

## **BILL ANALYSIS**

Senate Research Center  
83R17396 VOO-D

H.B. 438  
By: Dutton (Ellis)  
Transportation  
5/14/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In Texas, an occupational driver's license authorizes the operation of a noncommercial motor vehicle in connection with a person's occupation, religious purposes, educational purposes, or the performance of essential household duties when an individual's driver's license has been suspended for reasons other than a physical or mental disability or failure to pay child support. Legislation enacted decades ago authorized a person to obtain an occupational driver's license by filing a verified petition only in a district court. In an attempt to unclutter the dockets of district courts and to save money for the state and the applicant for the occupational license, subsequently enacted legislation expanded the authorized filing venues to include a county court.

H.B. 438 amends current law relating to the courts authorized to issue an occupational driver's license.

### **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 Sections 521.242(a), (b), and (e), Transportation Code, as follows:

(a) Authorizes a person whose license has been suspended for a cause other than a physical or mental disability or impairment or a conviction under Section 49.04 (Driving While Intoxicated), Penal Code, to apply for an occupational license by filing a verified petition with the clerk of a justice, county, or district court with jurisdiction that includes the precinct or county, rather than with the clerk of the county court or district court with jurisdiction in the county, in which the person resides or the offense occurred for which the license was suspended.

(b) Authorizes a person to apply for an occupational license by filing a verified petition only with the clerk of the court, rather than with the clerk of the county court or district court, in which the person was convicted if certain criteria are met.

(e) Requires the clerk of the court to file the petition as in any other matter, rather than as in any other civil matter.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013