

BILL ANALYSIS

Senate Research Center

H.B. 63
By: Wolens (Zaffirini)
Criminal Justice
5/11/2001
Engrossed

DIGEST AND PURPOSE

The Department of Public Safety (department) is authorized to suspend the driver's license of an individual who refuses to submit to a breath or chemical test or who provides a specimen with a prohibited alcohol concentration. Many drivers are deciding that the additional 30-day suspension for refusing to submit to a breath test is better than the consequences of failing a breath test. Several states have enacted stricter penalties for refusal to take a breath test, including increasing the amount of time for which licenses are suspended. H.B. 63 increases the driver's license suspension period for a person who refuses to take the breath test or fails the breath test and authorizes an arresting officer to confiscate a driver's license at the time of arrest for refusal to take, or failure of, a breath test.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 524.001(10), Transportation Code, to redefine "driver's license."

SECTION 2. Amends Section 524.011, Transportation Code, by amending Subsections (b) and (e) and adding Subsection (f), to amend provisions regarding the procedures for the issuance of a driver's license suspension and a temporary driving permit.

SECTION 3. Amends Section 524.022(a), Transportation Code, to amend provisions regarding the term of a license suspension under certain conditions.

SECTION 4. Amends Section 524.032(d), Transportation Code, to amend provisions regarding a request for a hearing on a suspension of a driver's license.

SECTION 5. Amends Section 524.035(c), Transportation Code, to amend provisions regarding certain actions required of the Texas Department of Public Safety (department) under certain conditions.

SECTION 6. Amends Section 524.037, Transportation Code, by adding Subsection (c), to set forth provisions regarding the notification of certain information relating to the continuance of a suspension of a driver's license.

SECTION 7. Amends Section 724.002, Transportation Code, to amend provisions regarding the application of this chapter.

SECTION 8. Amends Section 724.015, Transportation Code, to amend provisions regarding certain information provided by an officer before the officer requests a specimen sample.

SECTION 9. Amends Section 724.032, Transportation Code, as follows:

Sec. 724.032. New heading: OFFICER'S DUTIES FOR LICENSE SUSPENSION;
WRITTEN REFUSAL REPORT. Amends provisions regarding certain duties and procedures
for an officer relating to the suspension of a driver's license.

SECTION 10. Amends Section 724.035, Transportation Code, to amend provisions regarding
procedures for the suspension or denial of a license for the refusal to submit to the taking of a specimen.

SECTION 11. Amends Section 724.041(c), Transportation Code, to amend provisions regarding a
request for a hearing on a suspension of a driver's license.

SECTION 12. Amends Section 724.042, Transportation Code, to amend provisions regarding the
issues at a certain hearing.

SECTION 13. Amends Section 724.043(b), Transportation Code, to amend provisions regarding
certain required action upon certain findings of the administrative law judge.

SECTION 14. (a) Amends Section 524.051(a), Transportation Code, to amend provisions regarding
a fee for the reinstatement of a driver's license.

(b) Amends Section 724.046(a), Transportation Code, to make conforming changes.

(c) Makes application of Sections 524.051(a) and 724.046(a), Transportation Code, as
amended by this section, prospective.

SECTION 15. Makes application of this Act prospective.

SECTION 16. Effective date: September 1, 2001.