

BILL ANALYSIS

Senate Research Center
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S.B. 1560
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Criminal Justice
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DIGEST AND PURPOSE

Under current Texas law, a law enforcement officer must follow certain procedures in the administration of an intoxication test to a person suspected of driving while intoxicated. Additionally, there are provisions governing the suspension of a driver's license for such an offense. As proposed, S.B. 1560 authorizes an arresting officer to immediately confiscate the driver's license of a person who refuses or fails an intoxication test and increases the period of license suspension for both first time and repeat offenders who refuse or fail an intoxication 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), as follows:

(b) Requires a peace officer to take certain enumerated actions under certain conditions relating to a person's driver's license.

(e) Requires the Department of Public Safety (department) to develop forms, rather than a form, for the notice of driver's license suspension and temporary driving permits to be used by all state and local law enforcement agencies.

(f) Provides that a temporary driving permit issued under this section expires on the 41st day after the date of issuance. Provides that if the person was driving a commercial motor vehicle, as defined by Section 522.003, a temporary driving permit that authorizes the person to drive a commercial motor vehicle is not effective until 24 hours after the time of arrest.

SECTION 3. Amends Section 524.022(a), Transportation Code, to set forth the period of suspension under this chapter for an adult under certain different conditions.

SECTION 4. Amends Section 524.032(d), Transportation Code, to require the department, if the person's driver's license was taken by a peace officer under Section 524.011(b), to notify the person of the effect of the request for a hearing on the suspension of the person's license before the expiration of any temporary driving permit issued to the person, if the person is otherwise eligible, in a manner that will permit the person to establish to a peace officer that the person's driver's license is not suspended.

SECTION 5. Amends Section 524.035(c), Transportation Code, to require the department, if the administrative law judge does not find in the affirmative on each issue in Subsection (a), take certain enumerated actions.

SECTION 6. Amends Section 524.037, Transportation Code, by adding Subsection (c), to require the department, if the person's driver's license was taken by a peace officer under Section 524.011(b), to notify the person of the effect of the continuance on the suspension of the person's license before the expiration of any temporary driving permit issued to the person, if the person is otherwise eligible, in a manner that will permit the person to establish to a peace officer that the person's driver's license is not suspended.

SECTION 7. Amends Section 724.015, Transportation Code, to require the officer, before requesting a person to submit to the taking of a specimen, to inform the person orally and in writing of certain information.

SECTION 8. Amends Section 724.032, Transportation Code, as follows:

Sec. 724.032. New heading: OFFICER'S DUTIES FOR LICENSE SUSPENSION; WRITTEN REFUSAL REPORT. (a) Requires the peace officer, if a person refuses to submit to the taking of a specimen, whether expressly or because of an intentional failure of the person to give the specimen, take certain enumerated actions.

(c) Requires the officer to forward to the department not later than the fifth business day after the date of the arrest certain items. Deletes existing text regarding a copy of the notice of suspension denial and the refusal report.

(d) Makes a conforming change.

(e) Provides that a temporary driving permit issued under this section expires on the 41st day after the date of issuance. Provides that if the person was driving a commercial motor vehicle, as defined by Section 522.003, a temporary driving permit that authorizes the person to drive a commercial motor vehicle is not effective until 24 hours after the time of arrest.

SECTION 9. Amends Section 724.035, Transportation Code, to require the department, if a person refuses the request of a peace officer to submit to the taking of a specimen, to take certain enumerated actions.

(b) Provides that the period of suspension or denial is one year, rather than 180 days, if the person's driving record shows one or more alcohol-related or drug-related enforcement contacts, as defined by Section 524.001, rather than Section 524.001(3)(B) or (C), during the five years preceding the date of the person's arrest. Deletes existing text defining a separate period of suspension under this subdivision for a person younger than 21 years of age.

(c) Deletes existing text of Subsection (c) and reletters existing text of Subsection (d) as Subsection (c).

SECTION 10. Amends Section 724.041(c), Transportation Code, to require the department, if a person's license was taken by a peace officer under Section 724.032(a), to notify the person of the effect of the request on the suspension of the person's license before the expiration of any temporary driving permit issued to the person, if the person is otherwise eligible, in a manner that will permit the person to establish to a peace officer that the person's license is not suspended.

SECTION 11. Amends Section 724.043(b), Transportation Code, to require the department, if the administrative law judge does not find in the affirmative on each issue under Section 724.042, to return the person's license to the person, if the license was taken by a peace officer under Section 724.032(a), and reinstate the person's license or rescind any order denying the issuance of a license because of the person's refusal to submit to the taking of a specimen under Section 724.032(a).

SECTION 12. Makes application of this Act prospective.

SECTION 13. Effective date: September 1, 2001.