

By: Gallego

H.B. No. 137

A BILL TO BE ENTITLED

AN ACT

relating to requiring a distinctive symbol or marking on the driver's license issued to a person convicted of certain intoxication offenses.

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

SECTION 1. Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.127 to read as follows:

Sec. 521.127. DRIVER'S LICENSE FOR PERSONS CONVICTED OF CERTAIN INTOXICATED DRIVING OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Notwithstanding Section 521.347, a court in which a person is convicted of an offense relating to the operating of a motor vehicle while intoxicated shall require the person to surrender to the court the person's driver's license.

(c) A court that requires a person to surrender the person's driver's license under Subsection (b) shall send to the department:

(1) a record of the person's conviction; and

(2) an indication that the driver's license issued to the person is subject to the requirements of this section.

(d) A person who is required to surrender the person's driver's license to the court under Subsection (b) may apply to the department for the issuance of a new or duplicate license provided that any applicable suspension period has expired.

1 (e) On the payment of all required fees, the department
2 shall issue to a person who applies for a new or duplicate license
3 under Subsection (d) a driver's license that includes a distinctive
4 symbol or marking on the face of the license identifying the license
5 holder as a person who has been convicted of an offense relating to
6 the operating of a motor vehicle while intoxicated. The department
7 by rule shall specify the symbol or marking required by this
8 subsection.

9 (f) A driver's license issued under this section must
10 include the symbol or marking required by Subsection (e) for the
11 following time periods:

12 (1) if the person to whom the license is issued has
13 been convicted only one time of an offense relating to the operating
14 of a motor vehicle while intoxicated, until the third anniversary
15 of the later of:

16 (A) the date of that conviction; or

17 (B) the expiration of the period of suspension of
18 the person's license as a result of the conviction;

19 (2) if the person to whom the license is issued has
20 been convicted two times of an offense relating to the operating of
21 a motor vehicle while intoxicated, until the fifth anniversary of
22 the later of:

23 (A) the date of the person's most recent
24 conviction of an offense relating to the operating of a motor
25 vehicle while intoxicated; or

26 (B) the expiration of the period of suspension of
27 the person's license as a result of that conviction; or

1 (3) if the person to whom the license is issued has
2 been convicted three or more times of an offense relating to the
3 operating of a motor vehicle while intoxicated, permanently.

4 (g) The symbol or marking required by Subsection (e) is in
5 addition to any other information on the person's driver's license
6 required by this chapter or the department.

7 (h) On or after the expiration of the time period specified
8 by Subsection (f)(1) or (2), as applicable, a person issued a
9 driver's license under Subsection (e) may apply to the department
10 for a license that does not include the distinctive symbol or
11 marking.

12 SECTION 2. Section 521.127, Transportation Code, as added
13 by this Act, applies only to a person who is convicted of an offense
14 on or after the effective date of this Act. A person who was
15 convicted of an offense before the effective date of this Act is
16 governed by the law in effect when the person was convicted, and the
17 former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2011.