

1-1 By: Wray (Senate Sponsor - Rodríguez) H.B. No. 3272  
1-2 (In the Senate - Received from the House May 10, 2017;  
1-3 May 12, 2017, read first time and referred to Committee on  
1-4 Transportation; May 17, 2017, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the suspension, revocation, or cancellation of a  
1-20 driver's license or personal identification certificate and to  
1-21 certain conduct constituting contempt of court that may result in  
1-22 the suspension or denial of a driver's license.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Article 45.050, Code of Criminal  
1-25 Procedure, is amended to read as follows:

1-26 Art. 45.050. FAILURE TO PAY FINE; FAILURE TO APPEAR;  
1-27 CONTEMPT: JUVENILES.

1-28 SECTION 2. Article 45.050(b), Code of Criminal Procedure,  
1-29 is amended to read as follows:

1-30 (b) A justice or municipal court may not order the  
1-31 confinement of a child for:

1-32 (1) the failure to pay all or any part of a fine or  
1-33 costs imposed for the conviction of an offense punishable by fine  
1-34 only; ~~or~~

1-35 (2) the failure to appear for an offense committed by  
1-36 the child; or

1-37 (3) contempt of another order of a justice or  
1-38 municipal court.

1-39 SECTION 3. Section 521.292(a), Transportation Code, is  
1-40 amended to read as follows:

1-41 (a) The department shall suspend the person's license if the  
1-42 department determines that the person:

1-43 (1) has operated a motor vehicle on a highway while the  
1-44 person's license was suspended, canceled, disqualified, or  
1-45 revoked, or without a license after an application for a license was  
1-46 denied;

1-47 (2) is a habitually reckless or negligent operator of  
1-48 a motor vehicle;

1-49 (3) is a habitual violator of the traffic laws;

1-50 (4) has permitted the unlawful or fraudulent use of  
1-51 the person's license;

1-52 (5) has committed an offense in another state or  
1-53 Canadian province that, if committed in this state, would be  
1-54 grounds for suspension;

1-55 (6) has been convicted of two or more separate  
1-56 offenses of a violation of a restriction imposed on the use of the  
1-57 license;

1-58 (7) has been responsible as a driver for any accident  
1-59 resulting in serious personal injury or serious property damage;

1-60 (8) is under 18 years of age ~~[the holder of a~~  
1-61 ~~provisional license issued under Section 521.123]~~ and has been

2-1 convicted of two or more moving violations committed within a  
2-2 12-month period; or

2-3 (9) has committed an offense under Section 545.421.

2-4 SECTION 4. Section 521.294, Transportation Code, is amended  
2-5 to read as follows:

2-6 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE  
2-7 REVOCATION. The department shall revoke the person's license if  
2-8 the department determines that the person:

2-9 (1) is incapable of safely operating a motor vehicle;

2-10 (2) has not complied with the terms of a citation  
2-11 issued by a jurisdiction that is a party to the Nonresident Violator  
2-12 Compact of 1977 for a traffic violation to which that compact  
2-13 applies;

2-14 (3) has failed to provide medical records or has  
2-15 failed to undergo medical or other examinations as required by a  
2-16 panel of the medical advisory board;

2-17 (4) has failed to pass an examination required by the  
2-18 director under this chapter; or

2-19 (5) ~~[has been reported by a court under Section~~  
2-20 ~~521.3452 for failure to appear unless the court files an additional~~  
2-21 ~~report on final disposition of the case,~~

2-22 ~~[(6) has been reported within the preceding two years~~  
2-23 ~~by a justice or municipal court for failure to appear or for a~~  
2-24 ~~default in payment of a fine for a misdemeanor punishable only by~~  
2-25 ~~fine, other than a failure reported under Section 521.3452,~~  
2-26 ~~committed by a person who is at least 14 years of age but younger~~  
2-27 ~~than 17 years of age when the offense was committed, unless the~~  
2-28 ~~court files an additional report on final disposition of the case,~~  
2-29 ~~or~~

2-30 ~~[(7)]~~ has committed an offense in another state or  
2-31 Canadian province that, if committed in this state, would be  
2-32 grounds for revocation.

2-33 SECTION 5. Section 521.300, Transportation Code, is amended  
2-34 by adding Subsection (a-1) to read as follows:

2-35 (a-1) A hearing under this subchapter may be conducted by  
2-36 telephone or video conference call if the presiding officer  
2-37 provides notice to the affected parties.

2-38 SECTION 6. Section 521.314, Transportation Code, is amended  
2-39 to read as follows:

2-40 Sec. 521.314. CANCELLATION AUTHORITY. The department may  
2-41 cancel a license or certificate if it determines that the holder:

2-42 (1) is ~~[was]~~ not entitled to the license or  
2-43 certificate; ~~[or]~~

2-44 (2) failed to give required information in the  
2-45 application for the license or certificate; or

2-46 (3) paid the required fee for the license or  
2-47 certificate by check or credit card that was returned to the  
2-48 department or not honored by the funding institution or credit card  
2-49 company due to insufficient funds, a closed account, or any other  
2-50 reason.

2-51 SECTION 7. The changes in law made by this Act to Sections  
2-52 521.292, 521.294, and 521.314, Transportation Code, apply only to a  
2-53 determination to suspend, revoke, or cancel a driver's license or  
2-54 personal identification certificate made by the Department of  
2-55 Public Safety on or after the effective date of this Act. A  
2-56 determination to suspend, revoke, or cancel a driver's license or  
2-57 personal identification certificate made before the effective date  
2-58 of this Act is governed by the law in effect when the determination  
2-59 was made, and the former law is continued in effect for that  
2-60 purpose.

2-61 SECTION 8. This Act takes effect September 1, 2017.

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