

## **BILL ANALYSIS**

H.B. 2798  
By: Wilson  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In Texas, law enforcement is required to physically take possession of an individual's driver's license following the person's failure to pass or refusal to consent to a test for intoxication. It has been suggested that this process, which originally served to suspend the driver's license, is now outdated because of technological advances that allow the Department of Public Safety to suspend an individual's license electronically. H.B. 2798 seeks to eliminate this outdated requirement.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2798 amends the Transportation Code to remove the requirements for a peace officer to take possession of a person's driver's license following the person's failure to pass a test for intoxication or refusal to submit to the taking of a specimen to test for intoxication and to issue a temporary driving permit to the person unless Department of Public Safety records show or the officer otherwise determines that the person does not hold a Texas driver's license.

H.B. 2798 amends the Family Code to make a conforming change.

H.B. 2798 repeals the following Transportation Code provisions:

- 524.011(f);
- 524.037(c); and
- 724.032(e).

### **EFFECTIVE DATE**

September 1, 2021.