

BILL ANALYSIS

Senate Research Center

S.B. 1774
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Criminal Justice
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As Filed

DIGEST

Currently, the percentage of persons driving while intoxicated in Texas who refuse to take a breath test is significantly higher than the national average. It has been cited that prosecutors believe that lengthening the driver's license suspension period and confiscating licenses immediately for breath test refusal would encourage more suspects to take breath tests. This bill would lengthen the driver's license period for first offense breath test refusal, increase the suspension period for first time offense breath test failure, and authorize arresting officers to confiscate a driver's license at the time of arrest for breath test failure or refusal.

PURPOSE

As proposed, S.B. 1774 sets forth procedures for administrative license revocation or suspension for driving while intoxicated.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 524.011(b)(1) and (2), Transportation Code, to require a peace officer to take possession of any driver's license held by a person arrested. Requires the peace officer to issue to the arrested person a temporary driving permit that is valid for 40 days. Prohibits the issuance of a temporary driving permit to a person arrested with a driver's license in a state of suspension or revocation. Requires an officer to serve notice of suspension of an arrested nonresident's privilege to operate a motor vehicle in this state and prohibits an officer from taking a nonresident's driver's license issued under another jurisdiction. Provides that a temporary driving permit for a commercial vehicle is not effective until 24 hours after the arrest. Requires a peace officer to send to the Department of Public Safety (DPS), within five days of an arrest, a copy of a temporary driver's permit and the driver's license.

SECTION 2. Amends Section 524.011(c), Transportation Code, to delete text regarding a copy of a criminal complaint file.

SECTION 3. Amends Section 524.021(a), Transportation Code, to provide that a driver's license suspension under this chapter occurs, rather than takes effect, on a certain date.

SECTION 4. Amends Section 524.022(a), Transportation Code, to provide that a period of suspension for an adult is 90, rather than 60, days if the person's driving record shows no alcohol-related or drug-related enforcement contact during the 10, rather than five, years preceding the date of the person's arrest, or one year if the person's driving record shows an alcohol or drug related enforcement contact. Deletes a provision regarding a period of suspension of 120 days. Deletes text regarding Section 524.001(2)(A).

SECTION 5. Amends Section 724.015, Transportation Code, to provide that if a person refuses to submit to the taking of a specimen, the person's license will be automatically suspended for 180, rather 90 days. Deletes text regarding the period of suspension for a person 21 years of age or older.

SECTION 6. Amends Section 724.032, Transportation Code, to require an officer to forward to DPS a copy of the driver's permit, and the driver's license taken by the officer. Requires DPS to develop temporary driving permits. Makes conforming and nonsubstantive changes.

SECTION 7. Amends Section 724.035, Transportation Code, to provide that the period of suspension or denial is two years, rather than 180 days, if the arrested person's driving record shows one or more alcohol or drug related enforcement contacts, as defined by Section 524.001(3). Deletes text regarding Sections 524.001(3)(B) or (C). Deletes text regarding a period of suspension. Makes conforming changes.

SECTION 8. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 9. Emergency clause.