive to alcoholism treatment centers--where this statute will be too rigid.

COMMENTARY Current law defines an habitual traffic offender as a person who has received four final convictions in a consecutive 12-month period or seven in a 24-month period.

Occupational licenses may be used only 10 hours in a day, and the driver can be restricted to certain routes and destinations.

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