

SUBJECT: Driver's licenses of chemically dependent, mentally incompetent persons

COMMITTEE: Transportation — favorable, without amendment

VOTE: 8 ayes — Alexander, Bosse, Alonzo, Clemons, Moreno, Price, Siebert, Uher
0 nays
1 absent — Edwards

WITNESSES: For — Dick Tierney, Mental Health Administrator for Harris County
Against — None

BACKGROUND: VACS art. 6687b, sec. 30, regulating state highways, provides for suspending the driver's license of a person who has been judged mentally incompetent or chemically dependent. These judgements occur when a person is involuntarily committed for mental treatment or voluntarily agrees to a court-monitored treatment program.

When a mentally incompetent person is judged as restored to competency, the license is returned. However, the statutes make no provision for a person who has completed court-ordered treatment program for chemical dependency to receive their driver's license.

DIGEST: HB 2389 would prohibit operation of a motor vehicle by a person who is mentally incompetent or is chemically dependent and likely to cause serious harm to self or others and will continue to suffer distress and deteriorate in ability to function independently without treatment.

The bill also would specify that a license revocation that occurs as a result of a judgment of chemical dependency expires upon expiration of the order of treatment of the chemically dependent person.

A driver's license would be automatically revoked on an adjudication of a person as mentally incompetent or a court order for involuntary treatment of the person. If the person had not been issued a driver's license, the

adjudication of the person's incompetency or the ordering of involuntary treatment of the person would automatically prohibit the Texas Department of Public Safety from issuing a driver's license to the person.

The court that adjudges a person to be mentally incompetent or orders involuntary treatment of a chemically dependent person would have to notify the department within 10 days. The revocation of a driver's license or the prohibition against the issuance of a driver's license would automatically expire when the incompetent person was restored to competency by judicial decree; released from a hospital for the mentally incompetent; or the order of involuntary treatment of the chemically dependent person expired.

The bill would take effect immediately if approved by a two-thirds vote of the membership of each house.