

By: Ogden

S.B. No. 768

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that certain persons appear at an
3 administrative hearing regarding the automatic suspension of a
4 person's driver's license.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 524.036, Transportation Code, is amended
7 to read as follows:

8 Sec. 524.036. FAILURE TO APPEAR; APPEARANCE OF
9 WITNESSES. (a) A person who requests a hearing and fails to appear
10 without just cause waives the right to a hearing and the
11 department's determination is final.

12 (b) A person, including a peace officer or an expert
13 witness, may not be compelled to appear at a hearing under this
14 subchapter.

15 (c) A person other than a person who requests a hearing
16 under this subchapter, including a peace officer or expert witness,
17 in lieu of appearing at the hearing, may submit an affidavit that
18 sets out the matters the person would testify to at the hearing.

19 (d) The department by rule shall adopt a form for use as an
20 affidavit under Subsection (c).

21 SECTION 2. Sections 524.038(d) and 524.039, Transportation
22 Code, are repealed.

23 SECTION 3. (a) The change in law made by this Act applies
24 only to an offense committed on or after the effective date of this

1 Act. For purposes of this section, an offense is committed before
2 the effective date of this Act if any element of the offense occurs
3 before that date.

4 (b) An offense committed before the effective date of this
5 Act is covered by the law in effect when the offense was committed,
6 and the former law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2007.