

BILL ANALYSIS

Senate Research Center
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S.B. 548
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Jurisprudence
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DIGEST AND PURPOSE

Under current Texas law, there are provisions governing the authority of the Texas Department of Public Safety (department) to suspend the driver's license of a person who fails an intoxication test. Some courts of appeal, however, have refused to consider license suspensions on appeal from a county court. As proposed, S.B. 548 authorizes the department or a person contesting a license suspension to appeal a ruling regarding a license suspension to state courts of appeal.

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 Chapter 524D, Transportation Code, by adding Section 524.045, as follows:

Sec. 524.045. APPEAL OF FINAL COURT JUDGMENT. (a) Authorizes, in the manner provided for civil actions generally, a final judgment of a county court, county court at law, or district court under this subchapter to be appealed by the Texas Department of Public Safety (department) or by the person whose driver's license suspension is sustained.

(b) Prohibits an appeal bond from being required of the department.

(c) Provides that Section 524.042 applies to an appeal brought under this section.

SECTION 2. Effective date: upon passage or September 1, 2001.
Makes application of this Act prospective.